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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 7, 2003.

I hereby appoint the Honorable GEORGE R. NETHERCUTT, JR. to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Riley P. Green III, Director of Administration, Alabama Baptist Children's Homes & Family Ministries, Birmingham, Alabama, offered the following prayer:

Heavenly Father, I humbly come before You in this sacred Chamber, acknowledging You as the Sovereign Lord of the United States of America.

I pray for the Members of the House of Representatives, that they would seek You first, that each Member would seek to lead this Nation in Your righteousness.

Lord, be with each Member. Give them wisdom as they make decisions and laws that govern our Nation.

I pray that You would help each Member in these complex times to see Your hand in all events. Help each Member know Your love and feel Your presence in their lives. Help each Member to find rest in Your sovereignty.

O Lord, I pray for the men and women of our Armed Forces. Protect them and their families. I humbly ask this prayer in Jesus' name; and, Lord, thank you for Your continued blessings on America. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BALLENGER 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 a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 42. Concurrent resolution welcoming the Prime Minister of Singapore, His Excellency Goh Chok Tong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and Singapore.

WELCOMING THE REVEREND RILEY P. GREEN III

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

Mr. ADERHOLT. Mr. Speaker, it is an honor for me to rise and introduce our guest chaplain for today, the Reverend Riley P. Green III. Riley Green is an ordained minister and a graduate of Beeson Divinity School, as well as Samford University where he received his master's in theological studies. He is currently working on his doctorate in education. He is a member of Hunter Street Baptist Church and serves as the director of administration of the Alabama Baptist Children's Homes & Family Ministries.

The goal of Alabama Baptist Children's Homes & Family Ministries is to protect, nurture, and restore children and families through Christ-centered services. Over 110 years ago, a Southern Baptist preacher affectionately known as Father Stewart wanted to help widows and orphans. His desire became a reality in 1891 with the establishment of the Louise Short Baptist Widows and Orphans Home in Evergreen in southern Alabama. From that one facility has grown to be Alabama's most diverse child and family care agency.

Riley lives in Birmingham with his wife, Yvonne, and their three sons, who are with him here today. Riley's mom is in the Chamber today as well. He is a friend whom I have known for many years and someone I know has a heart for seeking and doing the will of God. I thank him for his inspiring prayer this morning. We appreciate him taking his time to come and lead this Nation in a time of prayer, especially when our troops are at war.

ISRAEL INDEPENDENCE DAY

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

Ms. ROS-LEHTINEN. Mr. Speaker, today we commemorate Israel Independence Day. Since its creation in 1948, the State of Israel has faced seemingly insurmountable challenges to its very survival, with conventional military attacks leading the way to suicide

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bombers who have murdered scores of innocent Israeli men, women, and children.

Through it all, Israel has endured. As the only democracy in the region, it continues to be a beacon of hope and a model for her neighbors. It has been said that the strength of a nation is determined by the caliber of its people. There is perhaps no better example of this truth than the State of Israel and the Israeli people, vivid examples of conviction, courage, and faith; a people who served as an example for us all to emulate, as our own Nation had to come to grips with the horrors of terrorism following the deplorable attacks on our country on September 11. The bond between our nations and our people have never been stronger.

The United States could not ask for a better friend and ally in the region. The Israeli people know they will always be able to depend on the U.S. and the American people. I extend my best wishes and congratulations to the people of the State of Israel on their 55th Independence Day.

ASIAN PACIFIC ISLANDER MONTH

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in honor of Asian Pacific Islander Month. This national celebration, which started in 1977, continues to highlight and bring awareness to the many accomplishments and contributions that the Asian-Pacific Americans have made to this country.

The month of May was selected for this very important celebration to commemorate the immigration of the first Japanese immigrants to the United States in 1843. As of the last census, there are an estimated 12.5 million Asian-Pacific Islanders in the United States. Representing the largest Vietnamese population outside of Vietnam, I know firsthand the richness of the culture and beauty that they, along with the rest of the Asian communities, bring to this Nation.

For generations, Asian-Pacific Americans have sacrifice for this country, and they have contributed to our growth and to our prosperity. This national celebration is a great way to honor all of their achievements.

JOB CREATION

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

Mr. BALLENGER. Mr. Speaker, I rise today to support the President's leadership on the Job and Growth Tax Act. There are too many Americans still looking for work. As its first order of business, this Congress helped by extending unemployment benefits in January. Now it is time to help American businesses create the jobs that these Americans need and want. Displaced workers have looked for employment for too long. We need a plan to encourage small business owners to expand and hire new people.

North Carolina's 10th district has been struck hard by the economic downturn. Our Unifour area's unemployment rate almost quadrupled in 2 years' time. Tax relief and fiscal restraint can help turn the tide and restore our economic vitality.

It is wrong for this Congress to play partisan politics with the future of employment of millions of Americans. Relief to American businesses will allow them to grow, providing new job opportunities.

Americans need paychecks, not handouts. The Jobs and Growth Tax Act will get us there.

PASS ELDER JUSTICE ACT OF 2003

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

Mr. EMANUEL. Mr. Speaker, we recognize older Americans each May. This May we must address the unpleasant fact that too many of our elders are beaten, neglected, and extorted. Like other family crimes such as child abuse and domestic abuse, elder abuse has existed for too long in the dark shadows of our society. Elder abuse remains underreported, underresearched, and underenforced. As high as 5 million elderly cases of abuse occur in nursing homes, nursing institutions, and private homes each year; but 80 percent never get reported.

In my home State of Illinois, 186 nursing home residents actually died of starvation, dehydration, or infected wounds in 1999 alone.

In response, with the gentleman from New York (Mr. KING), I will introduce the Elder Justice Act which makes elderly abuse a Federal crime, helps law enforcement work hand in hand with our health and social service agencies that have always fought alone against this type of neglect. It is a bipartisan bill. We have a number of Republicans here in the House, and 12 Republicans and 11 Democrats who are also introducing a bill in the Senate.

Mr. Speaker, the most meaningful way to honor our elder Americans this month is to pass the Elder Justice Act.

FRENCH VISAS TO THE IRAQI REGIME

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

Mr. PITTS. Mr. Speaker, right after September 11, France voiced its support in the war on terrorism. Lately, we are hearing a different story. It has been reported that the French Government secretly supplied fleeing Iraqi officials with passports in Syria to allow them to escape to Europe. The French passports allowed the wanted Iraqis to move freely among 12 European Union countries.

There are also reports which indicate that a French company covertly sold spare military parts to Iraq in the weeks before the war and that a French oil company was working with a Russian oil firm to conclude a deal with Saddam's government in the days before military action began March 19.

All of this has undermined our efforts to root out terrorists in Iraq and capture members of the brutal Iraqi regime. If France wants to be an ally in the war on terrorism, it is time it started to act like one.

PASS THE TAX RELIEF PACKAGE NOW

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

Mr. PENCE. Mr. Speaker, it is written, if you owe taxes, pay taxes. No law-abiding American anywhere would argue the point. But one of my predecessors in this Chamber, Jack Kemp, also famously said, what you tax you get less of, what you subsidize you get more of.

Today in America as our economy continues to list under the strain of overtaxation and overregulation for the past decade, we are taxing capital gains and investment in savings; and eastern Indiana, that I serve here in Washington, is getting less for it.

Families, small businesses and family farms are hurting as jobs evaporate in communities across eastern Indiana. Many in this town are playing politics, demagoguing the President's drive to pass additional tax relief and put Americans back to work; but it is time to set politics aside. We need to bring real tax relief on income inheritance, marriage, savings and investment in America. We need to turn this economy around. Our recovery is stalled. Our Nation is impatient. It is time we heed the President's call for economic renewal and pass the tax relief package now.

ADRIATIC TREATY SIGNED

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

Mr. BEREUTER. Mr. Speaker, today I rise to inform the House about the signing of the Adriatic treaty last Friday in the Albanian capital of Tirana. This agreement was signed by Secretary of State Powell and the foreign ministers of Albania, Croatia, and the former Yugoslav Republic of Macedonia, the three currently-remaining NATO aspirant nations.

The Adriatic Charter pledges the United States to support efforts by Albania, Croatia, and Macedonia to join NATO and other Euro-Atlantic institutions. In this agreement, the three aspirant nations commit themselves to

accelerate their democratic reforms, protect human rights, implement market-oriented economic policies, and enhance their mutual cooperation.

Under the Adriatic Charter, the United States and these three countries pledge to consult whenever the security of one of them is threatened, and the aspirant countries promise to continue defense reforms and undertake steps to enhance border security so they can contribute to regional stability.

Mr. Speaker, the Adriatic Charter is one more important step toward President Bush's goal of a Europe whole and free from the Baltic to the Black Sea. I commend and congratulate the people of Albania, Croatia, and Macedonia on the occasion of the signing of the Adriatic Charter.

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AMBER ALERT

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute.)

Mrs. MILLER of Michigan. Mr. Speaker, today I rise to honor my colleagues in the House who helped to pass the recent Amber Alert legislation. Last week while I was home in Michigan I saw dramatic evidence of the impact this program can actually have.

Saturday afternoon, 3-year-old Jenna Hart was abducted as she sat in the back seat of her grandmother's car. Her grandmother had taken Jenna to the local Toys R Us to buy her precious granddaughter a few new toys. A man approached her in the parking lot and noted that her tire was flat and offered to fix it, which he did. He then got in the car and drove off with Jenna still strapped into her car seat in the back seat. The report of a missing little girl was issued and the Amber Alert system went into action. I saw the report on a local television station which described the make and the color of the car as well as the license plate number and, like everyone else, was keeping my eyes open looking for the suspect vehicle. Twenty-one hours later a man telephoned police and reported a suspect vehicle in the City of Detroit with a child in the back seat. It was Jenna. The little girl was returned to her family safe and sound, a vivid reminder that the actions that we take in this House can have a very positive impact on families across our Nation.

Because of the Amber Alert system and the watchfulness of thousands of interested citizens, little Jenna has been reunited with her family. May God bless her and her family.

IN RECOGNITION OF DENTON HIGH SCHOOL CHORALE

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

Mr. BURGESS. Mr. Speaker, we probably should wish the gentlewoman from Michigan a happy birthday.

Mr. Speaker, I rise to recognize students from my district who are part of the Denton High School Chorale. Last week they had the prestigious honor of performing at the Pentagon at the invitation of the Air Force History Office under the award-winning direction of Mrs. Anne Smith. This patriotic group of 40 students sent musical CDs to the Pentagon and to the New York firefighters to thank them for their hard work and sacrifice after the tragedy of September 11, 2001.

Additionally, the Denton High School Chorale wanted to show their appreciation in person by performing a variety of choral pieces, including their favorite, ''Homeland.'' The choir sang to military personnel in the courtyard of the Pentagon for an hour. A goal of this tour, which included a performance at Carnegie Hall in New York City, was to foster in the students a deeper respect for America and why it must be protected. I know that those who heard their concert were touched by their thoughtfulness. One serviceman responded with a note thanking them for helping him to remember what he is fighting to protect every day.

During these extraordinary times, their actions bring honor to Denton High School, to the great State of Texas and to our great Nation.

REFORM NEEDED AT UNITED NATIONS

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

Mr. FOSSELLA. Mr. Speaker, as the President of the United States has indicated, the war against terror is far from over. The battle may be won but it is far from over. Therefore, I think it is important that the United Nations step up to the plate and reflect reality and serve in the positive role that it can. That is why I think H.R. 800 is a needed step toward reform at the United Nations. It reduces U.S. funding for United Nations commissions like the Commission on Human Rights which have been hijacked by terrorist nations. The latest outrage is Cuba. The dictatorship is in the midst of a brutal crackdown, having executed three men for trying to escape Cuba and imprisoned dozens of others for daring to speak out. The U.N. said nothing about the crackdown but elected Cuba to another term on the human rights panel. The current chair of that panel is Libya, that beacon of human rights. At the beginning of the year, Iraq was going to head the Conference on Disarmament. Iraq did not take over but remained on the commission. Iran chairs that conference. North Korea and Cuba also sit on the Disarmament Committee. This is all symptomatic of a culture of carelessness at the U.N. It would not be as grave if not for the fact that the United States pays 22 percent of the United Nations' operating budget. Diplomacy and dialogue are important, but sometimes dollars are the only thing that makes sense.

DANGEROUS 15-PASSENGER VANS

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

Mr. UDALL of Colorado. Mr. Speaker, I would like to draw Members' attention to the dangers of 15passenger vans. These vans have been associated with more than 500 traffic fatalities since 1990. In 2001, the National Highway Traffic Safety Administration found that when these vans are fully loaded they have a rollover risk that is six times higher than when there are only five people in the van. I have become alarmingly aware of the danger of these vans when a church group from my district rolled over 2½ times while driving to a religious retreat. Four passengers died in this tragic accident. Only later did I find out that these vans are infamous for getting out of the control of the driver and rolling over.

My colleagues can see firsthand what can happen when these vehicles lose control. This happened again last year when a van carrying firefighters who were on their way to fight a wildfire raging in Colorado lost control and rolled over more than four times, killing four of the firefighters.

These vans were initially designed to carry freight, not people, but now they are widely used by airports, hotels, and other organizations to transport customers and schoolchildren. I have introduced H.R. 1641, the Passenger Van Safety Act, along with Senator SNOWE, to make sure that these needless tragedies end and that the most precious cargo, our children, get home safe and sound.

I encourage my colleagues to join me and Senator SNOWE in cosponsoring this important safety bill.

JOBS AND ECONOMIC GROWTH PACKAGE

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to urge my colleagues in the House to support a real jobs and economic growth package. It is time to bring much-needed stimulus to our economy and to bring renewed hope to American workers. There are currently several million Americans actively looking for work and unable to find it. For those individuals and those families, it is imperative that we do all that we can to put this willing, able and well-qualified workforce to work. We must provide

the means for economic growth and job creation. That is what creates jobs. We need to put more money in the hands of American workers to spend and invest so that jobs can be created. When individuals have more disposable income, they spend it or invest it, and that improves the situation of businesses. When businesses have more money at their disposal, they can expand and hire more people. Tax relief creates jobs. It is that simple. The more people we have working, the more money we will see spent and invested in this country. The more money we see spent and invested in this country, the quicker the economy will rebound. The quicker the economy rebounds, the better off we will all be.

PRESCRIPTION DRUGS

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

Mrs. CAPITO. Mr. Speaker, I rise today to encourage my colleagues in the House to work together in a bipartisan manner to enact meaningful prescription drug relief for America's seniors. During the first week of the spring district work period, I toured five rural community centers across my district, and I will be continuing that tour, but the thing I heard on the first tour and will hear through the rest of the year is why has Congress not passed prescription drug reform? Guaranteeing all senior citizens the right to choose a voluntary prescription drug plan under Medicare while strengthening Medicare for the future are fundamental building blocks to improving the overall health care system. Congress has risen to meet many challenges in the past and we must meet this one.

Mr. Speaker, it is time to ask ourselves, why have we not passed prescription drug reform? The time has passed for partisan politics. There are too many seniors facing the horrific choice of whether to buy food, pay their mortgage or rent, or purchase the prescriptions that they need.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

SERVICEMEMBERS CIVIL RELIEF ACT

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 100) to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

The Clerk read as follows:

H.R. 100

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

SECTION 1. RESTATEMENT OF ACT.

The Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Servicemembers Civil Relief Act'.

''(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

"SEC. 2. PURPOSE.

''The purposes of this Act are—

''(1) to provide for, strengthen, and expedite the national defense through protection extended by this Act to servicemembers of the United States to enable such persons to devote their entire energy to the defense needs of the Nation; and

''(2) to provide for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of servicemembers during their military service.

"TITLE I—GENERAL PROVISIONS

"SEC. 101. DEFINITIONS.

''For the purposes of this Act:

''(1) SERVICEMEMBER.—The term 'servicemember' means a member of the uniformed services, as that term is defined in section 101(a)(5) of title 10, United States Code.

''(2) MILITARY SERVICE.—The term 'military service' means—

''(A) in the case of a servicemember who is a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard—

''(i) active duty, as defined in section 101(d)(1) of title 10, United States Code, and

''(ii) in the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds; and

''(B) in the case of a servicemember who is a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration, active service.

''(3) PERIOD OF MILITARY SERVICE.—The term 'period of military service' means the period beginning on the date on which a servicemember enters military service and ending on the date on which the servicemember is released from military service or dies while in military service.

''(4) DEPENDENT.—The term 'dependent', with respect to a servicemember, means—

''(A) the servicemember's spouse;

''(B) the servicemember's child (as defined in section 101(4) of title 38, United States Code); or

''(C) an individual for whom the servicemember provided more than one-half of the individual's support for 180 days immediately preceding an application for relief under this Act.

''(5) COURT.—The term 'court' means a court or an administrative agency of the United States or of any State (including any political subdivision of a State), whether or not a court or administrative agency of record.

''(6) STATE.—The term 'State' includes—

''(A) a commonwealth, territory, or possession of the United States; and

''(B) the District of Columbia.

''(7) SECRETARY CONCERNED.—The term 'Secretary concerned'—

''(A) with respect to a member of the armed forces, has the meaning given that term in section 101(a)(9) of title 10, United States Code;

''(B) with respect to a commissioned officer of the Public Health Service, means the Secretary of Health and Human Services; and

''(C) with respect to a commissioned officer of the National Oceanic and Atmospheric Administration, means the Secretary of Commerce.

''SEC. 102. JURISDICTION AND APPLICABILITY OF ACT.

''(a) JURISDICTION.—This Act applies to—

''(1) the United States;

''(2) each of the States, including the political subdivisions thereof; and

''(3) all territory subject to the jurisdiction of the United States.

''(b) APPLICABILITY TO PROCEEDINGS.—This Act applies to any judicial or administrative proceeding commenced in any court or agency in any jurisdiction subject to this Act. This Act does not apply to criminal proceedings.

''(c) COURT IN WHICH APPLICATION MAY BE MADE.—When under this Act any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court which would otherwise have jurisdiction over the matter.

''SEC. 103. PROTECTION OF PERSONS SECONDARILY LIABLE.

''(a) EXTENSION OF PROTECTION WHEN ACTIONS STAYED, POSTPONED, OR SUSPENDED.—Whenever pursuant to this Act a court stays, postpones, or suspends (1) the enforcement of an obligation or liability, (2) the prosecution of a suit or proceeding, (3) the entry or enforcement of an order, writ, judgment, or decree, or (4) the performance of any other act, the court may likewise grant such a stay, postponement, or suspension to a surety, guarantor, endorser, accommodation maker, comaker, or other person who is or may be primarily or secondarily subject to the obligation or liability the performance or enforcement of which is stayed, postponed, or suspended.

''(b) VACATION OR SET-ASIDE OF JUDGMENTS.—When a judgment or decree is vacated or set aside, in whole or in part, pursuant to this Act, the court may also set aside or vacate, as the case may be, the judgment or decree as to a surety, guarantor, endorser, accommodation maker, comaker, or other person who is or may be primarily or secondarily liable on the contract or liability for the enforcement of the judgment or decree.

''(c) BAIL BOND NOT TO BE ENFORCED DURING PERIOD OF MILITARY SERVICE.—A court may not enforce a bail bond during the period of military service of the principal on the bond when military service prevents the surety from obtaining the attendance of the principal. The court may discharge the surety and exonerate the bail, in accordance with principles of equity and justice, during or after the period of military service of the principal.

''(d) WAIVER OF RIGHTS.—

''(1) WAIVERS NOT PRECLUDED.—This Act does not prevent a waiver in writing by a surety, guarantor, endorser, accommodation maker, comaker, or other person (whether primarily or secondarily liable on an obligation or liability) of the protections provided under subsections (a) and (b). Any such waiver is effective only if it is executed as an instrument separate from the obligation or liability with respect to which it applies.

''(2) WAIVER INVALIDATED UPON ENTRANCE TO MILITARY SERVICE.—If a waiver under paragraph (1) is executed by an individual who after the execution of the waiver enters military service, or by a dependent of an individual who after the execution of the waiver enters military service, the waiver is not valid after the beginning of the period of such military service unless the waiver was executed by such individual or dependent during the period specified in section 106.

''SEC. 104. EXTENSION OF PROTECTIONS TO CITIZENS SERVING WITH ALLIED FORCES.

''A citizen of the United States who is serving with the forces of a nation with which the United States is allied in the prosecution of a war or military action is entitled to the relief and protections provided under this Act if that service with the allied force is similar to military service as defined in this Act. The relief and protections provided to such citizen shall terminate on the date of discharge or release from such service.

''SEC. 105. NOTIFICATION OF BENEFITS.

''The Secretary concerned shall ensure that notice of the benefits accorded by this Act is provided in writing to persons in military service and to persons entering military service.

''SEC. 106. EXTENSION OF RIGHTS AND PROTECTIONS TO RESERVES ORDERED TO REPORT FOR MILITARY SERVICE AND TO PERSONS ORDERED TO REPORT FOR INDUCTION.

''(a) RESERVES ORDERED TO REPORT FOR MILITARY SERVICE.—A member of a reserve component who is ordered to report for military service is entitled to the rights and protections of this title and titles II and III during the period beginning on the date of the member's receipt of the order and ending on the date on which the member reports for military service (or, if the order is revoked before the member so reports, or the date on which the order is revoked).

''(b) PERSONS ORDERED TO REPORT FOR INDUCTION.—A person who has been ordered to report for induction under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) is entitled to the rights and protections provided a servicemember under this title and titles II and III during the period beginning on the date of receipt of the order for induction and ending on the date on which the person reports for induction (or, if the order to report for induction is revoked before the date on which the person reports for induction, on the date on which the order is revoked).

''SEC. 107. WAIVER OF RIGHTS PURSUANT TO WRITTEN AGREEMENT.

''(a) IN GENERAL.—A servicemember may waive any of the rights and protections provided by this Act. In the case of a waiver that permits an action described in subsection (b), the waiver is effective only if made pursuant to a written agreement of the parties that is executed during or after the servicemember's period of military service. The written agreement shall specify the legal instrument to which the waiver applies and, if the servicemember is not a party to that instrument, the servicemember concerned.

''(b) ACTIONS REQUIRING WAIVERS IN WRITING.—The requirement in subsection (a) for a written waiver applies to the following:

''(1) The modification, termination, or cancellation of—

''(A) a contract, lease, or bailment; or

''(B) an obligation secured by a mortgage, trust, deed, lien, or other security in the nature of a mortgage.

''(2) The repossession, retention, foreclosure, sale, forfeiture, or taking possession of property that—

''(A) is security for any obligation; or

''(B) was purchased or received under a contract, lease, or bailment.

''(c) COVERAGE OF PERIODS AFTER ORDERS RECEIVED.—For the purposes of this section—

''(1) a person to whom section 106 applies shall be considered to be a servicemember; and

''(2) the period with respect to such a person specified in subsection (a) or (b), as the case may be, of section 106 shall be considered to be a period of military service.

''SEC. 108. EXERCISE OF RIGHTS UNDER ACT NOT TO AFFECT CERTAIN FUTURE FINANCIAL TRANSACTIONS.

''Application by a servicemember for, or receipt by a servicemember of, a stay, postponement, or suspension pursuant to this Act in the payment of a tax, fine, penalty, insurance premium, or other civil obligation or liability of that servicemember shall not itself (without regard to other considerations) provide the basis for any of the following:

''(1) A determination by a lender or other person that the servicemember is unable to pay the civil obligation or liability in accordance with its terms.

''(2) With respect to a credit transaction between a creditor and the servicemember—

''(A) a denial or revocation of credit by the creditor;

''(B) a change by the creditor in the terms of an existing credit arrangement; or

''(C) a refusal by the creditor to grant credit to the servicemember in substantially the amount or on substantially the terms requested.

''(3) An adverse report relating to the creditworthiness of the servicemember by or to a person engaged in the practice of assembling or evaluating consumer credit information.

''(4) A refusal by an insurer to insure the servicemember.

''(5) An annotation in a servicemember's record by a creditor or a person engaged in the practice of assembling or evaluating consumer credit information, identifying the servicemember as a member of the National Guard or a reserve component.

''(6) A change in the terms offered or conditions required for the issuance of insurance.

''SEC. 109. LEGAL REPRESENTATIVES.

''(a) REPRESENTATIVE.—A legal representative of a servicemember for purposes of this Act is either of the following:

''(1) An attorney acting on the behalf of a servicemember.

''(2) An individual possessing a power of attorney.

''(b) APPLICATION.—Whenever the term 'servicemember' is used in this Act, such term shall be treated as including a reference to a legal representative of the servicemember.

''TITLE II—GENERAL RELIEF

''SEC. 201. PROTECTION OF SERVICEMEMBERS AGAINST DEFAULT JUDGMENTS.

''(a) APPLICABILITY OF SECTION.—This section applies to any civil action or proceeding in which the defendant does not make an appearance.

''(b) AFFIDAVIT REQUIREMENT.—

''(1) PLAINTIFF TO FILE AFFIDAVIT.—In any action or proceeding covered by this section, the court, before entering judgment for the plaintiff, shall require the plaintiff to file with the court an affidavit—

''(A) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or

''(B) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service.

''(2) APPOINTMENT OF ATTORNEY TO REPRESENT DEFENDANT IN MILITARY SERVICE.—If in an action covered by this section it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If an attorney appointed under this section to represent a servicemember cannot locate the servicemember, actions by the attorney in the case shall not waive any defense of the servicemember or otherwise bind the servicemember.

''(3) DEFENDANT'S MILITARY STATUS NOT ASCERTAINED BY AFFIDAVIT.—If based upon the affidavits filed in such an action, the court is unable to determine whether the defendant is in military service, the court, before entering judgment, may require the plaintiff to file a bond in an amount approved by the court. If the defendant is later found to be in military service, the bond shall be available to indemnify the defendant against any loss or damage the defendant may suffer by reason of any judgment for the plaintiff against the defendant, should the judgment be set aside in whole or in part. The bond shall remain in effect until expiration of the time for appeal and setting aside of a judgment under applicable Federal or State law or regulation or under any applicable ordinance of a political subdivision of a State. The court may issue such orders or enter such judgments as the court determines necessary to protect the rights of the defendant under this Act.

''(4) SATISFACTION OF REQUIREMENT FOR AFFIDAVIT.—The requirement for an affidavit under paragraph (1) may be satisfied by a statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury.

''(c) PENALTY FOR MAKING OR USING FALSE AFFIDAVIT.—A person who makes or uses an affidavit permitted under subsection (b) (or a statement, declaration, verification, or certificate as authorized under subsection (b)(4)) knowing it to be false, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

''(d) STAY OF PROCEEDINGS.—In an action covered by this section in which the defendant is in military service, the court shall grant a stay of proceedings for a minimum period of 90 days under this subsection upon application of counsel, or on the court's own motion, if the court determines that—

''(1) there may be a defense to the action and a defense cannot be presented without the presence of the defendant; or

''(2) after due diligence, counsel has been unable to contact the defendant or otherwise determine if a meritorious defense exists.

''(e) INAPPLICABILITY OF SECTION 202 PROCEDURES.—A stay of proceedings under subsection (d) shall not be controlled by procedures or requirements under section 202.

''(f) SECTION 202 PROTECTION.—If a servicemember who is a defendant in an action covered by this section receives actual notice of the action, the servicemember may request a stay of proceeding under section 202.

''(g) VACATION OR SETTING ASIDE OF DEFAULT JUDGMENTS.—

''(1) AUTHORITY FOR COURT TO VACATE OR SET ASIDE JUDGMENT.—If a default judgment is entered in an action covered by this section against a servicemember during the servicemember's period of military service (or within 60 days after termination of or release from such military service), the court entering the judgment shall, upon application by or on behalf of the servicemember, reopen the judgment for the purpose of allowing the servicemember to defend the action if it appears that—

''(A) the servicemember was materially affected by reason of that military service in making a defense to the action; and

''(B) the servicemember has a meritorious or legal defense to the action or some part of it.

''(2) TIME FOR FILING APPLICATION.—An application under this subsection must be filed not later than 90 days after the date of the termination of or release from military service.

''(h) PROTECTION OF BONA FIDE PURCHASER.—If a court vacates, sets aside, or reverses a default judgment against a servicemember and the vacating, setting aside, or reversing is because of a provision of this Act, that action shall not impair a right or title acquired by a bona fide purchaser for value under the default judgment.

''SEC. 202. STAY OF PROCEEDINGS WHEN SERVICEMEMBER DEFENDANT HAS NOTICE.

''(a) APPLICABILITY OF SECTION.—This section applies to any civil action or proceeding in which the defendant at the time of filing an application under this section—

''(1) is in military service or is within 90 days after termination of or release from military service; and

''(2) has received notice of the action or proceeding.

''(b) AUTOMATIC STAY.—

''(1) AUTHORITY FOR STAY.—At any stage before final judgment in a civil action or proceeding in which a servicemember described in subsection (a) is a party, the court may on its own motion and shall, upon application by the servicemember, stay the action for a period of not less than 90 days, if the conditions in paragraph (2) are met.

''(2) CONDITIONS FOR STAY.—An application for a stay under paragraph (1) shall include the following:

''(A) A letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the servicemember's ability to appear and stating a date when the servicemember will be available to appear.

''(B) A letter or other communication from the servicemember's commanding officer stating that the servicemember's current military duty prevents appearance and that military leave is not authorized for the servicemember at the time of the letter.

''(c) APPLICATION NOT A WAIVER OF DEFENSES.—An application for a stay under this section does not constitute an appearance for jurisdictional purposes and does not constitute a waiver of any substantive or procedural defense (including a defense relating to lack of personal jurisdiction).

''(d) ADDITIONAL STAY.—

''(1) APPLICATION.—A servicemember who is granted a stay of a civil action or proceeding under subsection (b) may apply for an additional stay based on continuing material affect of military duty on the servicemember's ability to appear. Such an application may be made by the servicemember at the time of the initial application under subsection (b) or when it appears that the servicemember is unavailable to prosecute or defend the action. The same information required under subsection (b)(2) shall be included in an application under this subsection.

''(2) APPOINTMENT OF COUNSEL WHEN ADDITIONAL STAY REFUSED.—If the court refuses to grant an additional stay of proceedings under paragraph (1), the court shall appoint counsel to represent the servicemember in the action or proceeding.

''(e) COORDINATION WITH SECTION 201.—A servicemember who applies for a stay under this section and is unsuccessful may not seek the protections afforded by section 201.

''(f) INAPPLICABILITY TO SECTION 301.—The protections of this section do not apply to section 301.

''SEC. 203. FINES AND PENALTIES UNDER CONTRACTS.

''(a) PROHIBITION OF PENALTIES.—When an action for compliance with the terms of a contract is stayed pursuant to this Act, a penalty shall not accrue for failure to comply with the terms of the contract during the period of the stay.

''(b) REDUCTION OR WAIVER OF FINES OR PENALTIES.—If a servicemember fails to perform an obligation arising under a contract and a penalty is incurred arising from that nonperformance, a court may reduce or waive the fine or penalty if—

''(1) the servicemember was in military service at the time the fine or penalty was incurred; and

''(2) the ability of the servicemember to perform the obligation was materially affected by such military service.

''SEC. 204. STAY OR VACATION OF EXECUTION OF JUDGMENTS, ATTACHMENTS, AND GARNISHMENTS.

''(a) COURT ACTION UPON MATERIAL AFFECT DETERMINATION.—If a servicemember, in the opinion of the court, is materially affected by reason of military service in complying with a court judgment or order, the court may on its own motion and shall on application by the servicemember—

''(1) stay the execution of any judgment or order entered against the servicemember; and

''(2) vacate or stay an attachment or garnishment of property, money, or debts in the possession of the servicemember or a third party, whether before or after judgment.

''(b) APPLICABILITY.—This section applies to an action or proceeding commenced in a court against a servicemember before or during the period of the servicemember's military service or within 90 days after such service terminates.

''SEC. 205. DURATION AND TERM OF STAYS; CODEFENDANTS NOT IN SERVICE.

''(a) PERIOD OF STAY.—A stay of an action, proceeding, attachment, or execution made pursuant to the provisions of this Act by a court may be ordered for the period of military service and 90 days thereafter, or for any part of that period. The court may set the terms and amounts for such installment payments as is considered reasonable by the court.

''(b) CODEFENDANTS.—If the servicemember is a codefendant with others who are not in military service and who are not entitled to the relief and protections provided under this Act, the plaintiff may proceed against those other defendants with the approval of the court.

''(c) INAPPLICABILITY OF SECTION.—This section does not apply to sections 202 and 701.

''SEC. 206. STATUTE OF LIMITATIONS.

''(a) TOLLING OF STATUTES OF LIMITATION DURING MILITARY SERVICE.—The period of a servicemember's military service may not be included in computing any period limited by law, regulation, or order for the bringing of any action or proceeding in a court, or in any board, bureau, commission, department, or other agency of a State (or political subdivision of a State) or the United States by or against the servicemember or the servicemember's heirs, executors, administrators, or assigns.

''(b) REDEMPTION OF REAL PROPERTY.—A period of military service may not be included in computing any period provided by law for the redemption of real property sold or forfeited to enforce an obligation, tax, or assessment.

''(c) INAPPLICABILITY TO INTERNAL REVENUE LAWS.—This section does not apply to any period of limitation prescribed by or under the internal revenue laws of the United States.

''SEC. 207. MAXIMUM RATE OF INTEREST ON DEBTS INCURRED BEFORE MILITARY SERVICE.

''(a) INTEREST RATE LIMITATION.—

''(1) LIMITATION TO 6 PERCENT.—An obligation or liability bearing interest at a rate in excess of 6 percent per year that is incurred by a servicemember, or the servicemember and the servicemember's spouse jointly, before the servicemember enters military service shall not bear interest at a rate in excess of 6 percent per year during the period of military service.

''(2) FORGIVENESS OF INTEREST IN EXCESS OF 6 PERCENT.—Interest at a rate in excess of 6 percent per year that would otherwise be incurred but for the prohibition in paragraph (1) is forgiven.

''(3) PREVENTION OF ACCELERATION OF PRINCIPAL.—The amount of any periodic payment due from a servicemember under the terms of the instrument that created an obligation or liability covered by this section shall be reduced by the amount of the interest forgiven under paragraph (2) that is allocable to the period for which such payment is made.

''(b) IMPLEMENTATION OF LIMITATION.—

''(1) WRITTEN NOTICE TO CREDITOR.—In order for an obligation or liability of a servicemember to be subject to the interest rate limitation in subsection (a), the servicemember shall provide to the creditor written notice and a copy of the military orders calling the servicemember to military service and any orders further extending military service, not later than 180 days after the date of the servicemember's termination or release from military service.

''(2) LIMITATION EFFECTIVE AS OF DATE OF ORDER TO ACTIVE DUTY.—Upon receipt of written notice and a copy of orders calling a servicemember to military service, the creditor shall treat the debt in accordance with subsection (a), effective as of the date on which the servicemember is called to military service.

''(c) CREDITOR PROTECTION.—A court may grant a creditor relief from the limitations of this section if, in the opinion of the court, the ability of the servicemember to pay interest upon the obligation or liability at a rate in excess of 6 percent per year is not materially affected by reason of the servicemember's military service.

''(d) INTEREST.—As used in this section, the term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to an obligation or liability.

''TITLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENT, LEASES

''SEC. 301. EVICTIONS AND DISTRESS.

''(a) COURT-ORDERED EVICTION.—

''(1) IN GENERAL.—Except by court order, a landlord (or another person with paramount title) may not—

''(A) evict a servicemember, or the dependents of a servicemember, during a period of military service of the servicemember, from premises—

''(i) that are occupied or intended to be occupied primarily as a residence; and

''(ii) for which the monthly rent does not exceed $1,700, as adjusted under paragraph (2) for years after 2003; or

''(B) subject such premises to a distress during the period of military service.

''(2) HOUSING PRICE INFLATION ADJUSTMENT.—(A) For calendar years beginning with 2004, the amount under subsection (a)(1)(A)(ii) shall be increased by the housing price inflation adjustment for the calendar year involved.

''(B) For purposes of this paragraph—

''(i) The housing price inflation adjustment for any calendar year is the percentage change (if any) by which—

''(I) the CPI housing component for November of the preceding calendar year, exceeds

''(II) the CPI housing component for November of 1984.

''(ii) The term 'CPI housing component' means the index published by the Bureau of Labor Statistics of the Department of Labor known as the Consumer Price Index, All Urban Consumers, Rent of Primary Residence, U.S. City Average.''.

''(b) STAY OF EXECUTION.—

''(1) COURT AUTHORITY.—Upon an application for eviction or distress with respect to premises covered by this section, the court may on its own motion and shall, if a request is made by or on behalf of a servicemember whose ability to pay the agreed rent is materially affected by military service—

''(A) stay the proceedings for a period of 90 days, unless in the opinion of the court, justice and equity require a longer or shorter period of time; or

''(B) adjust the obligation under the lease to preserve the interests of all parties.

''(2) RELIEF TO LANDLORD.—If a stay is granted under paragraph (1), the court may grant to the landlord (or other person with paramount title) such relief as equity may require.

''(c) PENALTIES.—

''(1) MISDEMEANOR.—Except as provided in subsection (a), a person who knowingly takes part in an eviction or distress described in subsection (a), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

''(2) PRESERVATION OF OTHER REMEDIES AND RIGHTS.—The remedies and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion (or wrongful eviction) otherwise available under the law to the person claiming relief under this section, including any award for consequential and punitive damages.

''(d) RENT ALLOTMENT FROM PAY OF SERVICEMEMBER.—To the extent required by a court order related to property which is the subject of a court action under this section, the Secretary concerned shall make an allotment from the pay of a servicemember to satisfy the terms of such order, except that any such allotment shall be subject to regulations prescribed by the Secretary concerned establishing the maximum amount of pay of servicemembers that may be allotted under this subsection.

''(e) LIMITATION OF APPLICABILITY.—Section 202 is not applicable to this section.

''SEC. 302. PROTECTION UNDER INSTALLMENT CONTRACTS FOR PURCHASE OR LEASE.

''(a) PROTECTION UPON BREACH OF CONTRACT.—

''(1) PROTECTION AFTER ENTERING MILITARY SERVICE.—After a servicemember enters military service, a contract by the servicemember for—

''(A) the purchase of real or personal property; or

''(B) the lease or bailment of such property,

may not be rescinded or terminated for a breach of terms of the contract occurring before or during that person's military service, nor may the property be repossessed for such breach without a court order.

''(2) APPLICABILITY.—This section applies only to a contract for which a deposit or installment has been paid by the servicemember before the servicemember enters military service.

''(b) PENALTIES.—

''(1) MISDEMEANOR.—A person who knowingly resumes possession of property in violation of subsection (a), or in violation of section 107 of this Act, or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

''(2) PRESERVATION OF OTHER REMEDIES AND RIGHTS.—The remedies and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any award for consequential and punitive damages.

''(c) AUTHORITY OF COURT.—In a hearing based on this section, the court—

''(1) may order repayment to the servicemember of all or part of the prior installments or deposits as a condition of terminating the contract and resuming possession of the property;

''(2) may, on its own motion, and shall on application by a servicemember when the servicemember's ability to comply with the contract is materially affected by military service, stay the proceedings for a period of time as, in the opinion of the court, justice and equity require; or

''(3) may make other disposition as is equitable to preserve the interests of all parties.

''SEC. 303. MORTGAGES AND TRUST DEEDS.

''(a) MORTGAGE AS SECURITY.—This section applies only to an obligation on real or personal property owned by a servicemember that—

''(1) originated before the period of the servicemember's military service and for which the servicemember is still obligated; and

''(2) is secured by a mortgage, trust deed, or other security in the nature of a mortgage.

''(b) STAY OF PROCEEDINGS AND ADJUSTMENT OF OBLIGATION.—In an action filed during, or within 90 days after, a servicemember's period of military service to enforce an obligation described in subsection (a), the court may after a hearing and on its own motion and shall upon application by a servicemember when the servicemember's ability to comply with the obligation is materially affected by military service—

''(1) stay the proceedings for a period of time as justice and equity require, or

''(2) adjust the obligation to preserve the interests of all parties.

''(c) SALE OR FORECLOSURE.—A sale, foreclosure, or seizure of property for a breach of an obligation described in subsection (a) shall not be valid if made during, or within 90 days after, the period of the servicemember's military service except—

''(1) upon a court order granted before such sale, foreclosure, or seizure with a return made and approved by the court; or

''(2) if made pursuant to an agreement as provided in section 107.

''(d) PENALTIES.—

''(1) MISDEMEANOR.—A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (c), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

''(2) PRESERVATION OF OTHER REMEDIES.—The remedies and rights provided under this

section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including consequential and punitive damages.

"SEC. 304. SETTLEMENT OF STAYED CASES RELATING TO PERSONAL PROPERTY.

''(a) APPRAISAL OF PROPERTY.—When a stay is granted pursuant to this Act in a proceeding to foreclose a mortgage on or to repossess personal property, or to rescind or terminate a contract for the purchase of personal property, the court may appoint three disinterested parties to appraise the property.

''(b) EQUITY PAYMENT.—Based on the appraisal, and if undue hardship to the servicemember's dependents will not result, the court may order that the amount of the servicemember's equity in the property be paid to the servicemember, or the servicemember's dependents, as a condition of foreclosing the mortgage, repossessing the property, or rescinding or terminating the contract.

"SEC. 305. TERMINATION OF LEASES BY LESSEES.

''(a) COVERED LEASES.—This section applies to the lease of premises occupied, or intended to be occupied, by a servicemember or a servicemember's dependents for a residential, professional, business, agricultural, or similar purpose if—

''(1) the lease is executed by or on behalf of a person who thereafter and during the term of the lease enters military service; or

''(2) the servicemember, while in military service, executes a lease and thereafter receives military orders for a permanent change of station or to deploy with a military unit for a period of not less than 90 days.

''(b) NOTICE TO LESSOR.—

''(1) DELIVERY OF NOTICE.—A lease described in subsection (a) is terminated when written notice is delivered by the lessee to the lessor (or the lessor's grantee) or to the lessor's agent (or the agent's grantee).

''(2) TIME FOR NOTICE.—The written notice may be delivered at any time after the lessee's entry into military service or the date of the military orders for a permanent change of station or to deploy for a period of not less than 90 days.

''(3) NATURE OF NOTICE.—Delivery may be accomplished—

''(A) by hand delivery;

''(B) by private business carrier; or

''(C) by placing the written notice in an envelope with sufficient postage and addressed to the lessor (or the lessor's grantee) or to the lessor's agent (or the agent's grantee) and depositing the written notice in the United States mails.

''(c) EFFECTIVE DATE OF TERMINATION.—

''(1) LEASE WITH MONTHLY RENT.—Termination of a lease providing for monthly payment of rent shall be effective 30 days after the first date on which the next rental payment is due and payable after the date on which the notice is delivered.

''(2) OTHER LEASE.—All other leases terminate on the last day of the month following the month in which the notice is delivered.

''(d) ARREARAGES IN RENT.—Rents unpaid for the period preceding termination shall be paid on a prorated basis.

''(e) RENT PAID IN ADVANCE.—Rents paid in advance for a period succeeding termination shall be refunded to the lessee by the lessor (or the lessor's assignee or the assignee's agent).

''(f) RELIEF TO LESSOR.—Upon application by the lessor to a court before the termination date provided in the written notice, relief granted by this section to a servicemember may be modified as justice and equity require.

''(g) PENALTIES.—

''(1) MISDEMEANOR.—Any person who knowingly seizes, holds, or detains the personal effects, security deposit, or other property of a servicemember or a servicemember's dependent who lawfully terminates a lease covered by this section, or who knowingly interferes with the removal of such property from premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

''(2) PRESERVATION OF OTHER REMEDIES.—The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any award for consequential or punitive damages.

"SEC. 306. PROTECTION OF LIFE INSURANCE POLICY.

''(a) ASSIGNMENT OF POLICY PROTECTED.—If a life insurance policy on the life of a servicemember is assigned before military service to secure the payment of an obligation, the assignee of the policy (except the insurer in connection with a policy loan) may not exercise, during a period of military service of the servicemember or within one year thereafter, any right or option obtained under the assignment without a court order.

''(b) EXCEPTION.—The prohibition in subsection (a) shall not apply—

''(1) if the assignee has the written consent of the insured made during the period described in subsection (a)(1);

''(2) when the premiums on the policy are due and unpaid; or

''(3) upon the death of the insured.

''(c) ORDER REFUSED BECAUSE OF MATERIAL AFFECT.—A court which receives an application for an order required under subsection (a) may refuse to grant such order if the court determines the ability of the servicemember to comply with the terms of the obligation is materially affected by military service.

''(d) TREATMENT OF GUARANTEED PREMIUMS.—For purposes of this subsection, premiums guaranteed under the provisions of title IV of this Act shall not be considered due and unpaid.

''(e) PENALTIES.—

''(1) MISDEMEANOR.—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

''(2) PRESERVATION OF OTHER REMEDIES.—The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any consequential or punitive damages.

"SEC. 307. ENFORCEMENT OF STORAGE LIENS.

''(a) LIENS.—

''(1) LIMITATION ON FORECLOSURE OR ENFORCEMENT.—A person holding a lien on the property or effects of a servicemember may not, during any period of military service of the servicemember and for 90 days thereafter, foreclose or enforce any lien on such property or effects without a court order granted before foreclosure or enforcement.

''(2) LIEN DEFINED.—For the purposes of paragraph (1), the term 'lien' includes a lien for storage, repair, or cleaning of the property or effects of a servicemember or a lien on such property or effects for any other reason.

''(b) STAY OF PROCEEDINGS.—In a proceeding to foreclose or enforce a lien subject to this section, the court may on its own motion, and shall if requested by a servicemember whose ability to comply with the obligation resulting in the proceeding is materially affected by military service—

''(1) stay the proceeding for a period of time as justice and equity require; or

''(2) adjust the obligation to preserve the interests of all parties.

The provisions of this subsection do not affect the scope of section 303.

''(c) PENALTIES.—

''(1) MISDEMEANOR.—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

''(2) PRESERVATION OF OTHER REMEDIES.—The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any consequential or punitive damages.

"SEC. 308. EXTENSION OF PROTECTIONS TO DEPENDENTS.

''Upon application to a court, a dependent of a servicemember is entitled to the protections of this title if the dependent's ability to comply with a lease, contract, bailment, or other obligation is materially affected by reason of the servicemember's military service.

"TITLE IV—LIFE INSURANCE

"SEC. 401. DEFINITIONS.

''For the purposes of this title:

''(1) POLICY.—The term 'policy' means any contract for whole, endowment, universal, or term life insurance, including any benefit in the nature of such insurance arising out of membership in any fraternal or beneficial association which—

''(A) provides that the insurer may not—

''(i) decrease the amount of coverage or increase the amount of premiums if the insured is in military service; or

''(ii) limit or restrict coverage for any activity required by military service; and

''(B) is in force not less than 180 days before the date of the insured's entry into military service and at the time of application under this title.

''(2) PREMIUM.—The term 'premium' means the amount specified in an insurance policy to be paid to keep the policy in force.

''(3) INSURED.—The term 'insured' means a servicemember whose life is insured under a policy.

''(4) INSURER.—The term 'insurer' includes any firm, corporation, partnership, association, or business that is chartered or authorized to provide insurance and issue contracts or policies by the laws of a State or the United States.

"SEC. 402. INSURANCE RIGHTS AND PROTECTIONS.

''(a) RIGHTS AND PROTECTIONS.—The rights and protections under this title apply to the insured when the insured, the insured's designee, or the insured's beneficiary applies in writing for protection under this title, unless the Secretary of Veterans Affairs determines that the insured's policy is not entitled to protection under this title.

''(b) NOTIFICATION AND APPLICATION.—The Secretary of Veterans Affairs shall notify the Secretary concerned of the procedures to be used to apply for the protections provided under this title. The applicant shall send the original application to the insurer and a copy to the Secretary of Veterans Affairs.

''(c) LIMITATION ON AMOUNT.—The total amount of life insurance coverage protection provided by this title for a servicemember

may not exceed $250,000, or an amount equal to the Servicemember's Group Life Insurance maximum limit, whichever is greater, regardless of the number of policies submitted.

"SEC. 403. APPLICATION FOR INSURANCE PROTECTION.

''(a) APPLICATION PROCEDURE.—An application for protection under this title shall—

''(1) be in writing and signed by the insured, the insured's designee, or the insured's beneficiary, as the case may be;

''(2) identify the policy and the insurer; and

''(3) include an acknowledgement that the insured's rights under the policy are subject to and modified by the provisions of this title.

''(b) ADDITIONAL REQUIREMENTS.—The Secretary of Veterans Affairs may require additional information from the applicant, the insured and the insurer to determine if the policy is entitled to protection under this title.

''(c) NOTICE TO THE SECRETARY BY THE INSURED.—Upon receipt of the application of the insured, the insurer shall furnish a report concerning the policy to the Secretary of Veterans Affairs as required by regulations prescribed by the Secretary.

''(d) POLICY MODIFICATION.—Upon application for protection under this title, the insured and the insurer shall have constructively agreed to any policy modification necessary to give this title full force and effect.

"SEC. 404. POLICIES ENTITLED TO PROTECTION AND LAPSE OF POLICIES.

''(a) DETERMINATION.—The Secretary of Veterans Affairs shall determine whether a policy is entitled to protection under this title and shall notify the insured and the insurer of that determination.

''(b) LAPSE PROTECTION.—A policy that the Secretary determines is entitled to protection under this title shall not lapse or otherwise terminate or be forfeited for the nonpayment of a premium, or interest or indebtedness on a premium, after the date of the application for protection.

''(c) TIME APPLICATION.—The protection provided by this title applies during the insured's period of military service and for a period of two years thereafter.

"SEC. 405. POLICY RESTRICTIONS.

''(a) DIVIDENDS.—While a policy is protected under this title, a dividend or other monetary benefit under a policy may not be paid to an insured or used to purchase dividend additions without the approval of the Secretary of Veterans Affairs. If such approval is not obtained, the dividends or benefits shall be added to the value of the policy to be used as a credit when final settlement is made with the insurer.

''(b) SPECIFIC RESTRICTIONS.—While a policy is protected under this title, cash value, loan value, withdrawal of dividend accumulation, unearned premiums, or other value of similar character may not be available to the insured without the approval of the Secretary. The right of the insured to change a beneficiary designation or select an optional settlement for a beneficiary shall not be affected by the provisions of this title.

"SEC. 406. DEDUCTION OF UNPAID PREMIUMS.

''(a) SETTLEMENT OF PROCEEDS.—If a policy matures as a result of a servicemember's death or otherwise during the period of protection of the policy under this title, the insurer in making settlement shall deduct from the insurance proceeds the amount of the unpaid premiums guaranteed under this title, together with interest due at the rate fixed in the policy for policy loans.

''(b) INTEREST RATE.—If the interest rate is not specifically fixed in the policy, the rate shall be the same as for policy loans in other policies issued by the insurer at the time the insured's policy was issued.

''(c) REPORTING REQUIREMENT.—The amount deducted under this section, if any, shall be reported by the insurer to the Secretary of Veterans Affairs.

"SEC. 407. PREMIUMS AND INTEREST GUARANTEED BY UNITED STATES.

''(a) GUARANTEE OF PREMIUMS AND INTEREST BY THE UNITED STATES.—

''(1) GUARANTEE.—Payment of premiums, and interest on premiums at the rate specified in section 406, which become due on a policy under the protection of this title is guaranteed by the United States. If the amount guaranteed is not paid to the insurer before the period of insurance protection under this title expires, the amount due shall be treated by the insurer as a policy loan on the policy.

''(2) POLICY TERMINATION.—If, at the expiration of insurance protection under this title, the cash surrender value of a policy is less than the amount due to pay premiums and interest on premiums on the policy, the policy shall terminate. Upon such termination, the United States shall pay the insurer the difference between the amount due and the cash surrender value.

''(b) RECOVERY FROM INSURED OF AMOUNTS PAID BY THE UNITED STATES.—

''(1) DEBT PAYABLE TO THE UNITED STATES.—The amount paid by the United States to an insurer under this title shall be a debt payable to the United States by the insured on whose policy payment was made.

''(2) COLLECTION.—Such amount may be collected by the United States, either as an offset from any amount due the insured by the United States or as otherwise authorized by law.

''(3) DEBT NOT DISCHARGEABLE IN BANKRUPTCY.—Such debt payable to the United States is not dischargeable in bankruptcy proceedings.

''(c) CREDITING OF AMOUNTS RECOVERED.—Any amounts received by the United States as repayment of debts incurred by an insured under this title shall be credited to the appropriation for the payment of claims under this title.

"SEC. 408. REGULATIONS.

''The Secretary of Veterans Affairs shall prescribe regulations for the implementation of this title.

"SEC. 409. REVIEW OF FINDINGS OF FACT AND CONCLUSIONS OF LAW.

''The findings of fact and conclusions of law made by the Secretary of Veterans Affairs in administering this title may be reviewed by the Board of Veterans' Appeals and the United States Court of Appeals for Veterans Claims.

"TITLE V—TAXES AND PUBLIC LANDS

"SEC. 501. TAXES RESPECTING PERSONAL PROPERTY, MONEY, CREDITS, AND REAL PROPERTY.

''(a) APPLICATION.—This section applies in any case in which a tax or assessment, whether general or special (other than a tax on personal income), falls due and remains unpaid before or during a period of military service with respect to a servicemember's—

''(1) personal property; or

''(2) real property occupied for dwelling, professional, business, or agricultural purposes by a servicemember or the servicemember's dependents or employees—

''(A) before the servicemember's entry into military service; and

''(B) during the time the tax or assessment remains unpaid.

''(b) SALE OF PROPERTY.—

''(1) LIMITATION ON SALE OF PROPERTY TO ENFORCE TAX ASSESSMENT.—Property described in subsection (a) may not be sold to enforce the collection of such tax or assessment except by court order and upon the determination by the court that military service does not materially affect the servicemember's ability to pay the unpaid tax or assessment.

''(2) STAY OF COURT PROCEEDINGS.—A court may stay a proceeding to enforce the collection of such tax or assessment, or sale of such property, during a period of military service of the servicemember and for a period not more than 180 days after the termination of, or release of the servicemember from, military service.

''(c) REDEMPTION.—When property described in subsection (a) is sold or forfeited to enforce the collection of a tax or assessment, a servicemember shall have the right to redeem or commence an action to redeem the servicemember's property during the period of military service or within 180 days after termination of or release from military service. This subsection may not be construed to shorten any period provided by the law of a State (including any political subdivision of a State) for redemption.

''(d) INTEREST ON TAX OR ASSESSMENT.—Whenever a servicemember does not pay a tax or assessment on property described in subsection (a) when due, the amount of the tax or assessment due and unpaid shall bear interest until paid at the rate of 6 percent per year. An additional penalty or interest shall not be incurred by reason of nonpayment. A lien for such unpaid tax or assessment may include interest under this subsection.

''(e) JOINT OWNERSHIP APPLICATION.—This section applies to all forms of property described in subsection (a) owned individually by a servicemember or jointly by a servicemember and a dependent or dependents.

"SEC. 502. RIGHTS IN PUBLIC LANDS.

''(a) RIGHTS NOT FORFEITED.—The rights of a servicemember to lands owned or controlled by the United States, and initiated or acquired by the servicemember under the laws of the United States (including the mining and mineral leasing laws) before military service, shall not be forfeited or prejudiced as a result of being absent from the land, or by failing to begin or complete any work or improvements to the land, during the period of military service.

''(b) TEMPORARY SUSPENSION OF PERMITS OR LICENSES.—If a permittee or licensee under the Act of June 28, 1934 (43 U.S.C. 315 et seq.), enters military service, the permittee or licensee may suspend the permit or license for the period of military service and for 180 days after termination of or release from military service.

''(c) REGULATIONS.—Regulations prescribed by the Secretary of the Interior shall provide for such suspension of permits and licenses and for the remission, reduction, or refund of grazing fees during the period of such suspension.

"SEC. 503. DESERT-LAND ENTRIES.

''(a) DESERT-LAND RIGHTS NOT FORFEITED.—A desert-land entry made or held under the desert-land laws before the entrance of the entryman or the entryman's successor in interest into military service shall not be subject to contest or cancellation—

''(1) for failure to expend any required amount per acre per year in improvements upon the claim;

''(2) for failure to effect the reclamation of the claim during the period the entryman or the entryman's successor in interest is in the military service, or for 180 days after termination of or release from military service; or

''(3) during any period of hospitalization or rehabilitation due to an injury or disability incurred in the line of duty.

The time within which the entryman or claimant is required to make such expenditures and effect reclamation of the land shall be exclusive of the time periods described in paragraphs (2) and (3).

''(b) SERVICE-RELATED DISABILITY.—If an entryman or claimant is honorably discharged and is unable to accomplish reclamation of, and payment for, desert land due to a disability incurred in the line of duty, the entryman or claimant may make proof without further reclamation or payments, under regulations prescribed by the Secretary of the Interior, and receive a patent for the land entered or claimed.

''(c) FILING REQUIREMENT.—In order to obtain the protection of this section, the entryman or claimant shall, within 180 days after entry into military service, cause to be filed in the land office of the district where the claim is situated a notice communicating the fact of military service and the desire to hold the claim under this section.

''SEC. 504. MINING CLAIMS.

''(a) REQUIREMENTS SUSPENDED.—The provisions of section 2324 of the Revised Statutes of the United States (30 U.S.C. 28) specified in subsection (b) shall not apply to a servicemember's claims or interests in claims, regularly located and recorded, during a period of military service and 180 days thereafter, or during any period of hospitalization or rehabilitation due to injuries or disabilities incurred in the line of duty.

''(b) REQUIREMENTS.—The provisions in section 2324 of the Revised Statutes that shall not apply under subsection (a) are those which require that on each mining claim located after May 10, 1872, and until a patent has been issued for such claim, not less than $100 worth of labor shall be performed or improvements made during each year.

''(c) PERIOD OF PROTECTION FROM FORFEITURE.—A mining claim or an interest in a claim owned by a servicemember that has been regularly located and recorded shall not be subject to forfeiture for nonperformance of annual assessments during the period of military service and for 180 days thereafter, or for any period of hospitalization or rehabilitation described in subsection (a).

''(d) FILING REQUIREMENT.—In order to obtain the protections of this section, the claimant of a mining location shall, before the end of the assessment year in which military service is begun or within 60 days after the end of such assessment year, cause to be filed in the office where the location notice or certificate is recorded a notice communicating the fact of military service and the desire to hold the mining claim under this section.

''SEC. 505. MINERAL PERMITS AND LEASES.

''(a) SUSPENSION DURING MILITARY SERVICE.—A person holding a permit or lease on the public domain under the Federal mineral leasing laws who enters military service may suspend all operations under the permit or lease for the duration of military service and for 180 days thereafter. The term of the permit or lease shall not run during the period of suspension, nor shall any rental or royalties be charged against the permit or lease during the period of suspension.

''(b) NOTIFICATION.—In order to obtain the protection of this section, the permittee or lessee shall, within 180 days after entry into military service, notify the Secretary of the Interior by registered mail of the fact that military service has begun and of the desire to hold the claim under this section.

''(c) CONTRACT MODIFICATION.—This section shall not be construed to supersede the terms of any contract for operation of a permit or lease.

''SEC. 506. PERFECTION OR DEFENSE OF RIGHTS.

''(a) RIGHT TO TAKE ACTION NOT AFFECTED.—This title shall not affect the right of a servicemember to take action during a period of military service that is authorized by law or regulations of the Department of the Interior, for the perfection, defense, or further assertion of rights initiated or acquired before entering military service.

''(b) AFFIDAVITS AND PROOFS.—

''(1) IN GENERAL.—A servicemember during a period of military service may make any affidavit or submit any proof required by law, practice, or regulation of the Department of the Interior in connection with the entry, perfection, defense, or further assertion of rights initiated or acquired before entering military service before an officer authorized to provide notary services under section 1044a of title 10, United States Code, or any superior commissioned officer.

''(2) LEGAL STATUS OF AFFIDAVITS.—Such affidavits shall be binding in law and subject to the same penalties as prescribed by section 1001 of title 18, United State Code.

''SEC. 507. DISTRIBUTION OF INFORMATION CONCERNING BENEFITS OF TITLE.

''(a) DISTRIBUTION OF INFORMATION BY SECRETARY CONCERNED.—The Secretary concerned shall issue to servicemembers information explaining the provisions of this title.

''(b) APPLICATION FORMS.—The Secretary concerned shall provide application forms to servicemembers requesting relief under this title.

''(c) INFORMATION FROM SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall furnish to the Secretary concerned information explaining the provisions of this title (other than sections 501, 510, and 511) and related application forms.

''SEC. 508. LAND RIGHTS OF SERVICEMEMBERS.

''(a) NO AGE LIMITATIONS.—Any servicemember under the age of 21 in military service shall be entitled to the same rights under the laws relating to lands owned or controlled by the United States, including mining and mineral leasing laws, as those servicemembers who are 21 years of age.

''(b) RESIDENCY REQUIREMENT.—Any requirement related to the establishment of a residence within a limited time shall be suspended as to entry by a servicemember in military service until 180 days after termination of or release from military service.

''(c) ENTRY APPLICATIONS.—Applications for entry may be verified before a person authorized to administer oaths under section 1044a of title 10, United States Code, or under the laws of the State where the land is situated.

''SEC. 509. REGULATIONS.

''The Secretary of the Interior may issue regulations necessary to carry out this title (other than sections 501, 510, and 511).

''SEC. 510. INCOME TAXES.

''(a) DEFERRAL OF TAX.—Upon notice to the Internal Revenue Service or the tax authority of a State or a political subdivision of a State, the collection of income tax on the income of a servicemember falling due before or during military service shall be deferred for a period not more than 180 days after termination of or release from military service, if a servicemember's ability to pay such income tax is materially affected by military service.

''(b) ACCRUAL OF INTEREST OR PENALTY.—No interest or penalty shall accrue for the period of deferment by reason of nonpayment on any amount of tax deferred under this section.

''(c) STATUTE OF LIMITATIONS.—The running of a statute of limitations against the collection of tax deferred under this section, by seizure or otherwise, shall be suspended for the period of military service of the servicemember and for an additional period of 270 days thereafter.

''(d) APPLICATION LIMITATION.—This section shall not apply to the tax imposed on employees by section 3101 of the Internal Revenue Code of 1986.

''SEC. 511. RESIDENCE FOR TAX PURPOSES.

''(a) RESIDENCE OR DOMICILE.—A servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the servicemember by reason of being absent or present in any tax jurisdiction of the United States solely in compliance with military orders.

''(b) MILITARY SERVICE COMPENSATION.—Compensation of a servicemember for military service shall not be deemed to be income for services performed or from sources within a tax jurisdiction of the United States if the servicemember is not a resident or domiciliary of the jurisdiction in which the servicemember is serving in compliance with military orders.

''(c) PERSONAL PROPERTY.—

''(1) RELIEF FROM PERSONAL PROPERTY TAXES.—The personal property of a servicemember shall not be deemed to be located or present in, or to have a situs for taxation in, the tax jurisdiction in which the servicemember is serving in compliance with military orders.

''(2) EXCEPTION FOR PROPERTY WITHIN MEMBER'S DOMICILE OR RESIDENCE.—This subsection applies to personal property or its use within any tax jurisdiction other than the servicemember's domicile or residence.

''(3) EXCEPTION FOR PROPERTY USED IN TRADE OR BUSINESS.—This section does not prevent taxation by a tax jurisdiction with respect to personal property used in or arising from a trade or business, if it has jurisdiction.

''(4) RELATIONSHIP TO LAW OF STATE OF DOMICILE.—Eligibility for relief from personal property taxes under this subsection is not contingent on whether or not such taxes are paid to the State of domicile.

''(d) INCREASE OF TAX LIABILITY.—A tax jurisdiction may not use the military compensation of a nonresident servicemember to increase the tax liability imposed on other income earned by the nonresident servicemember or spouse subject to tax by the jurisdiction.

''(e) FEDERAL INDIAN RESERVATIONS.—An Indian servicemember whose legal residence or domicile is a Federal Indian reservation shall be taxed by the laws applicable to Federal Indian reservations and not the State where the reservation is located.

''(f) DEFINITIONS.—For purposes of this section:

''(1) PERSONAL PROPERTY.—The term 'personal property' means intangible and tangible property (including motor vehicles).

''(2) TAXATION.—The term 'taxation' includes licenses, fees, or excises imposed with respect to motor vehicles and their use, if the license, fee, or excise is paid by the servicemember in the servicemember's State of domicile or residence.

''(3) TAX JURISDICTION.—The term 'tax jurisdiction' means a State or a political subdivision of a State.

''TITLE VI—ADMINISTRATIVE REMEDIES

''SEC. 601. INAPPROPRIATE USE OF ACT.

''If a court determines, in any proceeding to enforce a civil right, that any interest, property, or contract has been transferred or acquired with the intent to delay the just enforcement of such right by taking advantage of this Act, the court shall enter such judgment or make such order as might lawfully be entered or made concerning such transfer or acquisition.

''SEC. 602. CERTIFICATES OF SERVICE; PERSONS REPORTED MISSING.

''(a) PRIMA FACIE EVIDENCE.—In any proceeding under this Act, a certificate signed

by the Secretary concerned is prima facie evidence as to any of the following facts stated in the certificate:

''(1) That a person named is, is not, has been, or has not been in military service.

''(2) The time and the place the person entered military service.

''(3) The person's residence at the time the person entered military service.

''(4) The rank, branch, and unit of military service of the person upon entry.

''(5) The inclusive dates of the person's military service.

''(6) The monthly pay received by the person at the date of the certificate's issuance.

''(7) The time and place of the person's termination of or release from military service, or the person's death during military service.

''(b) CERTIFICATES.—The Secretary concerned shall furnish a certificate under subsection (a) upon receipt of an application for such a certificate. A certificate appearing to be signed by the Secretary concerned is prima facie evidence of its contents and of the signer's authority to issue it.

''(c) TREATMENT OF SERVICEMEMBERS IN MISSING STATUS.—A servicemember who has been reported missing is presumed to continue in service until accounted for. A requirement under this Act that begins or ends with the death of a servicemember does not begin or end until the servicemember's death is reported to, or determined by, the Secretary concerned or by a court of competent jurisdiction.

''SEC. 603. INTERLOCUTORY ORDERS.

''An interlocutory order issued by a court under this Act may be revoked, modified, or extended by that court upon its own motion or otherwise, upon notification to affected parties as required by the court.

''TITLE VII—FURTHER RELIEF

''SEC. 701. ANTICIPATORY RELIEF.

''(a) APPLICATION FOR RELIEF.—A servicemember may, during military service or within 180 days of termination of or release from military service, apply to a court for relief—

''(1) from any obligation or liability incurred by the servicemember before the servicemember's military service; or

''(2) from a tax or assessment falling due before or during the servicemember's military service.

''(b) TAX LIABILITY OR ASSESSMENT.—In a case covered by subsection (a), the court may, if the ability of the servicemember to comply with the terms of such obligation or liability or pay such tax or assessment has been materially affected by reason of military service, after appropriate notice and hearing, grant the following relief:

''(1) STAY OF ENFORCEMENT OF REAL ESTATE CONTRACTS.—

''(A) In the case of an obligation payable in installments under a contract for the purchase of real estate, or secured by a mortgage or other instrument in the nature of a mortgage upon real estate, the court may grant a stay of the enforcement of the obligation—

''(i) during the servicemember's period of military service; and

''(ii) from the date of termination of or release from military service, or from the date of application if made after termination of or release from military service.

''(B) Any stay under this paragraph shall be—

''(i) for a period equal to the remaining life of the installment contract or other instrument, plus a period of time equal to the period of military service of the servicemember, or any part of such combined period; and

''(ii) subject to payment of the balance of the principal and accumulated interest due and unpaid at the date of termination or release from the applicant's military service or from the date of application in equal installments during the combined period at the rate of interest on the unpaid balance prescribed in the contract or other instrument evidencing the obligation, and subject to other terms as may be equitable.

''(2) STAY OF ENFORCEMENT OF OTHER CONTRACTS.—

''(A) In the case of any other obligation, liability, tax, or assessment, the court may grant a stay of enforcement—

''(i) during the servicemember's military service; and

''(ii) from the date of termination of or release from military service, or from the date of application if made after termination or release from military service.

''(B) Any stay under this paragraph shall be—

''(i) for a period of time equal to the period of the servicemember's military service or any part of such period; and

''(ii) subject to payment of the balance of principal and accumulated interest due and unpaid at the date of termination or release from military service, or the date of application, in equal periodic installments during this extended period at the rate of interest as may be prescribed for this obligation, liability, tax, or assessment, if paid when due, and subject to other terms as may be equitable.

''(c) AFFECT OF STAY ON FINE OR PENALTY.—When a court grants a stay under this section, a fine or penalty shall not accrue on the obligation, liability, tax, or assessment for the period of compliance with the terms and conditions of the stay.

''SEC. 702. POWER OF ATTORNEY.

''(a) AUTOMATIC EXTENSION.—A power of attorney of a servicemember shall be automatically extended for the period the servicemember is in a missing status (as defined in section 551(2) of title 37, United States Code) if the power of attorney—

''(1) was duly executed by the servicemember—

''(A) while in military service; or

''(B) before entry into military service but after the servicemember—

''(i) received a call or order to report for military service; or

''(ii) was notified by an official of the Department of Defense that the person could receive a call or order to report for military service;

''(2) designates the servicemember's spouse, parent, or other named relative as the servicemember's attorney in fact for certain, specified, or all purposes; and

''(3) expires by its terms after the servicemember entered a missing status.

''(b) LIMITATION ON POWER OF ATTORNEY EXTENSION.—A power of attorney executed by a servicemember may not be extended under subsection (a) if the document by its terms clearly indicates that the power granted expires on the date specified even though the servicemember, after the date of execution of the document, enters a missing status.

''SEC. 703. PROFESSIONAL LIABILITY PROTECTION.

''(a) APPLICABILITY.—This section applies to a servicemember who—

''(1) after July 31, 1990, is ordered to active duty (other than for training) pursuant to sections 688, 12301(a), 12301(g), 12302, 12304, 12306, or 12307 of title 10, United States Code, or who is ordered to active duty under section 12301(d) of such title during a period when members are on active duty pursuant to any of the preceding sections; and

''(2) immediately before receiving the order to active duty—

''(A) was engaged in the furnishing of health-care or legal services or other services determined by the Secretary of Defense to be professional services; and

''(B) had in effect a professional liability insurance policy that does not continue to cover claims filed with respect to the servicemember during the period of the servicemember's active duty unless the premiums are paid for such coverage for such period.

''(b) SUSPENSION OF COVERAGE.—

''(1) SUSPENSION.—Coverage of a servicemember referred to in subsection (a) by a professional liability insurance policy shall be suspended by the insurance carrier in accordance with this subsection upon receipt of a written request from the servicemember, or the servicemember's legal representative, by the insurance carrier.

''(2) PREMIUMS FOR SUSPENDED CONTRACTS.—A professional liability insurance carrier—

''(A) may not require that premiums be paid by or on behalf of a servicemember for any professional liability insurance coverage suspended pursuant to paragraph (1); and

''(B) shall refund any amount paid for coverage for the period of such suspension or, upon the election of such servicemember, apply such amount for the payment of any premium becoming due upon the reinstatement of such coverage.

''(3) NONLIABILITY OF CARRIER DURING SUSPENSION.—A professional liability insurance carrier shall not be liable with respect to any claim that is based on professional conduct (including any failure to take any action in a professional capacity) of a servicemember that occurs during a period of suspension of that servicemember's professional liability insurance under this subsection.

''(4) CERTAIN CLAIMS CONSIDERED TO ARISE BEFORE SUSPENSION.—For the purposes of paragraph (3), a claim based upon the failure of a professional to make adequate provision for a patient, client, or other person to receive professional services or other assistance during the period of the professional's active duty service shall be considered to be based on an action or failure to take action before the beginning of the period of the suspension of professional liability insurance under this subsection, except in a case in which professional services were provided after the date of the beginning of such period.

''(c) REINSTATEMENT OF COVERAGE.—

''(1) REINSTATEMENT REQUIRED.—Professional liability insurance coverage suspended in the case of any servicemember pursuant to subsection (b) shall be reinstated by the insurance carrier on the date on which that servicemember transmits to the insurance carrier a written request for reinstatement.

''(2) TIME AND PREMIUM FOR REINSTATEMENT.—The request of a servicemember for reinstatement shall be effective only if the servicemember transmits the request to the insurance carrier within 30 days after the date on which the servicemember is released from active duty. The insurance carrier shall notify the servicemember of the due date for payment of the premium of such insurance. Such premium shall be paid by the servicemember within 30 days after receipt of that notice.

''(3) PERIOD OF REINSTATED COVERAGE.—The period for which professional liability insurance coverage shall be reinstated for a servicemember under this subsection may not be less than the balance of the period for which coverage would have continued under the insurance policy if the coverage had not been suspended.

''(d) INCREASE IN PREMIUM.—

''(1) LIMITATION ON PREMIUM INCREASES.—An insurance carrier may not increase the amount of the premium charged for professional liability insurance coverage of any servicemember for the minimum period of the reinstatement of such coverage required under subsection (c)(3) to an amount greater than the amount chargeable for such coverage for such period before the suspension.

''(2) EXCEPTION.—Paragraph (1) does not prevent an increase in premium to the extent of any general increase in the premiums charged by that carrier for the same professional liability coverage for persons similarly covered by such insurance during the period of the suspension.

''(e) CONTINUATION OF COVERAGE OF UNAFFECTED PERSONS.—This section does not—

''(1) require a suspension of professional liability insurance protection for any person who is not a person referred to in subsection (a) and who is covered by the same professional liability insurance as a person referred to in such subsection; or

''(2) relieve any person of the obligation to pay premiums for the coverage not required to be suspended.

''(f) STAY OF CIVIL OR ADMINISTRATIVE ACTIONS.—

''(1) STAY OF ACTIONS.—A civil or administrative action for damages on the basis of the alleged professional negligence or other professional liability of a servicemember whose professional liability insurance coverage has been suspended under subsection (b) shall be stayed until the end of the period of the suspension if—

''(A) the action was commenced during the period of the suspension;

''(B) the action is based on an act or omission that occurred before the date on which the suspension became effective; and

''(C) the suspended professional liability insurance would, except for the suspension, on its face cover the alleged professional negligence or other professional liability negligence or other professional liability of the servicemember.

''(2) DATE OF COMMENCEMENT OF ACTION.—Whenever a civil or administrative action for damages is stayed under paragraph (1) in the case of any servicemember, the action shall have been deemed to have been filed on the date on which the professional liability insurance coverage of the servicemember is reinstated under subsection (c).

''(g) EFFECT OF SUSPENSION UPON LIMITATIONS PERIOD.—In the case of a civil or administrative action for which a stay could have been granted under subsection (f) by reason of the suspension of professional liability insurance coverage of the defendant under this section, the period of the suspension of the coverage shall be excluded from the computation of any statutory period of limitation on the commencement of such action.

''(h) DEATH DURING PERIOD OF SUSPENSION.—If a servicemember whose professional liability insurance coverage is suspended under subsection (b) dies during the period of the suspension—

''(1) the requirement for the grant or continuance of a stay in any civil or administrative action against such servicemember under subsection (f)(1) shall terminate on the date of the death of such servicemember; and

''(2) the carrier of the professional liability insurance so suspended shall be liable for any claim for damages for professional negligence or other professional liability of the deceased servicemember in the same manner and to the same extent as such carrier would be liable if the servicemember had died while covered by such insurance but before the claim was filed.

''(i) DEFINITIONS.—For purposes of this section:

''(1) The term 'active duty' has the meaning given that term in section 101(d)(1) of title 10, United States Code.

''(2) The term 'profession' includes occupation.

''(3) The term 'professional' includes occupational.

''SEC. 704. HEALTH INSURANCE REINSTATEMENT.

''(a) REINSTATEMENT OF HEALTH INSURANCE.—A servicemember who, by reason of military service as defined in section 703(a)(1), is entitled to the rights and protections of this Act shall also be entitled upon termination or release from such service to reinstatement of any health insurance that—

''(1) was in effect on the day before such service commenced; and

''(2) was terminated effective on a date during the period of such service.

''(b) NO EXCLUSION OR WAITING PERIOD.—The reinstatement of health care insurance coverage for the health or physical condition of a servicemember described in subsection (a), or any other person who is covered by the insurance by reason of the coverage of the servicemember, shall not be subject to an exclusion or a waiting period, if—

''(1) the condition arose before or during the period of such service;

''(2) an exclusion or a waiting period would not have been imposed for the condition during the period of coverage; and

''(3) if the condition relates to the servicemember, the condition has not been determined by the Secretary of Veterans Affairs to be a disability incurred or aggravated in the line of duty (within the meaning of section 105 of title 38, United States Code).

''(c) EXCEPTIONS.—Subsection (a) does not apply to a servicemember entitled to participate in employer-offered insurance benefits pursuant to the provisions of chapter 43 of title 38, United States Code.

''(d) TIME FOR APPLYING FOR REINSTATEMENT.—An application under this section must be filed not later than 120 days after the date of the termination of or release from military service.

''SEC. 705. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

''For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.''.

SEC. 2. CONFORMING AMENDMENTS.

(a) MILITARY SELECTIVE SERVICE ACT.—Section 14 of the Military Selective Service Act (50 U.S.C. App. 464) is repealed.

(b) TITLE 5, UNITED STATES CODE.—

(1) Section 5520a(k)(2)(A) of title 5, United States Code, is amended by striking ''Soldiers' and Sailors' Civil Relief Act of 1940'' and inserting ''Servicemembers Civil Relief Act''; and

(2) Section 5569(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking ''provided by the Soldiers' and Sailors' Civil Relief Act of 1940'' and all that follows through ''of such Act'' and inserting ''provided by the Servicemembers Civil Relief Act, including the benefits provided by section 702 of such Act but excluding the benefits provided by sections 104, 105, and 106, title IV, and title V (other than sections 501 and 510) of such Act''; and

(B) in paragraph (2)(A), by striking ''person in the military service'' and inserting ''servicemember''.

(c) TITLE 10, UNITED STATES CODE.—Section 1408(b)(1)(D) of title 10, United States Code, is amended by striking ''Soldiers' and Sailors' Civil Relief Act of 1940'' and inserting ''Servicemembers Civil Relief Act''.

(d) INTERNAL REVENUE CODE.—Section 7654(d)(1) of the Internal Revenue Code of 1986 is amended by striking ''Soldiers' and Sailors' Civil Relief Act'' and inserting ''Servicemembers Civil Relief Act''.

(e) PUBLIC HEALTH SERVICE ACT.—Section 212(e) of the Public Health Service Act (42 U.S.C. 213(e)) is amended by striking ''Soldiers' and Sailors' Civil Relief Act of 1940'' and inserting ''Servicemembers Civil Relief Act''.

(f) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 8001 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701) is amended by striking ''section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 574)'' in the matter preceding paragraph (1) and inserting ''section 511 of the Servicemembers Civil Relief Act''.

SEC. 3. EFFECTIVE DATE.

The amendment made by section 1 shall apply to any case that is not final before the date of the enactment of this Act.

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

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

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

Mr. Speaker, on the first day of this session the gentleman from Illinois (Mr. EVANS) and I introduced, along with now more than three dozen of our distinguished colleagues, H.R. 100, the Servicemembers Civil Relief Act, as a top legislative priority of the Committee on Veterans' Affairs. With the war on terrorism and hundreds of thousands of our servicemembers on active duty in Iraq, Afghanistan and around the world, it is important that we lessen the burdens that they and their loved ones may face at home as a direct result of their service.

H.R. 100 will strengthen the rights and protections afforded U.S. military personnel called to active duty so that they are not harmed in civil, financial or legal proceedings. I am pleased that this bipartisan legislation has attracted broad support from veterans groups, military associations and the legal community. H.R. 100 is a complete restatement of the law known as the Soldiers' and Sailors' Civil Relief Act of 1940. A ''restatement'' of a law has long been understood to mean a law that has been updated, clarified and strengthened, including a gathering of the relevant judicial interpretations and a measured casting aside of those few interpretations that do not comport with the author's understanding of the law's intent.

This revision of the act has been in the works for a number of years. The Committee on Veterans' Affairs originally held hearings on a similarly intended measure, H.R. 4763, in the 102nd

Congress. Last year, the Subcommittee on Benefits held 2 days of hearings on an almost identical measure, H.R. 5111.

The need for a Federal law such as the Servicemembers Civil Relief Act goes back to at least the Civil War, and a State law in Louisiana was passed as far back as the War of 1812. The first modern relief law was enacted in 1918. While H.R. 100, the bill before us, retains the time-tested basic rights and protections of the 1940 version of the law and its 1942 amendments, it also reflects the evolution of our legal processes during the past 60 years. The Committee on Veterans' Affairs has filed a bill report which contains a detailed explanation of the restatement. I recommend the bill report to those who seek a more detailed understanding of H.R. 100, as amended.

The current law is potentially applicable to a large number of personal transactions and any civil legal proceeding involving a servicemember. The courts have generally been understanding of the situation of the servicemembers who invoke its protections. They understand that these servicemembers are absent because they are doing the most important work of all, defending our national interests, our freedoms and our way of life.

In explaining the act, countless authors have been quick to remind us that the act is intended to give a temporary reprieve to a servicemember and that it reflects the need to be fair to all parties by relying upon the courts to determine whether the servicemember's ability to protect his or her rights or to meet obligations has been materially affected by military service. Those purposes are faithfully carried forward in this restatement.

Many of the provisions in the act and in H.R. 100 would only be of interest to persons involved in legal proceedings. Let me outline some that apply more generally to all servicemembers. For example, servicemembers would be protected against what amounts to a clever evasion of the prohibition against double taxation of a servicemember's military income when they must live outside the State where they are legal residents. What is happening is that some States where nonresident military personnel are stationed are counting a servicemember's military pay on which income taxes are paid elsewhere for determining the service- member's graduated tax rate on family income earned within the State. This is an outrageous exploitation of servicemembers who cannot even vote against the politicians who are doing it, and H.R. 100 would put a stop to it.

Any servicemember whose military service materially affects his or her ability to pay a debt incurred before entering military service is entitled to have the interest rate on this debt reduced to 6 percent. There has been dispute whether interest in excess of the 6 percent was deferred or forgiven and whether the lender must reduce the monthly payment. H.R. 100 makes it clear that such interest is forgiven and the monthly payment is reduced in keeping with the act's policy objective of reducing monthly obligations at a time when mobilized National Guard or Reserve members are likely to have a reduced income.

Active duty servicemembers who have permanent change of station orders or who are being deployed for more than 90 days would be allowed to terminate housing leases. Right now, servicemembers can be forced to pay rent for housing they cannot live in because our government sent them somewhere else.

An eviction proceeding against a servicemember could be delayed for at least 90 days if he or she invokes the act.

□ 1030

Eviction protection would be updated to reflect the increase in the cost of rental housing. The current act only applies to leases of less than $1,200 per month. H.R. 100 would increase that amount to $1,700 per month, and the amount would increase each year in accordance with a housing rental index.

The act protects against the lapse of life insurance policies when an individual enters military service. The act's life insurance coverage would be raised from $10,000 to $250,000, or the SGLI maximum, whichever is greater.

All motor vehicles and other property would be included in the act's installment contract provisions so that in the case of a service member who, for example, has fallen behind on car lease payments, the lessor must obtain a court order before repossessing the car.

The current act does not clearly apply to simple administrative proceedings, which are far more common today than they were in 1940. H.R. 100 would include administrative proceedings, such as license and zoning manners, under the act's rights and protections.

There are, Mr. Speaker, many other provisions which affect particular rights or particular statutes such as Federal mining and reclamation acts. Many of the other changes in language and terms merely reflect the language of the law as it is practiced today.

Mr. Speaker, the actual preparation of this bill was a collaborative effort between our committee counsel, the Office of Legislative Counsel, and, most importantly, representatives of the judge advocates general of the military departments. The JAG officers played a crucial role in relating how the current law is understood by their fellow JAG advisors, who must often counsel servicemembers on their rights and obligations under the law and who have direct experience with the issues and the problems that arise under it.

I want to commend, Mr. Speaker, all of the dedicated and capable members of the various staffs who worked so hard to prepare this legislation. Beginning with H.R. 4763 back in 1992, the JAG officers who provided the technical services for the very important initial draft of H.R. 4763 were Commander Christopher Gentile, U.S. Naval Reserve; Lieutenant Colonel Amy J. Griese, U.S. Air Force Reserve; Gregory M. Huckabee, U.S. Army; and Major Teresa J. Wright, U.S. Marine Corps.

The JAG officers who provided the excellent technical services for the updated draft for H.R. 5111 were Lieutenant Colonel Patrick W. Lindemann, U.S. Air Force; Major Eugene J. Martin, U.S. Army; Mr. Eric C. Stamets, civilian employee from the U.S. Army. Lieutenant Colonel Griese returned to the restatement effort by providing extensive technical services on the bill report for H.R. 100. Colonel Steven T. Strong, U.S. Army; and Colonel Wanda Good, U.S. Army also provided highly effective services on H.R. 5111 and H.R. 100, the bill before the committee and the Department of the Defense.

The Committee on Veterans Affairs counsel who prepared the hearings in 1992 and 2000 and were the lead staff members on H.R. 4763, 5111, and the bill before us today, H.R. 100, are Patrick Ryan and Kingston Smith. Minority committee counsel also worked very hard in drafting these bills, Mary Ellen McCarthy and Geoffrey Collver. Committee staff assistants who helped with research and proofreading are Summer Larson and Devon Seibert. Also Robert Cover of the Office of Legislative Counsel performed invaluable drafting services on each of these three bills and the final product that is before the body today.

Most especially I want to thank the gentleman from Illinois (Mr. EVANS). My good friend and colleague is the committee's ranking Democrat who has been my active partner on this legislation and many other bills that we have brought before the House and who proposed coverage for the act for certain National Guard members that became part of the law last year.

Although the revision of this law has been in preparation for more than 10 years, I cannot think of a better time for this body to be considering it than today. I urge all Members to support it.

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

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

Mr. Speaker, I rise in support of H.R. 100, the Servicemembers Civil Relief Act, the bill to modernize the Soldiers' and Sailors' Civil Relief Act of 1940.

The chairman of the committee has outlined most of the important provisions and the bipartisan work that went into putting this piece of legislation forward. It is truly a bipartisan effort. I also want to thank the Department of Defense and especially the Air Force for their contributions to the bill. Last year we held two hearings on an earlier version of this bill. I am particularly pleased that the bill allows

for automatic updating of certain provisions such as the ceiling on rents subject to the protections of the act. Legislation which provides automatic links to other laws and criteria avoid becoming quickly outdated.

I have been approached by Members who would like to see additional bills considered to provide protection from civil liabilities. I hope that the committee will hold a hearing on other bills which have been introduced.

With the men and women of our country serving in Iraq, Afghanistan and throughout the world, it is important to provide them with an up-to-date protection act now.

H.R. 100 is a good bill, and I urge my colleagues to show their support for our troops by voting for it.

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

Mr. SMITH of New Jersey. Mr. Speaker, owing to the fact that I have a markup at the Committee on International Relations and I would like to get to it, I ask unanimous consent that the remainder of our time be controlled by the gentleman from the great State of Connecticut (Mr. SIMMONS), the subcommittee chairman.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request by the gentleman from New Jersey?

There was no objection.

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

I simply want to add my support for this legislation. Prior to coming to this body as a Member of Congress, I was in the U.S. Army Reserves for a number of years, over 30 years. I have had the experience, the personal experience, of commanding a unit that received an activation notice; and I have had the personal experience of being involved with not only deployed soldiers but soldiers whose families have been left behind. I have received that phone call from the wife of a deployed soldier saying, I cannot afford to pay the rent. My husband made more money in the civilian sector than he made as a deployed soldier, and I am behind in my rent, and I run the risk of being evicted. And I have had to wrestle with that issue even to the point of offering to pass the hat among those unit members who stayed behind to see if we could help her stay in her home while her husband was overseas defending our Nation, our people, our values, and our interests.

I have had a deployed soldier come back to find that there was no job even though he thought his job was guaranteed. In fact, the job he had as the head of a division of a larger corporation was restructured and reorganized. So the division was no longer there; so the job was no longer there.

It is incumbent upon us as Members of Congress to ensure that these anecdotal, but horrible, stories do not occur again. It is incumbent upon us as Members of the Committee on Veterans Affairs to ensure that the public policy of this Nation treats our veterans, our reserves, and our National Guard fairly and equitably when they are called up, activated, and deployed to fight for us in foreign lands around the world, to ensure that their jobs are waiting for them when they return, to ensure that their families are not put under a financial burden as a consequence of their service.

This is not an issue relative to one party or another. This is not a Republican or a Democrat issue. This is an issue which we as Americans must address, and that is what this legislation does. I thank my colleagues in the committee for their bipartisan approach to this issue.

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

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the ranking member for yielding me this time.

I rise in strong support of H.R. 100, the Servicemembers Civil Relief Act. I would like to thank the gentleman from New Jersey (Mr. SMITH), chairman, and the gentleman from Illinois (Mr. EVANS), ranking member, for their leadership on this legislation which restates, modernizes and improves the Soldiers' and Sailors' Civil Relief Act of 1940.

The Servicemembers Civil Relief Act gives our military personnel the piece of mind they deserve. It allows them to do their military duty for our country and to provide for the national defense without having to worry about their obligations back home. Beyond clarifying and updating, H.R. 100 expands legal and administrative protections for our men and women in uniform. It would increase the rental eviction protection from $1,200 to $1,700; allow for termination of property releases if personnel are activated or deployed before living in the property; and provide professional liability protection, health insurance, and guaranteed residency for military purposes.

I am also pleased that this legislation acknowledges the importance of women in military service and is appropriately titled Servicemembers Civil Relief Act. And I am pleased that H.R. 100 includes recognition of the Federal protections recently extended to members of the National Guard who are called upon under title 32 of the U.S. Code. When our men and women risk their lives to protect this country, it should not matter under which law that they are called.

Mr. Speaker, the war on terrorism is not over, and the peace in Iraq is not yet won. Our military personnel are still in harm's way overseas, and they deserve to know that their sacrifices will not have a negative impact on their obligations here at home.

I fully support H.R. 100 and urge my colleagues to do the same. I would also like to take this opportunity to say good-bye and good luck to Michael Durishin, the Democratic staff director for the Committee on Veterans Affairs. While I have not known Michael for long, I would like to thank him for the years of his dedication and service to this institution and to the people of the United States.

Mr. SIMMONS. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. MILLER) from the first district, which I understand has more veterans per capita than any other district in this great Nation.

Mr. MILLER of Florida. Mr. Speaker, I thank my colleague for yielding me this time.

I do rise today in support of H.R. 100. This remarkable piece of legislation restates, clarifies, and strengthens the legal protections afforded the courageous men and women who serve in our Armed Forces. The current Soldiers' and Sailors' Civil Relief Act of 1940 has had only a few minor changes since World War II. The law is in need of a comprehensive updating to reflect the considerable changes that have taken place in the United States over the past 60 years. The Soldiers' and Sailors' Civil Relief Act of 1940 is one of the most far-reaching laws on the books, and its constitutional authority is derived from article 1, section 8 of the Constitution, the War Powers Clause. Its provisions impact all Federal, State, and administrative law.

The process that we come to today of updating this act has been 10 years in the making at the hands of numerous military and government officials and has been a project of the House Committee on Veterans Affairs on which I served for over a year. Each provision has been fully vetted and carefully crafted by experts in the areas of civil law and military affairs. I commend the gentleman from New Jersey (Mr. SMITH), chairman; the attentive Committee on Veterans Affairs staff; and everyone who has had a hand in this particular project over the last decade.

H.R. 100 will bring many major improvements. It will increase coverage in maximum monthly rent of $1,200 to $1,700 to prevent evictions from premises occupied by servicemembers and their dependents. It will expand the right to terminate real property leases by allowing lease termination if a servicemember, while serving, executes a lease and then receives orders for a permanent change of station move or a deployment order of 90 days or more, and it requires a court order before a lessor can terminate a servicemember's installment contract for lease of any personal property, which would apply to all automobile leases.

Mr. Speaker, H.R. 100 brings modern relief to our modern Armed Forces and has strong support from the veterans service groups and military associations.

As President Bush said, the peace of a troubled world and the hopes of an oppressed people now depend on the United States Armed Forces. That trust is well placed and our valiant servicemembers deserve to have their

burdens, the ones that they and their loved ones face, reduced as they fight the war on terrorism and the war in Iraq.

Mr. Speaker, in H.R. 100 we are doing our duty to help ease those burdens.

□ 1045

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, I rise today to express my strong support for H.R. 100, the Servicemembers Civil Relief Act, introduced by my good friends and colleagues, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS).

Hundreds of thousands of our servicemembers are now courageously serving our Nation in Iraq and other dangerous parts of the world. No group of Americans has made or will make as valuable a contribution or as great a sacrifice or will have as much to be proud of as the men and women of our Armed Forces.

The legislation before us today will ensure that these brave men and women serving overseas and defending the ideals of our Nation are not preoccupied with financial security and the well-being of their families at home.

Among the many hazards confronted by men and women in uniform, not all of them are found on the battlefield or on foreign soil or at high seas. Some of their challenges originate here at home, even though they are countless miles away. To make matters worse, these are challenges that not only the men and women who sign up for duty must face, but their family members as well.

Many of these challenges are financial. In various ways, members of the Armed Forces, and in particular members of the National Guard and Reserve who leave jobs, good jobs, homes and families at a moment's notice, face tremendous economic burdens as a result of their willingness to serve. It is at least within our power and the power of this Congress to do something about that, to provide some level of economic security and stability.

I am pleased that measures that I proposed in my bill from the 107th Congress, H.R. 3173, are included in the legislation before us today. One of these provisions is the inclusion of a monthly rental protection increase. Under current law, an activated military member's family with housing payments of $1,200 or less cannot be evicted for failure to pay rent. H.R. 100 raises the protected rental amount to $1,700, a figure that will be indexed.

When the members of our Armed Forces trade in the comforts of their home for barracks in a country thousands of miles away, they should have the peace of mind they are not going to be evicted and their families put on the street. I applaud the inclusion of this specific measure.

The Servicemembers Civil Relief Act also makes technical updates and clarifies the old law that dates back to 1940. I am pleased that changes in H.R. 100 changes the language of the Soldiers and Sailors Act to better reflect the true composition of our military, and the brave and willing women who sacrifice for our Nation are now included. A family's loss of income does not simply occur when a father or husband leaves his regular job for service, but when a mother or wife does the same.

Outdated language, such as the use of the word ''wife'' to describe dependents eligible for protection while a member is on duty, flies in the face of these brave women honorably serving our Nation. I appreciate that among the technical changes and updates, H.R. 100 replaces such references with gender-neutral language.

I support H.R. 100, and am pleased that so many of my colleagues on both sides of the aisle do as well. I urge a yes vote on this important and timely bill.

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

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

Mr. Speaker, I include for the RECORD copies of letters between our committee and the Committee on Financial Services regarding section 207(d) of H.R. 100, as amended.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 1, 2003.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding section 207(d) of H.R. 100, as amended, the Servicemembers Civil Relief Act. I understand your concern about the section's definition of the term ''interest'' and will amend it to reflect the substance of the current provision on interest in section 206 of the current Soldiers' and Sailors' Civil Relief Act.

While the Committee on Veterans' Affairs has jurisdiction over soldiers' and sailors' civil relief under clause 1(r) of rule X of the Rules of the House of Representatives, I appreciate the interest of the Committee on Financial Services in all matters under its jurisdiction including those stated in your letter.

Our letters will be included in the record during floor consideration of H.R. 100, as amended, and you may be assured of my continued consultation on these matters.

Sincerely,

CHRISTOPHER H. SMITH,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, April 30, 2003.

Hon. CHRISTOPHER H. SMITH,
Chairman, Committee on Veterans' Affairs, Washington, DC.

DEAR CHAIRMAN SMITH: On April 30, 2003, the Committee on Veterans' Affairs ordered reported H.R. 100, the Servicemembers Civil Relief Act. As you know, the Committee on Financial Services has jurisdiction over banks and banking, insurance generally, and public and private housing pursuant to clause 1(g) of rule X of the Rules of the House of Representatives for the 108th Congress.

Section 207(d) of the bill as reported would define the term ''interest'' as used in this section regarding the maximum rate of interest on debts incurred before military service. As currently drafted, I am concerned that the definition would result in administrative burdens and costs for some financial institutions. Therefore, the provision on interest in the last sentence of current section 206 of the Act should not be changed in substance.

Because of your willingness to amend the bill to correct this problem during floor consideration and your desire to expeditiously consider the legislation, I will not seek a sequential referral of H.R. 100. By agreeing not to seek a referral, the Financial Services Committee does not waive its jurisdiction over the granting of credit by financial institutions, or any other matter involving banks and banking, insurance, and public and private housing. I would ask that you continue to consult with the committee on Financial Services concerning any further changes to these provisions as the bill is further considered.

I request that you include this letter and your response in the CONGRESSIONAL RECORD during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

Mr. Speaker, on behalf of the gentleman from New Jersey (Chairman SMITH) and all of the Republican Members of the Committee on Veterans' Affairs, I would like to observe an impending departure.

After a distinguished career on Capitol Hill, a key staff member of the Committee on Veterans' Affairs is retiring. Michael Durishin has been the committee's Democratic Staff Director since 1997 for our ranking member, the gentleman from Illinois (Mr. EVANS). He was previously Staff Director for the Committee on Veterans' Affairs Subcommittee on Oversight and Investigations from 1987 through 1994, beginning when Mr. EVANS was chairman of that subcommittee. He was Deputy Postmaster for the U.S. Senate during the interim period.

Mike's work in politics began in 1973 when he was Special Assistant and Field Staff Director for former Senator James Abourezk of South Dakota. Prior to joining the committee staff, he was Senior Legislative Assistant for then Congressman TOM DASCHLE, who was a member of the Committee on Veterans' Affairs.

As a very senior staff member, Mike has been a consummate professional who has earned the respect of staff and Members alike on both sides of the aisle. He has been a vigorous advocate for veterans' issues and has helped maintain the commitment to bipartisanship on the committee. His insistence on vigorous oversight of policies and activities at the Department of Veterans Affairs served both its employees and the veterans population very well, particularly when a female VA employee had experienced a situation where they were not treated with respect. In a straightforward and unflappable way, he has had a major influence on virtually every important issue regarding veterans health and

benefits before the committee for the past 6 years.

Mike will truly be missed by all who know him and have been privileged to work with him. He can be proud of all that he has accomplished for veterans, even though he is too modest to claim the credit he deserves.

Mr. Speaker, on behalf of the Committee on Veterans' Affairs and America's veterans, I commend Michael Durishin for a job well done and wish him all the best in his future endeavors.

Mr. Speaker, I urge my colleagues to support the Servicemembers Civil Relief Act.

Mr. BROWN of South Carolina. Mr. Speaker, I am proud to rise today in strong support of H.R. 100, the Servicemembers' Civil Relief Act, of which I am a proud cosponsor.

With our active duty servicemembers and members of the Selected Reserve mobilized abroad, it is especially important to update the Soldiers' and Sailors Civil Relief Act of 1940. H.R. 100 strengthens and clarifies the existing law for today's military by securing for them financial, legal, and civil protections, indeed as our troops have secured freedom for the citizens of Iraq and Afghanistan.

I am especially pleased that this measure maintains the 6 percent interest cap for loans such as mortgages and credit cards, while clarifying that any excess interest is forgiven and does not accrue. I applaud the banking community for forgiving the excess interest in the past; I believe it is important to document the intent of Congress in this respect for the future. Many of our reserve component members take a major pay cut when we as a nation call them up for service. It is crucial that our troops not worry about financial issues at home when they are in harm's way abroad.

I thank Chairman SMITH and Ranking Member EVANS for their leadership on this important legislation and I urge my colleagues to support H.R. 100.

Mr. CASTLE. Mr. Speaker, I rise today in strong support of H.R. 100, the Servicemembers Civil Relief Act. We entrust over one million military personnel on active duty with a large responsibility each year. However, their sacrifice sometimes creates a difficulty in meeting all their responsibilities at home. We should not allow these men and women to be penalized for their service.

The Servicemembers Civil relief Act updates the Soldiers' and Sailors' Civil Relief Act of 1940 to improve the civil and economic protections that the Federal Government provides to our fine men and women on active duty in the military. The bill eliminates interest for a servicemember whose military service ''materially affects'' his or her ability to repay a debt incurred before entry into military service. The bill also increases the maximum rent for which a servicemember can have an eviction proceeding delayed for 3 months from $1,200 per month to $1,700 to reflect the change in costs of rental housing. Another provision in the bill guarantees that the Department of Veterans Affairs will pay premiums for a servicemember's life insurance policy for policies up to $250,000. This bill also provides servicemembers an automatic 90-day stay for civil court and administrative proceedings, and it requires a lessor to obtain a court order before repossessing a car for which a servicemember has fallen behind on lease payments. These provisions strengthen the economic protections under current law to better serve the needs of our servicemembers.

The great men and women who serve in our military contribute so much to our Nation. They put themselves in harm's way to defend their families, friends, and fellow Americans. Through their selfless service, these brave men and women defend the liberty, justice, and equality that are the foundation of America. They are the embodiment of the American spirit, and we must continue to protect them and their families while they are away protecting the rest of us.

Mr. BUYER. Mr. Speaker, today, hundreds of thousands of American service personnel serve our Nation proudly around the world in the name of freedom. In Indiana alone, over 4,000 National Guard and Reserve units have been called to active duty in support of operations in Afghanistan and Iraq as well as homeland security.

Over the past several months, many of us have been asked by constituents what they can do to help lessen the burden on our military personnel and their families. Today, by voting in support of H.R. 100, each of us has an opportunity to make a real difference.

This legislation strengthens and expands protections to our service personnel and their families during Presidential call-ups like those in place today.

Specifically, the Servicemembers Civil Relief Act: (1) Provides some protections to the families of our armed forces from eviction due to nonpayment of rent while on active duty—up to certain limits; (2) provides automatic stays on civil court proceedings while on active duty; and (3) provides a ceiling on interest of 6 percent on outstanding loans while they are on active duty.

While this legislation does provide some measures of reprieve, I support Chairman SMITH's efforts in this bill which reflects the need to be fair to all parties involved by imposing on the courts the obligation to determine whether the military service of the individual had a material effect on his/her ability to protect the rights or to meet financial obligations.

This legislation also includes substantive changes I sought to address concerns regarding protections to services members and their families who fall behind on car lease payments while called to active duty.

However, not all my concerns could be addressed. I am working with my colleagues as well as the private sector including the Automobile Alliance to address this matter in another form.

Finally, while this measure provides substantive economic protections to those who serve and their families, those in the private sector should realize that this bill and other federal laws merely set ceilings and not floors. Specifically, we set the ceiling of 6 percent on the amount of interest on loans that were incurred before entering military service.

Those who have answered our President's call to serve are doing so at some financial burden—in some cases at a great financial burden—though they do so willingly and are making this Nation proud. To that end, a grateful Nation comes to them on bended knee in appreciation.

Therefore, I challenge those in the financial services sector to match what some have done on their own, like the Congressional Federal Credit Union, and lower their interest rate on existing loans to 0 percent while our men and women are carrying out their missions both here and abroad.

I ask my colleagues to support H.R. 100 and for the private sector to meet the challenge I have set forth.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 100, the Servicemembers Civil Relief Act. I would like to thank the sponsors of this legislation, Chairman CHRIS SMITH and Ranking Member LANE EVANS for their work to reintroduce this bill in the 108th Congress and to expeditiously bring it through Committee and to the floor.

H.R. 100 continues to protect American servicemembers from negative economic or professional consequences as a result of their active duty service. Not only does this legislation update and modernize the language of this 53 year-old act, but it strengthens and expands the current protections provided in the Soldiers and Sailors Civil Relief Act for military personnel on active duty. This bill provides protections for debt, eviction, lease payments and other such problems that may occur while they are away from home serving our country.

Mr. Speaker, as you may know, many troops from my district were recently called to duty. I would like to be able to assure them that should they come across certain hardship, we will be able to take care of them. No one should be penalized unfairly because they are out of the country serving our nation and protecting our freedoms.

I am a proud cosponsor of the Servicemembers Civil Relief Act, and I strongly urge my colleagues to support the passage of this bill. Thank you Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 100, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 100, as amended.

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

There was no objection.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 96) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The Clerk read as follows:

H. CON. RES. 96

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

(a) IN GENERAL.—The National Fraternal Order of Police and its auxiliary (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, the 22nd annual National Peace Officers' Memorial Service (in this resolution jointly referred to as the ''event''), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2002.

(b) DATE OF EVENT.—The event shall be held on May 15, 2003, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

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

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

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

Mr. Speaker, as an aside, it is a pleasure to be here this morning again and see the House presided over by a cagey veteran from the Fifth District of Washington.

Mr. Speaker, House Concurrent Resolution 96 authorizes the use of the Capitol grounds for the 22nd Annual National Peace Officers' Memorial Service to be held on May 15, 2003. The service will be held on the West Front of the Capitol grounds and is sponsored by the Grand Lodge of the Fraternal Order of Police and its Auxiliary.

The event is open to the public and free of charge, and the sponsor assumes responsibility for all expenses and liabilities related to the event. Additionally, the sponsors of the event must comply with all applicable regulations relating to the use of the Capitol grounds.

This memorial service honors 161 peace officers that have given their lives in the line of duty during the year 2002. Officers gave their lives protecting every State in the Union. This service will honor, and I would like to recognize at this time, four peace officers killed in the line of duty in my home State of Ohio during last year.

Deputy Sheriff Robert Michael Tanner, of the Muskingum County Sheriff's Department, shot and killed on January 8;

Patrolman Eric Bradford Taylor, of the Massillon Police Department, shot and killed on August 9;

Officer Mary Lynn Beall, of the Dayton Police Department, shot and killed on August 25;

And Park Ranger James Pitney of the Muskingum Watershed Conservancy District, killed on December 17.

Each of those officers, Mr. Speaker, was killed while protecting their community.

This memorial service is a very important event. I encourage all of our colleagues to attend this service in honor of our fallen heroes. I support this resolution and urge my colleagues to do the same.

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

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 96 authorizes the use of the Capitol grounds for the 22nd Annual National Peace Officers Memorial Service, a most solemn and respectful public event honoring our Nation's brave civil servants.

The event, scheduled for May 15th, will be coordinated with the Office of the Architect of the Capitol and the Capitol Hill police. I strongly urge this tribute to Federal, State and local police officers who gave their lives in the daily work of protecting our families, our homes, our places of work and us.

The names of 377 brave men and women were added to the wall during 2002. On average, one officer is killed in this country every other day, approximately 23,000 are injured every year, and thousands are assaulted going about their daily routines. During 2002, 15 of the fallen officers were women, which is a record high.

Mr. Speaker, the ceremony to be held on May 15th is the 22nd anniversary of this memorial service. Consistent with all Capitol Hill events, the memorial service will be free and open to the public.

I support the resolution, and urge my colleagues to join me in supporting this tribute to our fallen peace officers.

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to offer my full support for House Concurrent Resolution 96, authorizing the use of the Capital Grounds for the 22nd Annual Peace Officers' Memorial Service.

My own State of Alaska lost a peace officer during 2002 who will be remembered at this ceremony.

On November 19, 2002, while transporting prisoners to Spring Creek Correctional Center, Correctional Officer James Hesterberg was killed when the vehicle he was driving was struck head-on by a tractor trailer on the Seward Highway about 20 miles north of Seward, Alaska. A correctional officer for 19 years, he is survived by his wife and three children.

This service, honoring the 152 men and women who lost their lives while protecting our Nation, is a part of police week, which features events including a ''Blue Mass'' at St. Patrick's Catholic Church; Law Ride Motorcycle Procession; and a candlelight vigil, which will be held at 8:00 P.M. on Tuesday May 13.

I encourage my colleagues to support these important events, which honor not only the men and women who gave their lives while protecting our country, but the thousands of others that continue to do so.

I support this resolution and encourage my colleagues to give it their full support.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 96.

The question was taken.

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

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

The yeas and nays were ordered.

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

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 53) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby, as amended.

The Clerk read as follows:

H. CON. RES. 53

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (in this resolution referred to as the ''Association'') shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on June 21, 2003, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

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

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

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

Mr. Speaker, House Concurrent Resolution 53 authorizes the use of the Capitol grounds on June 21, 2003, for the 62nd annual Greater Washington Soap Box Derby. This event is open to the public and free of charge. The sponsor of the event assumes all of the responsibilities and liabilities associated with the event. Additionally, the sponsors must comply with all applicable regulations relating to the use of the Capitol grounds.

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Children participating in the event range in ages from 9 to 16 and compete in three open divisions depending on their level of experience. The races will occur on Constitution Avenue between Delaware Avenue and Third Street, Northwest.

Winners of the event will go on to represent the Washington Metropolitan Area at the national finals to be held in Akron, Ohio, later in the summer, which are held every year.

I support the resolution, and I urge my colleagues to do the same.

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

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I am delighted to support, along with the gentleman from Maryland (Mr. HOYER), the gentleman from Virginia (Mr. WOLF), the gentleman from Virginia (Mr. MORAN), the gentleman from Maryland (Mr. WYNN), and the gentleman from Maryland (Mr. VAN HOLLEN), House Concurrent Resolution 53 and acknowledge the efforts of the gentleman from Maryland (Mr. HOYER), who has been such a great champion for his constituents for this event.

House Concurrent Resolution 53 authorizes the use of the Capitol grounds for the Greater Washington Soap Box Derby. Youngsters ages 9 through 16 construct and operate their own soap box vehicles. On June 22, 2003, youngsters from the greater Washington area will race down Constitution Avenue to test the principles of aerodynamics in hand-designed and -constructed soap box vehicles.

Mr. Speaker, many hundreds of volunteers donate considerable time supporting the event and providing families with a fun-filled day, which is greatly becoming a tradition in the Washington, D.C. area. The event has grown in popularity, and Washington is now known as one of the outstanding race cities in America.

Consistent with all events using the Capitol grounds, this event is open to the public and is free of charge. The organizers will work with the Capitol Hill Police and the Office of the Architect.

Mr. Speaker, I urge passage of House Concurrent Resolution 53.

Mr. Speaker, we are waiting for the gentleman from Maryland (Mr. HOYER), who will be here very soon who will be speaking so, if I could, we would like to delay for just a moment until he gets here.

Mr. Speaker, the Greater Washington Soap Box Derby Association, and this resolution refers to this association, shall be permitted to sponsor a public event, the Soap Box Derby Race on the Capitol grounds on June 22 of 2003, and on such other dates as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

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

Mr. DAVIS of Tennessee. I yield to the gentleman from Ohio.

Mr. LATOURETTE. Mr. Speaker, I am wondering if the gentleman from Tennessee has ever had the thrill of being present during the running of the Greater Washington Soap Box Derby.

Mr. DAVIS of Tennessee. Mr. Speaker, I have never had that privilege, but I certainly look forward to attending the event this year. As a youngster growing up, living in the rural areas, living in the rural areas, I read about soap box derbies that have been such an inspiration to so many of our young people, and I hope to be able to attend this event.

Mr. LATOURETTE. Mr. Speaker, if the gentleman will continue to yield, I was very fortunate during this last redistricting period to pick up places in Summit County, which is where the city of Akron, Ohio, is located, together with the gentlemen from Ohio (Mr. RYAN) and (Mr. BROWN) from your side of the aisle, and we now represent the environs in and around the Akron area.

Clearly, Akron, like a lot of the urban centers across America, has been through some tough times. It used to be known as the Rubber Capital of the World. We had Goodyear, Goodrich, and Firestone all located within the environs of Akron, Ohio. But one of the great prides and joys of our northeastern Ohio area is having the honor of having the national finals of the soap box derby occurring in Akron, Ohio. It is something that is widely attended. It is an experience where these youngsters who are 9 to 16 years of age learn not only the thrill of competing against their peers from all over the country, but they also have the opportunity to actually build the vehicles that they will race here in Washington and also in Akron, Ohio; and they learn craftsmanship as well as teamwork and a tremendous sense of accomplishment.

So I really appreciate the gentleman coming to the floor today and managing the bill on behalf of the minority, and I hope all of our colleagues will support our legislation. I thank the gentleman for yielding.

Mr. DAVIS of Tennessee. Mr. Speaker, I thank the gentleman for his remarks, and certainly I look forward to being at this event.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. COSTELLO).

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

I just want to commend the chairman of the subcommittee, the gentleman from Ohio (Mr. LATOURETTE), for acting so quickly on this legislation. Let me say, Mr. Speaker, that I rise in strong support of H. Con. Res. 53, authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

This annual event encourages all boys and girls ages 9 through 16 to construct and operate their own soap box vehicles. The principles of aerodynamics are combined with fun and excitement for all participants and their families in the greater Washington area.

Over the past few years, the Washington event has grown in size and has become one of the best-attended events in the country. In the past, the Washington event has produced winners who went on to national finals. As always, the derby organizers will work with the Architect of the Capitol and the Capitol Police to ensure the appropriate rules and regulations are in place.

Mr. Speaker, I especially want to mention the diligence and dedication of the gentleman from Maryland (Mr. HOYER), who is the sponsor of this year's resolution and sponsors the resolution every year. I urge my colleagues to support H. Con. Res. 53.

Mr. Speaker, while I have the floor, I would also like to thank the chairman of the subcommittee, as well as the

ranking member and all of the members of the committee, for the legislation that was just acted on concerning the police officers. As a former police officer, I want my colleagues to know that I appreciate holding this annual event every year to recognize those who have given their dedication and those who have paid the ultimate price in living their lives in the service to their communities and to this country.

So I thank the gentleman from Ohio for his leadership on both of these efforts, as well as the ranking member.

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

The last speaker, the gentleman from Illinois (Mr. COSTELLO), served as the ranking member on this subcommittee during the last Congress; and although we are pleased to have the gentlewoman from the District of Columbia (Ms. NORTON) as our new ranking member, the service that the gentleman from Illinois (Mr. COSTELLO) provided to the subcommittee was greatly appreciated by those of us on our side of the aisle; and we do miss his guidance and leadership on a number of these important resolutions. It is an honor to serve in the Congress with him.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

I understand that we are trying to use some time while we wait for the gentleman from Maryland (Mr. HOYER), and I will say that I have had the privilege a few years ago of attending the soap box derby in Knoxville; and I have seen firsthand the excitement and the interest and, really, the educational value that is given to many young people around the country through this nationwide program.

I have been asked to give this statement on behalf of the gentleman from Alaska (Chairman YOUNG), the chairman of the full committee, and myself. So I will say on behalf of Chairman YOUNG and really speaking, I think, for the full Committee on Transportation and Infrastructure, I rise today to offer my full support for House Concurrent Resolution 53, which authorizes the use of the Capitol grounds for the 62nd Annual Greater Washington Soap Box Derby to be held on June 21, 2003.

This event, which is open to the public and free of charge, gives young people from around the Washington, D.C. metropolitan area an opportunity to not only showcase their talents of building a vehicle that will perform at high levels, but also the opportunity to realize the rewards of a job well done. Participants will compete in three open divisions based on their experience in building their vehicles. This event is currently one of the oldest of its kind in the country, having taken place for over 60 years. The winners of these events will go on to represent the Washington area at the national competition to be held in Akron, Ohio, later in the summer.

I would like to thank the gentleman from Maryland (Mr. HOYER) for introducing this resolution and all of my colleagues who have spoken previously and for their continued support for this very worthwhile program. I ask my colleagues to join me in supporting this worthy legislation.

Mr. DAVIS of Tennessee. Mr. Speaker, I thank all of my colleagues for the additional time.

The gentleman from Maryland (Mr. HOYER) has been detained and will not be able to speak on the bill that he is sponsoring.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of our time to indicate I am glad we received that announcement because I had run out of soap box derby things to talk about.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 53, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

WASTEWATER TREATMENT WORKS SECURITY ACT OF 2003

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 866) to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works.

The Clerk read as follows:

H.R. 866

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 ''Wastewater Treatment Works Security Act of 2003''.

SEC. 2. WASTEWATER TREATMENT WORKS SECURITY.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

''SEC. 222. WASTEWATER TREATMENT WORKS SECURITY.

''(a) GRANTS FOR VULNERABILITY ASSESSMENTS AND SECURITY ENHANCEMENTS.—The Administrator may make grants to a State, municipality, or intermunicipal or interstate agency—

''(1) to conduct a vulnerability assessment of a publicly owned treatment works;

''(2) to implement security enhancements listed in subsection (c)(1) to reduce vulnerabilities identified in a vulnerability assessment; and

''(3) to implement additional security enhancements to reduce vulnerabilities identified in a vulnerability assessment.

''(b) VULNERABILITY ASSESSMENTS.—

''(1) DEFINITION.—In this section, the term 'vulnerability assessment' means an assessment of the vulnerability of a treatment works to actions intended to—

''(A) substantially disrupt the ability of the treatment works to safely and reliably operate; or

''(B) have a substantial adverse effect on critical infrastructure, public health or safety, or the environment.

''(2) IDENTIFICATION OF METHODS TO REDUCE VULNERABILITIES.—A vulnerability assessment includes identification of procedures, countermeasures, and equipment that the treatment works can implement or utilize to reduce the identified vulnerabilities.

''(3) REVIEW.—A vulnerability assessment shall include a review of the vulnerability of the treatment works's—

''(A) facilities, systems, and devices used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial wastes;

''(B) intercepting sewers, outfall sewers, sewage collection systems, and other constructed conveyances;

''(C) electronic, computer, and other automated systems;

''(D) pumping, power, and other equipment;

''(E) use, storage, and handling of various chemicals; and

''(F) operation and maintenance procedures.

''(c) GRANTS FOR SECURITY ENHANCEMENTS.—

''(1) PREAPPROVED SECURITY ENHANCEMENTS.—Upon certification by an applicant that a vulnerability assessment has been completed for a treatment works and that the security enhancement for which assistance is sought is to reduce vulnerabilities of the treatment works identified in the assessment, the Administrator may make grants to the applicant under subsection (a)(2) for 1 or more of the following:

''(A) Purchase and installation of equipment for access control, intrusion prevention and delay, and detection of intruders and hazardous or dangerous substances, including—

''(i) barriers, fencing, and gates;

''(ii) security lighting and cameras;

''(iii) metal grates, wire mesh, and outfall entry barriers;

''(iv) securing of manhole covers and fill and vent pipes;

''(v) installation and re-keying of doors and locks; and

''(vi) smoke, chemical, and explosive mixture detection systems.

''(B) Security improvements to electronic, computer, or other automated systems and remote security systems, including controlling access to such systems, intrusion detection and prevention, and system backup.

''(C) Participation in training programs and the purchase of training manuals and guidance materials relating to security.

''(D) Security screening of employees or contractor support services.

''(2) ADDITIONAL SECURITY ENHANCEMENTS.—

''(A) GRANTS.—The Administrator may make grants under subsection (a)(3) to an applicant for additional security enhancements not listed in paragraph (1).

''(B) ELIGIBILITY.—To be eligible for a grant under this paragraph, an applicant shall submit an application to the Administrator containing such information as the Administrator may request.

''(3) LIMITATIONS.—

''(A) USE OF FUNDS.—Grants under subsections (a)(2) and (a)(3) may not be used for personnel costs or operation or maintenance of facilities, equipment, or systems.

''(B) DISCLOSURE OF VULNERABILITY ASSESSMENT.—As a condition of applying for or receiving a grant under this section, the Administrator may not require an applicant to provide the Administrator with a copy of a vulnerability assessment.

''(d) GRANT AMOUNTS.—

''(1) FEDERAL SHARE.—The Federal share of the cost of activities funded by a grant under subsection (a) may not exceed 75 percent.

''(2) MAXIMUM AMOUNT.—The total amount of grants made under subsections (a)(1) and (a)(2) for one publicly owned treatment works shall not exceed $150,000.

''(e) TECHNICAL ASSISTANCE FOR SMALL PUBLICLY OWNED TREATMENT WORKS.—

''(1) SECURITY ASSESSMENT AND PLANNING ASSISTANCE.—The Administrator, in coordination the States, may provide technical guidance and assistance to small publicly owned treatment works on conducting a vulnerability assessment and implementation of security enhancements to reduce vulnerabilities identified in a vulnerability assessment. Such assistance may include technical assistance programs, training, and preliminary engineering evaluations.

''(2) PARTICIPATION BY NONPROFIT ORGANIZATIONS.—The Administrator may make grants to nonprofit organizations to assist in accomplishing the purposes of this subsection.

''(3) SMALL PUBLICLY OWNED TREATMENT WORKS DEFINED.—In this subsection, the term 'small publicly owned treatment works' means a publicly owned treatment works that services a population of fewer than 20,000 persons.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator—

''(1) $200,000,000 for making grants under subsection (a); and

''(2) $15,000,000 for providing technical assistance under subsection (e).

Such sums shall remain available until expended.''.

SEC. 3. REFINEMENT OF VULNERABILITY ASSESSMENT METHODOLOGY FOR PUBLICLY OWNED TREATMENT WORKS.

(a) GRANTS.—The Administrator of the Environmental Protection Agency may make grants to a nonprofit organization for the improvement of vulnerability self-assessment methodologies and tools for publicly owned treatment works, including publicly owned treatment works that are part of a combined public wastewater treatment and water supply system.

(b) ELIGIBLE ACTIVITIES.—Grants provided under this section may be used for developing and distributing vulnerability self-assessment methodology software upgrades, improving and enhancing critical technical and user support functions, expanding libraries of information addressing both threats and countermeasures, and implementing user training initiatives. Such services shall be provided at no cost to recipients.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of the fiscal years 2003 through 2007. Such sums shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

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

Mr. Speaker, I rise in strong support of H.R. 866, The Wastewater Treatment Works Security Act of 2003.

The terrorist attacks on September 11, 2001, made the identification and protection of critical infrastructure a national priority and taught our Nation to take a broader look at our vulnerabilities. A good deal of planning and protection of our Nation's critical infrastructure is now under way as a result of these tragic events. But only limited attention has been given to security issues associated with our Nation's wastewater treatment plants.

Sewer pipes form a vast underground network that could provide a terrorist with access to many public buildings, urban centers, private businesses, residential neighborhoods, military installations, and transportation systems. A wastewater treatment system itself could also be a target of an attack with significant public health and environmental impacts.

H.R. 866 will help communities across the country address these security concerns by authorizing, first, $200 million for grants to wastewater utilities to conduct vulnerability assessments and implement security enhancements at their facilities; secondly, $15 million for technical assistance to small wastewater facilities on security measures; and, thirdly, $5 million for the further development and refinement of vulnerability self-assessment methodologies and tools for use by wastewater facilities.

These authorizations are designed to help wastewater treatment utilities take immediate and very necessary steps to improve security at their facilities and to fill a remaining major security gap within our Nation's critical infrastructure.

These authorizations do not create a new, ongoing infrastructure assistance program or create any new Federal mandates. The Association of Metropolitan sewerage agencies and the National Rural Water Association strongly support this legislation, as do utilities from cities throughout the Nation.

This is the same bill the House passed by voice vote in the last Congress. Unfortunately, the Senate failed to act on it.

I urge all Members to support this very important and very bipartisan bill to improve our Nation's security.

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

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

Mr. Speaker, I rise in strong support of H.R. 866, the Wastewater Treatment Work Security Act of 2003. This legislation, which is virtually the same as legislation that was approved by the 107th Congress by voice vote, would authorize $200 million in grants from the Environmental Protection Agency to State and local governmental entities to conduct vulnerability assessments of wastewater treatment facilities and to take steps to reduce identified vulnerabilities.

This legislation is similar to the approach taken for the vulnerability assessments of drinking water facilities in the bioterrorism legislation that was signed into law.

Mr. Speaker, in the wake of September 11 we have learned that the Nation's wastewater treatment plants are potentially vulnerable to terrorist attacks. While most plants have treatment redundancies, many plants have single points of failure, where two or more pipes feed into a common interceptor or have a large common pumping station serving the entire system.

Significant damage to one or more of the Nation's largest wastewater treatment plants or pumping stations would not only cause disruption to the normal community way of life, it would have serious environmental consequences.

While the largest impact might not be the loss of life, the discharge of millions and perhaps billions of gallons of raw sewage into the Nation's rivers and lakes would result in catastrophic environmental damage to the ecosystem and recreational economies, destroy commercial fish and shellfish industries, contaminate drinking water supplies, and lead to long-term public health problems.

In order to alleviate these concerns, under H.R. 866 the EPA would be authorized to provide grants for three purposes: One, to conduct vulnerability assessments at publicly owned treatment works; two, to implement certain preapproved security enhancements that have been identified in vulnerability assessment; and, three, to implement any other security enhancement measures identified in a vulnerability assessment.

This legislation would also authorize $15 million to provide technical assistance to small communities, those serving fewer than 20,000 individuals, and $1 million annually for 5 years for development and dissemination of computer software to aid in vulnerability assessment.

Finally, Mr. Speaker, the funding provisions for vulnerability assessments and security enhancements contained in this legislation have been drafted as an amendment to the Clean Water Act with the intent of ensuring that the Davis-Bacon Act would apply to any federally funded work that meets the definition of construction.

This approach was confirmed through staff conversations with representative of the Environmental Protection Agency in the 107th Congress.

Mr. Speaker, I urge my colleagues to support this legislation. I urge passage of this legislation and commend the chairman of the committee for his leadership on this bill.

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

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

Mr. Speaker, I thank the gentleman from Illinois (Mr. COSTELLO) for his work on this legislation. The ranking member, as he said, is a very good friend of mine and he is a pleasure to work with on this subcommittee.

This bill, as I mentioned in my first statement, is strongly supported by wastewater utility systems all over the entire Nation. This Nation has 16,000 wastewater utility systems. These grants would probably be most applicable to the 2,000 larger utilities. There is a $150,000 cap per grant in this legislation and that is so a small handful of cities cannot gobble up all of this money and so it will be spread very effectively throughout the Nation to do this very important security work.

This bill provides for 75 percent Federal share of this money and then, of course, there would be a local participation for the remainder of the amount, and the total authorization of the bill, as both I and the gentleman from Illinois (Mr. COSTELLO) have noted, is $220 million, $15 million of which would go for technical assistance to the smaller utilities.

We have written this legislation so that there is no Davis-Bacon issue or any other controversial issue, and I think this legislation has strong and broad bipartisan support, strong support from both sides of the aisle. It is cosponsored both by the gentleman from Alaska (Mr. YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) and myself and the gentleman from Illinois (Mr. COSTELLO). I think it is a measure that deserves and can justify and merit the support of all Members of this body.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of H.R. 866, ''The Wastewater Treatment Works Security Act of 2003.'' Our nation's wastewater infrastructure consists of: 16,000 publicly owned wastewater treatment plants, 100,000 major pumping stations, 600,000 miles of sanitary sewers, and 200,000 miles of storm sewers. Taken together, our wastewater infrastructure has a total value of more than $2 trillion.

Significant damage to our nation's wastewater facilities could result in loss of life, catastrophic environmental damage, contamination of drinking water supplies, long term public health impacts, destruction of fish and shellfish production, and disruption to commerce, the economy, and our nation's way of life.

We need to protect our investment in our wastewater infrastructure and be sure it is not used to harm our people, property, or the environment.

H.R. 866 is aimed at filling a remaining major security gap involving our nation's critical infrastructure:

H.R. 866 provides for assistance to wastewater utilities by authorizing critical resources they need to conduct vulnerability assessments and implement security enhancements at their facilities.

H.R. 866 also provides for technical assistance directed to small communities on enhancing security at their wastewater plants.

For these reasons, I urge all members to support this bill.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 866.

The question was taken.

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

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

The yeas and nays were ordered.

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

RAIL PASSENGER DISASTER FAMILY ASSISTANCE ACT OF 2003

Mr. QUINN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 874) to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents.

The Clerk read as follows:

H.R. 874

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 ''Rail Passenger Disaster Family Assistance Act of 2003''.

SEC. 2. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

''§ 1138. Assistance to families of passengers involved in rail passenger accidents

''(a) IN GENERAL.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

''(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

''(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

''(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for—

''(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

''(2) communicating with the families of passengers involved in the accident as to the roles of—

''(A) the organization designated for an accident under subsection (a)(2);

''(B) Government agencies; and

''(C) the rail passenger carrier involved,

with respect to the accident and the post-accident activities.

''(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

''(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

''(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

''(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

''(4) To arrange a suitable memorial service, in consultation with the families.

''(d) PASSENGER LISTS.—

''(1) REQUESTS FOR PASSENGER LISTS.—

''(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

''(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a list described in subparagraph (A).

''(2) USE OF INFORMATION.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

''(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

''(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

''(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

''(f) USE OF RAIL PASSENGER CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

''(g) PROHIBITED ACTIONS.—

''(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) may impede the ability of the

Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

''(2) UNSOLICITED COMMUNICATIONS.—No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

''(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.

''(h) DEFINITIONS.—In this section, the following definitions apply:

''(1) RAIL PASSENGER ACCIDENT.—The term 'rail passenger accident' means any rail passenger disaster occurring in the provision of—

''(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

''(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

regardless of its cause or suspected cause.

''(2) RAIL PASSENGER CARRIER.—The term 'rail passenger carrier' means a rail carrier providing—

''(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

''(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

except that such term shall not include a tourist, historic, scenic, or excursion rail carrier.

''(3) PASSENGER.—The term 'passenger' includes—

''(A) an employee of a rail passenger carrier aboard a train;

''(B) any other person aboard the train without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the rail transportation; and

''(C) any other person injured or killed in the accident.

''(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(j) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—

''(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to a railroad accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

''(2) BOARD ASSISTANCE.—If this section does not apply to a railroad accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.''.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1137 the following:

''1138. Assistance to families of passengers involved in rail passenger accidents.''.

SEC. 3. RAIL PASSENGER CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 251—FAMILY ASSISTANCE

''Sec.

''25101. Plans to address needs of families of passengers involved in rail passenger accidents.

''§ 25101. Plans to address needs of families of passengers involved in rail passenger accidents

''(a) SUBMISSION OF PLANS.—Not later than 6 months after the date of the enactment of this section, each rail passenger carrier shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a train of the rail passenger carrier and resulting in a major loss of life.

''(b) CONTENTS OF PLANS.—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

''(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

''(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1138(a)(2) of this title or the services of other suitably trained individuals.

''(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

''(4) An assurance that the rail passenger carrier will provide to the director of family support services designated for the accident under section 1138(a)(1) of this title, and to the organization designated for the accident under section 1138(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

''(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the rail passenger carrier.

''(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the rail passenger carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

''(7) An assurance that any unclaimed possession of a passenger within the control of the rail passenger carrier will be retained by the rail passenger carrier for at least 18 months.

''(8) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.

''(9) An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

''(10) An assurance that the rail passenger carrier will work with any organization designated under section 1138(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

''(11) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1138(a)(2) of this title for services provided by the organization.

''(12) An assurance that the rail passenger carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

''(13) An assurance that the rail passenger carrier will commit sufficient resources to carry out the plan.

''(14) An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

''(15) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

''(c) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

''(d) DEFINITIONS.—In this section—

''(1) the terms 'rail passenger accident' and 'rail passenger carrier' have the meanings such terms have in section 1138 of this title; and

''(2) the term 'passenger' means a person aboard a rail passenger carrier's train that is involved in a rail passenger accident.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.''.

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle V of title 49, United

States Code, is amended by adding after the item relating to chapter 249 the following new item:

''251. FAMILY ASSISTANCE ..... 25101''.

SEC. 4. ESTABLISHMENT OF TASK FORCE.

(a) ESTABLISHMENT.—The Secretary of Transportation, in cooperation with the National Transportation Safety Board, organizations potentially designated under section 1138(a)(2) of title 49, United States Code, rail passenger carriers, and families which have been involved in rail accidents, shall establish a task force consisting of representatives of such entities and families, representatives of passenger rail carrier employees, and representatives of such other entities as the Secretary considers appropriate.

(b) MODEL PLAN AND RECOMMENDATIONS.—The task force established pursuant to subsection (a) shall develop—

(1) a model plan to assist passenger rail carriers in responding to passenger rail accidents;

(2) recommendations on methods to improve the timeliness of the notification provided by passenger rail carriers to the families of passengers involved in a passenger rail accident;

(3) recommendations on methods to ensure that the families of passengers involved in a passenger rail accident who are not citizens of the United States receive appropriate assistance; and

(4) recommendations on methods to ensure that emergency services personnel have as immediate and accurate a count of the number of passengers onboard the train as possible.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the model plan and recommendations developed by the task force under subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. QUINN) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

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

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

Mr. Speaker, the Rail Passenger Disaster Family Assistance Act is a compassionate piece of legislation that deserves to be enacted into law. It has been crafted with the families of rail accident victims in mind.

Members may recall that several years ago after some egregious airplane crashes, the families of the victims of those crashes were poorly treated by the carriers, in some cases the media, and sometimes lawyers. Congress responded in 1996 asking the National Transportation Safety Board to take on an additional role.

At that time we enacted an aviation law that placed the NTSB and a suitable private charitable organization in charge of coordinating the efforts to protect the privacy of crash victims' families and to ensure that they receive the most current information possible from the carrier.

The NTSB has a well-deserved reputation for thoroughness and impartiality in its investigations and in its accident reports. The board's careful work and thoughtful recommendations have contributed significantly to the safety of the traveling public on our highways, our railroads and airways. By all accounts the NTSB has been equally successful in this new task of helping families cope with the devastating loss of a loved one. Based on this success, the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, the gentlewoman from Florida (Ms. CORRINE BROWN), Subcommittee on Railroads ranking member, and myself have introduced H.R. 874, a bill to ensure the same compassionate treatment for families of railroad accident victims.

This bill essentially mirrors the aviation law, mandating that the NTSB serve a similar role and including the recommended updates.

The bill also includes one feature suggested by the NTSB itself. That new feature is a one-year task force composed of the DOT, the NTSB, charitable organizations and family members of passenger rail accident victims. This task force, when put in place, will examine and report back to the Congress on how to improve the information flow after an accident has happened and how to make family assistance work better in the future.

Our point here, Mr. Speaker, is that after the incident happens we want to continue communication to make certain we do an even better job should a tragic accident occur in the future.

Although versions of this bill passed overwhelmingly in the House during the last Congress, the Senate has yet to act. Thankfully the Rail Passenger Disaster Family Assistance Act is back on the suspension calendar today in our session. I strongly support H.R. 874 and urge its approval by the whole House this afternoon.

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

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

Mr. Speaker, I rise in strong support of this legislation.

I ask unanimous consent that the balance of time on our side be controlled by gentlewoman from Florida (Ms. CORRINE BROWN).

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

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Florida (Ms. CORRINE BROWN) will control the balance of the time.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by thanking the gentleman from New York (Mr. QUINN), the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for all of their efforts to bring this bill to the House floor.

This will be our fourth effort to enact this legislation. Each time it has passed the House, only to die from inaction by the other body. I hope that the fourth time is the charm.

Mr. Speaker, it is difficult to believe that this bill has not been passed by both Houses and signed into law by the President years ago. The bill simply provides intercity rail passengers and their families the same basic assistance and protection that we provide airline passengers and their families.

In the event of a serious accident involving major loss of life, the bill provides that the National Transportation Safety Board provide assistance to the families of the victims. By designating an NTSB employee to be responsible for facilitating and recovering and identification of those killed in the accident, and by designating an independent agency like the Red Cross as primarily responsible for communication with the family members of the victims, we ensure that these delicate tasks are performed by professionals trained to respond to transportation tragedies.

The bill spells out the specific details of what is expected from the NTSB, the independent relief agency, and the railroads, all with the purpose of getting information to the family members as quickly as possible and providing compassionate care for those who have lost loved ones.

Mr. Speaker, these services and protections have been available for airline accident victims and their families since 1996. It is time we treated railroad passengers and their families with the same respect and compassion. I urge all of my colleagues to support this legislation.

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

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

I would only like to mention and thank the ranking member, my partner on the Subcommittee on Railroads, the gentlewoman from Florida (Ms. CORRINE BROWN), for her great work. As usual, the Committee on Transportation and Infrastructure and our subcommittee comes up with great bipartisan legislation and this morning is another example of that.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of this well crafted bipartisan bill. The Committee on Transportation and Infrastructure produced the current aviation law, and subsequent updates, that protects survivors and families of accident victims against ill-treatment after major airline accidents. Today, we are considering a closely parallel measure that would offer the same protections in the wake of any major railroad passenger train accident.

The successful record of the Aviation Family Assistance Law since its enactment in 1996, and the strong track record of the National Transportation Safety Board in administering that law, make me highly confident that this bill, once enacted, will be just as successful.

Fortunately, there have been only a handful of rail passenger accidents involving fatalities in the last several years. Just as with aviation, we hope there are none. But it is only prudent to have in place common sense procedures that can be put into play by the NTSB and the other organizations with which it works, if a major accident happens.

This measure is a completely bipartisan product. With the exception of some technical updates, it is essentially the same legislation that the House has overwhelmingly approved in two previous Congress'. This time, we hope the other body will act, which it has failed to do in the past. But we need to get the process moving now, to get these much needed procedures in place.

I strongly urge approval of this well crafted bipartisan legislation.

Mr. QUINN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. QUINN) that the House suspend the rules and pass the bill, H.R. 874.

The question was taken.

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

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. QUINN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the following bills: H.R. 874, H.R. 866, H. Con. Res. 53 and H. Con. Res. 96.

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

There was no objection.

□ 1130

TERMINATION OF EMERGENCY WITH RESPECT TO THE ACTIONS AND POLICIES OF UNITA AND REVOCATION OF RELATED EXECUTIVE ORDERS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–69)

The SPEAKER pro tempore (Mr. BASS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to section 202 of the International Emergency Economic Powers Act, 50 U.S.C. 1622, I hereby report that I have issued an Executive Order (the ''Order''), that terminates the national emergency described and declared in Executive Order 12865 of September 26, 1993, with respect to the actions and policies of the National Union for the Total Independence of Angola (UNITA) and revokes that order, Executive Order 13069 of December 12, 1997, and Executive Order 13098 of August 18, 1998.

The Order will have the effect of lifting the sanctions imposed on UNITA in Executive Orders 12865, 13069, and 13098. These trade and financial sanctions were imposed to support international efforts to force UNITA to abandon armed conflict and return to the peace process outlined in the Lusaka Protocol, as reflected in United Nations Security Council Resolutions 864 (1993), 1127 (1997), and 1173 (1998).

The death of UNITA leader Jonas Savimbi in February 2002 enabled the Angolan government and UNITA to sign the Luena Memorandum of Understanding on April 4, 2002. This agreement established an immediate ceasefire and called for UNITA's return to the peace process laid out in the 1994 Lusaka Protocol. In accordance therewith, UNITA quartered all its military personnel in established reception areas and handed its remaining arms over to the Angolan government. In September 2002, the Angolan government and UNITA reestablished the Lusaka Protocol's Joint Commission to resolve outstanding political issues. On November 21, 2002, the Angolan government and UNITA declared the provisions of the Lusaka Protocol fully implemented and called for the lifting of sanctions on UNITA imposed by the United Nations Security Council.

With the successful implementation of the Lusaka Protocol and the demilitarization of UNITA, the circumstances that led to the declaration of a national emergency on September 26, 1993, have been resolved. The actions and policies of UNITA no longer pose an unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolution 1448 (2002) lifted the measures imposed pursuant to prior U.N. Security Council resolutions related to UNITA. The continuation of sanctions imposed by Executive Orders 12865, 13069, and 13098 would have a prejudicial effect on the development of UNITA as an opposition political party, and therefore, on democratization in Angola. For these reasons, I have determined that it is necessary to terminate the national emergency with respect to UNITA and to lift the sanctions that have been used to apply economic pressure on UNITA.

I am enclosing a copy of the Executive Order I have issued. This Order is effective at 12:01 a.m. eastern daylight time on May 7, 2003.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 6, 2003.*

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT PUBLIC SERVICE EMPLOYEES SHOULD BE COMMENDED FOR THEIR DEDICATION AND SERVICE TO THE NATION

Mr. MURPHY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 213) expressing the sense of the House of Representatives that public service employees should be commended for their dedication and service to the Nation during Public Service Recognition Week.

The Clerk read as follows:

H. RES. 213

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 the Nation and in hundreds of locations abroad;

Whereas Federal, State, and local officials perform essential services that the Nation relies upon every day;

Whereas the United States is a great and prosperous nation, and public service employees have contributed significantly to its greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public service employees—

(1) help the Nation recover from natural disasters and terrorist attacks,

(2) fight fires and crime,

(3) deliver the mail,

(4) teach and work in our public schools,

(5) deliver Social Security and Medicare benefits,

(6) fight disease and promote better health,

(7) protect the environment and our national parks,

(8) defend and secure critical infrastructure,

(9) improve and secure transportation and the quality and safety of our food and water,

(10) build and maintain our roads and bridges,

(11) provide vital strategic and support functions to our military personnel,

(12) keep the Nation's economy stable,

(13) defend our freedom, and

(14) advance our Nation's interests around the world;

Whereas public service employees at the Federal, State, and local level are our first line of defense in maintaining homeland security;

Whereas public service employees at every level of government are hardworking individuals who are 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 for their efforts, contribute greatly to the security of the Nation and of 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 House of Representatives—

(1) commends America's Federal, State, and local government employees for their outstanding contributions to our country;

(2) salutes this Nation's public service employees for their unwavering dedication and spirit;

(3) honors those public service employees who have laid down their lives in service to this Nation;

(4) calls upon a new generation of workers to consider a career in public service; and

(5) encourages efforts to promote public service careers at all levels of government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. MURPHY) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY).

GENERAL LEAVE

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

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

There was no objection.

Mr. MURPHY. Mr. Speaker, I yield myself as much time as I may consume.

The gentleman from Illinois (Mr. DAVIS), my distinguished colleague and ranking member of the Subcommittee on Civil Service and Agency Reorganization, has introduced House Resolution 213, and I am pleased to join with him today in support. This legislation expresses the sense of the House of Representatives that public service employees should be commended for their dedication and service to the Nation during Public Service Recognition Week.

Mr. Speaker, I rise today on behalf of all my colleagues in expressing the House's tremendous gratitude and appreciation for their fine men and women who serve our Nation as government employees. Truly no profession is more critical to our Nation's basic operation than the public service.

This is a very important week that offers the more than 20 million public employees a chance to educate all Americans about the countless ways in which government makes life better for all of us, from our Nation's postal employees who deliver the mail to our educators who teach our children and from our law enforcement officials who protect us to our emergency responders who quickly and thoroughly react to disasters. Government employees serve each and every American in countless capacities each day. Their essential sacrifices comprise the backbone of American society.

Today, this House salutes those men and women who work hard every day to make America great. In addition, I have letters from both the President and the Secretary of the Department of Defense expressing their appreciation for the work of civil servants and I will include them in the RECORD at this point.

THE WHITE HOUSE,
Washington, April 4, 2003.

I send greetings to those celebrating Public Service Recognition Week.

Public service is vital to the American character. Americans realize that giving something back to our communities strengthens our country and fulfills our obligation to serve a greater cause. Our Nation is deeply indebted to the men and women who devote themselves to public service through their careers.

Every day across America, government employees at the Federal, State, and local levels carry out countless responsibilities that help protect our homeland, maintain critical services, ensure economic growth, and strengthen our national security. With the creation of the Department of Homeland Security, more than 170,000 dedicated public servants are now tasked with the overriding mission of protecting their fellow Americans from terrorism. These individuals serve our citizens and help make our government more efficient and effective.

Over the last two years, my Administration has taken significant action to encourage public service and civic engagement. Americans have responded with an outpouring of kindness and volunteer service that is transforming our Nation, one heart, one soul at a time. Through the USA Freedom Corps, we continue to mobilize our citizens and provide opportunities for individuals to improve their communities by serving in local schools, libraries, police and fire departments, places of worship, and hospitals. We are greatful for these dedicated citizens and for all public servants who touch lives, inspire others, and help us realize the promise and potential of our great Nation.

Laura joins me in sending our best wishes for a wonderful week.

GEORGE W. BUSH.

THE SECRETARY OF DEFENSE,
THE PENTAGON,
Washington, DC, February 26, 2002.

Subject: Public Service Recognition Week—2002.

Since the September 11th attacks on the Pentagon and World Trade Centers, Americans have had fresh reminders of the importance of public service. Many public servants sacrificed their lives on that day and since in the war on terrorism. Public Service Recognition Week (PSRW) provides an opportunity to highlight the value of public service and a time to honor the accomplishments of the people, both civilians and military, who serve America at all levels of government.

This year, the week of May 6–12, 2002, has been set aside as Public Service Recognition Week. Public observances are planned Nationwide and large-scale displays depicting missions of most Executive Branch agencies will be exhibited on the national Mall in Washington, D.C. The Military Departments and many key Defense Agencies plan to participate.

We are proud of the role played by the Defense Department and are delighted to showcase our national security responsibility.

DONALD RUMSFELD.

Mr. Speaker, House Resolution 213 rightly honors public service employees for their essential service to our great Nation. I hope this resolution will help to encourage a new generation of young Americans to consider entering into a noble career in the public service, and for these reasons I urge all Members to support the adoption of this important resolution.

Again, I thank my distinguished colleague from Illinois for introducing the measure.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I would like to thank the gentleman from Virginia (Mr. TOM DAVIS), the chairman, and the gentleman from California (Mr. WAXMAN), the ranking member, for not only cosponsoring this resolution but also for expediting its movement to the floor. I also want to thank the Speaker, Speaker's office, and I want to thank the gentlewoman from Virginia (Mrs. JO ANN DAVIS) for the work that she does on the Subcommittee on Civil Service and Agency Reorganization but also in helping to make sure that this legislation reached the floor in time for its presentation today. I am pleased to join with the gentleman from Pennsylvania and I appreciate his remarks.

Public Service Recognition Week, which has been celebrated the first Monday through Sunday in May since 1985, is an opportunity for us to honor and celebrate the commitment of government employees. Public Service Recognition Week offers all Americans, especially young people, the opportunity to learn and get excited about a career in public service. It also provides the opportunity to thank those who serve us daily for their efforts.

I believe that public service should be valued and respected by all Americans. When we think of public service, we think of people in the Armed Services who protect us, people in law enforcement, people who help the Nation recover from natural disasters, who fight fires and crime, deliver the mail, teach and work in our public schools, deliver Social Security and Medicare benefits, fight disease and promote better health, protect the environment and our national parks, defend and secure critical infrastructure, improve and secure transportation and the quality of safety of our food and water, build and maintain our roads and bridges, provide vital strategic and support functions to our military personnel, keep the Nation's economy stable, defend the freedom and advance the Nation's interests around the world.

There has been some conversation lately about interests in public service declining, and I would hope that as young people decide upon their careers, as they decide what it is that they would like to do that they would take a good look at the opportunity to serve not only themselves but to also serve their fellow citizens. So I would encourage them to look at public careers as a way of leading meaningful and productive lives. It is a great opportunity to be of service.

I belong to an organization that says he who would be first of all would be servant of all, and when we serve the public we are at the peak of service.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she might consume to the gentlewoman from the District of Columbia (Ms. NORTON), who herself has a tremendous record of public service in this country.

Ms. NORTON. Mr. Speaker, I want to thank the gentleman not only for yielding but for his very astute service as ranking member of the Subcommittee on Civil Service and Agency Reorganization and his leadership on that subcommittee and on the Committee on Government Reform.

I also want to thank my good friends the gentleman from Virginia (Mr. TOM DAVIS), the chairman, and the gentleman from California (Mr. WAXMAN), the ranking member, for bringing this resolution forward, but Mr. Speaker, I am sure when they originally decided to bring it forward they did not have in mind what is about to transpire in the Committee on Government Reform.

How perfectly ironic that we would be celebrating Public Service Recognition Week this week to honor Federal employees when tomorrow the Committee on Government Reform is about to mark up a bill that would strip one-third of the Federal workforce of essentially all of their civil service and collective bargaining rights. Let us have a big celebration for Public Service Week.

This bill that is before us, on not a fast track but on a jet plane for reasons that have yet to be revealed to us because we have not been given a reason for the rush, goes well beyond the homeland security bill that was so terribly controversial in this House and in the Senate, and let me document what I am saying.

The bill that will be before us tomorrow sweeps away most of the rights of the civilian employees of the Department of Defense. Pay for performance would immediately come into now the entire workforce, but no system for measuring performance is in place, according to the GAO, which has said slow this train down.

The Department of Defense employees would be exempt from these executive bargaining rights that are applicable to other agencies.

□ 1145

Mr. Speaker, they are already exempt because the employee representatives testified that they had not been consulted, they simply were called in and told what was going to happen. Consultation as is now required under the law has not taken place. They are already exempt from the collective bargaining rights of the rest of the government.

No appeal or due process rights when you are suspended or demoted, no right to file a sex or race discrimination complaint before the Equal Employment Opportunity Commission.

Mr. Speaker, I am a former Chair of that commission, and the notion that the Congress would ever exempt its own workforce from race and sex discrimination claims is almost unbelievable, but that is what this bill does.

For reductions in workforce, there would be no need to base them on length of service or on efficiency while you were on the job or on performance. What does that leave, Mr. Speaker? It does leave race and sex since an employee cannot file a complaint at the EEOC. One could file a complaint with their agency, but we know what that means. AT&T has discriminated against me; I will file with AT&T. DOD has discriminated against me; and I will file with DOD, and no right for an independent review of what is found. That is what this bill would do, and a lot more that I do not have time to explain.

Worse, just as we see homeland security spread now to DOD, they mean to spread what has happened in DOD to the rest of the workforce. Except as it spread from homeland security, it got worse than it was in homeland security. So what is the rest of the workforce to expect now?

I want to make it clear that many of us on the Committee on Government Reform were relieved to hear that DOD was finally going to reform itself, particularly after 9/11. Many of us believed that DOD needed a lot of reform before 9/11; but after 9/11, it is imperative and indispensable. The notion that reform means sweeping away the rights of the employees is an oxymoron. There may be greater efficiencies; I believe there are with respect to all of these matters. But the notion of waiving them or sweeping them away in a couple of weeks with no scrutiny is simply unthinkable.

The bill stunned the Committee on Government Reform on both sides of the aisle. It stunned even the Committee on Armed Services, but they are under huge pressure to pass this bill.

Mr. Speaker, I have come to the floor of course to congratulate the employees who have shown how important they are to us, particularly since 9/11 made us understand what perhaps we should have understood all along, but it will not do to celebrate their service while sweeping away their rights.

I implore every Member of the House because most Members have civil servants in their districts to closely look at this bill and help us slow down the jet plane that is flying away with the rights of Federal employees even as we celebrate their service this week.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, I rise today to honor all of the hard work of civil servants during the Public Service Recognition Week.

As a former Baltimore County executive, I had an opportunity to work directly with men and women who serve on the local government level. Their commitment to excellence continues to be a great source of inspiration. Public service employees have contributed significantly to American greatness and prosperity. It is with pleasure that I support a resolution commending public servants, especially our Federal workforce, for their dedication and continued service to our Nation.

Public Service Recognition Week represents an opportunity for us to honor and celebrate the commitment of individuals who serve the needs of the Nation through work at all levels of government. It is also a time to call on a new generation to consider public service. Public service civilian employees are critical in demonstrating that the government workforce is a valued component to our country and to our national security. Thanks to all those who serve at the local, State, and Federal level.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for all of his fine work in protecting and enhancing the Federal civil service.

I am glad we have an opportunity to recognize the value of public service. Normally, these resolutions come and go and nobody pays much attention to them, but there is a particular benefit to having this opportunity right now, as the distinguished representative, the gentlewoman from the District of Columbia (Ms. NORTON), explained earlier.

This is a pivotal time in the history of the Federal workforce. It is a time when half of that Federal workforce will be eligible to retire within the next 3 to 5 years. Of the 2.7 million people, half of them may retire. Many people will say, so what. Well, for those who are going to be so blasé about the importance of the Federal workforce, then I would ask them to look at some of the other civil services throughout the world.

They will not find any other civil service that is as incorruptible, that is as productive, that is as responsible, as the Federal workforce. They are not perfect, but the vast majority of them went into the Federal civil service because they wanted to make other people's lives better, and they remain dedicated to that purpose.

But when most of them joined the civil service, it was held in highest esteem. In the 1960s, three-quarters of high school graduates said they thought it would be honorable to work in public service. Now it is about one out of 5. We have diminished the value and the prestige of the Federal civil service, but they have not diminished their output or their commitment.

But this, as I say, is a pivotal time because instead of trying to attract and retain the best people into civil service, what we have done is to come up with disincentives. The Congress has to fight every year to get a pay raise, even equal to the current very low rate of inflation. We have fought to protect civil servants' ability to collectively bargain, to maintain their health benefits, affordable health insurance; and now as the gentlewoman

from the District of Columbia (Ms. NORTON) mentioned, we have perhaps the biggest struggle: about a third of the Federal workforce, those who work for the Department of Defense, may lose their civil service protections.

The Pentagon's desire is to contract them out. In fact, nearly half a million people, 425,000, are targeted throughout the Federal government to have their job contracted out to the private sector. In some cases that is appropriate; but in many cases it is not, and we are not going to find the kind of dedication to public service, even professionalism and willingness to accept in most cases less pay to be able to serve the public.

We find that on average the difference for performing the same function between the private sector and the Federal sector is 32 percent. It is a smaller disparity on the part of lower-paid employees. As we move into management, the gap is wider. In terms of skilled professionals, the gap is widest.

I think we are in danger of losing something that this country has taken for granted. We need to reward Federal civil servants. We need to protect their benefits and enable them to collectively bargain, and in fact take every opportunity, such as this resolution presents us with, to say thank you, Federal civil servants, thank you for making this the strongest, most cohesive, most stable government in the history of mankind. We are proud of you. We want you to stay, we want you to maintain your commitment, and we want you to know that we appreciate what you do.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS), the former ranking member of the Subcommittee on Civil Service.

Mr. CUMMINGS. Mr. Speaker, I rise today to ask all of my colleagues to support this resolution that honors the more than 20 million Federal, State, and local government employees for their outstanding contributions to our country.

H. Res. 213 salutes policemen, firefighters, postal workers, public school teachers and administrators, and those who work at government agencies for their steadfast dedication. Likewise, the resolution honors our men and women in the armed service who have died in service to our great Nation.

With the attraction of higher salaries and competitive benefit packages, it is not surprising that Federal, State, and local governments are finding it difficult to keep a talented workforce. It is imperative that efforts to recruit recent college graduates and promote training opportunities for current employees are fostered. Public service work can sometimes be difficult; but regardless of the circumstances, these hardworking individuals are committed to doing excellent work and to making a major difference.

The theme for the 2003 Public Service Recognition Week celebration is ''Celebrating government workers nationwide.'' Ironically, this week, instead of celebrating government workers nationwide, the Committee on Government Reform is scheduled to push through a Department of Defense proposal later today that creates a new personnel system and could have far-reaching implications to Federal employees not only with DOD, but at other agencies.

The proposal and others like it must be carefully weighed with consultation by all affected parties, including organizations that represent employees. Again, I encourage all Members of the House to support H. Res. 213. It has been said that service to others is the rent you pay for the room you occupy on Earth.

Mr. Speaker, I thank the millions of Americans who have chosen public service careers. Their service makes life better, and their service brings life to life.

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

Mr. Speaker, I thank all Members who have spoken, and I thank the gentleman from Pennsylvania. In closing, let me just suggest that we have heard some of the issues surrounding continuation of the civil service. We have heard some of the problems and complexities of working for government. We have heard about some things that we must do if we are to retain the type of workforce that we desire to have.

I want to thank all of those who continue to work, who continue to make our civil service the very best in the country, who each and every day give of themselves for the benefit of others. Again, I thank the gentleman from Pennsylvania (Mr. MURPHY).

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

□ 1200

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

I have no other speakers, but I would like to make a brief comment to include and certainly urge all Members to support this resolution. But as the distinguished gentleman from Illinois (Mr. DAVIS) has said and others have supported, we owe a great deal to our civil servants throughout this Nation in all walks of life. They have helped our Nation in times of trouble and they keep our Nation running smoothly when there are good times. We are grateful for all they do. We want to continue to work to revise and update and work with them to make sure that a government that needs to be fluid and dynamic and adapt to the needs of the time can do so and look forward to their continued input as we support them, as we see what their needs are, as we see what the Nation's needs are in the future.

Again, I thank the gentleman from Illinois for introducing this important legislation.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in strong support of H. Res. 213, which expresses the sense of the House that public service employees should be commended for their dedication and service to the Nation during Public Service Recognition Week.

There was a time when we were taught that ''public service is a public trust.'' That is true, but it is something more as well. In the aftermath of September 11, it is clear that public service is the bedrock of our Republic. Public sector employees, who have always been vital to the efficient, effective running of the government, now find themselves at the heart of our war on terrorism. It is the job they do that not only improves our quality of life, but also keeps us safe from those who would do us harm.

It is fitting that we set aside a week to recognize the indispensable contributions of those in public service. They have chosen public service despite the fact that the private sector could often have offered a more lucrative career. That said, there is no reason we should take their selflessness for granted. They still deserve our best efforts to enhance pay and benefits, provide improved and innovative training opportunities, and to re-examine the cultural barriers that unfortunately persist in government that make life less than ideal for public sector workers. In short, we must show those already in public service that we appreciate the job they do for us. We must also show those contemplating a career in public service that there are many advantages and opportunities to doing so.

Mr. Speaker, only one in six college-educated Americans expresses significant interest in working for the Federal Government. At the same time, half of the Federal workforce will be eligible to retire within the next 5 years. Therefore, it is incumbent upon us in Congress to reinvigorate a culture of public service across the country. We can do so taking the steps I have described above. As Chairman of the Government Reform Committee, I have been working hard to craft initiatives that will allow us to retain those employees we already have, while attracting the best and brightest of our young people to the public sector. I am confident we will be successful.

Mr. Speaker, in closing, I want to take this opportunity to publicly thank those in public service for their dedication and commitment to our great Nation. I also want to reaffirm my commitment to giving them the best professional opportunities and working environment possible.

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

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. MURPHY) that the House suspend the rules and agree to the resolution, H. Res. 213.

The question was taken.

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

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1609, by the yeas and nays;

H.R. 100, by the yeas and nays;

H. Con. Res. 96, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

ADMIRAL DONALD DAVIS POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1609.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 1609, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 162]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Blunt
Boehner
Carson (IN)
Conyers
DeGette
DeLay
Dingell
Gephardt
Hyde
Miller, Gary
Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON) (during the vote). Members are advised they have 2 minutes in which to record their votes.

□ 1223

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of this series of votes will be conducted as 5-minute votes.

SERVICEMEMBERS CIVIL RELIEF ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 100, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 100, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 9, as follows:

[Roll No. 163]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner

Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Carson (IN)
DeGette
DeLay
Dingell
Gephardt
Hyde
Miller, Gary
Tauzin
Walsh

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON) (during the vote). There are 2 minutes left to vote.

□ 1230

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BONNER. Mr. Speaker, on rollcall Nos. 161, 162, 163, I was unavoidably detained in Alabama due to bad weather and flight delays. Had I been present, I would have voted "yea."

□ 1232

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 96.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 96, on which the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 164]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
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Lewis (CA)
Lewis (GA)
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Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)

Turner (TX)	Wamp	Whitfield
Udall (CO)	Waters	Wicker
Udall (NM)	Watson	Wilson (NM)
Upton	Watt	Wilson (SC)
Van Hollen	Waxman	Wolf
Velazquez	Weiner	Woolsey
Visclosky	Weldon (FL)	Wu
Vitter	Weldon (PA)	Wynn
Walden (OR)	Weller	Young (AK)
Walsh	Wexler	Young (FL)

NOT VOTING—15

Boehner	Emanuel	McKeon
Carson (IN)	Gephardt	Miller, Gary
DeGette	Hayes	Pomeroy
DeLay	Hinchey	Simpson
Dingell	Hyde	Tauzin

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 1½ minutes left to vote.

□ 1238

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EMANUEL. Mr. Speaker, on rollcall No. 164, I was unavoidably detained. Had I been present, I would have voted ''yes.''

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2

Mrs. MUSGRAVE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

NANOTECHNOLOGY RESEARCH AND DEVELOPMENT ACT OF 2003

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 219 ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 219

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. 766) to provide for a National Nanotechnology Research and Development Program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

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

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

Mr. Speaker, H. Res. 219 provides for the consideration of H.R. 766, the Nanotechnology Research and Development Act. H. Res. 219 provides for one hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Science. The rule waives all points of order against consideration of the bill and makes in order the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill as an original bill for the purpose of amendment. It further provides that the bill shall be considered for amendment section by section and that each section shall be considered as read. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, H. Res. 219 is an open rule giving all Members of the House the opportunity to offer any germane amendments to H.R. 766. This rule accords priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. This is to simply encourage Members to take advantage of the option in order to facilitate consideration of amendments on the House floor and to inform Members of the details of any pending amendments.

Mr. Speaker, H.R. 766 is an important, bipartisan bill that will encourage further nanotechnology research. A recent National Academy of Sciences review described nanotechnology as the ''relatively new ability to manipulate and characterize matter at the level of single atoms and small groups of atoms. This capability has led to the astonishing discovery that clusters of small numbers of atoms or molecules often have properties, such as strength, electrical resistivity, electrical conductivity, and optical absorption, that are significantly different from the properties of the same matter at either the single molecule scale or the bulk scale.''

Beyond this technical description, nanotechnology has the potential to have a significant impact on our lives in the coming years. Testimony before the Committee on Science, chaired by the gentleman from New York (Chairman BOEHLERT), indicated that in the future the American people could see great advances in medicine, manufacturing, materials, construction, computing and telecommunications as a result of this research. Yesterday in the Committee on Rules the gentleman from New York (Chairman BOEHLERT) and the ranking member, the gentleman from Texas (Mr. HALL) identified potential homeland security advantages as well, including information technology and sensor advances to assist us in our efforts to identify threats.

President Bush has recognized the benefits of these innovations in terms of practical applications to the American people and also to our Nation's economic growth. The National Science Foundation has predicted that the nanotechnology market could reach $1 trillion by the year 2015. But we should recognize that there will be competitors in this arena from abroad.

In an effort to ensure the benefits of this research for our citizens and for future job growth, President Bush has asked Congress to expand the nanotechnology initiative and increase funding for this emerging technology, providing grants to researchers and establishing research centers and advanced technology user facilities.

The Associate Director for Technology in the Office of Science and Technology Policy stated that the administration's commitment to furthering nanotechnology research and development has never been stronger.

I applaud the President for focusing on this potential link to future economic growth. I thank the gentleman from New York (Chairman BOEHLERT), the gentleman from California (Mr. HONDA) and the Committee on Science for forwarding a bill that will result in better planning and coordination in this area of research.

This is a very fair rule. I urge my colleagues to support the rule so we may begin on any amendments that Members may have to offer before the House today.

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

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

I thank the gentleman from Georgia for yielding me the time, and I would also alert my friend from Georgia, as I understand it now, we have but one speaker, so we are prepared to move forward.

Mr. Speaker, I rise today in support of this bill and the open rule under which it is being considered.

□ 1245

When I think back to all of the times my friends on the other side of the aisle allowed an open rule this year, I do not have to think far, since it has only occurred once before during the 108th Congress. Therefore, Mr. Speaker, I am thankful for this full and open debate; and hopefully, this is a sign of what is to come.

Mr. Speaker, as I said, I rise today in support of the rule and H.R. 766, a bill to provide for a National Nanotechnology Research and Development program.

As my colleagues may know, nanotechnology is an emerging science that involves the engineering of extremely small materials, devices, and systems at the atomic, molecular, and macromolecular level. The science and technology of precisely controlling the structure of matter at the molecular level is widely viewed as the most significant technological frontier currently being explored.

This legislation is significant because it ensures continued U.S. leadership in nanotechnology research and coordination of nanotechnology research across Federal agencies and the private sector. This measure will provide grants to investigators, establish interdisciplinary research centers and advanced technology user facilities. It shall expand education and training of undergraduate and graduate students and establish a research program to identify societal and ethical concerns related to nanotechnology.

Additionally, this bill assembles a team of advisory and governing committees to work cooperatively with each of the national Federal science offices to achieve the goals and priorities set forth by this legislation and the Federal Government. Through the national nanotechnology research and development program, our Nation can and will continue to make advancements in virtually every industry and public endeavor, including health, electronics, transportation, the environment, and national security.

Moreover, this bill supports the National Nanotechnology Initiative outlined in 1999 by allowing us to reach beyond our natural size limitation and work directly with the building blocks of matter. It holds the promise for a new renaissance in our understanding of nature. It holds the promise, in addition, for means for improving human performance and a new industrial revolution in coming decades.

Mr. Speaker, I support H.R. 766 and this second open rule of the year. Perhaps that came about because of nanoseconds.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LINDER). Pursuant to House Resolution 219 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. 766.

The Chair designates the gentleman from Nebraska (Mr. TERRY) as chairman of the Committee of the Whole and requests the gentleman from Texas (Mr. CULBERSON) to assume the chair temporarily.

□ 1250

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 766) to provide for a National Nanotechnology Research and Development Program, and for other purposes, with Mr. CULBERSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

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

GENERAL LEAVE

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 766.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

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

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of H.R. 766, the National Nanotechnology Research and Development Act. As is the practice of the Committee on Science, this is a bipartisan piece of legislation that reflects the important contributions of both majority and minority members of the committee.

I am going to keep my remarks brief today because nanotechnology is a subject on which there is already broad agreement on both sides of the aisle, in the administration and, indeed, in the country at large.

Nanotechnology can be a key to future economic prosperity and might improve our lives, and the Federal Government has an important role to play in supporting the basic research that will make this possible.

Nanotechnology is the science of manipulating and characterizing matter at the atomic and molecular level. It is one of the most promising and exciting fields of science today, involving a multitude of science and engineering disciplines with widespread applications in electronics, advanced materials, medicine, and information technology. Nanotechnology represents the future of information processing and storage. Other future applications include new sensors to detect biological agents, stronger and lighter building materials, new cancer treatments, and more environmentally friendly chemical processes. Some have estimated that a $1 trillion global market for nanotechnology will develop in little over a decade.

With this in mind, I introduced H.R. 766 with the gentleman from California (Mr. HONDA) and with senior members of the Committee on Science on both sides of the aisle as cosponsors. The committee held two hearings on the bill, one on nanotechnology research programs and commercialization efforts, and one on societal and ethical concerns related to nanotechnology. The academic and industrial research communities were articulate in their support of this legislation and on the need to consider the societal, environmental, ethical, and economic questions that will arise as new nanotechnology applications are developed and enter the marketplace.

H.R. 766 authorizes the President's National Nanotechnology Initiative and supports and improves the Federal Government's nanotechnology efforts in a number of ways. It emphasizes interdisciplinary research, it strengthens interagency coordination, it supports increased research on societal consequences of nanotechnology, it encourages commercialization of nanotechnology applications, it requires outside reviews of the program, and it provides incentives for Americans to pursue degrees in science and engineering.

H.R. 766 builds on the excellent budgets that have been put forward by the administration for nanotechnology. It has been endorsed by leading industry groups, and that is very important. A companion bill, S. 189 sponsored by Senators WYDEN and ALLEN, is moving forward in the Senate; and I am optimistic that this bill will be sent to the President's desk in the near future.

In closing, I want to thank the gentleman from California (Mr. HONDA) and the gentleman from Texas (Mr. HALL) for their able leadership on this important piece of legislation. It has been a pleasure working with them, and their contributions have made this bill a better bill.

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

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

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. Chairman, of course I rise in support of this act. It authorizes an interagency research program that will

have enormous consequences for the future of our Nation. It is bipartisan legislation introduced in the Committee on Science by the gentleman from New York (Chairman BOEHLERT) and the gentleman from California (Mr. HONDA), who took the lead on it. It is cosponsored, of course, by Members from both sides of the aisle. This bill, which was ordered reported by a unanimous vote of the committee, will authorize the National Nanotechnology Initiative that is part of the President's budget request.

I want to acknowledge the leadership of the gentleman from New York (Chairman BOEHLERT), and I thank him for his leadership, and the gentleman from California (Mr. HONDA) in developing this legislation. I want to thank Chairman BOEHLERT for working very cooperatively with Democratic leaders and Members and moving the bill through the committee. I also want to thank the gentleman from California (Mr. HONDA) for his hard work on the bill. His efforts have led to a strengthening of the outside advisory mechanism for the research program and to a process to help facilitate the transfer of research innovations to commercial applications.

Mr. Chairman, the advancement of civilization has been tied to human capabilities to manipulate and fashion materials. For example, the Stone Age gave way to the Bronze Age, which, in turn, gave way to the Iron Age. The trend has been a better understanding of material properties at a smaller and more detailed level.

We know now that we stand at the threshold of an age in which materials can be fashioned atom by atom. As a result, new materials can be designed with specified characteristics to satisfy any of those specific purposes.

The word ''revolutionary'' has become a cliche, but nanotechnology truly is revolutionary. In the words of a report from the National Research Council: ''The ability to control and manipulate atoms, to observe and simulate collective phenomena, to treat complex materials systems, and to span length scales from atoms to everyday experience, provides opportunities that were not even imagined a decade ago.''

Nanotechnology will have enormous consequences for the information industry, for manufacturing, for medicine, and for health. Indeed, the scope of this technology is so broad as to leave virtually no product untouched.

The potential reach and impact of nanotechnology argues for careful attention to how it may affect society and, in particular, attention to particular downsides of the technology. While some concerns have already been raised that seem more in the realm of science fiction, there are also very real issues with the potential health and environmental effect of nanosized particles.

I believe it is important for the successful development of nanotechnology that potential problems be addressed from the very beginning in a straightforward and in an open manner. We know too well that negative public perceptions about the safety of a technology can have serious consequences for its acceptance and use. This has been the case with such technologies as nuclear power, genetically modified foods, and stem cell therapies.

Research is needed to provide understanding of potential problems arising from nanotechnology applications in order to allow informed judgments to be made by risks and cost-benefit trade-offs for specific implementations of the technology. Efforts must be made by the research community to open lines of communication with the public to make clear potential safety risks are being explored and not ignored.

We cannot once again go down the path where the research community simply issues a statement to the public: ''Trust us, it is safe.'' I am confident that this bill will help accomplish this goal.

My colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), will offer an amendment at the appropriate point to further strengthen this aspect of the bill.

Mr. Chairman, H.R. 766 authorizes $2.4 billion over 3 years for nanotechnology research and development at five agencies: the National Science Foundation, the Department of Energy, NASA, the National Institute of Standards and Technology, and EPA. In addition to setting funding goals, this bill puts in place mechanisms for planning and coordinating and implementation of interagency research programs.

The bill also includes provisions for outside expert advice to help guide the research program and ensure its relevance to emerging technological opportunities and to industry. The advisory committee required by the bill is charged to review the goals, the content, the implementation, and administration of the nanotechnology initiative. The bill provides the administration with the flexibility either to designate an existing advisory panel or to establish a new panel to carry out its role. It is important, I think, whatever approach is used, that the advisory committee encompass a range of expertise needed to assess the technological content of the initiative as well as the education, technology transfer, commercial application, and societal and ethical research aspects of this program.

□ 1300

Equally important, the advisory committee must focus sustained attention on the Nanotechnology Initiative over its lifetime in order to meet the comprehensive assessments required and the requirements specified by this legislation.

So I am pleased that H.R. 766 has identified the need for research to provide understanding of potential problems arising from nanotechnology applications. Annual reporting requirements, added by an amendment in committee by the gentleman from California (Mr. SHERMAN) and the gentleman from Texas (Mr. BELL), will allow Congress to track the agencies' activities that are related to societal and ethical concerns.

A problem that was identified in the Committee on Science's hearings on the bill is the difficulty that can arise in transitioning results from nanotechnology research into actual products and commercial applications. The gentleman from California (Mr. HONDA) successfully proposed an amendment in committee that will help address the problem through greater use of the Small Business Innovation Research Program and the Small Business Technology Transfer Research Program.

Finally, Mr. Chairman, as is clear from the hearing record for H.R. 766, this bill enjoys widespread support from the research community and from industry. This is an important bill. It will help ensure the Nation maintains a vigorous research effort in a technology area that is emerging as increasingly important for the economy and for national security.

Mr. Chairman, I urge my colleagues to support its final passage.

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

Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. SMITH), the distinguished chairman of the Subcommittee on Research.

Mr. SMITH of Michigan. Mr. Chairman, what is nanotechnology? I think it is amazing. The chairman did not use a hair off of his head as an example, but nanotechnology is 1/100,000th the size of a normal human hair.

What we are talking about has a tremendous potential for industry, for science, for the health of this Nation. So it is the beginning, if you will, of a new revolution. It involves 13 Federal agencies in this new National Nanotechnology Initiative. This technology is still very much in its early stages.

Only a handful of nanotechnology products and applications have been commercialized today. Most Americans have probably yet to even hear about this exciting new era of science. So what exactly is this technology that will likely make such a profound impact on our lives and the lives of our kids and our grandkids?

The bill before us today defines nanotechnology as science and engineering at the atomic and molecular level. More specifically, it is the manipulation, if you will, of materials with structural features that are so tiny that it involves chemistry to develop some of the machines that we saw in our Subcommittee on Research that can even manipulate and transport a dust mite. In our hearings on the

future of medical technology, they estimate that within 30 years the life span of the average American could be 120 years old, partially because of the potential of nanotechnology, putting small rockets in one's bloodstream to hunt out certain discrepancies in the human body.

The National Science Foundation has estimated that nanotechnology has the potential to be a $1 trillion industry within just the next 10 years. This will take shape in the form of revolutionary new applications in materials, in science, in manufacturing, energy production, information technology, medicine, defense, homeland security. Imagine the benefits of just one example of a future nanoscale tool, tiny machines that can detect cancer clusters.

But like biotechnology or information technology 10 to 15 years ago, nanotechnology has reached a critical growth stage. For these emerging innovations to come to fruition, it is important for us in Congress to work, proactively to provide support and guide the industry, and that is what this bill does.

We found that we will need to intensify our support for research and experimentation in the nanosciences, specifically fundamental, novel research.

Mr. Chairman, I urge my colleagues to vote for this legislation.

If the information technology revolution is any guide, the coming nanotechnolgy revolution will not only improve our lives through the development of many exciting new products, but its contribution to productivity gains will also help brighten future economic situations. As the Semiconductor Industry Association has pointed out, the Congressional Budget Office (CBO) estimation of the $1.3 trillion projected deficit for fiscal years 2004–2013 would actually be $247 billion higher if it were not for CBO's assumption of continued improvements in productivity due to computers. If we succeed in our effort to harness the potential of nanotechnology, we will see productivity and revenue gains of a similar magnitude.

I am proud that my home State of Michigan is poised to one of the leaders in this effort. As the state struggles to cope with job losses in manufacturing industries, we have been working to establish a high-tech corridor to attract companies in emerging industries such as nanotechnology. In fact, Small Times magazines recently ranked Michigan as one of the top ten states for nanotechnology businesses in the country. This is the kind of foresight that will help our State recover from the dramatic losses in the manufacturing sector.

I also want to mention that, as Chairman of the Research Subcommittee, which maintains oversight of the National Science Foundation, I am particularly excited about NSF's contribution to the nanotech initiative. NSF is the largest federal supporter of non-medical basic research conducted at universities, and has a long history of supporting research that has led to a myriad of discoveries now part of our everyday lives. At a support level of $221 million for FY 2003, NSF is funding the cutting-edge, fundamental research at our nation's universities that will help to accelerate application and commercialization of nanotechnology products by the private sector. The goals and priorities for the NNI established in H.R. 766 will be an important aspect of this process.

To conclude, that is a strong, well-thought out piece of legislation. It received unanimous bi-partisan support from the Science Committee, is supported by the pertinent industry organization that have an interest in nanotechnology, and finally, is the top science and technology priority of the President. I commend Chairman Boehlert for his leadership in crafting this bipartisan bill, and urge all members to support the legislation.

Mr. HALL of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from the Silicon Valley of California (Mr. HONDA). I have already explained his importance to this legislation, his background and his ability to lead the development of nanotechnology. I am glad to recognize him as one of authors of this bill.

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

Mr. HONDA. Mr. Chairman, I rise in strong support of H.R. 766, the Nanotechnology Research and Development Act of 2003. I would like to thank very, very much the distinguished leaders of the Committee on Science, the gentleman from New York (Mr. BOEHLERT) and the ranking member, the gentleman from Texas (Mr. HALL), for working with me on this bipartisan bill which was approved unanimously by our committee.

Most people have probably never heard of the term nanotechnology but they will surely see its impact in the future. Nanotechnology refers to the ability of scientists and engineers to manipulate matter at the level of single atoms and molecules.

It has been said just previously that the size is 1/100,000th of the width of a hair or, if you can imagine, one-billionth of a meter. Nanotechnology has the potential to be the making of a revolution because it can be an enabling technology, fundamentally changing the way many items are designed and manufactured. This may lead to advances in almost every conceivable technological discipline, including medicine, energy supplies, the food we eat, and the power of our computers.

The National Science Foundation predicts the worldwide market for nanotechnology products and services to be somewhere in the neighborhoods of $1 trillion by the year 2015. In today's business climate, the demand for short-term returns prevents companies from investing in long-term, high-risk work, which advancing nanotechnology will require.

Therefore, the Federal Government is one of the few investors that can take a long-term view and make the sustained investments that are required to bring the field to maturity.

Our bill continues to follow the positive trend of Federal investment in nanotechnology R&D begun by President Clinton, who created the National Nanotechnology Initiative, and President Bush, who has continued to support the program.

Under the NNI, 13 Federal agencies work together on nanotechnology, but each continues to run its own research program. A National Research Council study found that this approach leads to problems with coordination between agencies. Our bill addresses this concern by establishing an interagency committee on nanotechnology R&D and establishing a National Nanotechnology Coordination Office.

The study also found that the current structure of NNI provides little chance for voices outside the Federal agencies to be heard in the agenda setting process. Our bill addresses this by establishing an advisory committee that will draw upon members of the academic and industrial communities.

I am confident that the qualifications established in the bill and accompanying report will ensure that the advisers have the technical expertise in nanotechnology necessary to perform this job.

Nanotechnology's interdisciplinary nature presents another challenge, since the field transcends traditional areas of expertise. Our bill supports the establishment of interdisciplinary research centers, ensures that grant programs encourage interdisciplinary research and will expand education and training in interdisciplinary nanoscience and engineering.

In addition, nanotechnology will likely give rise to a host of novel social, ethical, philosophical and legal issues. We have a unique opportunity to think about those possible issues that might arise before they become problems, and I feel it is our duty to do so.

Similar opportunities were missed in the fields of molecular genetics and the development of the Internet, and now we wrestle with issues such as genetic screening, privacy and intellectual property.

Our bill addresses this duty in two ways: First, it establishes a research program to identify societal and ethical concerns and ensures that the results of this research are widely disseminated.

Second, it charges the nanotechnology advisory committee with the responsibilities of assessing whether this program is adequately addressing the issues and providing advice on these issues.

One of our hearing witnesses reminded us that it is not enough to focus only on basic research, but also that the Federal Government should take steps to promote the commercialization of nanotechnology.

I am pleased that at the markup the committee adopted my amendment to develop a plan for commercializing nanotechnology using the Small Business Innovation Research Program and the Small Business Technology Transfer Research Program. These programs represent significant Federal investment in technology development and commercialization by small firms, exactly the type of entrepreneurial firms

where most nanotechnology is occurring.

This is an excellent bill. I am proud to have had the chance to work on it. I urge my colleagues to support it. Mr. Chairman, I want to thank the leadership again, the gentleman from New York (Mr. BOEHLERT) and the ranking member, the gentleman from Texas (Mr. HALL), on this wonderful bill.

Mr. BOEHLERT. Mr. Chairman, I have additional requests for time, but those requesting the time are not yet here.

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

Mr. HALL of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. SHERMAN), a very valuable member of our committee.

Mr. SHERMAN. Mr. Chairman. I thank the gentleman for yielding me time. I will try to drag out my speech as long as necessary so that the chairman's speakers will have time to arrive on this floor.

Mr. Chairman, small is big. Nanotechnology is very small, roughly the size of a molecule, and very small is going to be very big. Nanotechnology really encompasses virtually all of the cutting edge science that will pretty much determine our future this century, because it includes what is being done in genetic engineering, what is likely to be done in computer engineering, and it includes the molecular manufacturing dealing with a host of new products created molecule by molecule.

Nanotechnology offers the possibility, I think the probability, of solving most of the problems that we wrestle with here on the floor such as energy and health care. But if it is able to do that, it will also create even more challenging problems.

Nanotechnology will operate below the surface for quite some time until the basic technological and scientific challenges are met. But once we are able to manipulate matter at the molecular level, there will be an explosive impact on our society.

The last such explosion was the development of nuclear power and nuclear weapons. Einstein and others wrote to President Roosevelt in 1939, describing the possibility of nuclear fission, and in less than a decade we as a species had to deal with the realities of nuclear weapons not only in the hands of America but other countries as well. That is why it is so important that this bill includes not only scientific research, but also every possible effort to deal with the societal implications that arise from this technology.

I want to commend the gentleman from New York (Mr. BOEHLERT) and the gentleman from Texas (Mr. HALL), the ranking member, for the bipartisan approach and the very reasoned approach taken during the markup of this bill to make sure the bill includes mechanisms to examine the societal impacts.

I bring just one of those impacts to your attention, and that is the creation of new levels of intelligence, whether that is done through what is sometimes referred to as wet nanotechnology, that is to say, genetic engineering; or whether it is done through what is sometimes called dry nanotechnology, computer engineering. Either of those two approaches may well create levels of intelligence that may be our protector, may be our competitor, or may simply regarded us as pets, or it may change our definition of what it is to be a human being.

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Before we confront questions of that type, it is important that this bill, as it does, provides mechanisms for us to get input from a wide range of society because while these issues will not confront us this decade, it will take us more than a decade to see how we can deal with them.

I see that other speakers have arrived so my effort to stall has been successful, and I want to yield back my time just after I make one comment, and that is I understand that there are four amendments that will be offered today. I do not know if they will all be offered, but each of them is designed to enhance the bill further by having us take a look at the societal implications of nanotechnology, and I would hope that each such amendment would be perhaps accepted without a rollcall vote so that this bill can move over to the other body in the best possible form.

Mr. HALL. Mr. Chairman, I yield 3 minutes to the gentlewoman from Dallas County, Texas (Ms. EDDIE BERNICE JOHNSON), my neighbor.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of this bill and feel that it is really our next step for scientific discovery, and I want to thank our chairman and ranking member for the open and bipartisan manner in which this committee operates.

We do have potential for enormous consequences, and most of the real breakthrough research has come under the leadership of this committee throughout the last 2 or 3 decades. This bill could cause a great deal of brightness for the future in terms of studying the small particles and determining how it might lead us to another breakthrough.

I do value the public input, and I will be offering an amendment later, but I feel that the public should have some way to have some involvement. More and more we have more people getting involved in the public debate, asking questions and attempting to clarify what is going on, and often good scientific procedures interrupt it because we have an uninformed public and people who feel they have been left out; and because of that, I feel very strongly that we should have some type of offering for the general public to have input, to listen to the witnesses when there is a hearing, so that they can feel a part of this.

This is going to be publicly financed, and we are hoping that this would eliminate some of the suspicion and paranoia that often comes from very honest and interested people simply because they do not know what is going on.

I think that it would add a valuable asset to this legislation. I am going to support it whether or not the amendment is adopted, but I do feel that that is the one thing we have left out, that it can be of great value to this legislation and, more importantly, to the process of this research.

The area from which I have come will be a leader in some of this research, and I am from a pretty highly educated, involved community that will be asking these questions, and we have a lot of demonstrators that will be marching to find out what is going on. I think we can eliminate much of this with a simple amendment that allows for some type of public input as we move along into this new area of broadening of the activity in this new area of nanotechnology.

I thank the leadership of the committee and the Members for working so closely together.

Mr. BOEHLERT. Mr. Chairman, I am pleased to yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), the distinguished Chair of the Subcommittee on Energy.

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for yielding to me.

Mr. Chairman, as on original cosponsor of H.R. 766, the Nanotechnology Research and Development Act, I rise today to express my strong support for this bill. I want to commend the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science; and my committee colleague, the gentleman from California (Mr. HONDA), for developing such a comprehensive and forward-looking piece of legislation.

Unlike so many other complex scientific concepts, nanotechnology is actually something we all should be able to grasp. Most Americans learn in grade school and high school that atoms are the building blocks of nature. In the years since I was in school, incredible machines have allowed us even to see every one of those items. The challenge now is to develop the tools, the equipment and expertise to manipulate those atoms and build new materials and new machines one molecule at a time.

This bill takes up that challenge, ensuring coordination and collaboration among the many Federal agencies engaged in nanotech research. Unlike other research efforts, some of which are undertaken for the sake of science and our understanding of it, the broad and practical application of nanotechnology and its benefits can be described in laymen's terms. Here are just a few benefits:

Sensing the presence of unwanted pathogens in blood; improving the efficiency of electricity distribution; dispensing medication; cleaning polluted soil and water; or building the next

generation of spacecraft one molecule at a time.

I do not think I am being overly optimistic. Just consider how far we have come since the creation of the first microchip. Sixty percent of Americans now own a personal computer or a laptop, and 90 percent of them use the Internet. The public, private and nonprofit sectors invested in research that reduces the size of the microchip while increasing its speed exponentially. This investment was made because the applications were many and the possibilities endless. After all, microchips are now found in cars, pacemakers, watches, sewing machines, and just about every household appliance.

With all its potential applications, nanotechnology could have an equal, if not greater, impact than the microchip on our lives, our wealth, our health and safety, our environment and our security at home and abroad. All levels of government, academia, and industry recognize the potential of nanotechnology, as well as the benefits of collaborating to realize that potential. Nanotechnology could very well be the catalyst for national competitiveness for the next 50 years. In countless ways, our lives will be better as a result of coordinated investment in nanoscience research and development.

I urge my colleagues to join me in supporting H.R. 766, the Nanotechnology Research and Development Act.

Ms. HART. Mr. Chairman, I rise today in support of H.R. 766, the Nanotechnology Research and Development Act of 2003. This bill, which passed by voice vote out of the full committee, would authorize a national nanotechnology research initiative that coordinates research across agencies and emphasizes interdisciplinary research between academic institutions and national laboratories or other partners, which may include States and industry. The bill also authorizes $2.36 billion over 3 years for nanotechnology research and development programs at the National Science Foundation, the Department of Energy, the Department of Commerce, NASA, and the Environmental Protection Agency.

Western Pennsylvania is blessed with two major universities, University of Pittsburgh and Carnegie Mellon University, which are doing great work in the field of nanotechnology. The University of Pittsburgh has established the Institute of NanoScience and Engineering, which is a multidisciplinary organization that brings coherence to the University's research efforts and resources in the fields of nanoscale science and engineering. At the institute work is ongoing in the areas of: nanotube and nanorod self-assembly; hydrogen storage in carbon nanotubes; semiconductor nanostructures; and many other interesting areas.

Carnegie Mellon University also has a nanotechnology center, the Center for Interdisciplinary Nanotechnology Research. This center was established because various types of research were ongoing throughout the university, and could be a focal point and gateway for the distribution of nantechnology information. Their efforts include: nanowires; magnetic nanocrystals and noncomposites; and nonporous materials.

Mr. Speaker, this legislation will provide Federal dollars to continue this necessary research and development into this expanding area of science, and provide the necessary coordination to ensure that this information is brought to the market.

Mr. SMITH of Texas. Mr. Chairman, I support H.R. 766, which authorizes a national nanotechnology research initiative. This bill funds more research into this ''small science'' that does big things.

As a science, nanotechnology is crucial to the future of information technology. As a benefit for the average person, nanotechnology has already led to applications that can be used on a daily basis, such as hard transparent coating for eyewear, nano-enhanced computer chips, and drugs more easily absorbed by the human body. Each innovation serves as a building block for new directions and applications. The possibilities are as endless as the human imagination.

Continued research plays an important role in the further development of nanotechnology. This science is still in its infancy and it will take many years of sustained investment and investigation for this field to achieve maturity.

Nanotechnology has evolved from advances in chemical, physical, biological, engineering, medical, and materials research. It will continue to contribute to the science and technology workforce for years to come.

The National Science Foundation predicts nanotechnology will represent $1 trillion in global goods and services in little over a decade. According to a study of international nanotechnology research efforts sponsored by the National Science and Technology Council, the United States is at risk of falling behind its international competitors, including Japan, South Korea, and Europe, if it fails to sustain broad based interests in nanotechnology.

H.R. 766 authorizes $2.36 billion in research and development funding. This legislation establishes new technology goals and research directions, coordinates nanotechnology programs through federal agencies, universities across the country, and high-tech companies, to assure America's continued ability to lead the global exploration of nanotechnology.

Mr. CASTLE. Mr. Chairman, it is with great pride that I rise today to support H.R. 766, the Nanotechnology Research and Development Act of 2003, and to express my excitement for the groundbreaking research that is taking place at the University of Delaware. In October of 2002, the National Science Foundation awarded the University a $2.5 million grant to study manmade microscopic particles and structures and their possible uses.

Widely acclaimed as the wave of the future, nanotechnology is the ability to manipulate and control materials at the atomic and molecular levels to design new applications that create and use structures, devices, and systems which posses novel properties and functions due to their small and/or intermediate size. This technology will allow us to create a device that carries medicine to exactly where it is needed in the body, methods to detect cancerous tumors only a few cells in size, or satellites so light, costs are drastically reduced for NASA. This is truly the technology of tomorrow.

The State of Delaware has the opportunity to play a pivotal role in the exciting development of this cutting-edge research. This legislation and federal funding award will allow the university to continue to be in the forefront of this field, and will assure that Delaware is actively involved in the advancement of tomorrow's technology.

Mr. MCNULTY. Mr. Chairman, I thank and compliment my friend and neighbor from New York, Mr. BOEHLERT, on his leadership and foresight in shepherding this landmark legislation to the floor today.

I rise in strong support of H.R. 766, the Nanotechnology Research and Development Act of 2003. I urge my colleagues to support it as well.

The science of nanotechnology—the study of materials at the scale of a single molecule—is still in its earliest stages, but its promise and potential are already well known and well documented.

I am confident that further research and development in the science of nanotechnology will continue to bring about new products and processes that will benefit our lives and society for generations to come.

I am also confident that passing H.R. 766 and reaffirming our commitment to nanotechnology will create jobs and help stimulate the economy. Mr. Speaker, we're talking about an industry that could reach $1 trillion annually in market size by the year 2015.

I am pleased to report that the State of New York has become a hub of hi-tech industry, particularly nanotechnology. I am proud of the commitment we've put forth—and the results that have been achieved—in the 17-county region in the eastern third of New York State known as, ''Tech Valley.''

In 2001, as part of the National Nanotechnology Initiative, the National Science Foundation established six nanoscale science and engineering centers at research and learning institutions of the highest caliber. Mr. Speaker, three of these centers are located in New York State—at Columbia University, Cornell University, and at the Nation's oldest engineering university, Rensselaer Polytechnic Institute, located in Troy, and in New York's Tech Valley.

In fact, New York's Capital Region is home to not one, but two state-of-the-art nanotechnology research and development facilities.

On the opposite side of the Hudson River from PRI's Nanotechnology Center sits Albany NanoTech, on the campus of the University at Albany, part of the State University of New York.

Like the RPI facility, Albany NanoTech is a global research, development, technology and education resource supporting commercial applications in advanced nanotechnology.

Together, Albany NanoTech and the Rensselaer Nanotech Center at RPI have Federal, State and private investments totaling nearly $1 billion. They have established relationships with hundreds of industrial partners from all around the world. They will play integral roles in major Tech Valley initiatives such as Sematech North, the IBM Partnership and the Tokyo Electron Partnership.

I'm most pleased to report that both of these stellar facilities are located in my congressional district.

Mr. Chairman, the work being undertaken at these two world-class facilities is nothing short of amazing. I'd like to offer the following sample of cutting-edge nanotechnology research projects underway at the Rensselaer Nanotechnology Center and at Albany NanoTech.

Researchers are adding ceramic nanoparticles—particles 100 times smaller than a human hair—to existing plastic materials, modifying their chemical and physical properties in an effort to make them exponentially stronger, and make them insulators, rather than conductors, of electricity. These adaptations dramatically increase the commercial value and viability of the resulting nanocomposite materials, which will be used to develop products such as scratch-resistant medical imaging film coatings and energy-efficient insulation for electrical power distribution cables.

Scientists at the Rensselaer Center have used nanotechnology to incorporate enzymes into surfaces to produce coatings that protect things such as the hulls of ships, implanted medical devices, even personal protection equipment—helping to safeguard individuals against chemical and biological agents.

Research in nanotechnology is also leading to significant breakthroughs in biomedicine. For example, nanostructured materials have been found to mimic natural bone, causing a specific response in living cells to enhance bone growth and regeneration in humans.

The final project I will mention developed a relatively simple assembly of carbon nanotubes—which are basically rolled up layers of carbon that can be used like chopsticks or placed in a row—to discover methods of filtration that can efficiently purify water in a manner that could help solve many of the world's potable water problems.

And this is just the tip of the iceberg.

Mr. Chairman, we are entering an exciting new era of technology. H.R. 766, the Nanotechnology Research and Development Act, is essential to provide further momentum to the breakthroughs brought about in the past 4 years by the National Nanotechnology Initiative.

I am truly excited that New York's 21st Congressional District, the heart of New York's Tech Valley, is already one of the world's primary centers for nanotechnology and other hi-tech industry. These industries will continue to spur economic growth and development not only in New York's Capital Region, but also all across the United States in the years to come.

Mr. Chairman, let us continue to lead the world in this important endeavor. I urge my colleagues to support H.R. 766.

Mr. WU. Mr. Chairman, I rise in strong support of H.R. 766, the Nanotechnology Research and Development Act. I believe this piece of legislation is extremely important to our Nation's future scientific research efforts and urge my colleagues to support H.R. 766.

For the past decade, Oregon has been growing as a progressive and growing area for technological research. In the Portland metropolitan area, we have two major research universities and a large number of high technology companies. As their representative in Congress, I believe H.R. 766 would strengthen our Nation's nanotechnology research efforts and help translate today's research efforts into future technology that will benefit all Americans.

This piece of legislation establishes grants for a national nanotechnology research and development effort. The interdisciplinary research centers authorized by H.R. 766 will serve as major centers of excellence and innovation. As an example, I would like to mention one of the public institutions in my district, the Portland State University's Center for Nanoscience and Nanotechnology. The center conducts particularly interesting nanotechnology research and will help transition today's research efforts into real benefits for future American consumers.

During Science Committee consideration of H.R. 766, one of the amendments I jointly offered with Mr. SMITH of Michigan, Ms. HART of Pennsylvania, and Mr. MATHESON of Utah, would facilitate public and private partnership on research efforts and help utilize regional assets in the development of technology. I strongly hope that future research efforts will be collaborative in nature and take into consideration the many regional scientific and research expertise we have throughout the country.

Mr. AKIN. Mr. Chairman, I rise today in support of H.R. 766, the Nanotechnology Research and Development Act of 2003.

The promise of nanotechnology is great. As research in nanotechnology continues, we will seek breakthrough advances affecting a broad field of scientific and commercial endeavor.

In my own State of Missouri, several academic institutions are engaged in nanotechnology research. At the University of Missouri-Rolla, a large group of faculty members from diverse fields are actively researching several aspects of nanoscience and engineering that primarily focus on micropower, nanostructured materials and nanosensors. Since the early 90s, the chemistry and physics departments at Washington University in St. Louis have collaborated in making various nanowires and nanotubes that might ultimately be incorporated into nanoelectronic devices.

Nanotechnology research has the potential to create revolutionary products in the field of electronics, pharmaceuticals and military defense. It is an important investment in the future of America's economy, and I applaud Chairman BOEHLERT and the professional staff of the Science Committee for bringing this important legislation to the floor today.

Mr. FERGUSON. Mr. Chairman, we stand at the dawn of a new era, one that holds the promise to revolutionize life as we know it by developing new cures for diseases as debilitating as cancer and creating powerful new computers the size of a wristwatch. It is critically important for this country to seize this opportunity and harness this potential. That is why our efforts here today, while only the first step, are so important to ensure our country serves as the world's proving ground for this revolutionary advance in science.

H.R. 766 serves as a bridge to this bright future. This legislation meets the promise of broadening our economic future. The President's commitment to nanotechnology mirrors the commitment President Kennedy made to the space program, and I believe the research we support today will reap benefits to mankind beyond any of our wildest dreams.

Nanotechnology is the next scientific frontier, the future of computer science and medicine and yet, nanotechnology is rooted in today—the here and now.

In Murray Hill, New Jersey, in my district, Lucent Technologies, Bell Laboratories serves as the hub for the New Jersey Nanotechnology Consortium, which will manage the New Jersey Nanotechnology Laboratory. Our State, like many others, is ready to partner with the Federal Government to make these research initiatives a reality.

Here in the Congress we have a responsibility and obligation to support ways to stimulate economic growth. The promise of nanotechnology is also about job creation and the National Science Foundation has predicted that the worldwide nanotechnology market could reach $1 trillion in approximately 12 years, which could translate into as many as 7 million new jobs.

What we do today and in the future in this House, in regards to nanotechnology, may stand as the legacy to the 108th Congress.

Mr. MATHESON. Mr. Chairman, nanotechnology presents incredible opportunities, not just for pure science, but for a host of interdisciplinary areas. The wide range of potential applications of this research is one of the best reasons why we, as a nation, should commit to long-term support of nanotechnology. Many of the most exciting ideas are still years from completion and even the current success stories are products of long-term research, study, and dedication.

It is also important to realize that, due to the expense of establishing top-level research infrastructure, facility sharing must also be a priority. We have an opportunity to promote relevant, needed research and every effort should be made to best utilize limited resources. I look to the national laboratories at Sandia National Laboratories, Oak Ridge National Laboratory, and at other sites to avail themselves of the scientific talent within this nation.

Finally, there exists a tremendous opportunity for today's research commitment to become tomorrow's commercial success. We need partnership between federally funded research facilities and private industry in order to generate the ideas that will drive business in the future. I thank the Committee for its interest in this area of science and look forward to contributing to the national discourse on nanotechnology.

Mr. COSTELLO. Mr. Chairman, I rise in strong support of H.R. 766, the Nanotechnology Research and Development Act of 2003. H.R. 766 authorizes $2.36 billion over three years for nanotechnology research and development programs at the National Science Foundation, the Department of Energy, the Department of Commerce, NASA, and the Environmental Protection Agency. In addition, this legislation establishes a research program to address societal and ethical concerns.

Nanotechnology can best be considered as a ''catch-all'' description of activities at the level of atoms and molecules that have application in the real world. A variety of nanotechnology products are already in development or on the market, including stain-resistant, wrinkle free pants and ultraviolet-light blocking sunscreens.

A unique feature of nanotechnology is that it is the one area of research and development that is truly multidisciplinary. Research is unified by the need to share knowledge on tools and techniques, as well as information on the physics affecting atomic and molecular interactions in this new realm. Materials scientists, mechanical and electronic engineers and medical researches are now forming teams with biologists, physicists and chemists.

Illinois is among the leaders in nanotechnology. During the last few years, success in the areas of nanotechnology at Southern Illinois University-Carbondale (SIUC) has included patented technology for conversion of

carbon dioxide into methanol and sensors to detect corrosion and stress in highway bridges. SIUC has also developed industrial partnerships and collaborations with IBM, Proctor & Gamble, and Argonne National labs to further research and development at the atomic and molecular scale.

Increased understanding of nanotechnology promises to underlie revolutionary advances that will contribute to improvements in medicine, manufacturing, high-performance materials, information technology, and environmental technologies. I strongly support this legislation and urge my colleagues to do the same.

Ms. ESHOO. Ms. Chairman, I rise in strong support of H.R. 766 and I thank the Chairman of the Science Committee Mr. BOEHLERT and my Silicon Valley colleagues Reps. HONDA and LOFGREN for their work in bringing this important bill to the floor of the House.

Recent history indicates that the investments in research and development made by the federal government have benefited our nation considerably. The federal government provided seed money for the research that led to the development of the Internet, the web browser, and cracking the genetic code, these investments have spawned a decade of economic prosperity and promise, increased productivity, and hundreds of thousands of American jobs.

In fact the federal government has served as a venture capitalist by making investments in nascent technologies that have generated companies who maintain our national technological and scientific predominance.

This legislation builds on that tradition by authorizing over $2.3 billion dollars in federal funding for nanotechnology, the science of creating and manipulating objects at molecular levels.

In Silicon Valley nanotechnology is already being used to develop new types of semiconductors, medical devices, and sensors that detect environmental and other types of hazards.

Progress in this field has been hampered by a lack of trained scientists which is why this bill and the investment we make today is absolutely essential. This funding will help to produce the next generation of great American scientists.

The NSF has estimated that the market in products that carry nanocomponents could reach $1 trillion by the next decade.

The seed money we provide today will go a long way to ensuring that the nanotechnology market, which is poised to be the next big thing in the technology industry, will also be the next big AMERICAN thing.

I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would first just like to thank you and Ranking Member HALL for bringing this excellent bill to us today. I would also like to comment our colleague from California, Mr. HONDA for his great leadership on the issue of nanotechnology. I was pleased to be a cosponsor of his bill HR 5669 to make a Nanoscience advisory board in the last Congress, and this one today.

Nanotechnology holds great promise for bringing about substantive improvements in quality of life for people in America and around the world. It is critical that as this field emerges, that American research and America industry remain at the cutting edge and in prime position to take advantage of market opportunities. We also must ensure that as new technologies and products—in healthcare, in communications, in energy—come about that they impact on all of the American population.

In Science Committee markup last week, I offered two amendments that I believe will help make that happen. One amendment will capitalize on the great expertise and skills of our nation's Historically Black Colleges and Universities, and Universities serving large numbers of Hispanics, Asian-Pacific Islanders and other under-represented minorities. It is critical that the research initiative we are designing takes advantage of schools like Texas Southern University, in my District in Houston, and their excellent College of Science and Technology. We must also harness the productivity of collaborative efforts like that in South Carolina, where seventeen teams of scientists and engineers from around the state are working together on research projects including treatments to cancer and materials for solar-powered space exploration. That Collaborative Research Program provides an opportunity for research faculty at Clemson and USC to collaborate with faculty from the state's four-year and Historically Black Colleges and Universities (HBCU) to take nanotechnology to the next level.

This amendment will also help make sure the next generation of leaders in this important field, in academics and industry, will reflect the diversity of America.

My other amendment from Science Committee will help ensure that nanotechnology advances bring about real improvements in quality of life for all the American people, not just the select few. It was a small wording change that makes a profound statement of commitment to the well-being of all Americans.

As we go forward today, I hope we make this bill all it can be: maximizing the efficiency and effectiveness of federal investments, spurring on this exciting field, and ensuring the promise that it will produce good for all people. There are excellent amendments to be considered from some of my Democratic Colleagues on the Science Committee, especially those from my fellow Texans.

One of the Bell amendments will make this federal program much more proactive by addressing the potential toxicity of nanoparticles, to protect the health of Americans. The other will make it more likely that advances in nanotechnology improve our nation's energy security.

The Johnson amendment will create citizen panels to discuss societal/ethical implications of nanotechnology and to inform the research agenda, so that research reflects the concerns of the American people—not only academics and scientists.

I will offer an amendment that creates a Center for Societal, Ethical, Educational, Workforce, Environmental, and Legal Issues Related to Nanotechnology. That will give that important research a home at the NSF, so that integrated research in the field will be better disseminated and accessible to all interested people.

I urge my colleagues to support these amendments.

Mr. DEFAZIO. Mr. Chairman, the University of Oregon has a well-established nanotechnology program that along with its partners at Oregon State University occupies a special niche in the field of nanoscience research.

The University of Oregon is working closely with Oregon State University to put nanotechnology to work in real micro systems with applications in sensors for human safety, reactors for reduced environmental impact, more efficient energy sources, life saving medical devices, and integrated circuits for the next generation of computers and communications systems. The legislation speaks to the need to apply nanoscale research to microscale devices and will strengthen national research policy in support of such work.

Beyond that, the University of Oregon is pioneering research into inherently safer materials and manufacturing or ''green nanoscience''. Through deliberate design at the moelcular or nanoscale level, University of Oregon researchers aim to produce products and processes that pose dramatically less risk to human health than traditional manufacturing methods. The potential impact of nanotechnology derives from the fact that unprecedented material properties are being discovered in nanoscale materials. These properties can be harnessed to invent entirely new products and processes. UO researchers have already discovered new phenomena in nanoscience such as thermoelectric materials that present energy efficient, refrigerant-free cooling solutions and biomolecular lithography, a possible candidate for the ultimate minuritzation of electronic circuits and computers.

If nanotechnology is the both a path to the next industrial revolution and a source of concern about societal and ethical issues involving nanoscale research, then federal agencies should be proactive in funding research that seeks ways to develop materials and manufacturing methods that are inherently safer—less wasteful in their use of materials and energy, less harmful to human health and safety, and just as economical to produce.

Mr. STUPAK. Mr. Chairman, I rise in support of the Nanotechnology Research and Development Act of 2003. Science has revealed the far-reaching benefits of nanotechnology in recent years and I recognize the need for a more cooperative and focused approach.

I thank Science Committee Chairman BOEHLERT and Ranking Member HONDA for their efforts to advance nanotechnology applications and to call for today's authorization of important nanotechnology research and development, ethical oversight, and expert advisory.

In my northern Michigan district, we have been proud witness to nanosystems research at internationally renowned Michigan Technological University. Located in Houghton, Michigan, Michigan Tech hosts one of the nation's foremost nanotechnology research centers, the Center for Mico- and Nanosystems Technology.

Michigan Tech has long distinguished itself as a leader in science and engineering projects and now steams ahead in the development of nanostructure and lightweight materials. They have shown particular success with metal hydrides, to provide safer and more efficient storage of hydrogen for clean-burning hydrogen-powered vehicles—both civilian and military. These lightweight, durable nanotech materials could prove additionally valuable to NASA spacecraft construction.

Michigan tech has also engaged in research to enable miniature medical implant devices and other nano-sized health care products which will improve the quality and reduce the

cost of health care and lead to overall economic growth as additional breakthroughs are made in this vital area.

With continued funding and bolstered federal resources, Michigan Tech has all the tools in place for promising technological advances in a diversity of nanotechnology applications.

I will continue to urge Congressional appropriators to remember smaller universities when it comes to doling out the federal funds and research contracts we provide in this authorization today and in the future. Michigan Tech, while only enrolling a total student body of 6300, is consistently ranked second in the nation—to only Georgia Tech—as the premier public technological university.

I pleased with the opportunity to recognize Michigan Tech for their contribution to our national research efforts and to support this important science legislation.

Mr. HALL. Mr. Chairman, we yield back the balance of our time.

Mr. BOEHLERT. Mr. Chairman, I have no further requests for speakers, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule. The amendment in the nature of a substitute printed in the bill shall be considered by section as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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 ''Nanotechnology Research and Development Act of 2003''.

The CHAIRMAN. Are there any amendments to section 1?

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''advanced technology user facility'' means a nanotechnology research and development facility supported, in whole or in part, by Federal funds that is open to all United States researchers on a competitive, merit-reviewed basis;

(2) the term ''Advisory Committee'' means the advisory committee established or designated under section 5;

(3) the term ''Director'' means the Director of the Office of Science and Technology Policy;

(4) the term ''Interagency Committee'' means the interagency committee established under section 3(c);

(5) the term ''nanotechnology'' means science and engineering aimed at creating materials, devices, and systems at the atomic and molecular level;

(6) the term ''Program'' means the National Nanotechnology Research and Development Program described in section 3; and

(7) the term ''program component area'' means a major subject area established under section 3(c)(2) under which is grouped related individual projects and activities carried out under the Program.

SEC. 3. NATIONAL NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The President shall implement a National Nanotechnology Research and Development Program to promote Federal nanotechnology research, development, demonstration, education, technology transfer, and commercial application activities as necessary to ensure continued United States leadership in nanotechnology research and development and to ensure effective coordination of nanotechnology research and development across Federal agencies.

(b) PROGRAM ACTIVITIES.—The activities of the Program shall be designed to—

(1) provide sustained support for nanotechnology research and development through—

(A) grants to individual investigators and interdisciplinary teams of investigators;

(B) establishment of advanced technology user facilities; and

(C) establishment of interdisciplinary research centers, which shall—

(i) network with each other to foster the exchange of technical information and best practices;

(ii) involve academic institutions or national laboratories and other partners, which may include States and industry;

(iii) make use of existing expertise in nanotechnology in their regions and nationally;

(iv) make use of ongoing research and development at the micrometer scale to support their work in nanotechnology; and

(v) be capable of accelerating the commercial application of nanotechnology innovations in the private sector;

(2) ensure that solicitation and evaluation of proposals under the Program encourage interdisciplinary research;

(3) expand education and training of undergraduate and graduate students in interdisciplinary nanotechnology science and engineering;

(4) accelerate the commercial application of nanotechnology innovations in the private sector;

(5) ensure that societal and ethical concerns, including environmental concerns and the potential implications of human performance enhancement and the possible development of nonhuman intelligence, will be addressed as the technology is developed by—

(A) establishing a research program to identify societal and ethical concerns related to nanotechnology, and ensuring that the results of such research are widely disseminated;

(B) insofar as possible, integrating research on societal and ethical concerns with nanotechnology research and development, and ensuring that advances in nanotechnology bring about improvements in quality of life for all Americans; and

(C) requiring that interdisciplinary research centers under paragraph (1)(C) include activities that address societal and ethical concerns; and

(6) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, or other underrepresented populations.

(c) INTERAGENCY COMMITTEE.—The President shall establish or designate an interagency committee on nanotechnology research and development, which shall include representatives from the Office of Science and Technology Policy, the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Institute of Standards and Technology, the Environmental Protection Agency, and any other agency that the President may designate. The Director shall select a chairperson from among the members of the Interagency Committee. The Interagency Committee, which shall also include a representative from the Office of Management and Budget, shall oversee the planning, management, and coordination of the Program. The Interagency Committee shall—

(1) establish goals and priorities for the Program;

(2) establish program component areas, with specific priorities and technical goals, that reflect the goals and priorities established for the Program;

(3) develop, within 6 months after the date of enactment of this Act, and update annually, a strategic plan to meet the goals and priorities established under paragraph (1) and to guide the activities of the program component areas established under paragraph (2);

(4) propose a coordinated interagency budget for the Program that will ensure the maintenance of a balanced nanotechnology research portfolio and ensure that each agency and each program component area is allocated the level of funding required to meet the goals and priorities established for the Program;

(5) develop a plan to utilize Federal programs, such as the Small Business Innovation Research Program and the Small Business Technology Transfer Research Program, in support of the goal stated in subsection (b)(4); and

(6) in carrying out its responsibilities under paragraphs (1) through (5), take into consideration the recommendations of the Advisory Committee and the views of academic, State, industry, and other appropriate groups conducting research on and using nanotechnology.

SEC. 4. ANNUAL REPORT.

The chairperson of the Interagency Committee shall prepare an annual report, to be submitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President's budget request to Congress, that includes—

(1) the Program budget, for the current fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to section 3(b)(5);

(2) the proposed Program budget, for the next fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to section 3(b)(5);

(3) an analysis of the progress made toward achieving the goals and priorities established for the Program;

(4) an analysis of the extent to which the Program has incorporated the recommendations of the Advisory Committee; and

(5) an assessment of how Federal agencies are implementing the plan described in section 3(c)(5), and a description of the amount of Small Business Innovative Research and Small Business Technology Transfer Research funds supporting the plan.

SEC. 5. ADVISORY COMMITTEE.

(a) IN GENERAL.—The President shall establish or designate an advisory committee on nanotechnology consisting of non-Federal members, including representatives of research and

academic institutions and industry, who are qualified to provide advice and information on nanotechnology research, development, demonstration, education, technology transfer, commercial application, and societal and ethical concerns. The recommendations of the Advisory Committee shall be considered by Federal agencies in implementing the Program.

(b) ASSESSMENT.—The Advisory Committee shall assess—

(1) trends and developments in nanotechnology science and engineering;

(2) progress made in implementing the Program;

(3) the need to revise the Program;

(4) the balance among the components of the Program, including funding levels for the program component areas;

(5) whether the program component areas, priorities, and technical goals developed by the Interagency Committee are helping to maintain United States leadership in nanotechnology;

(6) the management, coordination, implementation, and activities of the Program; and

(7) whether societal and ethical concerns are adequately addressed by the Program.

(c) REPORTS.—The Advisory Committee shall report not less frequently than once every 2 fiscal years to the President on its findings of the assessment carried out under subsection (b), its recommendations for ways to improve the Program, and the concerns assessed under subsection (b)(7). The first report shall be due within 1 year after the date of enactment of this Act.

(d) FEDERAL ADVISORY COMMITTEE ACT APPLICATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 6. NATIONAL NANOTECHNOLOGY COORDINATION OFFICE.

The President shall establish a National Nanotechnology Coordination Office, with full-time staff, which shall—

(1) provide technical and administrative support to the Interagency Committee and the Advisory Committee;

(2) serve as a point of contact on Federal nanotechnology activities for government organizations, academia, industry, professional societies, and others to exchange technical and programmatic information; and

(3) conduct public outreach, including dissemination of findings and recommendations of the Interagency Committee and the Advisory Committee, as appropriate.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL SCIENCE FOUNDATION.—There are authorized to be appropriated to the National Science Foundation for carrying out this Act—

(1) $350,000,000 for fiscal year 2004;

(2) $385,000,000 for fiscal year 2005; and

(3) $424,000,000 for fiscal year 2006.

(b) DEPARTMENT OF ENERGY.—There are authorized to be appropriated to the Secretary of Energy for carrying out this Act—

(1) $265,000,000 for fiscal year 2004;

(2) $292,000,000 for fiscal year 2005; and

(3) $322,000,000 for fiscal year 2006.

(c) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—There are authorized to be appropriated to the National Aeronautics and Space Administration for carrying out this Act—

(1) $31,000,000 for fiscal year 2004;

(2) $34,000,000 for fiscal year 2005; and

(3) $37,000,000 for fiscal year 2006.

(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this Act—

(1) $62,000,000 for fiscal year 2004;

(2) $68,000,000 for fiscal year 2005; and

(3) $75,000,000 for fiscal year 2006.

(e) ENVIRONMENTAL PROTECTION AGENCY.—There are authorized to be appropriated to the Environmental Protection Agency for carrying out this Act—

(1) $5,000,000 for fiscal year 2004;

(2) $5,500,000 for fiscal year 2005; and

(3) $6,000,000 for fiscal year 2006.

SEC. 8. EXTERNAL REVIEW OF THE NATIONAL NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall enter into an agreement with the National Academy of Sciences to conduct periodic reviews of the Program. The reviews shall be conducted once every 3 years during the 10-year period following the enactment of this Act. The reviews shall include—

(1) an evaluation of the technical achievements of the Program;

(2) recommendations for changes in the Program;

(3) an evaluation of the relative position of the United States with respect to other nations in nanotechnology research and development;

(4) an evaluation of the Program's success in transferring technology to the private sector;

(5) an evaluation of whether the Program has been successful in fostering interdisciplinary research and development; and

(6) an evaluation of the extent to which the Program has adequately considered societal and ethical concerns.

(b) STUDY ON MOLECULAR MANUFACTURING.—Not later than 3 years after the date of enactment of this Act a review shall be conducted in accordance with subsection (a) that includes a study to determine the technical feasibility of the manufacture of materials and devices at the molecular scale. The study shall—

(1) examine the current state of the technology for enabling molecular manufacturing;

(2) determine the key scientific and technical barriers to achieving molecular manufacturing;

(3) review current and planned research activities that are relevant to advancing the prospects for molecular manufacturing; and

(4) develop, insofar as possible, a consensus on whether molecular manufacturing is technically feasible, and if found to be feasible—

(A) the estimated timeframe in which molecular manufacturing may be possible on a commercial scale; and

(B) recommendations for a research agenda necessary to achieve this result.

(c) STUDY ON SAFE NANOTECHNOLOGY.—Not later than 6 years after the date of enactment of this Act a review shall be conducted in accordance with subsection (a) that includes a study to assess the need for standards, guidelines, or strategies for ensuring the development of safe nanotechnology, including those applicable to—

(1) self-replicating nanoscale machines or devices;

(2) the release of such machines or devices in natural environments;

(3) distribution of molecular manufacturing development;

(4) encryption;

(5) the development of defensive technologies;

(6) the use of nanotechnology as human brain extenders; and

(7) the use of nanotechnology in developing artificial intelligence.

SEC. 9. SCIENCE AND TECHNOLOGY GRADUATE SCHOLARSHIP PROGRAMS.

(a) ESTABLISHMENT OF PROGRAMS.—

(1) IN GENERAL.—The agency heads shall each establish within their respective departments and agencies a Science and Technology Graduate Scholarship Program to award scholarships to individuals that is designed to recruit and prepare students for careers in the Federal Government that require engineering, scientific, and technical training.

(2) COMPETITIVE PROCESS.—Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

(3) SERVICE AGREEMENTS.—To carry out the Programs the agency heads shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Federal Government, for the period described in subsection (f)(1), in positions needed by the Federal Government and for which the individuals are qualified, in exchange for receiving a scholarship.

(b) SCHOLARSHIP ELIGIBILITY.—In order to be eligible to participate in a Program, an individual must—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education in an academic field or discipline described in a list made available under subsection (d);

(2) be a United States citizen or permanent resident; and

(3) at the time of the initial scholarship award, not be a Federal employee as defined in section 2105 of title 5 of the United States Code.

(c) APPLICATION REQUIRED.—An individual seeking a scholarship under this section shall submit an application to an agency head at such time, in such manner, and containing such information, agreements, or assurances as the agency head may require.

(d) ELIGIBLE ACADEMIC PROGRAMS.—The agency heads shall each make publicly available a list of academic programs and fields of study for which scholarships under their department's or agency's Program may be utilized, and shall update the list as necessary.

(e) SCHOLARSHIP REQUIREMENT.—

(1) IN GENERAL.—Agency heads may provide scholarships under their department's or agency's Program for an academic year if the individual applying for the scholarship has submitted to the agency head, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on a list made available under subsection (d).

(2) DURATION OF ELIGIBILITY.—An individual may not receive a scholarship under this section for more than 4 academic years, unless an agency head grants a waiver.

(3) SCHOLARSHIP AMOUNT.—The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the agency heads, but shall in no case exceed the cost of attendance.

(4) AUTHORIZED USES.—A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the agency heads by regulation.

(5) CONTRACTS REGARDING DIRECT PAYMENTS TO INSTITUTIONS.—Each agency head may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(f) PERIOD OF OBLIGATED SERVICE.—

(1) DURATION OF SERVICE.—The period of service for which an individual shall be obligated to serve as an employee of the Federal Government is, except as provided in subsection (h)(2), 24 months for each academic year for which a scholarship under this section is provided.

(2) SCHEDULE FOR SERVICE.—(A) Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) An agency head may defer the obligation of an individual to provide a period of service under paragraph (1) if the agency head determines that such a deferral is appropriate. The agency head shall prescribe the terms and conditions under which a service obligation may be deferred through regulation.

(g) PENALTIES FOR BREACH OF SCHOLARSHIP AGREEMENT.—

(1) FAILURE TO COMPLETE ACADEMIC TRAINING.—Scholarship recipients who fail to maintain a high level of academic standing, as defined by the appropriate agency head by regulation, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (h)(2). The repayment period may be extended by the agency head when determined to be necessary, as established by regulation.

(2) FAILURE TO BEGIN OR COMPLETE THE SERVICE OBLIGATION OR MEET THE TERMS AND CONDITIONS OF DEFERMENT.—Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the appropriate agency head pursuant to subsection (f)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; plus

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States,
multiplied by 3.

(h) WAIVER OR SUSPENSION OF OBLIGATION.—

(1) DEATH OF INDIVIDUAL.—Any obligation of an individual incurred under a Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) IMPOSSIBILITY OR EXTREME HARDSHIP.—The agency heads shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under their department's or agency's Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

(i) DEFINITIONS.—In this section the following definitions apply:

(1) AGENCY HEAD.—The term ''agency head'' means the Director of the National Science Foundation, the Secretary of Energy, the Administrator of the National Aeronautics and Space Administration, the Director of the National Institute of Standards and Technology, or the Administrator of the Environmental Protection Agency.

(2) COST OF ATTENDANCE.—The term ''cost of attendance'' has the meaning given that term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) PROGRAM.—The term ''Program'' means a Science and Technology Graduate Scholarship Program established under this section.

AMENDMENT NO. 1 OFFERED BY MR. BELL

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

The CHAIRMAN. The Clerk will designate the amendment:

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BELL:

In section 3(b)(5), strike ''environmental concerns'' and insert ''toxicological studies, environmental impact studies,''.

Mr. BELL. Mr. Chairman, the traditional approach on environmental and health concerns for new technologies is to simply wait until there is a problem.

Instead of reacting down the line in response to environmental or health problems that may arise in the development of nanotechnology, we have the opportunity through this amendment to understand the risk involved as we move forward in our research now.

One common, often fair, criticism of government is that we are slow and reactive. Here is a chance for all of us to be proactive.

This amendment will ensure that the environmental and toxicological impacts of nanotech applications are studied during the developmental process so that problems can be spotted early on and fixed before any damage is done. Prevention is better and cheaper than cleanup. I think everybody would agree with that.

History has many examples of promising technologies whose hidden costs and risks were only determined after widespread adoption. These include nuclear power, which continues to generate an enormous amount of toxic waste; DDT, which wiped out malarial mosquitoes in the U.S. but was harmful to animal life; semiconductor manufacturing, which ushered in the computer revolution but resulted in environmental contamination.

There are other examples of science moving forward but then looking at the implications after the fact. Probably the best most recent example is stem cell research; and regardless of where one lines up in that debate, I think everyone can agree that it would have been smarter for us to look at some of the societal concerns while the research was being developed instead of after the fact.

We have a responsibility to quantify the risks ahead of time. We have a responsibility to minimize the unintended consequences. Currently, the toxicological impacts of nanotechnology are not being studied because no funding has been allocated to make it happen. Ultrafine particles, particles larger than nanoparticles, such as asbestos and ultrafine quartz particles, have been known to cause damage to the lungs.

We would like to know the toxic effects of nanoparticles. To date, only one comprehensive study has been performed to examine the possible toxicity of nanoparticles. A group of researchers recently discovered that mice and rats develop scar tissue in their lungs after exposure to carbon nanotubes. This was the first preliminary study that examines the possible toxicological risks of nanotechnology. I would submit that these studies must continue.

What is the impact on the human body? The answer is that we do not know, but that is a question that we must be able to answer. These very preliminary studies show us that further research is needed. There are issues of risks associated with every new technology. Concerns about nanoparticles' toxicity must be addressed while the field is still young and exposure is limited.

We in this body have the responsibility to ensure that the necessary research is being performed to ensure the continued safety of our communities in the face of this exciting new technology.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas (Mr. BELL) because I think it overspecifies the issues that should be addressed by research directed towards societal and ethical concerns. I also want to point out that the administration, which is championing this initiative and who were of the same mind, opposes this amendment.

H.R. 766 already makes it clear both in the bill and in the accompanying report language that societal and ethical concerns include concerns related to potential societal and environmental consequences associated with nanotechnology development. The language is general in order to permit the broadest range of research on the societal and environmental implications of nanotechnology.

We spent a great deal of time on this very issue during our committee's markup of the bill last week. The committee took particular care as to how societal and ethical concerns were described in the bill and how the national nanotechnology research and development program is required to address them.

We need to have broad authority to ensure that this research can focus on questions that may not seem important to us today but emerge as the science matures. This amendment takes us in the wrong direction by limiting the research on environmental concerns authorized in the bipartisan committee bill to toxicological and environmental impact statements.

The administration opposes the amendment. I do, too. I urge my colleagues to vote ''no.''

Mr. SHERMAN. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this amendment. It is my understanding that the amendment does not limit the societal impact that is going to be evaluated, but simply specifies that among the things to be looked at are the toxicological and the environmental.

I do not know whether the gentleman from Texas would want me to yield to him so that he could further explain whether his amendment would limit or perhaps just identify certain areas for such review.

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

Mr. SHERMAN. I yield to the gentleman from Texas.

Mr. BELL. Mr. Chairman, I thank the gentleman from California for yielding.

In no way would it limit, and that is why we specifically used language that said ''including toxicological and environmental concerns.'' Researchers in this area would still be free to study a wide range of societal and ethical concerns associated with nanotechnology. We just want to make sure that included in that research will be research going toward toxicological and environmental concerns as well.

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Mr. Chairman, the distinguished Chair of the Committee on Science and I happen to disagree on what could possibly lead to arbitrariness as this research concerning nanotechnology goes forward. It is my fear if we do not set forth some of the areas in particular that we would like to see studied, they could be overlooked. But it is in no way limiting the scope of the research that will be conducted regarding societal and ethical concerns associated with nanotechnology.

Mr. SHERMAN. Mr. Chairman, reclaiming my time, I think the bill does a good job of dealing with the societal impacts. This amendment would make it better.

I just returned from spending 2 days at the conference of the Foresight Institute in Palo Alto devoted exclusively to looking at the societal impacts of nanotechnology. There I had extensive discussions with Eric Drexler who coined the term ''nanotechnology,'' and got to meet the people from the Singularity Institute who are focusing on the implications of artificial intelligence.

One good aspect of this bill that I should point out is Michael Creighton's book ''Prey'' is identified with nanotechnology; and, in fact, whether or not what he describes in that book is possible, the bill already identifies six standards to be included in the safety standards for the research done in this technology. Following even some of those standards would be enough to put ''Prey'' to rest.

So the bill does have some excellent aspects to it. I think it could be enhanced by the amendment from the gentleman from Texas. I would also point out that the bill calls for societal impacts to be reviewed as part and parcel of scientific research so that when it is practical to fund scientific research, that the societal impacts are reviewed.

The bill also, and I think this is important, would allow us to look at the societal impact separately and prior to the time when it is appropriate to fund practical scientific studies. So it may be that we are not funding a particular type of technology because it is not ripe, but we do need to look at the societal impacts of that technology even before it is ripe to develop it.

Mr. Chairman, I look forward to being part of the process as this bill moves to the other body. I think it is a bill that covers the societal impacts, and the amendment would only make it better.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have a great bill. We think that this amendment would help it. I support the bill whether we put the amendment on or not; but it seems to me that this just adds toxicological studies, which simply means in plain American language is we want to add health effects to it. In subsection 5, page 4, line 23, they point and ensure that societal and ethical concerns, including environmental concerns and potential implications of human performance enhancement and the possible development of nonhuman intelligence will be addressed. This simply adds health to it.

I think it aids the bill substantially. It brings some common sense to it, and I urge adoption of the amendment.

Mr. MILLER of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise also in support of the Bell amendment. The potential benefit of nanotechnology is truly astounding, but there are also potential harmful consequences.

I come from a part of the country where a century ago we imported an ornamental Japanese groundcover, kudzu. It was thought to help prevent soil erosion. Now 7 million acres of the South is covered with kudzu. It covers crops, forests, houses, barns. Many of us suspect that we have lost slow-moving relatives to the kudzu.

We are now talking about manipulating matter at the atomic and molecular level. I want to make sure we are not turning loose upon the world a molecular, atomic kudzu. We do not know how manipulated particles, atoms and molecules, will interact with the environment, particularly human tissue. And we do not know if self-replicating molecules and atoms will know when to stop replicating.

Mr. Chairman, I hope that all of these concerns will prove to be overblown, and we will look back in 30 years and think of this the way we now think about the concerns about the astronauts bringing back Moon germs from the Moon.

But we certainly have plenty of examples of things that we should have worried about and we did not worry about. It includes concerns about toxicity, the toxicity of manipulated molecules and atoms, and the effects on the environment. I want to make sure that our societal and ethical concerns about nanotechnology is not limited to philosophers and theologians wondering if we are playing God, but rather if we are creating matter that is going to be harmful to human tissue and will harm the environment. I support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BELL).

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

Mr. BELL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. BELL) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. BELL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BELL:

In section 3(b)(1), insert '', including research on the potential of nanotechnology to produce or facilitate the production of clean, inexpensive energy,'' after ''nanotechnology research and development''.

Mr. BELL. Mr. Chairman, just after being sworn in as a Member of Congress, I had the privilege of listening to Dr. Richard Smalley, who is a Nobel Laureate who now teaches at Rice University and is recognized as a leader in the area of nanotechnology.

During the course of his speech, many of his remarks were directed towards the impact that photoresearch and the area of nanotechnology could have in the area of energy. He pointed out to the crowd assembled that evening how in this particular area regarding energy, nanotechnology could very much change the world in which we live. I am not a scientist, but when people start talking about how something could change the world in a very beneficial manner, those words get my attention.

The purpose of the amendment that we present here today is to single out energy, along with the other important areas for research that are already set forth within the bill.

Nanotechnology holds the promise to make energy production cheap and relatively pollution-free by reducing the cost of solar and fuel cell technology anywhere from 10 to 100 fold. Nanotech lighting technology could replace incandescent and fluorescent lights with enormous energy cost savings across every sector of the economy.

If we look at what is going on in the United States today regarding the cost of energy, the price of gasoline skyrocketing all across the country, the cost of natural gas rising so high that plants are threatening to close and move overseas on an almost daily basis, I think all of us can understand the need for looking for low-cost alternative energy sources, especially when it could be a clean source of energy.

Mr. Chairman, nanotechnology holds the promise of tomorrow because it

truly is the technology of the future. Its application will be felt across the spectrum of scientific research. I hope my colleagues will join me in supporting the development of this exciting field and pinpoint energy as an area that is very much deserving of further study.

Mr. Chairman, I urge support for this amendment.

Mrs. BIGGERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the Bell amendment to H.R. 766, the Nanotechnology Research and Development Act. As the chairman of the Subcommittee on Energy of the Committee on Science and someone who is very passionate about energy research, I certainly am one who would be inclined to elevate energy applications above all other applications in just about any research area, including nanotechnology research.

However, the purpose of this bill is to ensure coordination and collaboration of nanotechnology research by all Federal science agencies, including the Department of Energy. I believe that this bill in its current form already includes the kind of research the Bell amendment is attempting to advocate or emphasize. It does so by authorizing a significant amount of funding for research at the Department of Energy, the Federal agency with the central mission and responsibility to encourage the development of clean, inexpensive energy.

As a result, the bill will revolutionize energy production and use. Key enabling technologies such as catalysts, membranes, and filters all operate at the nanoscale. A better understanding of the nanoscale and the development of nanotechnologies will enable dramatic cost reductions in hydrogen production, carbon sequestration, and a host of other energy applications.

I do not think that specifying research development in the statute adds anything new and will only tie the administration's hands and the Federal agencies' hands. I urge my colleagues to support the bill as reported by the committee and oppose the Bell amendment.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it makes sense, and the gentleman who offers the amendment is from Houston, Texas, which is a salient part of the energy thrust. And Texas being one of the 10 States that produces energy for the other 40 States thinks this is important. I think it is important to add it. It is simple. It simply adds including research on the potential of nanotechnology to produce or facilitate the production of clean, inexpensive energy. I think it helps, and I think it is consistent with the rest of the bill.

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

Mr. HALL. I yield to the gentleman from Texas.

Mr. BELL. Mr. Chairman, I would just point out if we can get a group of Texans excited about looking for a clean, inexpensive form of energy, the House of Representatives should not balk at that opportunity.

This is an extraordinary opportunity in many respects. We are not trying to limit the research, just as I pointed out previously in regard to the earlier amendment.

This is simply to include a provision in the bill that will lead researchers to look at energy technology and provide funding for energy technology down the line so we can study this. This is not an area that is widely discussed when people talk about nanotechnology. But given what some of the leaders in this area of research have pointed out, there is tremendous optimism that it could lead to a sustainable, clean-burning, inexpensive source of energy; and we should not miss the opportunity to look at that as we are studying nanotechnology.

Mr. HALL. Mr. Chairman, Texans cannot only think big, we can think little, too; and that is what we are doing.

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, who can be against clean, inexpensive energy? I am not, but does it make sense to pick out this one laudable goal and hold it up above all others, including medical advances, homeland security, technology that can drive faster economic growth? Yes, energy is important and this bill recognizes it.

□ 1345

It is an important part of H.R. 766 and it is demonstrated by the portion of the bill that authorizes $265 million for nanotechnology research at the Department of Energy next year alone. That is significant. But energy is not more important than many of the other things that nanotechnology will do. Would you say it is more important than finding a cure for cancer? Or more important than protecting our borders in our fight for homeland security? These are all important, laudable goals, and the bill covers them all.

Once again, we are not just throwing petty cash at this subject. We are devoting $265 million to it. The administration opposes this amendment, and so do I because it is too prescriptive. Therefore, I would urge a ''no'' vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BELL).

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

Mr. BELL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. BELL) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MS. EDDIE BERNICE JOHNSON of texas

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. EDDIE BERNICE JOHNSON of Texas:

In section 5(b), after paragraph (7), insert the following:

In carrying out the assessment required under paragraph (7), the Advisory Committee shall consider the findings and recommendations from citizen panels described in section 6(b).

In section 6, insert ''(a) IN GENERAL.—'' before ''The President shall''.

In section 6, insert the following new subsection at the end:

(b) CITIZEN PANELS.—(1) The National Nanotechnology Coordination Office shall convene citizen panels, with membership composed of nonscientific and nontechnical experts, in different geographic regions of the Nation, to consider societal and ethical concerns arising from the development and application of nanotechnology. The Coordination Office shall develop guidelines and procedures governing the functioning of the citizen panels under this subsection in consultation with the Director of the National Science Foundation.

(2) The first citizen panel shall meet within 18 months after the date of enactment of this Act, and subsequent panels shall meet on a schedule established by the Coordination Office, but not less frequently than at 18-month intervals.

(3) Citizen panels shall prepare reports containing the panels' findings and recommendations, and the Coordination Office shall ensure the wide dissemination of the reports.

(4) Of the amounts authorized under section 7(a), such sums as may be necessary shall be made available to carry out this subsection.

Ms. EDDIE BERNICE JOHNSON of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the amendment that I have for H.R. 766. It has to do with adding under the auspices of the National Science Foundation a citizens advisory committee. There is nothing sinister about my desire to do this. I want to do this because I feel that more and more citizen input is demanded by citizens. This research will be paid for by citizens. And to have someone to sit and listen and get an understanding simply creates a more positive attitude throughout society, I feel, with the research.

This is going to be research that people do not understand very well. Even the researchers will not understand it too well until they start to do the research. It could provide revolutionary advances in health care and dramatically increase our life-span. But people need to know this. They need to know that this is not going to be perhaps research on stem cells or whatever, so

that the fears can be allayed, the anxieties can be eliminated because of this. This powerful and pervasive technology, while promising great benefits, has its downsides.

While I support the bill, I do have that one concern, that the views of the general public who will bear the brunt of the consequences, both good and bad, have no input in the planning and execution of the research program and no input as to asking questions and getting answers as the research goes on. As I indicated, taxpayers are paying for the development of this technology and they have a right to have a voice in this research agenda.

My amendment goes to the heart of this problem. It provides for small panels of ordinary citizens to be assembled to examine important societal issues about nanotechnology. Panelists would be selected across the socioeconomic spectrum, ordinary, practical Americans. These citizen panels would hear expert testimony from those doing the research, listen to arguments about the applications and consequences presented by all sides and develop an agenda of major public issues to address. These John Q. Public panels will provide agencies carrying out the nanotechnology R&D program and the broader public of the common ground among the cross-section of Americans on the goals and directions of this R&D program.

The bill does provide support for experts to address the societal and ethical concerns of nanotechnology. However, that is the problem when only the experts are involved. These are the same type of experts that did not provide effective guidance on how to address societal and ethical concerns on genetically modified foods, and now we still have a question about whether or not they are safe to eat, human stem cell research and cloning. As a witness pointed out during a hearing on nanotechnology, social and ethical expert panels frequently become captive to the technology they are supposed to be providing oversight on. I believe that there is evidence that expert panels are not by themselves sufficient to address broad public concerns. That is why my amendment explicitly calls for citizen panels.

Members may ask, why is this important? Just think about the public backlash and debate on genetically modified organisms, think Frankenfoods, human stem cell research, and cloning to name a few. When the public was asked to accept the results of these technologies and asked simple, commonsensical questions, the research community said trust us, the fatalists said the world would come to an end, and no one really required the science community to sit down with the public and discuss the benefits and possible costs of these technologies. As a result, the full potential of these technologies have not been realized. Citizen panels promise to avoid this logjam by allowing the public's voice to be heard during the development period of the technology, not after it is introduced.

Today I ask my colleagues to support this amendment to put in place a proven approach to help increase public understanding of nanotechnology and provide an avenue for ordinary Americans to influence the direction of this R&D initiative.

Mr. BURGESS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I urge opposition to the Johnson amendment. First off, the administration opposes this amendment. The bill that is under consideration already provides a forum for citizen involvement. By statute, the meetings and proceedings of the Advisory Committee on Nanotechnology must be open to the public. Weighing down the National Coordination Office for Nanotechnology with citizens' panels would be unnecessarily costly as well as prescriptive. The Danish model embodied in the Johnson amendment has not worked well here. A scholarly review of the Danish-type citizens' panel process convened to study telecommunications and democracy judged the process to be ineffective.

I would, however, add my support to H.R. 766, the Nanotechnology Research and Development Act of 2003. I want to commend Chairman BOEHLERT for his firm leadership on this issue and I am pleased that I had the opportunity to work in a bipartisan fashion with my colleagues on the Committee on Science. Nanotechnology is an exciting new field of scientific study and promises to provide humankind with unimaginable advances in manufacturing, materials, medicine, construction, computing and telecommunications.

As we have learned in committee from the testimony of Dr. James Roberto, we are truly moving from atomic scale characterization to atomic scale control, from miniaturization to self-assembly. As a physician I am especially excited about nanotechnology applications in medicine. Most diseases and illnesses occur at the cellular level and the surgical tools of tomorrow will have a level of precision that is unimagined today. Nanotechnology advancements in medicine will soon be able to inexpensively fabricate essentially any structure that is consistent with chemical and physical laws and specified in molecular detail.

As we also learned in committee, recently the University of Michigan used nanoprobes to image chemical activity inside cells. Today this provides information about metabolic processes inside cells, but tomorrow we may be able to modify these processes. We will truly move from an era of nanodiagnostics to nanotherapy. The ramifications that this technology could have on cancer treatment, trauma surgery or organ transplantation would be literally life-changing. In order to improve the health of Americans, a coordinated approach to nanotechnology research and development will be necessary in order to reorient how we practice medicine. H.R. 766 will do that and much more.

The National Nanotechnology Research and Development Program established under this bill would promote research and development into this promising new science as well as facilitate commercial applications for new developments. H.R. 766 will also establish formal interagency cooperation, reducing government waste and duplication on nanotechnology projects. By streamlining national efforts in regard to nanotechnology, commercial applications of the technology will come sooner rather than later. And perhaps one of the greatest impacts this bill will have will be the impact on our economy. This new technology will be an engine of growth for our economy and has the potential to create millions of new jobs in several sectors of the United States and the global economies. Nanotechnology will change the way our lives are lived by improving our health, our environment and the ways in which we live and work.

Mr. Chairman, I urge support for this bipartisan legislation, H.R. 766.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have heard a couple of times that the amendment was opposed because the administration did not want it. Could you tell me the objection of the administration? How did they find little old me with this little old amendment to object to it?

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

Ms. WOOLSEY. I yield to the gentleman from New York.

Mr. BOEHLERT. Let me state at the outset that I support and the administration supports broader public participation. We have been assured by the administration that every meeting will have a set-aside period for public participation, the type of participation that the gentlewoman wants and is a cherished part of our system. So I applaud the gentlewoman's objective but the fact of the matter is we do not need a whole bunch of new panels.

Let me point out, if you want me to use some additional time, this is modeled after the Danish system. I was told that research puts that into question, that sort of formalized structure. A scholarly study on the impact of just such a citizens panel in the United States, not in Denmark, here, concluded that not even those engaged in organizing the U.S. citizens panel thought it had any actual impact. Let me quote from their report: ''The single greatest area of consensus among the respondents was that the Citizens Panel on Telecommunications and the

Future of Democracy had no actual impact. No respondent, not even those government members of the steering committee or expert cohort, identified any actual impact.''

Having said that, does that mean that I agree that we do not need any citizen input? Not at all. I agree with the gentlewoman that we do need citizen input. I applaud her effort, but I have to oppose this particular amendment to be so prescriptive and just to set in motion just who has to do what and when.

Ms. EDDIE BERNICE JOHNSON of Texas. If the gentlewoman will continue to yield, there was other language that had been attempted as substitute language. Would the gentleman accept that as an amendment? I have it prepared to submit it.

Mr. BOEHLERT. My staff tells me we tried very hard, because we talked in committee about this and I offered to work with the gentlewoman to strengthen the requirements for public participation in the underlying legislation. The staff have had conversations back and forth and apparently we could not bridge the differences. But let me assure the gentlewoman that she is absolutely right in calling for public participation. I want public participation. So does the administration. I just do not think we have to be so prescriptive in this bill as to set the parameters for that public participation.

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Johnson amendment which calls for citizen panels to examine the societal issues and effects that could emerge from nanotechnology, effects and issues that may not be able to be detected and imagined with this imaginable science but for the untrained eye, the naive person that may not know what this is supposed to do may actually see what could come up and could get in the way of this being a straightforward technology. But this is a straightforward amendment. It adds more common sense to an already good underlying bill.

The Johnson amendment taps into the unscientific expertise that our neighbors, our colleagues, our family members, our friends could offer to the exciting development of nanotechnology.

□ 1400

As with any new technology, Mr. Chairman, any new technological endeavor, some of the issues and consequences we might be able to anticipate from the very beginning; but others may not emerge for a time to come. More effort is needed. More effort is needed to increase public understandings of nanotechnology in the first place in order to avoid the backlash that has plagued other new technologies such as genetically modified foods, corn and the Monarch butterfly, for example.

Mr. Chairman, I rise in support of the Johnson amendment to H.R. 766, the Nanotechnology Research and Development Act.

The Johnson amendment, calls for citizen panels to examine the societal issues and effects that could emerge from nanotechnology, that may be imaginable to the scientist, but not the untrained eye. It is a straight forward amendment that adds more common sense to a good underlying bill.

We all know that local citizens often have the best insight for what is coming straight at us. The Johnson amendment taps into the unscientific expertise that our neighbors, colleagues, family members or friends could offer to the exciting development of nanotechnology.

During committee consideration of H.R. 766 we had a spirited debate about the potential societal and ethical issues that nanotechnology could mean for us down the road. As with any new technological endeavor, some of the issues and consequences we might be able to anticipate from the beginning . . . but others may not emerge for a time to come.

At our committee's nanotechnology hearings, we also had several witnesses who indicated that more effort is needed to increase public understanding of nanotechnology in order to avoid the backlash that has plagued other new technologies, such as genetically modified foods, corn and the Monarch Butterfly, for example.

In the past, too often the scientific or technological experts have told the public ''trust us''—this won't have any adverse consequences.

But we know that's not always the case, no matter how much the experts tell us otherwise.

Whether we're talking about the early questions that surrounded biotechnology, corn and the Monarch Butterfly or what nanotechnology might mean for increasing the human lifespan, there's certainly a demonstrated usefulness to having a commonsense voice be part of the research agenda.

Now is the time to incorporate those common sense voices into the research agenda. Now, while we're at the starting gate, not when we might already be involved in public controversy.

The Johnson amendment is the answer to this need for public involvement by calling on ordinary Americans to be a stakeholder in the nanotechnology research agenda. Ordinary Americans certainly have a stake in what nanotechnology can deliver, so we should make sure they have a voice in how nanotechnology may deliver it.

I urge my colleagues to support the Johnson amendment.

Mr. HONDA. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have a question to ask the chairman of the committee. Since there is objection to the details of this citizens panel, there was a suggestion after much dialogue with the chairman and staff to recommend a more watered-down version of it. I would rather have the watered-down version than to not have a citizens panel because I think it is just going to prevent a great deal of turmoil later. I do not know how long it will take us to convince people that genetically modified foods are safe; but I think that if the education had started right along with the research, we would not be dealing with that problem.

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

Mr. HONDA. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, the staff is busy discussing, as we always do as a committee on bipartisan basis, a way to accommodate our mutual interest.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment and wait for the details to be worked out.

The CHAIRMAN pro tempore (Mr. OTTER). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I simply hope that we can work out this concept of citizen panels because I do believe there is a mutual benefit to having the citizenry having their input into very fine technical and very precise technology that really is going to be a job generator. It is going to be an enhancement for a better quality of life, and I would hope that in the course of deliberating that we would find an opportunity to support just a simple concept, Mr. Chairman, having citizen panels to address the question of the quality of this kind of technology.

Mr. Chairman, first I would like to commend Chairman BOEHLERT and Ranking Member HALL on the Science Committee for their hard work and bipartisan spirit in crafting this bill. We and our staffs have been working very closely together to ensure that this Bill ensures a bright, productive, and lucrative future for the field of nanotechnology in the United States. I would also like to commend my colleague from California, Mr. HONDA for his leadership in the exciting field of nanotechnology. I am pleased to be a co-sponsor of this bill and look forward to seeing it signed into law.

My amendment today will create a Center for exploration of ethical/societal/environmental and education issues related to Nanotechnology. It represents a compromise between those in the Science Committee who wanted to elevate this kind of research, and those who were reluctant to micromanage the administration by assigning dollar values to such programs. If we disagree on some of the fine details here today, it should not detract from the excellent collaboration we have engaged in so far.

Nanotechnology is one of the most exciting fields of science today, involving a multitude of science and engineering disciplines, with widespread applications in electronics, advanced

materials, medicine, and information technology. The promise of nanotechnology to accelerate technological change has prompted some to advise caution about pursuing such rapid innovation without first developing a deep understanding of where it might lead us.

Advances in stem cell research, cloning, and genetically modified organisms, have left us scrambling to make smart decisions that will harness the great potential of these fields, but also avoid potential pitfalls or ethical disasters. As nanotechnology emerges, I hope we can be more proactive in guiding smart policies and appropriate research.

Nano-machined particles or biotech products could have potentially devastating health or geopolitical consequences if released into the atmosphere either unintentionally, or as a new class of weapons. Manipulations of biological systems could produce germs or species that could jeopardize our ecosystem.

Furthermore, there are even risks to society that may stem from the good outcomes of nanotechnology research. Over the past decades we have seen a troubling development, with the ''have-nots'' in our society finding themselves on the wrong end of a ''technological divide.'' As the internet, and other technologies, are making many of our lives so much easier and more productive, change has not reached all of our communities.

Too many are missing out on the tech revolution. These people are already fighting to keep up and compete in school, or in the workforce, and the technological divide makes that fight even harder. I do not want H.R. 766 to lead to a nanotechnology divide that will further handicap hard-working, tax-paying Americans.

Numerous experts from academics, think tanks, industry, as well as the NSF and the National Academy of Sciences, have come to the Science Committee strongly encouraging us to incorporate research on societal and ethical implications of nanotechnology, into any nanotech research initiative. They have also spoken of the importance of ensuring that nanotechnology research is guided by an understanding of health and environmental sciences.

We must ensure that as new technologies and products come about—in healthcare, in communications, in energy—that they have a positive impact on all of the American people, and on our planet.

I am pleased that the underlying bill includes provisions to provide for research into the societal and ethical concerns related to nanotechnology. The authors of the bill have recognized the importance of having that research integrated into the bench science research programs, so that there will be a constant dialogue between nanotech scientists, ethicists, and social scientists. I agree that such integration is necessary. My amendment preserves all of the language in the existing bill relating to that critical integrated research.

However, I am concerned that as this field progresses—as results start to translate into lucrative products, it becomes more competitive to get the hottest cutting edge research into journals, as researchers find it necessary to ''push the envelope'' in labs in order to get tenure—that the ethical/societal issues could become lost.

That is why, in addition to the integrated research program, my amendment adds a provision requiring the National Science Foundation to establish a Center for Societal, Ethical, Educational, Environmental, Legal, and Workforce Issues Related to Nanotechnology.

It will thus elevate and draw focus to the important research in these areas, without ''prescribing'' an exact dollar value for the program. The center will compile and enhance research from the integrated programs on societal and ethical implications. In addition, it will also add studies on environmental, legal, educational, and workforce issues.

Nanotechnology lies at the intersection of several scientific disciplines including biology, chemistry, physics, and materials science—and will thus demand a diverse and properly educated workforce. Proper workforce training needs to occur at all levels, from K–12 through university, to ensure that all are able to enjoy the social, economic and technical benefits that nanotechnology promises. This Center will help make that happen.

The center will serve as a conduit for transfer of papers and data and information, between researchers in the field, social scientists and outside special interest groups. It will communicate findings and recommendations to the National Academy of Science and to the Interagency Committee on Nanotechnology, to help them with their annual reports.

This amendment does NOT replace the integrated societal/ethical research programs, as some have suggested. Instead, it protects that research by giving it a home at NSF. It demonstrates to concerned citizens, that these issues are being addressed. And, it ensures that results from ''embedded'' social scientists, integrated into research centers, are widely disseminated and discussed.

A similar provision was widely accepted in the Senate and included in their bill. It has been supported by many of my colleagues in the Science Committee.

I believe this amendment will complement the underlying bill well, and urge my colleagues to support it.

Mr. HALL. Mr. Chairman, I move to strike the last word.

The gentleman from Texas (Mr. BURGESS) was correct when he pointed out that the amendment directs NSF to provide assistance to the National Nanotechnology Initiative in setting up and running the citizens panels, and I think that has to be in there because otherwise how would they know how to run the citizens panels if they do not hear from the citizens?

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

Mr. HALL. I yield to the gentleman from New York. And I think the gentleman is being cooperative in trying to help. I recognize that.

Mr. BOEHLERT. Mr. Chairman, we are working this out. So the gentlewoman has kindly withdrawn her amendment from consideration; and during this interim period, the gentlewoman from Texas (Ms. JACKSON-LEE) will be up next with her staff. Staffs are trying to work out language that assures both sides that we get what we want, active citizen participation.

Mr. HALL. Mr. Chairman, I will wait to see the fruits of the gentleman's labors, and I thank the chairman for this extra work he is going into.

Mr. EHLERS. Mr. Chairman, I move to strike the last word.

I wish to speak on the general merits of the bill. Nanotechnology is an extremely important scientific development, one in which we are just beginning to scratch the surface. Few people in this country realize the tremendous potential that this has. At the same time, as a scientist, I have to say if someone asked me what are we going to get out of this, I have to simply say I am not sure. And that is the nature of basic research. In 1931 when theorists first started investigating stimulated emission of radiation, if one asked the question what is this going to come to, they would have said I do not know. And when Charles Townes first developed the hydrogen MASAR, microwave amplification by stimulated emission of radiation, and someone asked what is this going to come to, he probably said it would be a time standard, but was not certain of any development beyond that. And yet that research led to the development of the laser, and the development of the laser led to a multitude of applications in business, commerce, medicine and the military. The laser today is ubiquitous. Back then it was a precious, expensive discovery, but today we use tiny, inexpensive lasers just to point at slides on a screen. It has been amazing progress. And we will find the same thing with nanotechnology. It is a very promising field, but we do not know where it is going to lead.

Some of the promise of nanotechnology could be incredibly strong, light materials which could create a revolution in space travel and in ordinary airplane travel. Other uses for it could be in the medical arena, being able to entrap health-enhancing molecules within a nanoscale shell so that the medicine can be directly applied to the site we are trying to reach. For example, we might treat cancer in a very direct way by having a mechanism of transporting the chemotherapy molecules directly to the cancer cells and not to other cells. That would also be a marvelous development, but we really do not know if it will work out.

The point is simply that this is a very new technology, and already we know enough about it to know that it is a major breakthrough. It is absolutely essential that we pursue this research in a thoughtful manner and that we, as a Nation, commit ourselves to development of nanotechnology and research in nanoscience.

I am very much a supporter of the bill, and I appreciate the chairman of the Committee on Science and the ranking member for bringing this bill forward. It is a good step forward for our country. Frankly, we are going to need much more in the future in terms of guidance for how this new discovery is supposed to be used, including some of the ethical and societal concerns; but the first thing to do is to promote research on nanotechnology, find out exactly what promise it has, what may become of it, and then pursue those avenues of research.

Mr. SHERMAN. Mr. Chairman, I move to strike the last word.

I rise in support of this amendment. I think getting all of the citizen input possible is called for. I know that it has been discussed that perhaps the citizen panels on telecommunications did not create sufficient community interest. I for one found Tauzin-Dingell to be boring. I am not sure that my constituents found telecommunications to be a reason to drive long distances to participate in citizen panels. I think the issues that nanotechnology brings before us are simply going to create more citizen involvement and that the citizen panels here will be quite important.

Among the questions that this technology will raise, when I took the CPA test, they would not let me bring a calculator. A decade from now, chips will be implanted in people's brains. Can they take the CPA test? Do we have to disable the chip? I do not know. Today Shaquille O'Neil is the most dominating force on the basketball court, but what if parents decide that they want genes moved this way and that way so that their son or daughter could be even taller, even bigger? Will this person be eligible to participate in the NBA, and if so, will the Lakers get to draft that person? I do not know, but it strikes me as more interesting than much of telecommunications, and I know there are Members of this body very interested in telecommunications, and I praise them for that involvement.

The entire issue of artificial intelligence and what happens when a computer first asks us for the minimum wage, I do not know how we are going to react; but I think that these are questions we are going to confront in the next few decades. They are questions that should involve all of society. They involve the very issue of what it means to be a human being. They will arouse a level of theological debate that we did not face in telecommunications; and for those reasons I think that even if panels were not successful on that issue, they will be quite interesting on it. Before we change what it is to be human, we ought to ask humans what they think about.

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

Mr. SHERMAN. I yield to the chairman.

Mr. BOEHLERT. Mr. Chairman, during the time that the gentleman has been speaking so eloquently, the majority and minority have reached an agreement on the gentlewoman from Texas's (Ms. EDDIE BERNICE JOHNSON) amendment which has been withdrawn, and now she is willing to offer a compromise amendment that we are prepared to accept. So I thank the gentleman for his input, and I anxiously await the words of the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Mr. SHERMAN. Mr. Chairman, reclaiming my time, this shows the kind of bipartisanship and camaraderie that has been achieved under the chairman and ranking member on the Committee on Science, and I salute it.

AMENDMENT OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. EDDIE BERNICE JOHNSON of Texas:

In section 3(b)(5)—

(1) strike ''and'' at the end of subparagraph (B); and

(2) after subparagraph (C), insert the following new subparagraph:

(D) ensure, through the National Nanotechnology Coordination Office established under section 6 and through the agencies and departments that participate in the Program that public input and outreach to the public are both integrated into Nanotechnology research and Development and research on societal and ethical conerns by the convening of regular and ongoing public discussion, through mechanisms such as citizen panels, consensus conferences, and educational events, as appropriate; and

In section 3(c)(6), insert '', suggestions or recommendations developed pursuant to section 3(b)(5)(D),'' after ''Advisory Committee''.

In section 5(b)(7), insert '', including concerns identified pursuant to section 3(b)(5)(D),'' after ''societal and ethical concerns''.

Ms. EDDIE BERNICE JOHNSON of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, this substitute amendment which I am offering now does essentially the same thing except that it is very voluntary; and if that is acceptable to the Chair and to the majority, then I will accept this amendment. So I would move its adoption.

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

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I think we worked out a very fine compromise that ensures the citizen input, and the majority is pleased to accept the gentlewoman's amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I thank the gentleman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

In section 3, add at the end the following new subsection:

(d) CENTER FOR SOCIETAL, ETHICAL, EDUCATIONAL, ENVIRONMENTAL, LEGAL, AND WORKFORCE ISSUES RELATED TO NANOTECHNOLOGY.—The National Science Foundation shall establish a Center for Societal, Ethical, Educational, Environmental, Legal, and Workforce Issues Related to Nanotechnology to encourage, conduct, coordinate, commission, collect, and disseminate research on the societal, ethical, educational, environmental, legal, and workforce issues related to nanotechnology, including research under subsection (b)(5)(A). The Center shall also conduct studies and provide input and assistance to the chairperson of the Interagency Committee in completing the annual report required under section 4 and to the National Academy of Sciences for conducting reviews under section 8.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the word is very large, but it is an extremely humbling science and approach that we are attempting to take with respect to nanotechnology. As I listened to the previous debate and my good friend from California who acknowledged that previously in other instances citizen panels may not have drawn the great enthusiasm that we would have liked them to draw, I am hoping that as we resolve the matter on a very good amendment by my colleague that I could work with the ranking member and the gentleman from New York (Chairman BOEHLERT) to work on what I think is a very important amendment as well.

□ 1415

I would like to thank both of the gentlemen for the work on this particular legislation. As I said, the word is large, but the science and the concept is humbling. It deals with enhanced quality of life by the particular type of science and dealing with cutting edge technology to help improve our life and our lifestyle in America and around the world.

We have worked with our staffs very closely to ensure that this bill ensures a bright, productive and lucrative future for the field of nanotechnology in the United States.

I would also like to commend my colleague from California (Mr. HONDA) for his leadership in the exciting field of nanotechnology, and I am pleased to be a cosponsor of this bill and look forward to seeing it being signed into law.

My amendment today will create a Center for Exploration of Ethical, Societal, Environmental and Educational Issues Relating to Nanotechnology. And forgive me as I speak directly to the chairman. With that simple sentence, I believe we can find a wonderful way to project that and allow for this bill to make its way through this body and finally to passage.

The amendment represents a compromise between those in the Committee on Science who want to elevate this kind of research and those who are reluctant to micro-manage the administration by assigning dollar values to such programs.

If we disagree on some of the fine details here today, it should not detract from the excellent collaboration we have engaged in. Nanotechnology is one of the most exciting fields of science today, involving a multitude of science and engineering disciplines with widespread applications in electronics, advanced materials, medicine and information technology.

I am waiting for the ranking member to speak only because I know that he knows how to bring just the right humor along with the right type of technology and science. The ranking member, the gentleman from Texas (Mr. HALL), has been a vital resource for helping us forge these bipartisan efforts, but, more importantly, get good bills to the floor and get them passed.

I realize that this center has that capability of drawing a compromise. The promise of nanotechnology to accelerate technological change has prompted some to advise caution while pursuing such rapid innovation without first developing deep understanding of where it might lead us. Advances in stem cell research, cloning and genetically-modified organisms have left us scrambling to make smart decisions that will harness the great potential of these fields, but also avoid potential pitfalls or ethical disasters.

Mr. Chairman, we have discussed these issues in the Committee on Science. I can assure you there is unanimity on the issue of cloning amongst the Committee on Science and I know amongst this body. We do not want human cloning, but there are ethical questions being raised. This is what I speak of, the need to have a body that deals with these ethical considerations in an important, smart, effective and far-reaching way.

As nanotechnology emerges, I hope we can be more proactive in guiding smart policies and appropriate research. Nanomachine particles or biotech products can have potentially devastating health or geopolitical consequences if released into the atmosphere, either unintentionally or as a new class of weapons. Manipulations of biological systems can produce germs or species that could jeopardize our ecosystem.

Furthermore, there are even risks to society that may stem from the good outcomes of nanotechnology research. Over the past decades we have seen a troubling development with the havenots in our society finding themselves on the wrong end of a technological divide. As the Internet and other technologies are making many of our lives so much easier and more productive, change has not reached all of our communities. There lies the need for such a center.

Too many are missing out on the tech revolution. These people are already fighting to keep up and compete in school or in the workforce, and the technological divide makes that fight even harder. I do not want this next step, nanotechnology, to divide us even further and to disadvantage hard-working, taxpaying Americans.

So there are numerous experts, think tanks, the National Science Foundation, the National Academy of Sciences, that have all come together, the Committee on Science, to ensure we are moving forward.

I think it is important to have such a center, Mr. Chairman, and I believe that my colleagues, we can work together to move this concept of my amendment along, a center that will bring all these forces together and ensure that nanotechnology works for all of America.

Mr. BOEHLERT. Mr. Chairman, I rise in reluctant opposition to the amendment.

Mr. Chairman, I share the commitment of the gentlewoman from Texas (Ms. JACKSON-LEE) to ensuring that research is conducted on the social and ethical issues relating to nanotechnology, but believe that this amendment does not take the preferred approach.

Our committee has given this issue a great deal of consideration, and we decided rather than going to just one center, but to fully integrate research on the social, environmental and ethical issues into the research being conducted under the entire National Nanotechnology Initiative. This ensures that social, ethical and environmental implications research will be fully grounded in the science of nanotechnology and that scientists conducting nanotechnology research will be aware of and be active participants in research on the social and societal implications of their work.

The provisions were further strengthened in committee by amendments offered by the gentleman from California (Mr. SHERMAN) and the gentleman from Texas (Mr. BELL).

The Jackson-Lee amendment is derived from a provision contained in the Senate bill that takes us in the opposite direction. It creates a stand-alone research center financed by the National Science Foundation. Based on our experience with the Human Genome Program, this will undermine our effort to ensure that social, ethical and environmental issues are part of the fabric of each nanotechnology center grant, and nearly guarantees that research on important societal and ethical concerns will not be relevant to or influence the research actually being conducted.

So rather than just focusing on one center, we wanted to build it, weave it, into the entire fabric.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate the chairman's concern about the amendment, but let me make it perfectly clear that the amendment does not replace the integrated social-ethical research programs, as some have suggested. Instead, it protects that research by giving it a home at NSF and demonstrates to concerned citizens that these issues are being addressed. So it compliments what the gentleman is trying to do.

Mr. Chairman, I understand the gentleman's perspective of micromanaging. The amendment ensures that results from embedded social sciences integrated into research centers are widely disseminated and discussed.

While the gentleman was engaged in the very collaborative effort on the previous amendment, I too ask can we draw some language that would at least give us a place setting that talks about, encourages, the need for such a center, and then we can proceed with the collaborative work of the agencies as it proceeds through these bodies to know that there is a place for such a vehicle.

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, no, I am not prepared to go that far, and I usually go very far in trying to accommodate the wishes of all the members of my committee, regardless of affiliation or position on the dais.

But the fact of the matter is we have made a conscious determination that rather than focusing on one center we are going to weave this into the entire fabric of the whole nanotechnology initiative. For that reason, I think we better address the issue.

Therefore, while I am reluctant to oppose, I do oppose the gentlewoman's amendment.

Mr. HALL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I will paraphrase Will Rogers, who said he never met a man he didn't like. I think it is pretty obvious that Ms. JACKSON-LEE, who is one of the hardest workers that I know in this Congress, never met an amendment or a bill she could not upgrade and she could not talk about and could not suggest on. I think she stresses the protection of societal and ethical issues.

As I said in my opening statement, I think it is important for the successful development of nanotechnology that potential problems be addressed from the beginning in a straightforward and open manner, and I think that is exactly what the gentlewoman has done. This is the amendment she requested, and this is the time I think to look at this amendment.

We are not going to burn the barn down and run the cattle off if we do not get every amendment we want. The chairman has worked with us and tried to help us. If there is any way to work this out to something less than the request she made, this is the time to do it.

Mr. Chairman, I would like to yield to the chairman to get his feelings about whether or not that can be done or whether or not we have to simply put it to a vote of the Congress.

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

Mr. HALL. I yield to the gentleman from New York.

Mr. BOEHLERT. Was it Will Rogers that said I do not belong to an organization? No, never mind, I will not go into that one.

The fact of the matter is we are in general agreement on societal and ethical concerns and we have to pay a lot of attention to it, as we should. But I am unwilling to say that we have to devote an entire center to that one subject area, when in fact we are addressing that need by asking all of the centers or all of the research engaged under the National Nanotechnology Initiative to take into consideration societal and ethical concerns.

So I think we are actually broadening it in a way, without being so prescriptive that says we have to have brick and mortar in one location in America, and that is the solution to the problem.

I do not think that is the solution to the problem. I think it is to energize every single person who is operating under a research grant under this National Nanotechnology Initiative to be ever-mindful of the societal and ethical concerns.

Mr. HALL. Mr. Chairman, reclaiming my time, I thank the chairman for that, and I yield back to the author to make an answer.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member. If I could, I would like to engage the ranking member.

First of all, I think it is important that we have had good debate. As I said, the word is a big word, nanotechnology, so some of our constituents' eyes may be glazed over. But it truly is the kind of science that will impact their day-to-day life.

This center deals with the questions of workplace environment and educational issues, and so it is not narrowly focused. As we start moving quickly toward this whole idea of nanotechnology taking wings, and we begin to translate these into lucrative products and it becomes more competitive to get the hottest, cutting-edge research into journals as researchers find it necessary to push the envelope in labs in order to get tenure, the ethical-societal issues could become lost.

We know the thing, I think it is called the thing, but the new roller, the ''it'' that has been discovered, where you can move yourself around, these are the kinds of technology I am talking about.

If I might say to the gentleman from Texas (Mr. HALL), we will go to conference, and I would like to entertain the idea of the gentleman's support for this amendment and working with this idea in conference, and I believe that we can be successful.

So I see the other gentleman is looking to strike the last word. What I am going to do is engage with him in a moment, but if I could discuss that a little bit more after the gentleman from California (Mr. HONDA) speaks, then I will come to the floor if the gentleman from California (Mr. HONDA) would yield me some time after he speaks.

Mr. HONDA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this process of policy making is very interesting. My background is teaching, and listening to the rationale and arguments back and forth has been very enlightening for me. I think this is probably the best way to create policy, having this kind of an open debate. Quite frankly, I want to thank the chairman and the ranking member for this opportunity in this very, very important policy that we are establishing here that the President wants. I think that is what is exciting about this whole thing.

In the development of this vast arena of nanoscale technology, we know that its pervasiveness and ubiquitousness, its impact, is going to be greater than the debate over Y2K, because we know it will even create a greater umbrella because of this kind of technology.

It seems to be very, very logical at this point that we have one place where people who are involved in all aspects of nanoscale technology, from medicine to the hard sciences, gather together and gather information, think about this, so that they can provide information, educate the public, utilizing the current structure that is being developed right now through this bill.

So I would like to respectfully add my voice in support for this amendment in that we are expanding actually the whole world in this very important bill, and that we do this carefully and cautiously, but with some forethought that this debate is creating.

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

Mr. HONDA. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, let me observe here that I am not unwilling to spend the taxpayers' money for a good reason, to support a wide range of programs that provide for a better lifestyle and improvement in our society.

□ 1430

But one of the reasons why our government is so big and so all-pervasive is that we have a bill like this and we say, now, we want everybody involved in a national nanotechnology initiative to be concerned about societal and ethical concerns; and we want all of these grants, and we want the grantees to pay attention to that. Then we say, in addition to that, we are going to build this new center over here, and I do not think we need the new center.

If we were silent on this very important subject area in the rest of the bill, then I would probably be jumping up and down in support of the Jackson-Lee amendment, but we are not silent. We have had the whole history of our committee deliberations, the whole history of this floor debate, and congressional intent is very important and it is clear in our intent: we want to address societal and ethical concerns. But there are going to be a whole bunch of people financed by the Federal Government saying that we do not need a brand-new center to do it.

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

Mr. HONDA. I yield to the gentleman from Texas.

Mr. HALL. Mr. Chairman, I would say to the gentleman that I have assured the gentlewoman from Texas (Ms. JACKSON-LEE) that we will give her representation at conference, and I have the greatest belief that the chairman will give us his ear during that time and as much support as he feels is justified at the time and under the circumstances. I am happy to do that for the gentlewoman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. HONDA. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the ranking member who indicated that he would address this question on behalf of this amendment in conference. It is an important concept. So I would like to, at this time, Mr. Chairman, emphasize that ethics must be part of science and technology; and to ensure that happens, I ask unanimous consent to withdraw this amendment at this time so that we can pursue this in conference and have the opportunity to do this on behalf of the American people in the right way so that science comes out the right way and that we protect this kind of science with the ethical and societal and educational concerns.

The CHAIRMAN pro tempore (Mr. OTTER). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. HOLT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I support the Nanotechnology Research and Development Act and applaud the gentleman from California (Mr. HONDA), the gentleman from New York (Mr. BOEHLERT), the gentleman from Texas (Mr. HALL), and the committee for bringing this up.

This bill goes a long way with its scholarship programs, with its multi-departmental authorization, with an increase in the authorized amount to promote this really very important area of research and development.

Now, it is curious that the floor schedule here has tomorrow and Friday reserved for discussion of the economic stimulus plan. Let me suggest that they are off by at least a day. The real piece of economic stimulus legislation that will be considered this week, that will really stimulate the economy, is right here before us today.

Now, make no mistake, that investment in research and development is the single most effective way to provide for economic growth. Now, economists will argue about the amount of return on investment in research and development. They will say maybe it is 40 percent; maybe it is 60 percent. Whatever it is, it is very good. We have

all heard the figures, that half of the U.S. economic growth over the past 5 decades has been due to advances in technology. Nearly two-thirds of the papers cited in recent patents were published by researchers at organizations supported by Federal funds, and that makes the point that there really is a Federal role here; and that is why we should be doing legislation such as the nanotechnology act.

Investment in R&D has proved to be one of the very best returns that we can get on taxpayers' money. And although it is difficult to quantify the returns, we know it is good. A small investment, in this case in small technology, will lead to very big payoffs.

And nanotechnology cuts across traditional academic disciplines. That is one of the great appeals of this kind of research. Providing for a next generation of imaging devices, for sensors, for biological and chemical work, including biological and chemicals weapons work, to detect pathogens, to detect weapons that might be used against us; and smart materials that will be used in everything from the Space Shuttle to the bicycle.

In New Jersey we have recognized this, and the State and industry are making a significant investment in our nanotechnology centers which have been associated with Lucent and Bell Labs. And this bill before us today in Congress will help train the next generation of skilled workers to keep the U.S. in the forefront of technology and help stem the flow of research and development centers to overseas locations.

So as we debate this week the best way to have a strong economy, let me say this will go a lot farther than any of the tax cuts that have been proposed. This will provide real growth, growth in productivity, growth in education. This is where we should be putting our money, and I am pleased to see the committee give its support to this important technology. I think the nanotechnology bill will lead to innovation, to education, and to economic growth. We should all get behind it.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by the gentleman from Texas (Mr. BELL) and amendment No. 2 offered by the gentleman from Texas (Mr. BELL.)

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. BELL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Texas (Mr. BELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 214, not voting 11, as follows:

[Roll No. 165]

AYES—209

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hefley
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—214

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—11

Carson (IN)
DeLay
Dingell
Gephardt
Hyde
Issa
Miller, Gary
Reynolds
Rogers (MI)
Tauzin
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

the CHAIRMAN pro tempore (Mr. OTTER)(during the vote). The Chair will announce there are 2 minutes remaining in this vote.

□ 1458

Messrs. MURPHY, EVERETT, TANCREDO, QUINN, WHITFIELD, BAKER, BONILLA, GARRETT, BALLENGER and THOMAS and Mrs. CUBIN and Mrs. KELLY changed their vote from ''aye'' to ''no.''

Mr. JOHN, Ms. ROYBAL-ALLARD, and Mr. MOLLOHAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. BELL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas

(Mr. BELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 207, noes 217, not voting 10, as follows:

[Roll No. 166]

AYES—207

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—217

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—10

Carson (IN)
DeLay
Dingell
Gephardt
Hyde
Miller, Gary
Reynolds
Rogers (MI)
Tauzin
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. OTTER) (during the vote). The Chair would advise there are 2 minutes left in this vote.

□ 1505

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Are there any other amendments? If not, 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. QUINN) having assumed the chair, Mr. OTTER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 766) to provide for a National Nanotechnology Research and Development Program, and for other purposes, pursuant to House Resolution 219, 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.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

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 appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote will be followed by a series of two 5-minute votes on motions to suspend the rules postponed earlier this afternoon.

The vote was taken by electronic device, and there were—yeas 405, nays 19, not voting 10, as follows:

[Roll No. 167]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann

Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—19

Cannon
Coble
Collins
Cubin
Deal (GA)
Duncan
Everett
Flake
Franks (AZ)
Hefley
Hostettler
Miller (FL)
Musgrave
Paul
Petri
Royce
Sensenbrenner
Shadegg
Tancredo

NOT VOTING—10

Carson (IN)
DeLay
Dingell
Gephardt
Hyde
Jackson-Lee (TX)
Miller, Gary
Miller, George
Reynolds
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1523

Mr. TANCREDO changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 53, as amended, by the yeas and nays; and

H.R. 866, by the yeas and nays.

Postponed votes on H.R. 874 and House Resolution 213 will be taken tomorrow. The following votes will be conducted as 5-minute votes.

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 53, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 53, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 12, as follows:

[Roll No. 168]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts

Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—12

Carson (IN)
DeLay
Dingell
Gephardt
Hyde
Jackson-Lee (TX)
Kennedy (RI)
McDermott
Miller, Gary
Miller, George
Reynolds
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1532

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WASTEWATER TREATMENT WORKS SECURITY ACT OF 2003

The SPEAKER pro tempore (Mr. QUINN). The pending business is the question of suspending the rules and passing the bill, H.R. 866.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 866, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 2, not voting 19, as follows:

[Roll No. 169]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—2

Flake
Paul

NOT VOTING—19

Carson (IN)
Conyers
DeLay
Dingell
Gephardt
Hooley (OR)
Hunter
Hyde
Jackson-Lee (TX)
Kennedy (RI)
McCarthy (MO)
McDermott
Miller, Gary
Miller, George
Norwood
Reynolds
Sandlin
Shadegg
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1539

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 898

Mr. CARSON of Oklahoma. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 898.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN HONOR OF EDWARD LAGE, JR. ON THE 50TH ANNIVERSARY OF HIS PUBLIC SERVICE

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

Mr. WALDEN of Oregon. Mr. Speaker, I rise this afternoon to recognize an outstanding Oregonian and public servant on the occasion of the 50th anniversary of his service to the Pine Grove Fire Department. Friends and colleagues of Edward Riddell Lage, Jr. will soon observe the passage of the half-century milestone in which he has helped protect the lives and property of his fellow citizens. Like each of them, I stand in awe of Eddie's remarkable dedication to others. I take great pride in adding my voice to the chorus of Oregonians who have expressed gratitude for his many contributions to his community.

Mr. Speaker, Eddie Lage is a fourth-generation farmer who was born July 28, 1936, into a well-respected Oregon farm family. As a young man, he joined the all-volunteer Pine Grove Fire Department on May 12, 1953, beginning what would come to be a lifetime spent in community service. Eddie's fellow volunteers describe him as a tireless and faithful firefighter with a near perfect record of attendance at drills and other meetings. This commitment would ultimately be rewarded with Eddie's appointment as fire chief as well as to a position on the department's board of directors. He remains a fixture among the community's volunteer firefighters, inspiring them with his selfless dedication to others. Perhaps most remarkably, he has no plans to give himself a well-deserved rest.

Eddie exemplifies the spirit of volunteerism and good citizenship, and the Oregonians he helps keep safe owe him a tremendous debt of gratitude. In addition to his service on the Pine Grove Fire Department, he has also served as a member of the National Ski Patrol for 25 years, as well as the Crag Rats, an outfit in the Columbia Gorge that rescues climbers from nearby Mt. Hood. If there is an organization dedicated to helping Oregonians in their hour of need, chances are that Eddie is a member of that organization. As with his service as a volunteer firefighter, the work he has done as a rescuer has been totally without pay. The satisfaction of helping others is the only compensation that he desires.

Mr. Speaker, Eddie Lage has served as a board member and past president of the Washington/Oregon Canning Pear Association, where he advocated on behalf of his fellow Northwest orchardists. Eddie has also served the young people of his area, donating his time and energy to helping ensure bright futures for those who come after him.

□ 1545

He has been active with the Boy Scouts of America and served as a member of the Columbia Pacific Council. He has held the role of an advisory member of the Future Farmers of America; and perhaps most admirably, Eddie served for 8 years as a member of the Oregon National Guard, proudly wearing the uniform of these United States.

Eddie Lage personifies the well-trained and highly motivated public servant who is dedicated to the protection of his community. He has sacrificed his time, risked his life, endured discomfort, and shouldered tremendous burdens for no other reason than his commitment to others.

Mr. Speaker, most of us spend our lives hoping that we will leave the world a better place than we found it. Eddie Lage need not entertain such a hope. In his case, it has long since been fulfilled. I am grateful for Eddie's devotion to his fellow citizens. I am honored to represent such a fine man in the United States Congress and to call him a friend.

THE FORGOTTEN EXODUS: JEWISH REFUGEES FROM ARAB LANDS

The SPEAKER pro tempore (Mr. HENSARLING). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, as Israel and Palestine take steps towards peace and as President Bush and the State Department released the road map for peace in the Middle East, I would like to draw attention to an important issue in the peace process. The issue of refugees is widely regarded as one of the most contentious aspects of the Arab-Israeli dispute.

However, up until now the debate has focused primarily on the plight of Palestinian refugees and the question of the right of return. Mr. Speaker, it is critical that future peace negotiations and discussions, specifically on the rights of refugees, address both sides of the issue, both Arab and Jewish. Many people do not realize that during the years following the establishment of the State of Israel, more Jews than Arabs became refugees. It is estimated that over 900,000 Jews were stripped of their property and expelled from Arab nations. Approximately 600,000 refugees were absorbed and assimilated by Israel, and the remaining 300,000 fled to other nations, including the United States and Canada.

At a time, Mr. Speaker, when Jews face severe persecution, economic deprivation, discrimination, and expulsion from Arab lands, Jews turn to Israel as a place to begin their lives anew. Israel opened her arms and welcomed the refugees, granting Arab Jews citizenship and welcoming them into Israeli society. Jews in Arab nations were forced to forfeit the lives they had worked so hard to achieve, to abandon their homes and livelihoods. They had to turn their backs on centuries of Jewish history, culture, and community. They had to leave behind schools, synagogues, hospitals, and businesses, all without compensation and all confiscated by the various Arab governments.

However, the fact that Israel chose to absorb and assimilate the refugees from Arab nations does not lessen the fact that they were all expelled or otherwise compelled to leave their homelands.

I have personally spoken with several of my colleagues in Congress about this often-forgotten aspect of the Israeli-Palestinian conflict. They agree on the importance of holding a congressional hearing on this subject and the need to educate Members of Congress and to ensure that they and the public are informed of the issues at stake and the sacrifices made by Jews from Arab lands when they were forced to leave their homes and countries.

Mr. Speaker, Congress cannot continue to be silent on the plight of Jewish refugees. It is critical that Congress address this issue while the refugees are still alive. By doing so, we can ensure that justice for Jewish refugees assumes its rightful place in the debate. And this must be done while we can still address their rights as victims.

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

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

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

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

SUPPORTING THE TROOPS

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

Mr. OSBORNE. Mr. Speaker, along with nearly all Americans, I felt a great sense of pride at the competence and skill displayed by our military in Afghanistan and Iraq. It was extremely gratifying to see nearly all Americans united behind our troops. Even though all did not agree with the idea behind the war, at least they supported the troops.

Over the last several months, a number of communities in my district provided meals for military personnel being transported across Nebraska. That is not a big deal, but this spirit of support was really a rebirth of a project called the North Platte Canteen. The North Platte Canteen's history is as follows: just 10 days after the Japanese bombed Pearl Harbor, North Platte, Nebraska, residents learned that on December 17, 1941, Company D, Nebraska National Guard troops, were scheduled to travel through North Platte aboard a military train. According to sources, that train could possibly make a stop in North Platte on its way to the west coast. So nobody

knew because of secrecy whether they were coming or not.

Because of the secrecy, it was unknown when the train would actually stop in North Platte, but hundreds of family members from the area came out with food, Christmas gifts, and baskets of fruit to celebrate the troop train's arrival. When the train finally arrived, the Nebraska troops were not aboard. Instead, it was Company D, the Kansas National Guard troops who were heading west.

The crowd was disappointed but rallied around the Kansas troops, gave them the gifts and food that they had prepared for the Nebraska National Guard and sent them on their way. The very next day, Rae Wilson of North Platte contacted the local newspaper to suggest that the community open a local canteen to meet the troop trains traveling in either direction across the United States. With this humble suggestion, the North Platte Canteen was born.

The North Platte Canteen met every troop train that stopped in North Platte from Christmas Day, 1941, to April 1, 1946, 5 years. While the volunteers never knew when the trains would be coming through because of national security, they were always there to serve the military personnel going off to war.

The canteen served approximately 6 million members of the Armed Forces at the North Platte Canteen in the Union Pacific Railroad station in North Platte. So that really constituted probably three-fourths to 80 percent of the total military personnel in the United States Army at that time.

There were approximately 55,000 volunteers from nearly 125 communities who helped to feed the troops that traveled through North Platte. It is estimated that 23 trains a day traveled through the community carrying between 2,000 and 5,000 troops each day. It is also estimated that the troops each month consumed 40,000 cookies, 30,000 hard-boiled eggs, 6,500 doughnuts, 4,000 loaves of bread, 3,000 pounds of meat, 450 pounds of butter, 1,350 pounds of coffee, 1,200 quarts of ice cream and on and on and on. And this was done at a time when gasoline and food items were rationed. The majority of the items were donated to the effort, as the North Platte Canteen did not receive any Federal or any government assistance of any kind.

Individual volunteers also helped to get cards, letters, and phone calls to family and friends of the service personnel when they stopped in North Platte. The volunteers wrote the notes and made the phone calls to loved ones to let them know that the soldier that they were interested in was doing well.

This week I introduced a resolution honoring the outstanding efforts of the individuals and communities involved with the North Platte Canteen in North Platte, Nebraska, during World War II. This is, I think, an example of the spirit of cooperation that we currently see across our country for our troops; and it just shows what can be done when partisanship is set aside, when everyone is united in one purpose. And these people, members of our greatest generation, are now disappearing very quickly. So I think it is important that we recognize their contribution at this time because many of them in 2 years, 5 years, 10 years from now will not be around. So their extraordinary act of generosity and service to the country, I believe, needs to be recognized; and I urge support of this resolution.

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.)

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

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

HATE CRIMES LEGISLATION

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, we are all part of a larger community. If the rights of one are endangered, then everyone's rights are endangered. That is why we must be concerned that across the country incidents of hate crimes continue to rise. The San Francisco Bay area, my own backyard, reported more than 357 hate crimes last year. This is up from 317 in the year 2001. Last fall a transgender teenager, a 17-year-old, from Silicon Valley was murdered by four acquaintances. Earlier this month, the body of a 30-year-old bisexual man was found buried in a shallow grave in Monterey County.

We must stop this. We must work for tougher legislation to protect those targeted for hate crimes. And we can do this by passing a Federal hate crimes law to protect all Americans. No one in America should live in fear because of his or her ethnic background, religious affiliation, gender, disability, or sexual preference. That is why it is important to pass meaningful hate crimes legislation and pass it now. We need to strengthen our existing laws to protect people against all hate crimes. We must send a message to all Americans that hateful behavior is wrong and will not be tolerated in our Nation. Our law enforcement officials need vigorous tools to fight and prosecute hate crimes because existing Federal law is inadequate.

That is why I have been, and will continue to be, a strong supporter of the gentleman from Michigan's (Mr. CONYERS) Local Law Enforcement Hate Crimes Prevention Act. With this bill, for the first time under Federal law, sexual orientation, gender, and disability would be added to the list of categories covered by Federal civil rights laws. In addition, Mr. Speaker, it would expand Federal civil rights laws to allow prosecution of hate crimes even if the event did not occur during a federally protected activity such as while voting or attending school. Also, the hate crimes bill would expand the circumstances under which the Federal Government could offer assistance to State and local governments to help prosecute these crimes.

Last Congress we had 208 bipartisan co-sponsors on this bill. This Congress we need to pass it into law. The Republican leadership has cast this bill aside. That is unacceptable. We have another chance in the 108th Congress, and I will continue to work with the gentleman from Michigan (Mr. CONYERS) until this bill is passed into law.

Congress must make it clear that there is no room for personal attacks and bigotry in the United States of America. We are all part of a greater community, and we will only be protected from hate crimes when all our neighbors are protected from hate crimes.

THE MATRICULA CONSULAR

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

Mr. TANCREDO. Mr. Speaker, every year or so for the last several years there has been an attempt to bring something before the body and, in fact, it has come before the body and it is referred to as amnesty, sometimes an extension of 245(i), or that is the technical way of explaining it. But nonetheless, it is always a process, a desire on the part of people here and maybe even in the administration to grant amnesty to people who are living here illegally, that is, to reward people who have broken our laws by coming into the United States without our permission. It is a bad idea, and so far the Congress of the United States has failed to go along with it, thank goodness.

So what has happened in the last several months really is that a new tactic has been applied here, a new strategy has been developed. Unfortunately, I think even with the agreement of the administration, something else is happening in order to accomplish exactly the same thing. Instead of now passing a bill through the House of Representatives simply granting amnesty to everyone who is living here illegally and rewarding them for that behavior, there is another thing that is going on, and what is happening is this: foreign nations hand out to their nationals something called the Matricula Consular. That is what it is referred to by

the State Department and by our government.

□ 1600

It is a card. It is an I.D. card. Foreign governments now have every right to give their nationals any kind of identification that they want to. But what is odd and what has happened in the last several months is that the government of Mexico has charged its consular officials here in the United States with the responsibility of going out and actually lobbying State and local governments to get them to accept this matricula consular card from their nationals who are living here illegally, because, of course, that card has only one purpose. If you are in the United States of America, if you are a national from a foreign country who is here and if you are here legally, you have some documentation to that effect. We have given you a green card. We have given you a passport. Whatever it is, you have documentation from the United States that you are here legally.

If you are here illegally, you need some sort of identification, and that is what this card provides. Recognizing that, and recognizing that they cannot get amnesty through the Congress, they have begun to go to State and local governments all over the United States, lobbying them to get them to accept this card.

They have done it to the banking industry, and the banks have been all too happy to go along with it, looking at their bottom line, looking at profits, even over the security of the Nation, because there is nothing secure about these cards. There is no way to guarantee that the person holding the card is who in fact that card says he is. In fact, we have already arrested people in this country carrying three or four of these identification cards. Their picture is on them, but different names on each card. They are easily fraudulently developed.

So the idea that they have some sort of advantage because they have a secure card is ridiculous. Beyond that, it is again attempting to do exactly the same thing we did not do in the Congress, and that is to give everybody amnesty. Because if you can use this matricula consular card to obtain bank accounts, to get your kids in school, to get housing from the housing authority in their area, get your driver's license, get your library card, everything that a citizen of this country can use their own identification for, if you can do that using this matricula consular card given to you by a foreign government, then of course there is no reason to actually push for amnesty. You will have achieved it. Everyone living in the United States of America illegally, up to 20 million people, will have this card given to them by their government.

By the way, it is now just Mexico and Honduras and I think there are five other countries in South and Central America providing this card now. What is to say that other countries would not demand exactly the same thing from the United States? Why would the government of Syria not say that they are going to give people living here in the United States illegally this card? How would we tell them that they cannot do that or we will not accept it?

Not only that, we have found the administration, just a little bit ago, we found the regs that have been promulgated by the Department of Treasury now allow the banks to accept these cards. So our own administration, our own government is in league with the governments of these foreign countries who have given these cards to their nationals living illegally in the United States. Our own government is helping these people violate our own laws. That is the truth of the matter. That is an abomination, and that is something we should not allow to go forward.

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

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

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

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

REJECT UNFAIR REPUBLICAN TAX CUTS

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

Mr. WYNN. Mr. Speaker, now that we have declared victory over Iraq, the country's attention will turn once again to important domestic priorities. Unfortunately, we find our economy in a great slump.

The President and my Republican colleagues come before you with a program that I believe is woefully inadequate, because all they have done is trot out their all-purpose solution to domestic problems: More tax cuts. I would say to my Republican colleagues that was then, this is now.

In the year 2000, we had a surplus, a $5.6 billion surplus. At that time, then-Governor George Bush said he wanted to give the surplus back to the taxpayers and invigorate the economy. I would suggest that the economy has not been invigorated. Two years later millions have lost their jobs and we are looking at deficits of $2 trillion going forth over the next 10 years.

So the question Americans should ask is, why do they want to cut taxes now if the rationale for the tax cut in 2001 was that we had a surplus? We do not have a surplus today. We have huge deficits today. We also have a war against terrorism and a homeland security program to fund.

Reducing government resources at a time of war against Iraq and a war against terrorism just does not make sense. It is kind of like George Bush said when he was running for President, ''It is fuzzy math.''

In the year 2001, President Bush passed through his tax cut, $1.3 trillion, saying it would stimulate the economy. Again, 2 years later, economic growth stands at a mere 1 percent, compared to the 4 percent growth from 1996 to 2000 during the Clinton administration.

Additionally, despite President Bush's promise in his 2001 tax cut that he would invigorate the economy, 2.7 million Americans have lost their jobs. The stock market has lost about 40 percent of its value, roughly $7 trillion.

The tax cut program did not work. Their all-purpose solution just does not cut it. But that did not deter my conservative colleagues. This week on the House floor we will hear more of the same. We have the Bush tax cut, and now we have the tax cut of the gentleman from California (Mr. THOMAS).

Originally the Bush plan would provide a tax cut of $27,000 for households earning more than $1 million a year. The top 5 percent would receive 64 percent of all the tax cut breaks. That seems pretty bad. But along comes the Thomas tax bill that we are going to consider this week. It is even more unfair. According to the Brookings Institute analysis, the average tax cut offered under the Thomas proposal for households earning more than $1 million would be, get this, $43,000 for people earning more than $1 million a year. The top 5 percent of American households would get 75 percent of the tax cut.

So when they tell you the tax cut is for everybody, do not buy it. It is clearly a tax cut for the rich. When you give the Republicans these numbers, they say okay, we are giving a tax cut to the rich, but the rich create jobs and the jobs will trickle down. Remember, that was then, this is now. The tax cuts in 2001, $1.3 trillion, did not invigorate the economy, did not create jobs. People in fact lost jobs. Tax cuts for the wealthy do not stimulate the economy.

Let me talk a little bit about why it is even more unfair. They make the tax cuts for the wealthy permanent. Remember that 75 percent goes to the wealthy. Those are permanent. When it comes to the child care tax credit that could benefit working Americans, what happens? Well, the child care tax credit drops from $1,000 in 2005 to $700 in 2006, and after 2006 the child care tax credit is phased out, so working Americans get nothing.

The same thing with small business. My Republican colleagues say, well, we will make the dividend tax cut for the very wealthy permanent, but the small business tax cuts and tax breaks to provide more deductions for small businesses and help them expand and create jobs, they phase out after 5 years.

After 5 years, small businesses get nothing.

Now, there is another element to this issue, and that is called State aid. What is happening here is the Federal Government is just passing along tax increases to the States. They say ''we are cutting your taxes.'' But what happens when the States do not have enough money, as is the case now? They cut Medicaid, they cut child care subsidies, they cut education. So that means what, either you lose programs at the State level, or you get a tax increase at the State level, while the Republicans tell you we are giving a tax cut to the very wealthy at the Federal level.

We Democrats believe that if we want to stimulate this economy we do a couple of things. We give money directly to the American working class. Second, we give money to the States so they can hire people, build roads, improve our infrastructure. That is how you create jobs.

There is a consensus among economists that this tax plan will not work. I think this dog will not hunt. I think we need to reject the Republican proposal this week.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

SUPPORT THE JOBS AND GROWTH TAX ACT OF 2003

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

Mr. BURGESS. Mr. Speaker, I rise today to support H.R. 2, the President's Jobs and Growth Tax Act of 2003. There is no need for further debate on this bill: America needs economic stimulus, and it needs it now. Congress cannot stand on the sidelines while too many of our fellow citizens cannot find work or are on the verge of being laid off. That is why I support the Jobs and Growth Tax Act of 2003.

This important legislation will help expand business investment by eliminating the double tax on corporate income. This plan encourages investments that help small businesses grow. I believe more tax relief means more jobs.

Small businesses are becoming more and more important to the Nation's overall business activity. They create the majority of new jobs and account for half the economy's private output. For this reason, this package gives small businesses the ability to immediately expense up to $75,000 instead of the current write-off of $25,000 for capital purchases. This encourages small businesses to buy technology, machinery and other equipment that they need to expand and meet the needs of their consumers.

The Flower Mound Chamber in my district expressed their support of the provision since they have over 725 companies that will be able to benefit. These small businesses in my district will receive a tax cut of at least $2,000 each, money that can be used to hire additional workers, boost current workers' pay or reinvest in their company. Any amount of money that a small business can save today will result in business growth and development in the years to come.

The Jobs and Growth Tax Act will create at least 1 million jobs by the end of 2004, according to the Heritage Foundation.

With the increase in the child tax credit and elimination of the marriage penalty, with those savings an additional 300,000 jobs will be created.

Over the recent district work period, I conducted 10 town hall meetings in my district. At almost every event constituents asked about the economy and asked about tax cuts for stimulus. Many out-of-work or underemployed people begged for relief soon. We cannot let these Americans down.

Also, May marks the month hundreds of students will graduate from local colleges and universities and from the two universities in my district. These young people, having completed their education, will enter the job market eager to contribute. We owe it to future generations to stimulate our economy now to ensure that jobs are available in the future.

ISSUES AFFECTING AMERICA

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

Mr. KINGSTON. Mr. Speaker, I am certainly proud to be here this afternoon, and wanted to talk some about the issues that we are facing here in Washington.

I am proud to say that while the national news has really focused, and rightfully so, on the war in Iraq, the House has not only supported our military efforts, but we have been working on a very good, pro-growth, pro-jobs domestic agenda. We have a good jobs package that will be voted on this week, we have passed a good energy bill, we have passed a good education bill, and we will be working on a Medicare reform bill very soon. So I am optimistic about the things that the House has been doing.

We hear a lot of partisan politics and a lot of bashing. I guess one of the things that is frustrating to me is that while we hear people, as one of the previous speakers was talking about tax breaks for the wealthy, and that just seems to be the Democrat buzz phrase for hatred and division in society, what I have been curious about is tear down somebody else's policy or plan, if you want to, but offer your own.

It is always curious, we do not hear too many alternatives from the other party. I say, look, hey, this floor is the great hall of debate. Whether you are liberal or conservative, urban or rural, bring your ideas to the floor. Offer your ideas in the form of amendments. Offer your ideas in the form of legislation, and let us see what we can do. Bring the best of the Democrats, the best of the Republicans, together to do what is best for America.

It is always disappointing when you hear people just attack legislation when it is clear they have not even read the bill. Yet on the other hand, Mr. Speaker, you cannot take the politics out of politics, so what the heck, let us just move on with it.

Mr. Speaker, I want to talk a little bit about the war in Iraq. I have to continuously brag about the 3rd Infantry Division in Hinesville, Georgia, Fort Stewart. I am wearing their patch on my lapel, which was given to me by the wives organizations down there. I am very proud of what they did. We followed them up the Euphrates River as they marched on to Baghdad.

□ 1615

Also, Mr. Speaker, I am glad to say that I have had more constituents in the last month sleep in Saddam Hussein's palace than I have who have eaten in French restaurants. That is probably going to continue to be the case as the months and weeks pass by.

But in terms of the mission in Iraq, liberating Iraq, one of the things that we have had in Congress is many former Iraqi citizens who have come to seek refuge in the United States of America, many women. And these are women whose fathers or brothers were abducted, sisters and cousins, and for very small offenses, such as starting peace movements or protesting this or that. And they lived under the oppression of Saddam Hussein's regime. And it was a common practice that if he had a critic he would take their wife or their daughter and videotape sexual abuses of them and show it back to the male members of the family and say, get in line, get behind our program, or we will continue it. What a harsh way to deal with enemies.

We are, of course, finding mass graves. Amnesty International, which is not exactly a pro-American organization, estimated that there are anywhere between 70,000 and 150,000 Iraqis who have disappeared, unaccounted for, the highest number of any nation in the world. And now we are seeing these mass graves and trying to identify the loved ones of the Iraqi people.

But all of these folks have told us over and over again, we need an outside

force to liberate us; we cannot do it from within. That liberation has come. From the left we heard all kinds of criticism during the war: well, the war is just going to be a blood bath, thousands and thousands of people on both sides will be killed. Yet, this was one of the first, probably the first war in history where the regime was removed with as little damage as possible to the citizens. And that is very important, because ordinarily we go in and we wipe out a country as a way of removing the regime. In this case, historically, we were able to remove the regime with almost a surgical removal rather than just blowing up everything and everybody.

Now, there was collateral damage, but very minimal compared to other wars in the past. The people there, again, have responded very, very positively; and the liberation has begun. But unfortunately, Mr. Speaker, we cannot just add water and have a democracy overnight. Many people now on the left are saying, well, it is going to be a long time. Well, there are nations in this world who do not want us to succeed. Unfortunately, many of them are democratic nations themselves who seem to be a constant thorn, a constant critic. But we want democracy, frankly, in all of the Middle Eastern countries, personally speaking. But I think it is very important to try to achieve that right now in Iraq, and we are moving in that direction. Who should rebuild it? Well, the U.N. again, not exactly a good catalyst for peace in Iraq, an organization that has spent a lot of time criticizing America.

Incidentally, Mr. Speaker, I do not know if my colleagues have heard, but last Friday at the U.N., the food workers union went on strike; and they went on strike and closed down the cafeteria during Friday at lunch, and so some supervisor at the U.N. said, well, we are going to open up the cafeteria. Guess what happened? All of these high and mighty U.N. people decided to have a run on the cafeteria. They looted the food, they looted the wine, they even stole the silverware, and the damages and the food loss is anywhere from $7,000 to $9,000. These are supposed to be the people who have been criticizing America. That was reported by the Washington Times. So much for U.N. foolishness. It is probably in line with everything else.

But if we would look at what the U.N. has done for Kosovo, we have been out of it; and officially there has been peace there since March 23, 4 years ago. Well, pre-war Kosovo used to export electricity. Now they have to have every 4 hours a mandatory blackout, rolling blackouts where they have to turn off all of their electricity for 2 hours. That is Kosovo under U.N. rebuilding. Elections, supposed to be free elections; and yet under the U.N. mandate, one has to have 30 percent of the candidates be women. Now, maybe it should be 100 percent. Maybe it is some other formula. But in a free country, you let the people, the electorate decide; you do not have some U.N. bureaucrat sitting in New York mandating the quota for Kosovo.

Also in Kosovo under the U.N., interpreters are paid $300 and $400 and $500 a week, whereas former business people are paid $100 a week. The economy has not turned around at all. One of the reasons is the U.N. is not supporting the concept of private property and private investment and insurance and things that are fundamental to investment in an economy. The U.N. has not done a good job of that. So I think the U.N.'s role in terms of Iraq, they should be there for humanitarian assistance, should be there to complement the U.S. efforts; but I do not think they are any kind of organization that can lead.

I frankly believe, Mr. Speaker, that it is time that the U.S. Congress has some hearings on the U.N. We pick up 25 percent of their tab. And yet, if you ask the people of America should we still be involved in it, I do not think they would pass muster, if we threw it out to the American electorate. I do not want to throw the U.N. out, and I do not want to give up on them yet; but I do think they are in dire, dire need of some reforms.

We are going to be talking about our jobs bill and we have been joined by the gentleman from Florida (Mr. MARIO DIAZ-BALART), and he has been a very hardworking freshman Member of this body who has worked to help create jobs in south Florida as well as the rest of the country. I would certainly be honored to yield any time to the gentleman from Florida (Mr. MARIO DIAZ-BALART), if he wants to talk about Iraq or the jobs bill or whatever else is on his mind.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman from Georgia. Before I say anything else, I think it is important to once again commend the gentleman from Georgia (Mr. KINGSTON). I recall his words before the war talking about the importance of liberating the people of Iraq and how frustrated I think many in this country and the gentleman was by the reaction of some of the extreme left that was really just denigrating really the Iraqi people, saying that they could not be free, saying that they did not want to be free, saying that they were not going to welcome the liberating troops. And the gentleman was very clear then, and he continues to be very clear; and I want to thank him for that. It is amazing how common sense does prevail.

The gentleman was just mentioning that now that the left has to admit that the people of Iraq deserve to be free, wanted to be free, deserve to be free, now they are saying, well, democracy is going to be very difficult. I can tell my colleagues one thing: it is not going to be as difficult as it would have been if Saddam Hussein were still there. So I think it is once again the brave men and women of the United States Armed Forces, who put their lives on the line, once again, to protect our freedoms, to protect our liberties, and to liberate a people who have been suffering for a generation, who deserve our thanks and our praise.

I think our President deserves our thanks and our praise for his leadership, for the way that he has shown steadfast leadership. I think we all must admire his convictions and his love for freedom. And I think the Iraqi people as well as the American people are so much better off, because we have gotten rid of, through our armed services, those brave young men and women and the leadership of our President have gotten rid of a dictator who was a threat not only to the Iraqi people and to the region, but clearly a grave threat to the American people.

Mr. KINGSTON. Mr. Speaker, the interesting thing is we hear from some people, well, we should not interfere in Iraq. It is like oh, yes, these people deserve to be oppressed and put down, and they do not deserve freedom; and now that they have been liberated, we are hearing the same people saying, well, democracy will not work, as if they are intellectually challenged, that they cannot handle it. I wish these people would just for one time turn their wrath on France, just for the day, just for the day and say, maybe France should not have issued a passport to Saddam Hussein and his family. Gee whiz, boys, that was bad. Or, gee whiz, garçon, I guess I should say. But it is amazing. They are not going to quit and they cannot stand the fact that the Commander in Chief, the President of the United States, was right. They cannot stand that.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, if the gentleman will yield, not only can they not stand that, but they also want to blame the United States for all of the ills. I keep hearing that the United States is to blame for everything. The bad people in Iraq were the brave men and women who were there to liberate the Iraqi people. Now, it is pretty obvious when we see the Iraqi people's reaction, tearing down the statues, crying when they see these unmarked graves where their relatives were thrown in, probably taken in the middle of the night by the Iraqi regime, it is pretty obvious who the bad people were. It is pretty obvious who the good guy is and has always been, and that is the American people, the American GIs and men and women who liberated France once, twice; and yet the French seem to believe that it is okay for the U.S. to sacrifice blood to liberate France twice, but it is not okay for anybody else to be liberated. It seems that only they have the God-given right to be free.

Well, I say to my colleagues, that is an attitude that I do not share, it is an attitude that the American people do not share, it is clearly not an attitude and thank God that the American President, our President does not

share. Freedom is not something that we can just throw away so easily; it is something that is given by God. And every once in a while, because of the sacrifice, the patriotism, the love of freedom of our men and women in uniform who are all volunteers, sometimes some tough sacrifices are made to make sure that our interests, our people's interests, our freedoms are protected and also at the same time that we can liberate people who have suffered so much.

The gentleman was just mentioning the atrocities committed on women by Saddam Hussein's regime, the atrocities committed on children, on everybody. And thank God and thank our Armed Forces and our President that that nightmare is over. There are some grave challenges ahead, because democracy is not easy.

Mr. KINGSTON. Mr. Speaker, last week I went to a memorial service for the 34 soldiers from the third I.D. at Fort Stewart basically for their loved ones, but the 34 soldiers who died. It was interesting as I talked to the wives and the mothers and the children of these soldiers that none of them were saying, well, he died in vain. It was not that. It was, now we have to continue working for Iraqi freedom and for Iraq's future and do everything we can. Otherwise, he would have died in vain. It was a very touching ceremony, because the patriotism of the families of these fallen soldiers did not flinch one bit. It was unwavering. Very, very courageous statement, just being there and sitting in the stands during the service; and there are 34 sets of boots with the rifle and the helmet and the dog tags jangling in the wind and yet, at the same time, sadness and a great promise of tomorrow juxtaposed. I believe that we have an obligation for those soldiers to continue and do these things.

The audacity of countries like France. Now there is a French company that actually serves the United States Marines. It is a multimillion dollar contract that they have, I think $81 million, just a tremendous amount of money, a French company serving the United States Marines. We are going to continue to work on the Department of Defense to give favoritism to American companies, or allied companies, or coalition companies, and not countries like the French. I mean, can we imagine that while these soldiers were dying and the Marine Corps was counting their casualties, the French companies, on the backs of the American Marines, were counting their profits? It is sickening for me to think about in terms of the French dealing with Iraq behind the scenes, the French issuing passports. Unfortunately, we have a lot of Democrat Members of Congress who are real proud of this and look to France for leadership. I just think it is absolutely inexcusable.

Mr. MARIO DIAZ-BALART of Florida. Well, if the gentleman will yield, I have a hard time understanding in particular how a country like France who has twice had to first suffer the humiliation of being taken over and then had to wait for the American GIs to liberate them. How, out of anybody in the world, how France, how France could have taken up the attitude that they did. Look, they have the right to do what they want, they are free, they are a democratic government; but I think it is important that we recognize and we realize what that attitude was. Americans, bright, vibrant, with a lifetime to live, Americans gave their lives, gave their lives to liberate the people of Iraq.

□ 1630

And the French know it is not that they were praising them, which is what they should have been doing, they were criticizing them. They were again doing everything in their power to make it not succeed to the point of giving passports to the leaders of that regime. I have a hard time believing that. Out of everybody in this entire world, if there is one group of people that should have understood the beauty of freedom, how frail it is and how sometimes you need some help from outside, it is the French, it is the French. And I will never forget the writing, the graffiti on that grave of British soldiers on French soil, British soldiers that died also liberating France in World War II. The writing of graffiti on this grave that basically said take this trash, trash, these are people who died to liberate a different country, off our soil because it is polluting our soil.

It is a very sad, sad, sad day for the entire world when people just disregard the truth, disregard reality, have no semblance of gratitude, of respect, and who, I guess, believe that they are the only ones that deserve others to die for their freedom and then they criticize those that died for their freedom. That is frankly for me very hard to stomach. I am optimistic, I am hopeful that they will realize how wrong they were. But still those that painted that graffiti, those have no forgiveness in my heart.

Mr. KINGSTON. It is sad when you think France was the country home to the great Lafayette who fought so hard for American freedom and whose portrait hangs on the floor of this Chamber. And yet look at the modern Frenchmen. Boy, have they strayed from the love of freedom. To them security and safety is paramount among anything. And, unfortunately, you do not see France really being a world leader anymore. You see France being a world critic. But there are a lot of French companies that are doing business in America who are suffering, and there are a lot more who are going to hear a lot more in the future, because I think before the Department of Defense issues any more contracts to French companies it will have to go through a lot of congressional scrutiny.

Let me ask you this: In terms of the economy right now, one of the things we want to do is create a lot of jobs as possible. And I am glad that in the House we have been working on a good domestic agenda and we have got a good jobs package that is coming up. And I am going to be supporting that. It has a lot of different elements in it to give growth to our economy, but there is a child tax credit, increasing the child tax credit to a thousand dollars.

Now, the gentleman is single, but I have four children and I can tell you that really means a lot to the families of this country. Children are very, very expensive. You have to buy washers and dryers. You buy tennis shoes. They lose tennis shoes. You buy a book bag. They wear it out. You cannot buy a sedan any more. You have to buy a station wagon or a Suburban. You have to have the extra seatbelts to drive carpool with. If the kid wants to take tuba lessons and, God bless him, tubas are very expensive, you have to pay for the tuba rental and somebody to teach them. You have to buy the school band uniforms and the cheerleading uniforms. A thousand dollar tax credit is actually very, very modest. And if it had been indexed to inflation, it would be worth probably 2 or $3,000 very easily from the time we put in the $500 tax credit. But a thousand, making it immediate this year, I think is a step in the right direction.

Mr. MARIO DIAZ-BALART of Florida. The gentleman just mentioned part of this plan is to create jobs, which is what we are talking about here. The gentleman just mentioned a big part of it and that is the thing that our friends on the Democratic side say is reckless. It is reckless to give that tax credit. It is reckless to cut the marriage tax.

You are taxing people because they are married. What is that all about? It is hard to believe. And yet when we here in the House are focused on trying to create jobs and we are focused on trying to get some tax relief to families, get rid of some of those just incredible taxes, they say that we are reckless. Reckless because you want to give a tax break for the children that a family has? Is that reckless? By the way, what is a tax break? It is not a gift. All we are saying is we are going to allow those families to keep a little bit more of their money and not bring it up here. That is reckless?

Mr. KINGSTON. I am glad you mentioned that. We had a speaker previously today who was talking about a Democrat proposal. He kept saying, We give this, we give this. Well, you do not give anything. You take it away and then you redistribute it. That is all it is, redistribution of wealth. It is not our money to give. We just want to take less of it. And I think the folks back home, the families raising children, know how to spend this thousand dollars a heck of a lot better than any brilliance we have on any committee in Washington.

Mr. MARIO DIAZ-BALART of Florida. I think that is a big part of the

problem here, a big part of the philosophical difference between the two sides. The other side, and they have the belief that every dollar the government has is government's money, that it is government's right to have that money, that that is where it belongs.

We believe, which what I think is pretty obvious, that is not government's money. Government takes it from the people, by the way, forcefully takes it from the people. The people do not have a choice. They have to send it up here; otherwise the IRS will be knocking on their door soon. So, no, it is not government's money. It is the people's money.

So they claim we are reckless because we want government to take a little bit less of their money so they can reinvest it in their children? So they do not get taxed, we take less money, and the government takes more when they get married? No. No. It is not government's money. If the issue is, well, the government does not have enough money, hey, we all understand that we have to do what we have to do. But when you look at the fraud and the waste that exists within our government, and I have been doing a little bit of work on that and doing some research, it does not take long, you do not have to scratch real deep to see where some of the money is just thrown away, bucket loads of money is thrown away.

If you ask the American people is the government, is their government, the U.S. Federal Government, is it totally efficient? Do we not waste any money? Of course we waste money. The American people know that and they do not have the ability to see what we get to see on a daily basis where the money is wasted.

So for anybody to say that, no, we cannot let the people keep a little bit more of their money and we are going to take it because they got married, we are going to take it and not allow them to spend it on their kids because it is the government's money, I think that is what is reckless. That is what is irresponsible, particularly in a time like this, and that is why I have to commend one more time our President.

Our President has had a lot on his mind, a lot on his plate, and yet he has maintained a strong focus on the war on terrorism. He said what he was going to do, and I know a lot of people are not used to this, he said what he was going to do and he has done what he said. But he has also maintained his focus on making sure we can provide jobs for the American people.

Some I guess are happy with the status quo. The President and this House, the majority in this House are not content with the status quo. People need to be able to find jobs, high paying jobs, productive jobs. The plan this House has passed and we continue to work on provides jobs. And those that want to criticize his plan are basically saying we think the situation is fine. Everybody is okay. What we need to do is just take more money. No, we need to take less money, provide more jobs, and leave more money in their pockets.

Mr. KINGSTON. It is amazing. One of the other common sense solutions we are doing to create jobs is ending the marriage tax penalty.

Mr. MARIO DIAZ-BALART of Florida. It does not affect me.

Mr. KINGSTON. One day you will be lucky enough to join the ranks of all of us who are married. And when that happens, you and your wife will start, well, let us say right now you are in the 20 percent tax bracket and she is in the 20 percent tax bracket, but when you get married and your income becomes one, suddenly you will be in the 25 percent tax bracket. And the only thing that happened is you walked down the aisle together and made an oath, and that is not right. It penalizes people from getting married. It encourages people to live together. It does not make sense. We are trying to end the marriage tax penalty.

Another thing we are proposing to do in order to create jobs is to reduce the tax rates. Rates going from 28 to 25 percent, from 31 to 28 percent, from 36 to 33 percent and 39.6 to 35 percent. Again, it is common sense. And the interesting thing is that Democrats have already voted this on a bipartisan basis. All we are saying is let us accelerate this because the economy needs help now. And, unfortunately, sometimes you wonder in this town because everything else under the sun seems to happen, you wonder if people would rather have the economy stay in the tank so that their political party is benefited. And I think that is a sick thing to do if you are playing with people's jobs and people's future just so your party can do well.

Mr. MARIO DIAZ-BALART of Florida. One of the things that strikes me is what you just said. They have already voted for a lot of these proposals. They were in favor of these proposals. And now all of the sudden they say that those same proposals that they voted for are reckless. Again, we have to repeat what they are, the marriage tax. They say that is reckless, again, even though many of them already voted for it. That is why you have to ask the question or pose the question that you just posed to us. Why all the sudden? And they will give you different excuses at different times.

Well, when the economy is not doing well this is not the time to lower taxes. Excuse me? When the economy is not doing well is not the time to incentivize the economy? If this is not the time, when is the time? Clearly we need to incentivize the economy. I think that what happens also is up here in D.C. we sometimes forget reality. We are okay up here. We are able to discuss these things on a theoretical level. But for those hard working American families who are paying those taxes, some of them may have lost a job or fear that they are losing their job. This is not theory. This is not something you can just talk about. They are desperately looking at ways we can get this economy going. They need this economy to do better. They need their taxes to be cut so they can keep a little bit more of their money. This is not theory. This is practice. This is practice.

I think a lot of times up here though, you are right, maybe it is because they want their party to do better and they want the economy to be in the tank for the elections. Maybe they have forgotten or lost touch with reality. But when you go home and talk to these people who lost their jobs and are fearing about losing their jobs, and you ask them, should we now do something or not do something to get this economy going, I think the answer is pretty clear that they want this economy moving despite what the politicians may say.

Mr. KINGSTON. The other things we are doing in order to help small businesses and we think it is very important to help small businesses because that is still 70 percent of the employment in this country, and, unfortunately, large businesses come and go. And it is a tremendous loss. We just lost a paper mill in St. Mary's, Georgia that I represent, 903 jobs. Those jobs are probably gone permanently. We hope something will happen to make that statement not the case, but unfortunately that is what it is looking like right now.

Small businesses, you can lose one or two of them and the economy still moves along. But depreciation, faster depreciation, increasing the bonus depreciation from 30 to 50 percent and extending it another few years, again so small businesses can make investments and write them off faster, and we believe that is going to be very healthy for small businesses. Also allowing them to have a 5-year net operating loss carry-back for 3 years, and that will help small businesses recover from some of the losses they have suffered under in this post-9/11 economy. And then, finally, increasing the expensing from 25 to $100,000.

All of this is going to help your bicycle shop, your pet store, your clothes store, your tire store, all the small Main Street businesses back home. And we believe if you can help them you will do a lot for that NASCAR race fan.

I always say what we need to do is build tax policy around the NASCAR race fan. The mom and dad have a household income, one of them makes $50,000 and the other makes about $60,000, the household income anywhere from 75 to $120,000. They have two and a half kids. They are the first in country, first in church, first in patriotism, first in paying their taxes, first in rolling up their sleeves, doing a fair job, and also do not ask for the government for this or that. They do not come to see you and me in Washington, D.C. They do not have an agenda. They do not come here to lobby for this loophole or for that expenditure. They are

just good folks in America. You can find them all around the country, from Miami to Savannah, from Maine to San Francisco.

□ 1645

They might not truly be a Nascar race fan, but if you go up there and stick and use that as your guide, you are going to take care of America; if you take care of that family, and by taking care of small business I believe we are taking a major step in that direction.

Mr. MARIO DIAZ-BALART of Florida. The gentleman knows that in the State of Florida, I think it is probably similar to your State, small business is the economy of Florida. It is an incredible percentage, and yet when we try to help small business again by allowing those businesses to keep a little bit more of the money that they generate of their money, we are told that we are helping the rich. We are not helping the rich. We are helping the small business people in this country in the State of Florida that create the economy, that hire the people, that pay the wages, that provide the health care, that pay the taxes.

I wish that the opposition would do a couple things. First, that they would bring up a plan of their own, which they have not done. Number two is that they would talk and discuss the ideas as opposed to just throw out labels to see if they will stick that are just not based on fact because somebody should tell them that small business people in this country are not rich. They are struggling to earn a living. They are struggling to pay the rent. They are struggling to keep their employees and pay their employees and pay their insurance.

You better believe it that I am proud that this plan helps those businesses. It provides relief for those small businesses, but they do not want to talk about the issues and the specifics because they lose on that. So, therefore, they have to say it is irresponsible and reckless to provide tax relief to small businesses. It is not reckless, but they cannot talk about the specifics; therefore, they have to throw out words hoping that, like a big PR campaign, people will buy it and people will not look at the facts.

The problem is the American people are very wise.

Mr. KINGSTON. The Chair is an intelligent man and he has seen the Pelosi-Gephardt plan. There is not one. Has the gentleman seen one from the other body? There is not one. What do we have? Nine Democrats, I had not read the paper in a week, might be up to 10 or 12, nine Democrats are running for President of the United States; and I have not seen one of them introduce a plan, and I believe at least two of those candidates are Members of this body.

It is good that they are running for President because it gives more competition, and more competition is good for the political process, like anything else; but while you are a Member of this body, should you not be introducing your own jobs tax relief plan, growth plan? We do not see it and you would think if there are any Democrats who are going to offer a plan, it would certainly be the ones who are running for President; but we have not seen it.

Another thing that is in this plan that I think will help the economy is what the gentleman from California (Mr. THOMAS) calls a 515 plan and that is reducing the tax rate and the capital gains rate on dividends and capital gains: if you are in the 10 percent bracket, down to five; if you are in the 20 percent bracket, down to 15.

Again, I think it is real common sense that why would you reduce the capital gains tax. The idea is if I can sell something and keep more of the profit in my pocket, then I am more likely to sell it, and when I sell it and that dollar turns over, it stimulates the economy, and it is great for small business, great for the American middle-class taxpayer.

Mr. MARIO DIAZ-BALART of Florida. Also, we have to remember it is their money. It is not a gift. That is the thing that I keep hearing. I keep hearing it over and over again how government is going to give these people this capital gains reduction money. No, no, no.

All we are talking about is we are going to allow the people who own that money to be able to keep it, as opposed to send it to Washington so Washington can spend it on all sorts of things. No, we are going to allow the people to keep a little bit more of their money. It is not a gift. It is not government's money. It is their money.

We should not be apologetic to want to take less of the people's money, in particular when we see some of the waste and the fraud that goes on in Washington where we spend money on things that are frankly, for example, the debit cards that we have seen recently where people have used them to buy and to use them for personal issues, including some rather offensive things. We are talking about millions of dollars. And so we need to take more money from the people to do more of that? No, no. We need to make sure the people keep their money, as much of it as possible.

I for one think we should do a lot more of that and allow people to keep even more of their money because that stays in the economy. They use it to buy things, to save and provide more jobs. That is the way this country was built. That is the greatness of this country, and for anybody to say that that is reckless is hard for me to believe.

Mr. KINGSTON. It does get ridiculous. We are also doing something I think that is real important, and that is, we have passed H.R. 6, our energy bill. One of the things that small business people need and middle-class American tax payers need are lower energy prices, in the gasoline for their car and the heat and oil for their house and the electric bill for their air conditioner, whatever it is.

If we could get an abundant, inexpensive, clean energy supply, it will really help the economy, really help create jobs; and our energy package does lower our dependency on foreign Middle East gasoline and fossil fuel, which, of course, gets into national security and all other kinds of issues; but it also searches for alternatives like hydrogen fuel, fuel cell vehicles, and puts in lots of money for research so that we can get off fossil fuel and improve technology for smart buildings and energy-efficient houses and structures of all nature. That is going to help create jobs, and I am glad that we were able to pass that out of the House.

We need it passed by the other body, and we need to get it to the President for signature. The faster we do that, the less dependent we will be on fossil fuel, the more energy alternatives there will be.

Mr. MARIO DIAZ-BALART of Florida. That is one of those issues that the other side continually criticizes and yet has no answers for. They always talk about how dependent we are on foreign oil, and there I think we all agree that we need to look at ways to be less dependent, which is why this bill is the right legislation at the right time. It has some provisions there that I think make so much sense.

It would allow us to be less dependent on foreign sources of oil and also of other energies. It is done in a responsible fashion, to protect the environment, which I think is something that is very, very important; and once again, it shows what you can do. You can come up with answers, reasonable answers that are good for the country that will also provide jobs, and that is again a big focus of this Republican majority is to provide jobs. Not only now, but particularly now; and if you look at the legislation that has come out of this body so far, including that one, there is a real strong common denominator.

Along with the other things that it does, that legislation would also provide jobs for the American people, high-paying jobs, by the way, for the American people; and, again, I just think we need to continue to emphasize that. I for one am not content at how the economy is going. I for one think that we need to do more, that we need to incentivize the economy. I think the American people agree with that, and clearly, the leadership in this House has said that, the President has said that; and there are a number of pieces of legislation that go way beyond talk.

These are results. These are things that we have passed that the committees have debated, that have been worked on for a long, long time; and so talk is cheap as they say, but in this case, in the energy bill, in the budget, in the jobs creation bill and so many others, it is not talk. It is results.

Mr. KINGSTON. Another way we are working in the House to help create jobs is with a good roads program, good infrastructure. Not everybody wants to live in the city, and yet we all have to kind of go to the city eventually. Maybe it is for a particular hospital operation, maybe just to buy something, maybe for entertainment, maybe for a job; but if you can have good roads that connect small towns to the large city, it is good for the economy in both places.

I represent the Port of Savannah and actually all of coastal Georgia, but I also have rural areas. I have 29 different counties in the first district that I have the honor of representing. One of the things I want to do and the gentleman from Georgia (Mr. BURNS) wants to do is get a way so that the producer of Vidalia onions can get it overseas faster. Agriculture right now, so much of our market is a matter of overseas. I think this roads transportation program incentive for alternative uses like bicycles and electric cars, I think all that is going to help creates jobs, too.

In Atlanta right now there is a project called Atlantic Station. It is right here where I–85 and I–75 split in downtown Atlanta, and it was a brownfield. Then they went in there and reclaimed the land and cleaned up the polluted areas; and now they are building a regular community that will have some high-rise office buildings, some condominiums. It will have some retail places, a movie theater, parking underground; and the bridge that goes over I–75 and I–85 linking that to the traditional downtown part of Atlanta, more of the road is used for pedestrians and bicycles than it is actually for trucks and cars.

That is an example of something under our transportation bill that can happen all over the country. I hope that when you are visiting Georgia sometime you will have the time to see it because it is actually tomorrow's road for tomorrow's economy and tomorrow's community, and it is something exciting; but our TEA–21, which is our roads bill, again jobs, and it is going to be passed out of the House. So we are going to continue to do everything we can for small businesses.

Mr. MARIO DIAZ-BALART of Florida. Transportation is key for all of it, key for all of it. Matter of fact, you look at Florida and the rest of the country, but if you look at Florida, if you look at the three biggest industries, among them are agriculture, like it is in your State, commerce, and tourism. You cannot do any of those without a good infrastructure, and the gentleman from Alaska (Mr. YOUNG) is working awfully hard coming up with a package that I know we will all feel very proud of to make sure we have the infrastructure and, again, that also provides jobs. The building of those roads provides jobs and then everything that goes along with that.

Mr. KINGSTON. I know I can leave my house in Savannah, Georgia, basically take maybe two or three roads to get to I–95 and 10 hours later I am going to be in Miami, Florida; and if I go north on it, 10 hours later or depends on how fast you drive, of course, but I can be north of Washington, D.C., almost in New York City, can go up to Maine.

Interstate highways started as national defense, moving our military for safety, lots of ideas, but behind the interstate highway system for national security, under President Eisenhower; but today, they have also been a huge boon to rural economies. Anywhere that there was an exit ramp, there is now a truck stop, a gas station, a convenience store, a fast food store, a retail outlet; and interstates have created tons of jobs in the United States of America.

Mr. MARIO DIAZ-BALART of Florida. It is amazing how almost every job out there, whether we know it or not, is dependent on that transportation infrastructure. Without that we would not be able to get products in and out, people in and out, nothing. It is totally dependent.

Mr. KINGSTON. I want to say this: on I–95 in coastal Georgia, we have something like 55,000 cars a day that go down, and all that we are asking them is to stop and leave a little bit of their money in Georgia before they go to Florida and spend all of it.

Mr. MARIO DIAZ-BALART of Florida. We thought it was the other way around, but there are obviously major infrastructure problems, and we clearly need to emphasize the roads; and I know that this Congress will be doing that, and the gentleman from Alaska's (Mr. YOUNG) committee, that I have the privilege to serve on, is going to be working on that. There are areas, whether it is Miami or Collier County where you have I–75 as well, that needs a lot of help; and I am optimistic that we will be able to do that for the economy's sake, for jobs' sake, and also to be able to get goods and people in and out.

I have an unrelated question, and I do not know if this is the right time to ask it. One of the things that has struck me in all the debates out there, and I frankly admit it caught me a little bit by surprise is when you see the increases that our budget has put for Medicare, for example, and Medicaid and also Medicare would drop, and on top of that we are doing the drug prescription plan, and yet I keep hearing the other side saying that we are actually cutting those programs, which is just factually incorrect.

I have to admit to you that I have never seen a place where everywhere except for government where huge increases, certain people say are cuts, and I just want to make it very clear that we have not cut. Not only have we not cut all those things that we keep hearing about, we have increased funding for all those things; and yet I keep hearing the Democrats saying that we are cutting.

□ 1700

The Democrats keep saying we are going to do all of these horrible things; we are cutting these funds. That is not what we passed. That is not what has been on the table.

Is that something that is usual here? Do the Democrats always just make up the facts? Is their attitude do not let the facts confuse the issue?

Mr. KINGSTON. Absolutely. I have been here 10 years; and according to the liberal, big-government types in Washington, anything they are not happy with they call a cut. There are, frankly, excesses in the Federal Government system that should be cut. But it does not matter what it is; everybody who is against something, that is a cut. That is a cut. Yet veteran spending has increased. Education spending has increased. Medicare has increased. Our prescription drug plan, which will help seniors get affordable prescription drugs, and it should not be partisan, Americans should not have to choose between food and medicine, and we all have parents and grandparents who need these drugs, and we all hopefully will be seniors ourselves, we do not need partisan rhetoric. We need responsible legislation.

To answer the gentleman's question, it is the standard around here. Every time somebody does not like something, it is a cut. It is a tax break for the wealthy, or it is going to kill the environment. Or that the seniors and the children are going to go starving. One gets used to it and kind of moves on.

I wanted to mention to the gentleman that one of the other things that we are doing, not just Medicare, we are trying to come up with an affordable and accessible health care. That is very, very important for small businesses in America. Small businesses in America now have a huge burden when they try to provide health care for their employees. Yet when you are in the job market, you have to look not just at the salary but at the benefit packages. By making health care more affordable and more accessible, that is another way we in Congress are going to help create jobs.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I worry if we do not do that a lot of people depend on their jobs to provide health care. If it gets to where it is not affordable to employers, they are not going to provide that benefit.

Just like it took this leadership to finally forget about all of the rhetoric, it took the Republican leadership to finally pass a Medicare prescription drug plan. And with all due respect, the Democrats were here for 40 years. They always talked about it and never did it. I can understand it falling through the cracks 1 or 2 years, but they never did it. It took the Republicans to do the prescription drug plan under Medicare. I was hoping that those that legitimately wanted to do it for 40 years, would have said, wow, it is about time, as opposed to criticizing it.

I am confident it will have to be, once again, the Republican leadership, the Republican Congress that is going to have to lead to make sure we have health care that is accessible, affordable, that is quality health care for Americans. I do not know of a more important issue for American families and American small businesses, and, frankly, for even some of the larger businesses as well than to provide good quality, affordable health care. But there again, the Republican Party is going to show the leadership that it has shown on every single issue from welfare reform to Medicare prescription drug benefits, and health care is one of the issues that the Republican Party is showing that it can tackle with results.

Mr. KINGSTON. It is too bad that there needs to be popularity in the polls to get elected. But this is not about popularity, and leadership is not a popularity contest. Sometimes you have to make difficult decisions, and there is not going to be 100 percent approval ratings on every package. Part of leadership is to move the agenda forward.

I know that the gentleman has spent a lot of time in support of the judicial nomination of Mr. Estrada, and the gentleman has expressed a lot of disappointment that the other body has not moved. We create and protect jobs by law and order. If people know that there is lower crime because there is justice when you are brought in front of a judge and there are good judges, we will reduce crime in communities back home. Here we have Washington, D.C., a very high crime rate area, they have a judicial opening, a vacancy; and yet we have liberals in Washington, D.C. who will not let Mr. Estrada get on the bench, and yet he is highly qualified. He went to Columbia and Harvard. He actually had the same qualifications of a judge who has been supported by the Democrat Party, the only difference he is Hispanic. For some reason that is a big issue. Some liberals in Washington cannot stand the fact that President Bush would have a great Hispanic nomination. What is happening with that right now?

Mr. MARIO DIAZ-BALART of Florida. It is even worse than the gentleman states. It is not only that they do not want to vote for him, they do not want a vote to take place; and they are doing all of these parliamentary procedures to avoid taking a vote on Mr. Estrada. It has been a very interesting ride we have been watching. Every excuse in the book has been used against this gentleman, and they are just excuses because they are not based on facts.

As we are speaking, there is kind of a pattern emerging. For some reason, they do not want to discuss the facts; and, therefore, they throw out other things. One of the reasons that they said Mr. Estrada should not be a judge on this court in D.C. is he is not qualified enough because he had never been a judge before. I would not have a problem if that is the standard. It just happens to be on that same court those same people that are saying that about Mr. Estrada supported other judges that were never judges before that now sit on that court. If it is okay for them not to have had previous judicial experience to sit on that bench, why is it not all right for Mr. Estrada? What is the real reason?

They say there are certain memoranda that he has. That is the criteria. If the Department of Justice does not show us certain memoranda that were internal memoranda that were written, that would disqualify him. If that is the standard, I do not have a problem; except there are seven judges currently that have come out of that same office where Mr. Estrada was and those documents were never requested. That is clearly not the reason. If that was the reason, the other judges would not have been able to move forward.

There is a real weird double standard with Mr. Estrada, and it is so much so they do not even want it to come up for a vote on the floor. I do not have a problem with objecting to somebody. I do not have a problem with disagreeing with somebody. Thank God we can do that here in a free Democratic society. But they do not want to discuss it or debate it. They do not want to vote on it. I do not know what their agenda is.

I know that the reasons that they give are not the real reasons, and that is a sad statement. It is also particularly sad because Mr. Estrada is a man who got here at age 17. He studied and worked. He did very well for himself. He went to Columbia and then Harvard Law School and graduated magna cum laude. He worked as a clerk for a U.S. Supreme Court Justice. He worked as a prosecutor in the State of New York. He worked in the Department of Justice under two Presidents, one Republican and one Democrat; and all of those people that he worked for him said this man is a man of integrity and would be a great judge. Yet the Democratic leadership does not want him to even have a vote. That is difficult to believe.

Mr. KINGSTON. Here we are, we have just come through a war, we have jobs that we need to create. We have an economy that we need to turnaround, and yet there are Members apparently of the other body who are content to make one of the most highly qualified judicial nominees a big issue. It is such a double standard. If he had not been Hispanic, in your opinion, would he have been approved by now?

Mr. MARIO DIAZ-BALART of Florida. I can tell the gentleman without any doubt that the reasons that they are going to block even the possibility of him having a vote on the floor of the other body to the point of using parliamentary procedures that have not been used for a candidate of that court before, I can tell the gentleman the reasons they are giving are not the real reasons because we have gone through them and analyzed them. We have talked about them here on the floor of this Chamber, and the bottom line is those are not the real reasons. If those are not the real reasons, then what is the real reason?

It is very sad that a person like Mr. Estrada, who has worked so hard and studied so hard and who has lived his little part of the American dream, has done what this society has asked him to do and much more, has been an example to so many, that his case is not even being allowed to be debated on the floor and is not allowed to have a vote. The reasons given are not the real reasons.

It is a sad day for the country. He is 41 years old. He had argued 15 cases in front of the Supreme Court of the United States before he was 40. Think about that. It is a shame not to have somebody of that quality on the court. It is also a shame for those of us who believe in diversity, who believe that one should be judged by your qualifications and not by your race.

I say that because people have used race publicly. They have said that one of the reasons that he should not be on there is because of his race, and that to me is highly offensive. You should not get a position because of your race, and you should not be denied a position that you are qualified for because of your race. Yet those are the reasons that they have given. They have given others, by the way as well, but those have proven to be false. The only one that still remains out there is when they have said that Mr. Estrada should not be on that court because of his race.

Mr. KINGSTON. It is very disappointing, but I hope that the President can work with them and see if he can get something done. The other thing is the President was elected, and let him get his team in place. It should be that simple.

I just wanted to cover these topics and wanted to ask the gentleman if he had some other topics that he wanted to conclude with.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I would just like to state one more time that every day that goes by, we have to remember there are thousands of men and women in uniform that heroically defend our freedoms, and they do so without asking for anything. They do not get paid a lot of money. They are not there for the publicity.

Every day our freedoms are being protected by men and women in uniform who are heroes every single day. Sometimes they are asked to put their lives on the line to protect our freedoms and to even sometimes within that scope of protecting us, to protect and liberate other people. They have been doing it for generations. They continue doing it today.

Right now as the Iraqi theater is looking good and the Iraqi people are free and they are celebrating their

freedom, we have to remember today there are men and women who are in harm's way. We cannot forget that for one single moment, and we have to be grateful and thankful that there are people like them who are willing to do one of the greatest sacrifices one can ever do to protect our freedoms, and we can never thank them enough.

Mr. KINGSTON. Mr. Speaker, I know for the 34 constituents that I lost in Iraq, and I believe the six to 12 in Afghanistan, I am certainly not going to forget them; and I am going to do everything I can to help promote Iraqi democracy and also jobs in America. We have got a good bill on jobs this week. I am looking forward to voting on it and supporting it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HENSARLING). Members are reminded to refrain from improper references to the Senate.

□ 1715

DEMOCRATS EXAMINE WAYS AND MEANS TAX PLAN

The SPEAKER pro tempore (Mr. HENSARLING). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the minority leader.

Mrs. JONES of Ohio. Mr. Speaker, I came here to talk about the proposed tax cuts, but as I sat here on the floor and listened to my colleagues, I would be remiss if I did not respond to a couple of issues that they raised. One of them was that they accused the Democratic Party of wanting the economy to stay in the dumps just so that we could be successful. I dare either of the gentlemen that just finished speaking to find any member of the Democratic Party that would want this economy to stay in the dumps just so we can be successful. But the Democratic Party is going to be successful on the issues and that is what I want to talk about.

Let me do one more thing, though. One of the things that was discussed, and this is called misrepresentation. One of my colleagues who spoke before me said that the Democrats were holding up the appointment of Justice Estrada at a time when justice needed to be dispensed in the District of Columbia and at a time when law and order was out of place and that he could be there trying cases. I just want to remind my colleague that Justice Estrada was being considered for an appellate court, not a trial level court and that justices on the appellate court do not do trial of fact. So that is again a misrepresentation that people make when they are trying to make one party different than the other. But I am not going to spend my time today in response to some of those things. I would just suggest that everyone needs to pay attention and listen to the real words that people are saying.

Mr. Speaker, I rise today to express my concerns about the Chair of the Committee on Ways and Means' plan that was unveiled this week, marked up in a lively session of the Committee on Ways and Means yesterday and will be considered on this floor shortly. In my own city, the City of Cleveland, 53,900 people have lost their jobs since this President took office. That is 4.7 percent of the workforce. In my State, the State of Ohio, 167,000 people have lost their jobs since this President took office. That is 3 percent of the workforce. The Committee on Ways and Means considered over the past couple of days the plan of Chairman THOMAS. Unlike the Democratic stimulus plan that will be fast acting, fair and fiscally responsible, let me say those three Fs again, fast acting, fair and fiscally responsible, the Republican plan is another in a series of GOP tax plans that is economically irresponsible, narrowly tailored to benefit the wealthiest percentage of the population, and will not provide the immediate stimulus our economy needs in the form of job creation and productivity growth.

The chairman's bill has been referred to as a compromise to the President's so-called economic stimulus plan, perhaps with the hopes that Democrats would respond favorably to any compromise to the President's fiscally reckless plan. While Chairman THOMAS' bill does indeed have a different approach to some of the proposals offered by the President, the end result is still the same. It is poorly timed, shortsighted and narrowly designed to benefit only a small percentage of the population.

This compromise reminds me of an old witticism: You can hang a sign on a pig saying that it is a horse but it is still a pig. The gentleman from California has hung a sign on a bad economic policy and proclaimed it to be a fix that our economy needs. But just like the pig with the sign around its neck proclaiming it to be a horse, this plan has problems.

Let me talk about just a few of them. The treatment of dividends and capital gains. The GOP plan is not fair. The President's proposal for exempting dividends from being taxed was the centerpiece of his economic stimulus plan. While the Thomas bill does not contain that proposal and I believe it does not contain that proposal because in committee meeting after committee meeting, I kept saying to members of the committee and witnesses before the committee, do you understand the impact that the dividend tax cut will have on low-income housing credits? Do you understand the impact that a dividend tax cut will have, in fact, on annuity programs? And I think he finally got it. While the Thomas bill does not contain the same dividend tax cut proposal that was presented by the President, it revolves around reducing the tax on capital gains and dividends as the cornerstone to sound economic policy.

Under current tax laws, capital gains are taxed at 20 percent. Dividends are treated and taxed as income at the applicable tax rate. The Thomas plan will lower the capital gains tax rate to 15 percent and also provides that all dividends be taxed at the same rate. Unlike the President's plan, the Thomas plan provides dividend tax relief regardless of how much Federal income tax is paid by a corporation. In this regard, the Thomas plan does not have as great an adverse impact on low-income housing tax credits and other corporate tax benefits that would have resulted under the President's plan. But this is the least egregious aspect of the plan and it is overshadowed by so many more unwise proposals.

The chairman's dividend capital gains proposal will cost approximately $300 billion of the total $500 billion cost of the plan. He boasts that this is less than the nearly $400 billion cost of the President's dividend proposal. But he is relying on accounting gimmicks and unrealistic expiration dates. Many of the aspects of his plan are set to expire in 2006. But will these provisions really be allowed to expire? Most likely not. The more realistic outcome is that they will become a part of the ever-increasing number of tax provisions that are extended every few years. A more realistic estimate of the Thomas plan's economic impact on the Treasury must assume that its provisions will be extended beyond 2005. Under this realistic assumption, the $550 billion cost of the Thomas plan not only exceeds the $726 billion cost of the Bush plan but suddenly results in a total cost of about $1 trillion through 2013, as indicated in the chart that I am about to show my colleagues.

This chart breaks down certain elements of the Thomas plan as compared to the Bush plan and concludes with the result of the Thomas plan being even more expensive than the Bush plan. For example, under the Bush plan, the dividend and capital gains tax cut would have been $396 billion. Under the Thomas plan, $296 billion of the tax cuts do not expire. However, the top bracket rate reductions effective only for 2003 will be the same and the child tax credit increases will be the same. But here is where we have to take a look and go further. Under the Thomas plan, we widen the 10 percent bracket effective 2003. It is $45 billion. Under the Thomas package, it is $18 billion. But if the tax cuts do not expire, it will go back up to $45 billion as proposed in the President's plan.

Tax breaks for married couples. Under the Thomas proposal, it expires in 2005. The impact under the Bush proposal is $55 billion. The Thomas, $45 billion. But if this 2005 date is extended, the tax break for married couples will cost us $55 billion.

Again, let us take a look at the business expensing. Proposed to expire in

2005, it would only cost $9 billion under the Thomas plan but if in fact these cuts do not expire it will be $29 billion.

I could go on. I know people get tired of a lot of numbers but I need to show the comparison of the tax cut packages.

Let us put up chart 2. IRS data shows that households with incomes over $500,000 get, on average, 41 percent of their income from capital gains and dividends. On the other hand, households with incomes between 40 and $75,000 get only 4 percent of their income from those sources. The gentleman from California's claims will not be the panacea for our struggling economy. For example, if you make over $500,000, according to this, 40 percent of your income comes from capital gains and dividends. If you make only between zero and $20,000, your income from capital gains or dividends is only 4 percent. So clearly the package as proposed by the gentleman from California is going to benefit folks who make over $500,000. I do not know where many of you come from, but clearly this is not a package that will benefit the bulk of Americans.

The same IRS data shows that the $500,000 income and higher households enjoy average capital gains and dividends of $70,000 while the 40 to $75,000 households have average capital gains and dividends of $2,000. Under the GOP plan, millionaires will receive over $100,000 from the new tax structure. But if you make $50,000, you will receive about $400. Or if you are in the lowest income strata, the new tax structure will give you back just $53. We heard the earlier speakers talk about the benefit of putting the money back in the taxpayer's pocket. How much is $53 going to buy? Especially when you think about collectively if we took all of our $53 and left them in the pot, perhaps our senior citizens might have an opportunity to get a prescription drug benefit. Perhaps we might be able to fund the No Child Left Behind program. Perhaps we might be able to fund health care for more Americans. And perhaps we might be able to extend the unemployment compensation to Americans across this country.

Let me go to this chart very quickly. For example, taxpayer year 2003, if you made between 10 and $20,000, you are getting $53. If you made between 75 and $100,000, you are going to get $1,600. But if you are part of that fortunate few that this tax plan favors, you will get probably $105,000 from this particular tax cut. Those taxpayers who will reap the highest gains from the Thomas plan account for .5 percent or one-half of 1 percent of taxpayers. Let me say that again. Those taxpayers who will reap the highest gains from the Thomas plan account for just .5 percent or one-half of 1 percent of taxpayers. Yet they will receive over 57 percent of all of the capital gains and dividends.

When we talk about a plan being fair, this plan is not fair. Quite the opposite is true for taxpayers in the 45 to $75,000 income bracket who comprise 21 percent of all taxpayers and account for 24 percent of income from all sources. Yet they will only receive 7 percent of the capital gains and dividends.

Let us try chart 4. Finally, the Thomas plan will benefit the wealthiest one-half of 1 percent of taxpayers nearly universally, as 94 percent of that group of taxpayers receives dividends or capital gains whereas just one-third of the 45 to $75,000 income range taxpayers have investments that yield dividends or capital gains. For example, if we look at chart 4, we can see how much income is derived from capital gains and dividends based on income levels. It is a little different orientation from the chart I showed you that was chart 2. For example, if in fact you make over $500,000, you are coming above almost 100 percent, you will receive that amount from your capital gains or dividend income as compared to people at the lower bracket.

The Republican Party will claim that the majority of senior citizens will benefit from dividends and capital gains taxes being reduced, but only 26 percent of seniors in this country receive dividend income that would be affected by this proposal. Let me say that again. Only 26 percent of seniors in this country receive dividend income that would be affected by this proposal. Republicans cite the fact that more and more people have a vested interest in the stock market. Yeah, we sure had a vested interest in the stock market and look what happened: Enron, Global Crossing, WorldCom, the list goes on, and that they would now benefit from this proposal. Maybe this proposal should have come around before all of us lost the money we lost in the stock market. While they are correct in the assertion that over 50 percent of the population is in the market, Republicans distort or ignore the manner by which people do participate in the market.

□ 1730

The majority of this participation is through a 401(k) plan or pension plans and other retirement accounts that are exempt from this taxation anyway, and most of the people who receive money are in a pool wherein those dollars accrue to their retirement plan or a pension plan but not to them individually.

Let me talk about deficits for a moment because one of the things that I said when I started was that any plan that stimulates the economy, it must be fast, it must be fair, and then it must be fiscally sound.

The GOP plan is not fiscally responsible. While the Thomas bill claims to offer a compromise to President Bush's irresponsible plan on the subject of dividend tax reform, which it really does not, it certainly does not compromise on the subject of being fiscally irresponsible and harmful to the longer-term state of the economy. Republican lawmakers in general, and the gentleman from California (Mr. THOMAS) is certainly no exception, are under the frightful illusion that deficits do not matter. Did the Members hear that? Deficits do not matter. Even Mr. Greenspan has said that deficits are important, but Republicans are now saying they do not matter. Keep in mind when we had a low deficit, our economy was doing better. Keep in mind that as we continue to have greater deficits, I anticipate that our economy will have more trouble.

The Republican economic plans push for tax cuts that will put the Federal Government in a position of having to borrow $1.5 trillion over the next 10 years. Let us count that, $1.5 trillion over the next 10 years, with no balanced budget in sight. The resulting debt load on the fiscally ignorant Republican plans being presented to us will be about $50,000 per American household. Talk about putting our grandchildren and our children in debt.

When asked to account for this fiscal lunacy, the Republicans claim that the tax breaks offered now will compel people to save more in anticipation of leaner times to come. The speculative statement on the psyche of the American taxpayer just does not make any sense. By borrowing this additional $1.5 trillion over the next 10 years and saddling American households with $50,000 of that debt load, Republicans are placing a cumbersome tax burden on future generations of children. To cover the interest costs alone on that debt will require us to zero out all unemployment compensation plus other programs such as SSI to the tune of $400 billion, the refundable earned income child tax credit of $357 billion; food stamps, $274 billion; family support, $259 billion; and student loans, State's children's health insurance, and veterans' pensions, $149 billion.

Cutting any of these programs is neither compassionate nor is it conservative, but it will be a reality if this fiscal recklessness gets enacted into law.

I have now just seen that my colleague from the great State of Louisiana (Mr. JEFFERSON) has joined me as we do this Special Order. I yield to him.

Mr. JEFFERSON. Mr. Speaker, I would like to thank the gentlewoman from Ohio for yielding to me and for the wonderful work that she is doing in this area and for the Special Order that she has taken out this evening to explain to the American taxpayers and to the American people just what is at risk by these Republican policies.

I know she has covered a great deal of territory already, but I want to just talk about things perhaps that have not yet been discussed or, if they have been, discussed tangentially. And that is the issue of what the government ought to be doing with respect to tax policy. I had the good fortune, the gentlewoman might remember, of doing a great deal of work on this tax policy.

Having spent time in school to work on it and having gotten a master's of laws in taxation and having studied the issues of what tax policy ought to be involved with, what I found out was this: that there is a legitimate concern on the part of government to have a tax policy that is fair in the first place, to have a tax policy that is simple in the second place, to have one that does not intrude into the private sector decisionmaking of people in the third place; and perhaps if we find a social policy we all agree on, we found it legitimate to use the Tax Code sometimes to encourage certain behavior on the part of the public.

The one thing on the fairness I think the gentlewoman has spoken very well about how this policy violates the Federal standard of fairness any number of ways, and I want to talk about one last way it does a little later; but the one thing that I think it does that people ought to recognize, and it has effects for the deficit, for the interest burden, all the rest, is that it puts the government into a position where it is going to compete with the private sector for money. It is going to drive up demand for money because we are going to have to borrow money. There is only so much of it out there. We have to borrow money to fund the government's operations. When we do that, we drive up the demand for money; and when we do that, we drive up interest costs. No question about it. And so this government is going to compete with the private sector. It has to because there is not enough money to fund this tax policy. We are going to put a tax policy together and borrow money to pay for it. It does not make any sense at all. But the biggest problem is that it is inescapable that it is going to drive up demand for money out of this economy, and we are going to borrow money from our banks here and make it tough on our country, and we can also borrow money from foreign governments and make it tough for steel. So this is an antitax policy, logically thinking, when we go this route.

The second thing, there has been a debate for many years about whether it is a good idea or a bad idea to tax capital gains or a bad idea or a good idea to tax dividends, dividend income. All of this has been the subject of debate for many years. And one of the reasons why people have avoided dealing with it is because it is so expensive to fix it, to deal with it, to try to come up with a solution for it. So every time we have a tax reform session, people gripe one side or the other about these questions; but they never deal with it because they are so horrendously expensive.

Here we have now a President in the middle of a recession, certainly in a huge downturn in our economy, talking about restructuring the Tax Code, essentially is what is happening here, in the middle of a recession. This is not about stimulus for the economy. This is not about giving people jobs. It really is all about restructuring the system that some people think penalizes rich people more than it should, and there are all sorts of debates, as I said, about that and we can come down a lot of different ways on the question. But this is no time to do tax reform when we need a stimulus package for the government and for our people. This is no time to take these issues that we fought over for many years, not new issues, and bring them to the floor now under the cloak of a stimulus package and of job creation. This is not what it is.

And the last question I have that I want to just raise with the American people is this one: everybody at the upper levels gets a tax break from this President's proposal. The folks at the very highest level, 38.6 percent, get a 3.6 percent tax break and down the line to those who are at around the 25 percent rate; and they all get a 2 percent tax breakdown to 25. The folks who are on the bottom, the 15 percent tax rate, that bracket, and the 10 percent bracket get nothing. They get no help. They get no break under this President's plan. They are not touched at all. So those folks do not have any unearned income to speak of, very little, minimal, 7 percent, less than that of income, the whole group, and almost all of it, 2 percent of the folks, are getting that in that little bracket. They are just a handful of people in that bracket. So what we are doing is moving from a system where we are taxing unearned income one way and to a system where we are only going to tax wages of working people. So as we lower the capital gains taxation from 20 to 15 and the upper brackets by 2 percent in some cases, 3 percent in one case, we do nothing for the folks at the very end.

So my question is if we are going to give a tax break, why not give it to everyone, an income tax break? Then there are other folks who do not pay income taxes. In my district there are 35 percent of the folks who work every day, 40 hours a week or more, who never make enough to pay income taxes; but they are paying the payroll tax through the nose, and the difficulty is we do not touch that issue either. These folks get no break under the President's system.

It is just unfair for them not to get a break, but beyond that, it is nonsensical for a stimulus package not to include these people because, as the Members know, these are the ones who actually would spend their money if they got the money from the government, got something back from the refundable credit on the payroll taxes or refundable credit in some other cases. They would use their money to buy the refrigerator they need or the child's clothes for school or something that is a household need that they cannot now meet because they do not have much money. So if we really wanted to stimulate the economy and we wanted to stimulate consumption, which is what this is all about, either consumption by the State governments or local governments or by individuals or businesses, in this case individuals, we would put money in the hands of the people who actually spend it and consume some of the goods and services out there in the country that they need to consume.

So apart from all of the issues that the gentlewoman has raised, and they are wonderful issues and ones that we have heard a great deal about in our caucus and in our debates in the Congress, and they are the central ones in this debate, but I wanted to bring these other issues out to discuss them because I cannot find one way that this deal makes any sense for the American people, and I do not understand, frankly, how the other side can put these proposals forward with a straight face.

On every level I have been able to examine, it does not make any sense, and I hope that when the American people have the time to examine this argument that we are making here, examine the issues here, that they will come to the same conclusion that the gentlewoman and I have come to, that this policy is a bad policy for America. It does not stimulate the economy. It is a terrible intrusion into the tax system that is going to end up with the private sector competing with the government or the other way around, and it is going to drive up the cost of interest in the long term, and of course it is an issue of getting involved in a structural tax debate that we have had on the table for I do not know how long and we are now trying to fix under the cloak of a stimulus package.

So I want to again thank the gentlewoman from Ohio (Mrs. JONES) for what she has done this evening in giving us a chance to talk about these issues, and I want to implore the American people to really examine this very closely because it is a critical point in the history of our country. We are about to make decisions now that are going to saddle our children and grandchildren for years to come, and people really ought to pay attention to what is happening in this House.

Mrs. JONES of Ohio. Mr. Speaker, it is very interesting, has the gentleman been able in this plan anywhere to find any benefit for unemployed workers who are out of money who would spend their money right away if they were able to get any of this money?

Mr. JEFFERSON. Mr. Speaker, of course not. It is not mentioned in the package, and as most of the experts have said, this is the greatest multiplier effect of most of the things we can put on the table to do, and that is to put money into the hands of people again who have been out of work, who have been strapped, who do not have enough money to pay for the things that they need to take care of in their households, who we know will consume if they get the money.

Stimulating the economy is all about stimulating consumption. It is not about anything else. And if we are not smart enough to give people money they can use now, and these are not people who are sitting around looking

for welfare, looking for a handout from the government; these are hard-working people who have worked for many years, in most cases, who now because of economic hard times and down turns in the economy, layoffs all over the place, have ended up without a job. These are folks who are actively seeking work, going out looking for a job every day, going to the unemployment offices, unemployment services, looking for help, looking for a job, and they have not been able to find work because this economy has lost 2.6 million jobs in the last couple of years. So it is just hard to find a job out there.

This ought to be in this package. If the other side were serious about stimulating the economy, this is the best way to stimulate consumption, and the fact that it is not in the bill argues that they are not really serious about getting this done.

Mrs. JONES of Ohio. Mr. Speaker, what else was very interesting, I saw the other day, was an article that was discussing not only the fact that the low-income workers are not getting any benefit from the tax plan, that the IRS is now making proposals that people who get an earned income tax credit must have more documentation to show that they are raising their granddaughter's children or raising their cousin's children and on and on and on as if they are the tax cheaters instead of people who are at the top of the ladder who have something to cheat about.

Mr. JEFFERSON. Mr. Speaker, one of the smartest things we did in this Congress was to pass the EITC and the next smartest thing we did was to expand it in the last few years to make sure we had more people covered. And it is a way to reward people for working. It was always designed to take low-income people and encourage them to stay on jobs that did not pay much because the welfare was competing quite handsomely with folks who were making such a low income until they might as well have stayed home if they were just looking at it on the basis of what is the better thing to do, stay home with the children, stay home and do whatever, or go to work. EITC is a conservative idea.

Mrs. JONES of Ohio. Mr. Speaker, just to be clear for everybody, the gentleman is a tax man. Will the gentleman tell them what it is.

Mr. JEFFERSON. The earned income tax credit is a conservative idea. It is an idea to reward people for working, to award poor people staying on the job instead of choosing welfare. It ought to be embraced by the Republicans full throttle, and it ought to be as simple as it is to do anything else under the tax regime. Not that things are all that simple, but one of the major tenets of tax policy is to keep it as simple or to make it as simple as we can.

□ 1745

The fewer resources one has, and we know poor people have fewer resources than the people who are wealthier, the simpler we ought to make it for them. That is why we invented this short form of tax reporting; that is why you have this easy way to do your standard deduction, because you figure that these are the people who are not going to have a lot of money for tax preparation or access to accountants and lawyers and all the rest of it. So you make it as simple as you can for people who you know are going to be principally their own tax preparers, and you hope they can understand it without having to expend much money to do it. Up the line, people who have all these various deductions and exemptions they can take and all the rest, they are folks who usually can pay for the lawyers and accountants and the rest and get it all figured out and worry about saving money.

So I think the gentlewoman is dead right, that instead of making it more complicated for the poorest people in this country who are going to work every day, who are working hard every day, and who we have encouraged through the EITC to stay on the job rather than to accept welfare, we ought to make it simple for them to get their reporting done.

Mrs. JONES of Ohio. I thank the gentleman so much for his leadership and insight on this issue. I appreciate his assisting me with this special order.

Mr. JEFFERSON. I thank the gentlewoman for what she is doing.

Mrs. JONES of Ohio. Mr. Speaker, let me continue to speak on some of these issues. Again, let me reinforce the statement that I made at the beginning. We believe that a stimulus package must be fast, it must be fair and it must be fiscally responsible. The Republicans ignore the tried and true logic that long-term deficits are bad for future economic and job growth.

The Federal Reserve Chairman, Alan Greenspan, has repeatedly voiced his assessment that persistent budget deficits hurt economic growth over the long term because of the drain they cause on private savings that could, and should, be used for capital formation.

The Thomas bill ignores the dilemma it will create when the expiration of unemployment benefits and state cuts in Medicare occur. Just as it makes no sense to down a few more drinks before hitting the road, it makes no sense for a country that is currently running a $436 billion trade deficit and depends on $474 billion in borrowing from abroad to adopt a budget that will borrow an additional $1.5 trillion over the next 10 years.

Even the Congressional Budget Office, now headed by a Republican appointee, has found that the Republican budgets will have little positive effect on the country's economic growth. The tax cut being offered do not come anywhere close to paying for themselves by expanding the economy as Republicans claim they will.

Deficits do matter. Sound economic policy recognizes that sometimes deficit spending, to a certain degree, makes short and long-term sense. But in this current climate, the proposed deficit spending will not result in a short-term stimulus because only a small percentage of the tax cuts being offered would take effect this year.

In the long term, American taxpayers can expect to see an increase in taxes and interest rates and a drop in funding for education, Social Security and other social initiatives, as more of their earnings go simply toward paying off the interest on an increased deficit. Let me repeat that. American taxpayers can expect to see an increase in taxes and interest rates and a drop in funding for education, Social Security and other social initiatives, as more of their earnings go simply toward paying off the interest on an increased deficit. This deficit matters, and this deficit makes no economic sense.

Yes, deficits matter. Chairman Greenspan has recognized this fundamental truth, cautioning repeatedly about the perils of increasing deficits without corresponding spending cuts. Yet the Republicans have taken every opportunity to distort his comments to suit their wayward economic agenda.

Let us take a look at chart 5. The President has stated that we have deficits because we have been through a war. This is a shameless untruth. The Congressional Budget Office and the President's own budget acknowledge that deficits started well before the conflict in Iraq and are projected to continue indefinitely because of the President's own fiscal policies. Even without taking into account any of the costs of the Iraq war, the CBO has projected in early March that the President's budget would result in a $1.8 trillion deficit over the next 10 years.

Let me refer to chart 5 on deficit projections. This chart has three projections. The dark line shows how the deficit will continue to increase under current economic conditions. The other line shows what will happen to the deficit under optimistic and pessimistic conditions. However, the optimistic scenario is unlikely because increased deficit spending and more tax cuts will not create an economy of growth and job creation.

For example, the dark line, as I said previously, shows how the deficit will continue to increase under current economic conditions. In other words, it is going to go from where it is right now, down to 2050, down this far to minus maybe about 14 percent.

Under the best economic conditions, based on the deficit spending we are doing, there will still be a deficit of about minus 0.3 percent. Then if you look under the lowest productivity growth, it will even be further. It moves further into the minus spending, down to minus 15 percent.

So the reality is that no matter what the economy does with the deficit spending we are doing right now, we are going to be in bad shape, and our children will continue to pay and pay and pay.

This bill claims to be about jobs, retaining them and creating them. Last week it was announced that the Nation's unemployment rate reached 6 percent. In the last 2 years, over 2 million jobs have been lost nationwide. Districts with heavy manufacturing industries have seen an even bigger job loss rate than the national average.

This Congress needs to pass a bill that will bring those who lost their jobs back to work and keep them at work. But will the bill that has been introduced by the gentleman from California (Chairman THOMAS) do that? Only if you think that giving over $350 billion worth of capital gains and dividend tax exemption to the wealthiest one-half of one percent of the population will create jobs.

What kinds of jobs will this create? The only type of job I think that would be created would be hiring people to carry the buckets of money this wealthiest fraction of the country will receive to the bank. But with most of those gains being transferred electronically, even those types of jobs will not be available.

Economists from all slants, conservative and liberal, have reached a broad consensus that cutting the tax on dividends will not create jobs. In fact, several Wall Street analysts have rated this tactic as one of the least effective options in terms of stimulating economic growth.

The tax cuts being offered by the President and the gentleman from California (Chairman THOMAS) are not about jobs. Instead, these tax cuts are about partying it up now and ignoring the consequences.

This so-called jobs bill starves the government of revenue so that social priorities suffer, priorities like funding promised benefits for baby-boomers, cushioning the hardship of the unemployed, enhancing educational opportunity and improving homeland security. Just ask any mayor or local fire chief or local police chief about what money they got from homeland security. They are the first responders, and they are still waiting for this government to give them the money they need to do their job.

Other people have noticed that this plan would not create jobs, not just those of us here in Washington. This past weekend, the Detroit News published an editorial from the President of the Economic Policy Institute that empirically described how these Republican plans will hurt the economy, will cause more jobs to be lost and dig our deficit hole deeper.

This article cited a recent joint statement signed by 10 Nobel Laureates in economics and 450 other economists stating there is widespread agreement that the purpose of the President's tax plan is for permanent change in the tax structure of the country, not the creation of jobs and growth in the near term.

Let me repeat that: That the purpose of the President's tax plan is for permanent change in the tax structure of the country; not the creation of jobs and growth in the near term. These individuals single out the permanent reduction in the dividends and capital gains tax rates as not being credible as short-term stimulus. The Republicans claim that their plans will generate more growth in gross domestic product and in jobs in the next 2 years, ignoring the horizon beyond those 2 years.

Before I go on to that subject matter, I see that I have been joined by another colleague of mine, the gentlewoman from Georgia (Ms. MAJETTE). I yield to the gentlewoman.

Ms. MAJETTE. Mr. Speaker, I am honored to be a new Member of the House of Representatives. I know that each of us takes this responsibility very seriously. Each of us wants to represent our constituents to the best of our ability, and we all want to do what is right for our country. Yet this Congress cannot seem to do the right thing.

This so-called tax cut is a perfect example of what I am talking about. Virtually every reputable economist agrees that it is the wrong thing for our economy. Alan Greenspan agrees that it is the wrong thing to do at this time, yet the President has seen fit to have Mr. Greenspan serve for another term while choosing not to listen to his advice. Republican and Democratic Members of the House are going along with the President's tax policy, and that, Mr. Speaker, will sink this ship of state into a sea of red ink.

To me, this tax plan is about simple math and basic accounting. More importantly, it is about common sense. If you borrow money, somebody has to pay it back. This tax plan will result in the biggest increase in debt that our country has ever seen. Somebody is going to have to pay it back, and those somebodies are our children and our grandchildren.

Many in our country are worried about the problem of predatory lending, but what they should be worried about is predatory borrowing. We are causing our children and grandchildren to incur huge debts in the future just so we can line the pockets of a precious few today.

This predatory borrowing will doom the economic fortunes of generations to come because we refuse to get our fiscal house in order. Do not get me wrong, Mr. Speaker; like anyone else, I could use a tax cut, and many of my constituents could use tax relief too. But this is not tax relief.

Do I support relief from the marriage tax penalty? Of course I do. Do I support increasing the amount of the child tax credit? Of course I do. Do I support giving small businesses relief for their expenses? Of course I do. These are all tax cuts that help working families, exactly those families who are hurting and who are struggling to make ends meet.

Unfortunately, none of these tax cuts is permanent in this bill, and in 3 years most of these cuts will evaporate and working families will be right back where they are today.

But the Republican tax bill does not stop there. This tax bill will give huge tax relief to those who need it least, the wealthy; those people who already have an annual income of $1 million a year. The dividend and capital gains tax cuts, which are made permanent, by the way, will pile on debt for our children and our grandchildren.

Long-term success in this country depends on high quality education, on stable and high paying jobs, and access to quality health care. But because of these tax cuts for the wealthiest Americans, we are not investing in those things that will secure our children's future.

Not only are we abdicating our responsibility for our children's future, we are forcing them to pay the bill. What we need today is a renewed commitment to fiscal responsibility. Let us restore the pay-as-you-go rules that led to the fiscal discipline during the 1990s and the first surpluses we saw in decades, surpluses that have totally evaporated under this President's economic programs.

For the first time in decades, we have had the opportunity to begin to pay down the massive multi-trillion dollar debt and to begin to bring some financial stability to Social Security and to Medicare. But, instead, today we are being asked to incur more debt and to cast even further doubt on the viability of those programs.

What we have here is a failure to communicate with the American people. So let me just make it plain: This is not really a tax cut we are talking about today. Read my lips; this will be the largest tax increase that the world has ever seen, only it is a tax increase on our children, our grandchildren and our great grandchildren.

□ 1800

This tax plan is a sham and a shame, and the American people deserve better than this.

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentlewoman from Georgia (Ms. MAJETTE) for coming out to help me with this hour.

As I stated before she started, this article cited a recent joint statement signed by 10 Nobel Laureates in economics and 450 other economists stating that there is widespread agreement that the purpose of the President's tax plan is for permanent change in the tax structure of the country and not the creation of jobs and growth in the near term. Now, if that is what he wants to do is to change the tax structure, just step on up there and say it, but do not put it under the veil of creating jobs and growth in the near term. These scholars single out the permanent reduction in the dividends and capital gains tax rates as not being credible as short-term stimulus.

The Republicans claim is that their plan will generate more growth in

gross domestic product and in jobs in the next 2 years. In fact, even under the most forgiving analysis of these plans, gross domestic product and jobs will decline in 2005, 2006, and 2007. Respected economic analysts have shown that any positive impact in the first 2 years of this irresponsible plan will be followed by a gross domestic product decline of .25 percent per year, thereafter resulting in a gross domestic product loss of 1 percent and 750,000 jobs by 2013.

There are two reasons why this happens. First, tax cuts without spending cuts lead to sustained budget deficits. These deficits in turn raise long-term interest rates, suppress investment, and stop productivity growth. The second reason is that the administration's proposal is ineffective at raising long-term growth. Much of the package involves items that are already scheduled to be implemented, so their effect is minimal and illusory. Further, many economists, including the Nobel Laureates and other scholars mentioned previously, believe that dividend exclusion will actually depress investment.

It is easy to understand why the Republican proposals are so ineffective at creating jobs in the near term. First, very little of the package stimulates the economy this year when jobs are needed most. Let me say this again. Very little of this package stimulates the economy this year when jobs are most needed. This stimulus package only offers $31 billion toward the short-term growth efforts. All of the other dollars, whether it is $550 billion, $726 billion, goes to other issues.

Further, the proposed tax cuts are ineffective at stimulating consumption because they are so heavily targeted at the wealthiest members of our population who will likely take that extra money and put it into savings rather than consume goods and put that money into the stream of commerce.

One of the biggest concerns of Americans today is whether they will have a job tomorrow, whether this stagnant economy will engulf their job, their savings, and their livelihoods, or whether Congress will do something that will secure their employment and economic future. The Republican plans do not provide that security to our citizens. It is a carrot for the middle class and nothing for the lower class. The gentleman from California (Mr. THOMAS) has attempted to veil some of the aspects of his plan as benefiting the middle class, in essence, dangling a carrot in front of them. But when the truth is peeled away from his plan, it becomes clear that members of the middle class will never get this carrot.

Republicans have concealed the true nature of their tax cuts and the effect those cuts will have on the middle class, using clever gimmicks and ruses to trick working families into thinking they will enjoy a permanent benefit under their plan.

For instance, the child tax credit offered in the plan is a hoax. Rather than making tax cuts for families the centerpiece of an economic stimulus plan, they have made the increase in the child tax credit a temporary afterthought so that the amount of the child tax credit will drop from $1,000 in 2005 to $700 in 2006 while, at the same time, the tax breaks to the wealthiest citizens are being made permanent. They are willingly going along with a plan that will sacrifice increases in the child tax credits that would add an immediate beneficial impact for all of our working families to make room for the President's plan to put even more money in the pockets of wealthiest Americans.

Now, do not misunderstand me. I think wealthy Americans ought to be wealthy if they work to get to be wealthy, but they ought to share the brunt of tough times, tough economy, with all of us; and they ought to forgive or give up the opportunity to get these tax cuts to bring our country back to the best.

The Republican plan jeopardizes Social Security to make room for tax cuts for the wealthy. Just as baby boomers are approaching retirement, the GOP is offering a plan that will borrow and spend all of the money from the Social Security trust fund over the next 10 years. The long-term cost of the Republican tax cuts is more than three times the entire long-term Social Security shortfall. And what does this pay for, one might ask? My answer is obvious: tax cuts for the wealthy.

As I mentioned earlier, it was just announced that the Nation's unemployment rate has reached 6 percent. This figure seems to not have resonated with Republican Members of Congress. Even with this new high in unemployment, with the economic slump continuing, the GOP plan allows extended unemployment benefits to expire at the end of this month. Nowhere in their plan is there money to extend unemployment benefits. Nowhere in their plan are they even thinking about the people that are unemployed, other than saying, I am going to promise you a job later on based on the trickle-down theory. In just over 3 weeks, millions of families across the Nation will be denied desperately needed unemployment insurance. Extending these benefits will not only help the families of the nearly 4 million out-of-work Americans pay their bills, but it will also help the economy by putting money into the pockets of consumers who will spend it.

Remember the ''stream of commerce'' I talked about earlier? That is where the money from these unemployment benefits will go. But the Republican message to these families is crystal clear. The message to these families is, Well, we are going to create you some jobs, but you can eat crumbs until we get those jobs in place. The Republican message to these families is, We would rather put more money into the pockets of the wealthy than to put immediate dollars into your pocket in an unemployment plan. The message to these families is, Tough luck.

Now, let us talk about what the message is to the States. The message to the States is the same as the message to the poor: tough luck. Despite the fact that economists statistically rate aid to the States as one of the most effective immediate economic growth measures available for the money, the Republican economic plan, while calling for $1.2 trillion in new tax cuts, fails to include a single penny for State aid. States are facing the worst fiscal crisis since World War II, but the Bush administration is refusing to provide them any aid. As a result, States across the country are cutting education and health care programs, raising taxes and other fees, and putting a further drag on the sluggish economy. And with the GOP's refusal to include any help to the States in their economic plan, economic growth is undermined, not fostered.

I have spent most of my time talking about what is wrong with the Republican plan, and believe me, I could talk for much longer, but I want to take some time now to discuss a Democratic plan that is fair, fast-acting, and fiscally responsible. I see that I have been joined by the gentleman from Washington (Mr. INSLEE), and I would like to yield to him.

Mr. INSLEE. Mr. Speaker, I appreciate the gentlewoman coming here to talk about this important issue. I just have two comments to make about the majority party's plan. We are talking about a way to get our economy going again and to me, the acid test of any economic plan is, is it going to work. This should not be based on idealogical principles; it should not be based on partisan politics; it should not be based on sort of a pie-in-the-sky theory. The question should be: Does it work?

The two points I would like to make is first off, we have very good evidence that it does not work. We are all talking about the best way to administer medicine, if you will, to the economy; and it kind of reminds me, what the majority party is doing reminds me of the physicians in the 18th century. When you were sick in the 18th century, you went to a doctor; they bled you. They put leaches on you. And if you did not get better, they put more leaches on you. And if you still did not get better, they would put more leaches on you, and they would bleed you some more, because it is all they knew how to do.

Well, what we saw in the year 2001 when the Republican Party did this big tax cut, a trillion dollar tax cut plan, told the American citizens it was going to create tens of thousands of jobs, and the economy has gone south. It has gone south like it has not at any time since World War II. We have had the largest number of job loss; over 2.5 million Americans have lost their jobs since that ill-conceived plan by the Republican Party. It is the largest job

loss since Hoover was President of the United States. And here we have the doctors to the economy, they want to do it again when it was so damaging to the economy in the first place. The deficit has skyrocketed. It has gone from a $5 trillion surplus to deficits of $300 billion, at least, probably more. And so we want to see this sort of application of this 18th century medicine again when it did not work the first time.

We should not repeat the mistakes, and the reason it was a mistake then, and they are repeating exactly the same failure this time, number one, their plan is too late. It is too late because almost 95 percent of the benefits are in the years after this year when we need the stimulus this year; and, number two, it goes inordinately to people who are not going to put the money right back into the economy. So we are repeating a failure of 2001, as the doctors of the 18th century repeatedly bled people if they did not get better, and they just kept bleeding them. And that is what the Republicans are doing to the Federal budget.

The second point I would make is, this is called a tax cut. But it is really not a tax cut to Americans over the long term. If anything, it is a tax increase. And the reason is that our children are going to have to pay and we are paying today the burden of not balancing the Federal budget. Right now, because we pay interest on the Federal debt, I have some really bad news for Americans. Of every $100 Americans paid, they paid $100 on April 15 in taxes, $14 went to pay interest on the Federal debt. For that $14, you got no soldiers, no sailors, no police officers, no nothing. It went down a black hole. And now it is going to increase because the Republicans' own numbers, these are not Democratic numbers, the Republicans' own numbers demonstrate another $1 trillion of indebtedness they will create that American taxpayers are going to have to pay at some point, only now they are going to have to pay interest on top of that.

So this really is not a tax cut. At best, it is a tax transfer. It is a transfer from us baby boomers on to our children's shoulders, which is immoral, number one; and, number two, it is a tax increase by increasing the interest payments we have to pay on the Federal debt. It is an increase on what we call the debt tax. We all pay the debt tax now because we pay interest on the Federal debt. This could be called at worst a tax increase and at best a tax transfer to our children. Both are wrong; it should be rejected. Let us not repeat the failure of 2 years ago.

Mr. Speaker, I appreciate the gentlewoman addressing this important issue.

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for his leadership on this issue.

This past January, Democrats presented a fair, fast-acting, and fiscally sound economic plan that would jumpstart the economy, create jobs immediately, and promote long-term economic growth. The President then introduced a highly divisive plan that does not create jobs in the short term and endangers our economy by saddling us with these deficits. Muchneeded immediate action on the economy is being thwarted because the Republicans disagree about the President's controversial plan and because the President is still pushing for a $550 billion package that Members of both parties in both Houses of Congress have soundly rejected.

The past Democratic plans have included $32 billion in immediate tax relief to small businesses to generate investments. Only $29 billion of the GOP plan is targeted to small enterprise. Finally, the GOP plan will negatively affect investment in small business and their access to capital because it will increase interest rates and make investment in big business more attractive.

There is no bang, but there certainly are bucks in the GOP plan. At least there are bucks for the wealthy. Economists have estimated that for every dollar spent on the dividend tax cut, only 9 cents in economic growth will be generated. Even the economists that the White House relied on for their job growth numbers ''predicted that if the tax cuts were not offset within a few years, interest rates would rise, private investment would be crowded out, and the economy would actually be worse than if there had been no tax changes at all.''

There is no focus in the GOP plan, there is no fairness in the GOP plan, and there is no fiscal responsibility. For the sake of our country, our health care and our infrastructure, I call on all Members of Congress to reject the Thomas plan just as you rejected the President's plan.

Mr. Speaker, the Democratic plan will create 1 million jobs by the end of the year and is paid for through responsible tax policy that puts money in the hands of people who need it most.

The Democratic plan is focused on job creation and long-term growth. By providing an immediate stimulus, the plan will create jobs. The Democratic plan will not leave States behind—instead it will provide $18 billion for Medicaid assistance to the States, $26 billion for infrastructure development, homeland security, education, and other needs jobs will be retained and created, our economy will revive itself. By extending unemployment insurance benefits, money will be put in the hands of those who need it most at the time it is needed most. Recipients of those benefits will be able to buy needed consumer goods, pay their bills, and be able to survive in these tough economic times. The Democratic plan will benefit small businesses by creating credits for businesses who hire the long-term unemployed and increase the expensing limits small businesses are able to claim. Further, it will temporarily increase the bonus depreciation for all businesses, which will in turn enable businesses to retain more capital for expansion and hiring.

The child credit the Democratic plan has will accelerate to $800 and will directly benefit the families of 1.75 million children. Over the course of 10 years this will put $50 billion into taxpayers' hands that will in turn be used for savings and consumption.

Today's New York Times cited the President's plan, the House Republicans' plan, and the Senate Republicans' plan as putting $400 per child into taxpayers' hands as this year's rebate. This is part of the ''carrot'' that Republicans are dangling in front of the middle and lower class taxpayers. And while they may in fact get this money this year, Republicans are remaining silent on what they will get next year, or 5 years from now, or 10 years from now. The reason for that silence is because next year, and 5 years from now, and 10 years from now they will not receive anything. Instead, they will be forced to pay more for health care, they will be forced to pay more for education, they will be forced to pay more for infrastructure development, and they will be paying more toward reducing the national debt—a payment that will not yield any tangible, graspable benefit.

□ 1815

PRESIDENTIAL TAX PLAN CREATES JOBS

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, I am glad I am going to get an opportunity to rebut the gentlewoman from Ohio's (Mrs. JONES) statements. Obviously, there are a number of exaggerated statements in my opinion. I want to go through a few things.

First of all, in regards to the gentlewoman from Ohio (Mrs. JONES), she talks about the deficit, she talks about the deficit as if she is a leading example of programs and her voting is a leading example of votes that are cast to reduce any of these programs. I would challenge the gentlewoman from Ohio to go ahead and present to her colleagues exactly what programs in discretionary spending, keep in mind the biggest part of that budget is nondiscretionary. So if you are going to do the kind of cuts that she talks about, I think that the gentlewoman should accept the challenge and step forward and show exactly which programs she is going to eliminate or which programs she is going to substantially reduce in order to eliminate that deficit in this budget.

The fact is she will not even come close. I know it and you know it. I think it would be interesting, and I intend to do it, pull the gentlewoman's voting record from Ohio and see how many votes she has made to reduce programs. I also am going to pull the bills that the gentlewoman from Ohio has introduced and take a look at what those bills, bills that she is the sponsor of, bills that she is the proponent of, what kind of costs those bills add to the deficit. I think you would find, I have not looked at them but I think it is a pretty good guess that the gentlewoman from Ohio has a number of bills

that she has introduced that add to the deficit, that under her definition of what which ought to be doing in economic sense and accounting and so on would defy her own, the discipline that she is up here preaching about that we have to exercise.

Mrs. JONES of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I will be happy to yield in a couple of minutes if the gentlewoman would like to stay around, because I have a number of points that I would be happy to address with you.

Mrs. JONES of Ohio. All I want to say is pull my record, sir.

Mr. MCINNIS. If the gentlewoman would stay around I would be happy to yield in a couple of minutes.

But what I want to say is it is okay to say something but your action ought to follow it. This is not a personal attack. This is a professional disagreement. My point is if you are going to stand up and preach fiscal discipline, you ought to practice it yourself.

Now, let us talk about, she says, the Democratic tax cut. Yesterday in the Committee on Ways and Means of which the gentlewoman from Ohio was present, she was there, there was testimony from the Democratic Party that ran the deficit, increased the deficit about $10 billion and that the Republican tax cut proposal increased the deficit by about $11 billion. Well, based on the woman's strong statements about fiscal discipline, I would fully expect that the gentlewoman will be voting no against the Democratic tax cut bill. And I would fully expect that the gentlewoman from Ohio will take the same microphone that she has taken for the last hour and preach against the Democratic tax cut which also adds $10 billion dollars to the deficit. I would venture to say that she will not accept the challenge on either one of those occasions.

I also want to mention here, by the way, a little rhetoric of your colleague, the gentlewoman from Georgia (Ms. MAJETTE) whose statement I thought was pretty interesting, and I understand that she is new to the Congress, but she says that this tax increase is the largest tax increase in the history of the world, in the history of the world. Now, where does that come from? Rhetoric is not what is going to allow us to get this economy back growing again.

I see that the gentlewoman has left. I was more than happy to yield a couple of minutes to her but it is clear that apparently that is not going to happen. Oh, here she comes again.

Mrs. JONES of Ohio. Mr. Speaker, is the gentleman ready to yield to me right now?

Mr. MCINNIS. Mr. Speaker, I would be happy to. I have not yielded yet. A couple of conditions I will yield to you under. One is the time.

Mrs. JONES of Ohio. I just need a couple of minutes.

Mr. MCINNIS. I yield the gentlewoman a few minutes. At such time, if you are not completed, I will consider yielding more time. I will be happy to hear from you on any of the points I brought up.

Mr. Speaker, I yield to the gentlewoman.

Mrs. JONES of Ohio. Sir, I will give you a tax plan that will be paid for before the week is out. I will give it to you before the week is out.

Mr. MCINNIS. Before the what?

Mrs. JONES of Ohio. Before the week is out, that will be totally paid for, before the week is out.

Let me also say to you, sir, that on the floor of the House you are entitled to talk about whatever it is you want to talk about as long as you do not get personal with your colleague, and I encourage you to pull my record. I encourage you to pull my voting record. I encourage you to look at the bills that I have introduced, and I encourage you to let the American public know that I am here fighting for the working class people of this country, that I support business, and that I believe that tax cuts would be appropriate if we were not in the situation that we are in right now. And that if we are going to have tax cuts, they must be fair, they must be fiscally responsible, and they must be fast acting.

Now, I must leave. I have been here for an hour. If you had been here while I was speaking for an hour, I would have gladly yielded time to you as well. But I am looking forward to continuing the debate because the people of the United States need to understand that this Congress must do something to stimulate the economy and that what we do must be a stimulus. It must not be a facade. It must not be a charade. It must do what it is supposed to do. And I challenge you to tell the American public how much of the Republican bill that is being presented actually goes to economic stimulus, and how much of the rest of it goes to giving dividend cuts and capital gains cuts to the most wealthy Americans in the country.

I look forward to debating with you, and I look forward to serving in the U.S. Congress with you because I know my constituency knows I am doing their job on their behalf.

Mr. MCINNIS. Mr. Speaker, if the gentlewoman would remain around for about 30 more seconds.

I would be happy to engage on a special order, we can make some accommodation in the next few days. You will take a half hour. I will take a half hour. I would engage the entire Democratic Party if they want to engage in a debate. But let me say one thing about personal. Looking at your record is not a personal attack on my colleague. In fact, I am kind of impressed by the energy that my colleague exercises. I think she is persistent. Certainly, I have never questioned your integrity. I think your integrity is above question. But I would point out that if, in fact, you were suggesting a violation of the rules, you probably came the closest to it. I did not ask to take down your words as I was tempted to do when you made a comment that the President, and I missed the middle word was a shameful untruth. You are not allowed to call the President shamefully untruthful on the House floor.

Mrs. JONES of Ohio. Mr. Speaker, I did not say he was shamefully untruthful. I said the representation of the tax package was untrue. But write it down. Call me out.

Mr. MCINNIS. Mr. Speaker, I have not yielded to the gentlewoman.

I would suggest to the gentlewoman that you and I both know the rules. I think we are both observing the rules and I am more than happy to engage with you in the next week or so on a debate on any subject that you would like. So have your office contact mine. I appreciate the gentlewoman participating.

Mrs. JONES of Ohio. Mr. Speaker, it is nice to talk with the gentleman also. Have a wonderful evening.

Mr. MCINNIS. Reclaiming my time, let us talk a little bit about the program and let us talk about the budget program and the stimulus.

First of all, in regards to the gentlewoman from Georgia's (Ms. MAJETTE) comments, she kept referring to the people, the lowest income people in the country. Remember that the tax cut is targeted at people that pay taxes. If you take a look, the lowest income categories of wage earners in the United States do not pay Federal income taxes. They do pay sales taxes, although they get certain credits, and they pay tax, for example, when they buy gasoline and so on, but under our system we believe that the lowest income earners of this country should not be subject to Federal income taxes. My philosophy is tax cuts should not be given to people that do not pay taxes. That is a welfare program. And I do not object to all welfare programs. Although, I can tell you that every time that you give money to somebody who is not working, you are taking that money from someone who is working. And under certain circumstances most people agree. For example, if you have a wage earner who is incapable of working for some reason, they are physically or mentally disabled and cannot work, gainful employment, I do not know anybody, Republican or Democrat, that objects to assisting those people, to put them on welfare. But, frankly, we have got some people out there who are living off the system.

Now, we did welfare reform several years ago and welfare is to give money, that is not a tax cut. It is a welfare program. If the gentlewoman or any of the other Democrats wants a welfare program to stimulate the economy, they should call it a welfare program. They should not come up and advocate giving a tax cut to people who do not pay the tax.

Now, our economy today, first of all, it is not in dire straights. Certainly we

have people unemployed, and if you are unemployed I can see your interpretation of dire straights; but on an economic, from a historical point of view, on an economic basis, when you take a look at our economy, our economy has some positive things about it. I am optimistic about our economy. We have got to do some jump-starting.

When you jump-start something, it is like when your battery of your car is dead or when the battery of your car is low you do not attach the jumper cables to the bumper of the car. You attach the jumper cables to the battery so you can jump-start the car. That is where the word jump-start came from. You need to target.

Now, the Democrats say, wait a minute. You jump-start all over the car. We are saying, let us jump-start that portion of the car that will give us the biggest buck, that will get the car moving again. We have got a dead battery or a low battery. That is where we need to target it. That is exactly what this tax cut is. It is targeted as a stimulus. And, of course, it has a major impact on the tax structure in the future. You cannot do it any other way.

So my position is on the tax cut and the President's tax cut, first of all, I have got a lot of trust in this President. I have a lot of trust in his administration. He has done a tremendous job, a job that the criticism is minimized, a job of which I hold great honor to him for, and that is leading this country, leading this country after September 11, leading this country through the Afghan war and a victory, leading this country in the Iraqi war. This is a guy who time after time after time proves that his leadership is capable of asking all of us to follow him. We have a pretty good bet going with this President.

This President has said to us, look, this is the kind of tax cut we need to have if we are going to try and jump-start the car. He is the one who has said to us, put the jumper cables on the battery and I think we can get this car jump-started. Why my friends on the other side, outside partisan advantages, in other words, attack the Republicans no matter what they do, why some of my colleagues, by the way, I think our tax cut will pass with bipartisan support, but why some of my colleagues are continuing to put roadblock after roadblock and continuing to insist that we attach the jumper cables to the bumper is beyond me, other than the fact that they want to play partisan politics.

This is not a time for rhetoric. When we put that tax cut, when you take a look at capital gains, for example, sure, not every taxpayer in our country gets the advantage of capital gains because they do not have an asset that has appreciated in value to the extent that it has incurred a capital gains taxation.

But the fact is if you look historically, and I think we need to look at history here, if you look at economic history, every time, no exceptions, every time we have reduced capital gains taxation, we have seen an immediate uptake in the economy. Every time. No exception. This tax package lowers that from 18 percent to 15 percent, 20 percent in some cases, but would take it down to 15 percent.

Now, the gentlewoman from Ohio (Mrs. JONES) was very correct in saying that our taxes in this country should be fair taxation. Well, the most unfair taxation is when you are taxed twice, taxed twice. How many of you have out there would be happy going to the grocery store? They ring up a dollar's worth of merchandise and they say, all right, the tax is 7 cents. So you owe me $1.07. So you pay her the 7 cents in tax; and she says, oh, by the way, we are going to tax you again so give me another 7 cents. You would say, What are you talking about? You do not charge me double taxation at the counter. That is double taxation.

Well, there is one place in our tax structure that we double tax and that is dividends. Just based on fairness alone, and I am in complete agreement with the gentlewoman from Ohio, the Democrat, who says we need to be fair. And following exactly what she preaches, in other words doing what you say, if we do that we will get rid of that double taxation on dividends. It is imperative, I think, that we do it.

The President in our tax package that we passed out of the Committee on Ways and Means, after lots and lots of research, after lots and lots of discussion, that bill is what we need to help stimulate. We want jobs. There are a lot of people in this country who need jobs. You do not create jobs by building the government. You create jobs by letting the private marketplace, by letting small business, and that is what our tax bill does. Our tax bill appeals to the small business people out there. It is a bill that says, small business, you are great at creating jobs. We want you to create more jobs.

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Once you create more jobs it has a trickle down effect. Somebody who has a job does use that money, does spend that money or even if they do not spend the money, even if they just put the money in a savings account, that money still circulate through the economy.

The other point I want to make is that the gentlewoman has said to me that she will within the next four working days present me with a tax cut that pays for itself.

The Democratic tax cut, by the way, the proposal that their party has made does not pay for itself. Yesterday, in their own admission in the Committee on Ways and Means, they estimated the cost of the deficit of an increase of $10 billion. They were pointing out that their plan added $10 billion to the deficit. The Republican plan added $11 billion to the deficit. So I am assuming that the gentlewoman from Ohio will vote no on the Democratic tax plan, as will her colleagues on the Democratic side of the aisle who are preaching this fiscal discipline.

So I look forward to receiving her tax cut that pays for itself.

We have a lot of people who stand up here and talk about how terrible the deficit is. I happen to agree that the deficit is something we have to keep our eye on. Clearly, you should not borrow more than you can pay back, but keep in mind that a lot of people that say to you here how much they hate the deficit and how we should not contribute to it, take a look at the bills that they sponsor. Take a look at their voting pattern. Somebody told me once when you come back to your district talk conservative, talk fiscal responsibility; when you are back in Washington vote for spending. I mean that is what goes on here a lot, and I think that it is fair game.

When somebody stands up at this microphone and talks to my colleagues here, their voting record is fair game, and we ought to do a comparison on it because my guess is that you will find most of the people that make those kind of statements, most of the people have a voting record that does not reflect fiscal discipline. They have a record of bill introduction of whose bills do not reflect fiscal discipline. A lot of people talk about fiscal discipline as long as you cut somebody else's budget.

I have people that come in, they may be with transportation, and say we want fiscal discipline but by the way do not cut my highways out. An educator may come in and say, by the way, you have to get this economy going, you need fiscal discipline, but we need more money for education. The Department of Defense will come in and say we agree with fiscal discipline, just do not cut the Department of Defense. It is human nature.

So I am not defying human nature. I am saying we clearly ought to define it right here on the floor when somebody says one thing and does something else.

So that was my intent this evening by the way was not to talk about the tax cut, but for one hour, one hour, the Democrats have assailed, have assaulted the President's tax plan and the plan that went out of the Committee on Ways and Means yesterday from the Congress and I think will pass on a bipartisan plan. So there is a necessity for some rebuttal. There is a necessity for some clarification of what we are intending to do.

In summary, what we are attempting to do with this on a bipartisan effort, what we are attempting to do with this tax reduction is to stimulate an economy that needs some stimulation, and as I said earlier, it is like you do not need to rebuild a whole new car. Our economy is not in a depression. In fact, interest rates are the lowest they have

been in 41 years. There is a lot of positive things out there about our economy, but it is just like the dead battery on a car. You do not need to rebuild the car. The car is in good shape. You have got one part of the car, the battery, that has gone dead on you. We need to jump start.

Common sense is a word often referred to by the other side during the previous hour. Common sense would dictate that you take your jumper cables and attach them to the battery. You do not take your jumper cables and attach them to the door handle. It may be nice. It is not going to get the car started and you can attach them to the bumper. It is not going to push the car anywhere. The fact is you have got to target your tax cut. We are not saying you can jump the car anywhere. If you target it, it will move that car. We think that battery will get started.

If you have got an idea, as I said to the gentlewoman and I have said to most of the liberal side to the left, if you have got a better idea how to jump-start the car without butting the battery cables on the battery, come up with it, but the fact is most of what they are saying unfortunately is rhetoric.

The issue that I wanted to visit with about tonight is I come from the West. The State I represent is the State of Colorado. My colleagues know that. My district is a very large district. In fact, they are voting to change it today so I do not know whether it is larger or smaller than the State of Florida, but it is about the size of the State of Florida. It is a big district.

In the West, because of governmental actions clear back in the 1800s, there is a lot that is different in the West than there is in the East. We live under different regulations in the West than you do here in the east. You say how is that possible? Let me just give you a little history.

What happened in the early days of this country when we wanted to grow our country with the Louisiana Purchase and things like that, back then ownership of property, if you had a deed for a piece of property, it did not mean a lot. In order for you to own property, you needed to get some kind of deed, put a stake in the ground, and frankly, most of the time, you needed to be on the ground with a six shooter strapped to your side.

This country, in its infancy, had its population really isolated in the small sliver on the East Coast, and the leaders of our country decided we want to create a United States. We wanted to create an expansive country. We wanted to go into the frontier. We wanted to go West and make it a part of our country, and going West back then would be going to Ohio or to Virginia. You did not have to go very far to be into new settlements of this country, and in order to do that, the government said to itself how do we give incentive for people to leave this relative safety and comfort of their home on the east coast and move out West where you get bit by snakes, you have got to go out there by wagon, no industry out there, you are going to have to be settlers and deal with the Native American people that live out there currently right now. You have got harsh weather, altitude, elevation you have never been faced with in your entire life. How do we give people that incentive to go out there to be the frontier people? How do we do it?

Somebody said what every American dreams of, in fact, one of the basic concepts that this country was founded upon, was the concept of owning your own piece of property. I can remember when I was in high school, in fact, I drew it in art class. I was not very talented in art, but in art class, I drew my first home, a picture of what I wanted to own, my own house, and I think that is the American dream, own your own little piece of property, own your own little farm or condominium that is your piece of property, that is yours, and our forefathers realized that is what the Americans wanted. They wanted that ability of owning private property.

So what they did is they said, all right, let us create what we called the Homestead Act. Let us give some land away and actually it was not new. We actually tried to bribe British military people by offering them free land in this new country we are creating if they would defect. That is the first use interestingly of what we now call the Homestead Act. That is the first use of the government giving away land, and that was to try and bribe British soldiers to defect and come over to our side, and we give them land as a reward.

So they decided to do this, to give land to people to give them the incentive to move West. They said, okay, you go out West and you can settle or you settle 160 acres or 320 acres and you live on it for 5 years and you cultivate it and you get to keep that land. You know what? It was a tremendous success. Not a complete success but a tremendous success. Why was it not a complete success? Because when the population got to the Rocky Mountains or to the West, they found out that, hey, in Kansas, even in eastern Colorado, in Ohio and the valleys of Tennessee and the wonderful bluegrass of Kentucky, 160 acres, you can feed a lot of cows on 160 acres. You can feed a lot of pigs and sheep on 160 acres, but when they got to the Rocky Mountains, they discovered, wow, it takes four acres to feed one lamb. In some places it takes over a hundred and some acres to feed one cow. You cannot survive on 160 acres.

So they go back to Washington, and the bureaucracy says, wow, this is working until we hit the Rocky Mountains. People are not going into the Rocky Mountains. What do we do? Someone said, well, let us give them a proportion of the amount of land, not an equal amount in acreage but an equal amount that a family could subside on. So if it takes 160 acres in Ohio, it may take 3,000 acres in the Colorado Rockies or the Montana Rockies or New Mexico. It may take 3,000 acres.

Somebody else said, no, no, there is a problem with that. The public is very angry at the government right now because there is a perception out there that the railroad barons, to get our railroad built across the Nation, which was a huge achievement and a huge difference in the history of this country, we kind of gotten taken to the cleaners of the land we gave to the railroad barons. So people are not very excited about us giving more land away.

What happened was they made a decision. Somebody said, okay, to get around that problem, let us go ahead and we will keep ownership of the land. The government will keep the lands, and we will allow people the use of the land. Let us call it multiple use, the concept of multiple use, a land of many uses.

Let me show you now my poster. Take a good close look at this poster of where the government lands are in this country. The color on this poster, these are government lands. Some of it is BLM land. Some of it is Forest Service lands. Some of it is State forests and so on.

By the way, down here in the left, and I hope you can see that, that is the State of Alaska. I think the State of Alaska is 98, I think it is 98 percent of the State of Alaska is owned by the government, not by the people, not by the private individuals who build a home but by the government.

Take a look at this comparison. This is what happened. People got here. This is when the conscious decision was made not to preserve this land so that humans never walk on it for future generations, although that happened correctly with wilderness areas. It happened correctly with our national parks. It happened correctly with our national monuments. This land, the only reason this land does not look like this land is because of the pressure as a result of giving too much land away to the railroad barons. So now let me go on to my point why it is different in the West under regulations and rules than it is in the East.

If you look in the east anywhere east of Denver, Colorado, with the exception of perhaps the Everglades down here and the Shenandoah and a little area in the Northwest, when you want to put a fence up and let us say you have some trees and you want to thin your trees out or you want to treat your trees, first of all, if it is a private forest, you go do it and you do it because it is logical to do it. If you want to make an addition to your house, you go to your local planning and zoning commission down at the courthouse or over at the county courthouse. This is not what happens in the West.

In the West, because the government owns the land, you know where our planning and zoning office is? Right

here, little tiny government town called Washington, D.C., they are the ones who dictate what happens out here in almost half of the country. Keep in mind, our big population centers are in California and on the East Coast. Out here in the West, it is pretty sparsely populated. So all of the sudden you have a majority of people that do not live in the West dictate how people in the West live on government lands.

One of the big problems that we have suffered as a result of this disparity has been reflected in the forest fires that we have had over the last several years. I am experienced in forest fires. I fought forest fires. I used to be a volunteer fireman, municipal volunteer fireman. I used to be a police officer. I have personally seen the ravages that fires do to, first of all, human lives. I have removed bodies off mountains as a result of a fire on that mountain. I have seen what it does to wildlife. I have seen what it does to pollution. I have seen what it does to watersheds.

Do you know that the leading killer of endangered species in our country is? Wildfire. Kills more endangered species than any other threat across this Nation.

What happened in these big fires that we have seen are really a combination of a number of factors. One, around the turn of the century, we used to lose to fire, this is an extraordinary number, hard number to believe, but we used to lose to fire about 45 million acres a year.

□ 1845

Back in Washington and across the country we said look, we have to start fighting these fires. That is where the birth of Smokey the Bear came from, by the way. So we adopted a very intentional policy to put out fires. What we did not know was putting out these fires over decades and decades allowed a large accumulation of trees that was unnatural. It was not native to the forest. It allowed a large accumulation of trees.

We were allowing an acre that maybe had 60 trees on it, we were allowing 600 trees on that acre. Combined with the environmental movement in the 1970s, 1980s, and 1990s that did everything they could, the radical aspect of that environmental movement, to push out timbering, to say cutting down a tree was bad. Keep in mind also in our early days, we used wood for everything. We used it to heat the house, build the house, for the fence, wagon. Wood was much more widely used in proportion to the population than it is today.

What happened is we have now discovered if we want to avoid these fires, we have to manage the forests. What happened in the 1970s as a result of a radical environmental movement, we had a group of people say we will never be able to be smarter than the Forest Service because the Forest Service, the BLM people, the Fish and Wildlife, the State foresters, they have been educated in the management of the forest. They have experience in the forest. Many of those people who work for our Forest Service, it has been their lifelong dream to be a forest ranger. You are not going to be able to debate these people on the merits of how to manage a forest. They have a good idea how to manage it. Certainly they have a better idea how to manage it than Earth First or the Sierra Club. These groups, like Earth First, knew you were not going to win the argument at the local level with the forest ranger, so they had to get it away from science and get the decision made based on emotion.

The way to do that was to move the decisions being made on the forest to Washington, D.C. because back here in the Nation's capital many of our decisions are based on emotion. Sometimes that is good, but most of the time it is not. There is a balance in there. They were very successful over a period of time of several years of taking the responsibility of managing our forests away from the U.S. Forest Service and away from our forest rangers and moving that to the United States Congress.

I am chairman of the subcommittee that has oversight on all of the Nation's forests. We have continual debates in the United States Congress in my subcommittee, which by the way I do not believe anybody in my committee has a major or even a minor and certainly not any kind of experience to speak of in managing forests, and we have on a regular basis bills to restrict the Forest Service from cutting trees. Remember on public lands, and you do not have much of it here because these are private forests, so it is primarily in the West, we actually have bills that envision restricting the Forest Service; they cannot cut any tree more than 4 inches wide, regardless of whether the science says it is healthy to thin some trees out.

In the 1970s, several environmental organizations were correct, clear-cutting was devastating and the clear-cutting in the West was an abuse. Now in some cases it was the science of the day so I am not calling these people criminal, as some of the radical organizations would. But the fact is when we learn something you are doing is not good, stop doing it.

So the effort to stop clear-cutting in the West on massive parcels was well-intended; and, frankly, it was correct. But now the pendulum has swung so far the other way that in the State of Colorado we have no major timber industry left in that State. None. We have a matchstick company which employs 30, 40 people down in the southwest corner, but we have to pay people to come and cut those trees and take them out. We have to pay them. They have been very successful.

Just like the condemnation of mining, how terrible mining companies are, how terrible timber companies are, how terrible ski areas are. There is really an attempt, instead of having land of many uses, to putting out a sign in the West that says no trespass. Well, what has happened is unfortunately many of these efforts have been successful. As a result of that, we have not managed our forests. We have not managed them by science. We can get away with it for a while; but at some point it catches up with us, and that is what has happened in the last few years.

In my district we had several major fires. I mean, fires where the smoke plumes looked larger than the atom bomb. They would be 30, 40 feet in the air. These smoke plumes get so high in the sky they actually form an ice cap on top of them, and the ice cap eventually collapses inward, comes out the bottom and creates hurricane-like winds and spreads the fire. Only one or two were started by man, and most are as a result of mismanagement, of not going out and thinning the forests, of not letting the forests do what nature had them do.

Some people say the answer is controlled burns. Keep in mind that one out of five of our controlled burns gets out of control. We know what happened in New Mexico. We almost wiped an entire town out. It is difficult to manage a controlled burn; but controlled burns are useful as a tool, but we also need to be able to go in and clear these forest floors and thin out trees. If there is an acre that has 600 trees on it, and historically its natural holding of trees is more like 60 trees, it needs to be thinned.

So we have introduced legislation, bipartisan legislation. This is a bipartisan bill to thin these forests, to let us go into these forests and manage these forests as we need to do. That bill is called the Healthy Forest Bill. That bill will come to the House floor some time in the next week or two. I look forward to being part of an effort by the United States Congress to transfer from emotion back to science the management of our Nation's forests.

If we look at the Hayman fire in Denver, Colorado, that is the one that most people saw on television. Hundreds of thousands of acres were on fire. Unfortunately, we lost some lives last year in Colorado, airplane crashes, a tree fell on a firefighter in Durango. But when we look at the losses in the Hayman fire, let me point out some other losses. Obviously Members are aware of the human loss. That is the highest priority of losses. The most expensive loss in monetary terms outside of the loss of human life was the pollution in the watershed, in the water supply for the city of Denver. The water supply for the city of Denver looks like a thick chocolate malt.

Other damage was the pollution. Look what happened to our clean air. In Denver, Colorado, there was more pollution off the Hayman fire than there was from all of the vehicles combined from the city of Denver in 1 year. Other damage was the horrible devastation to our wildlife and wildlife habitat. Could this have been avoided? I

think so. Let me show an example of thinning a forest.

This poster to my left is Mesa Verde National Park. It is down in the Four Corners of Colorado; and just for some promotional purposes, it is the only place in the Nation one can stand in four States at once. I hope people come and spend a little money in Colorado on tourism. This is Mesa Verde. It may be hard to see, but this area that looks kind of dark gray, that is all burned out. A couple of years ago the superintendent of the Mesa Verde National Park decided they needed to protect antiquities and protect employee housing and the lodge and government buildings up here. They ought to thin, and so they thinned the forest. You know how you can tell where they thinned, to the line of thinning, that is exactly where the fire stopped. The fire did not burn through here. Why? Because it was properly spaced. Why? Because it was much more in its natural setting. It was not a fire-break that was built like you would imagine, something as wide as an interstate highway. It is because this area was thinned. There was not the underbrush and all of the waste on the forest floor. They cleaned this area out.

When the fire started on Mesa Verde, we would have lost lots of history, lots of wonderful artifacts had that park superintendent not thinned this area. This is what happens when you thin. This is good forest management. This is how we ought to manage our forests. By the way, this type of management, this park superintendent's action was not directed to him by the United States Congress. It actually would probably have been opposed by some Members of Congress, what he did. It would probably have been aggressively opposed by the Earth First organization and other radical environmental groups; but this park superintendent, who knows a lot more about that ground and a lot more about a forest and management of these public lands, got to make the decision. He made a good decision. He did not act capriciously or recklessly. Rather, he made a prudent decision.

That is why I am advocating the Healthy Forest Bill. It is time to take the management of our forests and return it to the green hats, the Forest Service people, who I have the highest respect for, our BLM people, our wildlife people, our State forest people. Why am I, from the West, complaining about this? Because in the East, your forests are better managed. Why? They are in private hands. In the East where there is not much government lands, people who own homes understand that there is going to be a big fire if they do not keep the forests clean.

Nobody is suggesting that we clearcut this area so it does not burn. That is like tearing down your house so it does not catch on fire. We are not suggesting that. Not at all. That is an absurd argument made by some of the more radical organizations.

You will find with interest when you see press releases about thinning of the forests, you will find that several national organizations, including the national Sierra Club, including Earth First and some other radical groups, that in their first paragraph of every press release they issue: one, timber because that has a negative connotation to it; two, clear-cutting because that has an extremely negative connotation to it; three, developers, which has an extremely negative connotation to it.

You can see that they will continue to battle and battle and battle so that the management of our forests is based on emotion instead of having the management of our forests based on science.

My bill is very simple. My bill says run these forests with the right kind of management that is based on science. Let us, to the extent we can, take the emotion out of it. Let us manage these forests in such a way that we again here in the West, and frankly at different spots in the East, that we will not face the kind of devastating forest fires that we saw in the West last year.

Look, just because we are on public lands, that land is owned by the people of the United States Government. It is not just owned by the people of Montana or the people of Colorado or Utah, but the fact is we need to respect the opinions of the people that manage those lands. If one lives in New York State, you should yield to the judgment of the park superintendent at the Mesa Verde Park on which is the best way to manage that because if you live in New York, or South Carolina, you probably do not know a lot about the forest. It is a very arid region out there. That is what we are asking in this bill. We are using a commonsense approach to the management of the forests.

□ 1900

I would urge all of my colleagues, although a number of them have already signed onto this bill, we have lots and lots of cosponsors from both sides of the aisle, I would urge my colleagues to stand up to the barrage of press releases that are going to come out from the Earth First type organizations about how terrible it is to let the local forest guy manage that forest. Or gal, by the way. I do not intend to discriminate on gender there. I ask that my colleagues stand up to this, that they take and they adopt the approach of management of the forest by science, management of the forest by people that have been educated on the forest and people that have worked in the forest from day to day. If we do that, we will once again return to the forests of this country, of which we now have 190 million acres at high risk. If we allow our Forest Service and our BLM people to manage the area that we have given them the responsibility to manage, if we allow them to manage it, in return we will be the big winners because we will have healthy forests, we will not have these horrible type of forest fires, we will not have the kind of devastation we have seen on wildlife, we will not have the kind of devastation we have seen to the watersheds, to the water supply system, we will not see the kind of devastation we have seen to the wildlife habitat. It is positive, positive, positive. It is our opportunity to make a change. We should not in the United States Congress be managing the day-to-day operations of a forest out in western Colorado or eastern Utah.

This bill is a good bill. I urge all of my colleagues to join the gentleman from Oregon (Mr. WALDEN), who has put hundreds of hours into this bill. The gentleman from Oregon has actually been one of the top leaders on the House and Senate side on this issue, that they join the gentleman from Oregon, they join myself, they join the gentleman from Virginia (Mr. GOODLATTE), chairman of the Committee on Agriculture, they join the gentleman from California (Mr. POMBO), chairman of the Committee on Resources, in our effort to make these forests manageable by science, manageable by common sense, managed by the people that really understand it.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1261, WORKFORCE REINVESTMENT AND ADULT EDUCATION ACT OF 2003

Ms. PRYCE of Ohio (during Special Order of Mr. MCINNIS), from the Committee on Rules, submitted a privileged report (Rept. No. 108–92) on the resolution (H. Res. 221) providing for consideration of the bill (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, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. TANNER (at the request of Ms. PELOSI) for May 6 on account of touring the tornado damage in Tennessee.

Mr. GARY G. MILLER of California (at the request of Mr. DELAY) for today and the balance of the week on account of illness.

Mr. YOUNG of Florida (at the request of Mr. DELAY) for today after 2:00 p.m. on account of awarding the Purple Heart citations to veterans of Operation Iraqi Freedom.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

(The following Members (at the request of Mr. WALDEN of Oregon) to revise and extend their remarks and include extraneous material:)

Mr. SOUDER, for 5 minutes, May 8.

Mr. TANCREDO, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today and May 8.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, today.

SENATE BILL REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 42. Concurrent resolution welcoming the Prime Minister of Singapore, His Excellency Goh Chok Tong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and Singapore; to the Committee on International Relations.

ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, May 8, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2060. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill entitled, ''Rural Electrification Act Amendments of 2003''; to the Committee on Agriculture.

2061. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Paul G. Gaffney II, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

2062. A letter from the Assistant Secretary, Department of Defense, transmitting an annual report on the STARBASE Program for FY 2002; to the Committee on Armed Services.

2063. A letter from the Program Manager, Pentagon Renovation Program, Department of Defense, transmitting the thirteenth annual report on the renovation of the Pentagon Reservation; to the Committee on Armed Services.

2064. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's STARBASE Program Management Report; to the Committee on Armed Services.

2065. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Department's report entitled, ''Review Of Active Duty And Reserve General and Flag Officer Authorizations''; to the Committee on Armed Services.

2066. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Examination Council's 2002 annual report, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

2067. A letter from the Executive Director, Federal Financial Institutions Examination Council, transmitting the 2002 Annual Report of the Appraisal Subcommittee, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

2068. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Test Procedure for Refrigerators and Refrigerator-Freezers [Docket No. EE-RM/TP-02-001] (RIN: 1904-AB12) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2069. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Final Monograph for Combination Drug Products; Correction [Docket No. 76N-052G] (RIN: 0910-AA01) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2070. A letter from the Inspector General, Environmental Protection Agency, transmitting the Agency's Annual Superfund Report to the Congress for Fiscal 2002; to the Committee on Energy and Commerce.

2071. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2072. A letter from the White House Liaison and Executive Director, White House Commission on the National Monument of Remembrance, transmitting the first Annual Report of the White House Commission on the National Moment of Remembrance, pursuant to 36 U.S.C.116 note Public Law 106—579, section 6 (b)(1); to the Committee on Government Reform.

2073. A letter from the Deputy Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2004 Annual Performance Plan; to the Committee on Government Reform.

2074. A letter from the Legal Counsel, Equal Employment Opportunity Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2075. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the Commission's Annual Performance Plan for FY 2004 and the Program Performance Report for FY 2002; to the Committee on Government Reform.

2076. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's FY 2002 Performance Report; to the Committee on Government Reform.

2077. A letter from the Acting Chairman, National Transportation Safety Board, transmitting the Board's 2002 FAIR Act Inventory; to the Committee on Government Reform.

2078. A letter from the Coordinator for the FEC Forms Committee, Federal Election Commission, transmitting the Commission's revised Forms and instructions, along with their Explanation and Justification, implementing the Bipartisan Campaign Reform Act; to the Committee on House Administration.

2079. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Wyoming Regulatory Program [WY-030-FOR] received May 01, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2080. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as ''foreign terrorist organizations'' pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and by the USA PATRIOT Act of 2001; to the Committee on the Judiciary.

2081. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Protection of Alaska Marine Highway System (AMHS) Vessels M/V Columbia, M/V Kennicott, M/V Malaspina, and M/V Matanuska, in Southeast Alaska Waters [COTP Southeast Alaska-03-001](RIN: 1625-AA00) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2082. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E surface area airspace and modification of Class E airspace; Jefferson City, MO [Docket No. FAA-2002-14129; Airspace Docket No. 02-ACE-14] received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2083. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A Series Airplanes [Docket No. 2000-NM-420-AD; Amendment 39-13092; AD 2003-06-05] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2084. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model Hawker 800XP and 800 (Including Variant U-125A) Airplanes [Docket No. 2001-NM-18-AD; Amendment 39-13093; AD 2003-06-06] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2085. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; and A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes [Docket No. 2001-NM-378-AD; Amendment 39-13091; AD 2003-06-04] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2086. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200,

757-200CB, and 757-200PF Series Airplanes [Docket No. 2002-NM-315-AD; Amendment 39-13104; AD 2003-07-08] (RIN: 2120-AA64) received April 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2087. A letter from the Chairman, Department of Veterans Affairs, transmitting the Department's report of the chairman; to the Committee on Veterans' Affairs.

2088. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Returns and Return Information to Designee of Taxpayer [TD 9054] (RIN: 1545-AX85) received April 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON REPUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 221. Resolution providing for consideration of the bill (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, and for other purposes (Rept. 108–92). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLUNT (for himself, Mr. FORD, Mr. HULSHOF, Mr. WYNN, Mr. HASTERT, Mr. GORDON, Mr. DELAY, Ms. NORTON, Ms. PRYCE of Ohio, Mr. MEEKS of New York, Mr. CANTOR, Mr. CRANE, Mr. RAMSTAD, Mr. ENGLISH, Mr. FOLEY, Mr. SHAYS, Mr. SMITH of Texas, Mr. UPTON, Mr. WOLF, Mr. GILLMOR, Mr. STEARNS, Mr. CAMP, Mr. KINGSTON, Mr. MCHUGH, Mr. BACHUS, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mrs. MYRICK, Mr. NORWOOD, Mr. SOUDER, Mr. TIAHRT, Mr. WAMP, Mr. WICKER, Mr. DOOLITTLE, Mrs. NORTHUP, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. REYNOLDS, Mr. SESSIONS, Mr. SHIMKUS, Mr. GREEN of Wisconsin, Mr. HAYES, Mr. ISAKSON, Mr. TERRY, Mr. AKIN, Mr. BOOZMAN, Mr. FORBES, Mr. GRAVES, Ms. HART, Mr. KELLER, Mr. PENCE, Mr. SCHROCK, Mr. SIMMONS, Mr. BARRETT of South Carolina, Mrs. BLACKBURN, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. CHOCOLA, Mr. GARRETT of New Jersey, Ms. HARRIS, Mr. JANKLOW, Mrs. MUSGRAVE, Mr. RENZI, and Mr. FOSSELLA):

H.R. 7. A bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes.

By Ms. HART (for herself, Mr. CHABOT, Mr. NEY, Mr. FORBES, Mr. ADERHOLT, Mr. AKIN, Mr. BACHUS, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BLUNT, Mr. BRADY of Texas, Mr. BURGESS, Mr. BURR, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMP, Mr. CANTOR, Mr. CARTER, Mr. COLE, Mr. COSTELLO, Mr. CRANE, Mrs. JO ANN DAVIS of Virginia, Mr. DEMINT, Mr. DOOLITTLE, Mrs. EMERSON, Mr. ENGLISH, Mr. EVERETT, Mr. FOSSELLA, Mr. FRANKS of Arizona, Mr. FERGUSON, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. GOODLATTE, Mr. GREEN of Wisconsin, Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HULSHOF, Mr. HYDE, Mr. ISTOOK, Mr. JANKLOW, Mr. JOHN, Mr. JONES of North Carolina, Mr. KELLER, Mr. KENNEDY of Minnesota, Mr. KING of New York, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. LAHOOD, Mr. MANZULLO, Mr. MCCOTTER, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NORWOOD, Mr. OBERSTAR, Mr. OTTER, Mr. OXLEY, Mr. PETERSON of Pennsylvania, Mr. PENCE, Mr. PICKERING, Mr. PITTS, Mr. RENZI, Mr. REYNOLDS, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. STEARNS, Mr. STENHOLM, Mr. SULLIVAN, Mr. TERRY, Mr. TIAHRT, Mr. VITTER, Mr. WELDON of Florida, Mr. WELLER, Mr. WICKER, Mr. WILSON of South Carolina, Mr. WOLF, Mrs. CUBIN, Mr. LUCAS of Kentucky, Mr. TOOMEY, Mr. CUNNINGHAM, Ms. HARRIS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DELAY, Mr. ROGERS of Alabama, Mr. TURNER of Ohio, Mr. FEENEY, Mrs. BLACKBURN, Mr. BEAUPREZ, and Mr. GINGREY):

H.R. 1997. A bill to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes; to the Committee on the Judiciary, and in addition 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.

By Mr. BILIRAKIS (for himself, Mr. BROWN of Ohio, Mr. YOUNG of Florida, Mr. LANGEVIN, Mr. HOUGHTON, Mr. HOYER, Mr. GREENWOOD, Mr. WAXMAN, Mr. FOSSELLA, Mr. TOWNS, Mr. ENGEL, Mr. STRICKLAND, Mr. RUSH, Mr. EVANS, and Mr. FILNER):

H.R. 1998. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Veterans' Affairs, 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. VISCLOSKY (for himself, Mr. ENGLISH, Mr. QUINN, Mr. KUCINICH, Mr. MURTHA, Mr. NEY, Mr. CARDIN, Mr. OBERSTAR, Mr. BROWN of Ohio, Mr. MOLLOHAN, Mr. LAHOOD, Mrs. JONES of Ohio, Ms. HART, Mr. STUPAK, Mr. STRICKLAND, Mr. LEVIN, Mr. DINGELL, Mr. DOYLE, Mr. RANGEL, Mr. RAHALL, Mr. LEWIS of Georgia, Mr. SPRATT, Ms. KAPTUR, Mr. DAVIS of Illinois, Mr. SHIMKUS, Mr. JACKSON of Illinois, Mr. COSTELLO, Mr. LYNCH, Mr. MATSUI, Mr. HINCHEY, Mr. FROST, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Mr. GRIJALVA, Mr. HOLDEN, Mr. TOWNS, Mr. THOMPSON of California, Mr. RYAN of Ohio, Mr. ISRAEL, Mr. ABERCROMBIE, Mr. WYNN, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Ms. HOOLEY of Oregon, Ms. MILLENDER-MCDONALD, Mr. PALLONE, Mr. RUPPERSBERGER, Mr. SANDERS, Mr. OLVER, Mr. BACA, Mr. LANGEVIN, Mr. MCNULTY, Mr. ENGEL, Ms. NORTON, Ms. BERKLEY, Mr. GREEN of Texas, Mrs. CHRISTENSEN, Mr. MATHESON, Ms. CARSON of Indiana, Mr. MICHAUD, Mr. KILDEE, Mr. REYES, Ms. MCCARTHY of Missouri, Mr. ALLEN, Ms. WOOLSEY, Mr. EVANS, Mr. CRAMER, Mr. FILNER, Ms. ROYBAL-ALLARD, Mr. GUTIERREZ, Ms. BALDWIN, Mr. BISHOP of Georgia, Mr. PAYNE, Ms. KILPATRICK, and Mr. THOMPSON of Mississippi):

H.R. 1999. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the refundable tax credit for health insurance costs of eligible individuals and to extend the steel import licensing and monitoring program; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. BOUCHER, Mr. PALLONE, Mr. TOWNS, Ms. MCCARTHY of Missouri, Mr. RUSH, Mr. MARKEY, Ms. SCHAKOWSKY, Mr. ALLEN, Mrs. CAPPS, Mr. STRICKLAND, Mr. GORDON, and Mr. ENGEL):

H.R. 2000. A bill to amend title XIX of the Social Security Act to provide fiscal relief and program simplification to States, to improve coverage and services to Medicaid beneficiaries, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. BAKER:

H.R. 2001. A bill to amend title 32, United States Code, to revise the matching funds requirements for States participating in the National Guard Challenge Program and to authorize appropriations for the program for fiscal year 2004 and thereafter; to the Committee on Armed Services.

By Ms. BERKLEY:

H.R. 2002. A bill to establish a pilot program for the promotion of travel and tourism in the United States through United States international broadcasting; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERRY:

H.R. 2003. A bill to clarify the criminal intent required to be established to prove a criminal violation for wrongful disclosure of individually identifiable health information; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself and Mrs. CHRISTENSEN):

H.R. 2004. A bill to amend title 10, United States Code, to increase the number of persons appointed to the military service academies from Guam and the Virgin Islands from nominations made by the Delegate in Congress from Guam and the Delegate in Congress from the Virgin Islands; to the Committee on Armed Services.

By Mr. COLLINS:

H.R. 2005. A bill to support the public educational programs of the Army Aviation Heritage Foundation, a nonprofit organization

incorporated in the State of Georgia, by amending title 32 of the United States Code to authorize the Army Aviation Heritage Foundation to receive National Guard services and assistance; to the Committee on Armed Services.

By Mr. COLLINS:

H.R. 2006. A bill to provide for the transfer of a Vietnam-era Cessna L-19D Bird Dog aircraft that is excess to the needs of the Department of State to Army Aviation Heritage Foundation; to the Committee on International Relations.

By Mr. DAVIS of Alabama:

H.R. 2007. A bill to increase the amount allowed as a child tax credit and to repeal the sunset imposed on the modifications to the child tax credit made by the Economic Growth and Tax Relief Reconciliation Act of 2001, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. PLATTS, and Ms. SLAUGHTER):

H.R. 2008. A bill to amend title XVIII of the Social Security Act to provide for expanded coverage of paramedic intercept services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. ENGLISH (for himself and Mr. LEACH):

H.R. 2009. A bill to provide for the recovery, restitution, and protection of the cultural heritage of Iraq; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA:

H.R. 2010. A bill to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes; to the Committee on Resources.

By Mr. FRANK of Massachusetts (for himself, Mr. RANGEL, Mr. WOLF, Mr. MATSUI, Mr. GOODE, Mr. SANDLIN, Mr. SAXTON, Mr. LYNCH, Mr. JONES of North Carolina, Mr. BOSWELL, Mrs. JO ANN DAVIS of Virginia, Mr. KLECZKA, Mr. TIBERI, Mr. JOHNSON of Illinois, Mr. FILNER, Mr. FROST, Mr. WYNN, Mr. PAUL, Mr. BROWN of Ohio, Mr. VAN HOLLEN, Mr. COSTELLO, Mr. HINCHEY, Mr. ROSS, Mr. DOGGETT, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. FARR, Mr. HOEFFEL, Mr. TURNER of Texas, Mr. WEINER, Mr. HASTINGS of Florida, Mr. DELAHUNT, Mr. GORDON, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. LAMPSON, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OLVER, Mr. RODRIGUEZ, Mr. PASCRELL, Ms. KAPTUR, Mr. SERRANO, Mr. STRICKLAND, Mr. WU, Ms. LORETTA SANCHEZ of California, Mr. WEXLER, Mr. GUTIERREZ, Mr. DOYLE, Mr. ISRAEL, Mr. SCHIFF, Mr. MCGOVERN, Mrs. MCCARTHY of New York, Mr. ALLEN, Mr. GONZALEZ, Mr. GRIJALVA, Mr. MICHAUD, Mrs. LOWEY, Mr. BISHOP of New York, Mr. ALEXANDER, Mr. CAPUANO, Ms. LINDA T. SANCHEZ of California, and Mr. EMANUEL):

H.R. 2011. A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds $2,000 and to provide for a graduated implementation of such provision on amounts above such $2,000 amount; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 2012. A bill to require the Secretary of Defense to implement fully by September 30, 2004, requirements for additional Weapons of Mass Destruction Civil Support Teams; to the Committee on Armed Services.

By Mr. HASTINGS of Florida:

H.R. 2013. A bill to amend title II of the Social Security Act to increase to $1,000 the maximum amount of the lump-sum death benefit and to allow for payment of such a benefit, in the absence of an eligible surviving spouse or child, to the legal representative of the estate of the deceased individual; to the Committee on Ways and Means.

By Mr. HAYES:

H.R. 2014. A bill to prohibit the Department of Homeland Security from procuring certain items unless the items are grown, reprocessed, reused, or produced in the United States; to the Committee on Government Reform.

By Mrs. JOHNSON of Connecticut (for herself, Mr. SHAYS, and Mr. SIMMONS):

H.R. 2015. A bill to amend title 38, United States Code, to require Department of Veterans Affairs pharmacies to dispense medications to veterans enrolled in the health care system of that Department for prescriptions written by private practitioners, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JONES of North Carolina (for himself and Mr. GALLEGLY):

H.R. 2016. A bill to provide that the Secretary of Defense may provide public identification of military casualties no sooner than 24 hours after notification of next-of-kin; to the Committee on Armed Services.

By Mr. KLECZKA (for himself and Mr. HINCHEY):

H.R. 2017. A bill to require public disclosure of noncompetitive contracting for the reconstruction of the infrastructure of Iraq, and for other purposes; to the Committee on Government Reform.

By Mrs. LOWEY (for herself, Mr. HINCHEY, Mr. GREEN of Texas, Ms. NORTON, Ms. DELAURO, Mr. EMANUEL, Mrs. CHRISTENSEN, Mr. RANGEL, Mr. TOWNS, Mr. PALLONE, Mrs. MCCARTHY of New York, Mr. KILDEE, Mr. ENGEL, Mr. CLYBURN, Mr. NADLER, Ms. SCHAKOWSKY, and Mr. DAVIS of Illinois):

H.R. 2018. A bill to provide the Secretary of Health and Human Services and the Secretary of Education with increased authority with respect to asthma programs, and to provide for increased funding for such programs; to the Committee on Energy and Commerce, and 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.

By Mr. MCNULTY:

H.R. 2019. A bill to extend the existing temporary duty suspension on certain chemical compounds; to the Committee on Ways and Means.

By Mr. MOORE (for himself, Mr. MARIO DIAZ-BALART of Florida, Ms. MCCARTHY of Missouri, Ms. HART, Mr. CARSON of Oklahoma, Mr. SNYDER, Mr. GRAVES, Mr. TANNER, Mr. RYUN of Kansas, Mr. SKELTON, Mr. LUCAS of Oklahoma, and Mr. MCINTYRE):

H.R. 2020. A bill to reduce the impacts of hurricanes, tornadoes, and related hazards through a program of research and development and technology transfer, and for other purposes; to the Committee on Science, 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. PRYCE of Ohio (for herself, Mrs. MYRICK, Mrs. CAPPS, and Mr. ISRAEL):

H.R. 2021. 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 group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, 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. SHAYS (for himself and Mr. MARKEY):

H.R. 2022. A bill to extend the registration and reporting requirements of the Federal securities laws to certain housing-related Government-sponsored enterprises, and for other purposes; to the Committee on Financial Services.

By Mr. STEARNS (for himself, Mr. KENNEDY of Rhode Island, Mr. TOWNS, Mr. BARTON of Texas, Mr. ISSA, Mrs. CHRISTENSEN, and Mr. SMITH of New Jersey):

H.R. 2023. A bill to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis, and for other purposes; to the Committee on Energy and Commerce, and 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.

By Mr. TOWNS:

H.R. 2024. A bill to amend title XIX of the Social Security Act to require States that provide Medicaid prescription drug coverage to cover drugs medically necessary to treat obesity; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 2025. A bill to require providers of wireless telephone services to provide access to the universal emergency telephone number in subterranean subway stations located within their area of coverage; to the Committee on Energy and Commerce.

By Mr. WELDON of Pennsylvania (for himself, Mr. CASTLE, Mr. ANDREWS, Mr. BRADY of Pennsylvania, Mr. CARDIN, Mr. CUMMINGS, Mr. ENGLISH, Mr. FATTAH, Mr. FERGUSON, Mr. GARRETT of New Jersey, Mr. LOBIONDO, Mr. BARTLETT of Maryland, Mr. GERLACH, Mr. GILCHREST, Mr. GREENWOOD, Ms. HART, Mr. HOEFFEL, Mr. HOLDEN, Mr. HOLT, Mr. HOYER, Mr. SHERWOOD, Mr. MENENDEZ, Mr. MURPHY, Mr. MURTHA, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PITTS, Mr. PLATTS, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. TOOMEY, Mr. WYNN, Mr. VAN HOLLEN, Mr. DOYLE, Mr. SAXTON, Mr. PETERSON of Pennsylvania, Mr. KANJORSKI, and Mr. FRELINGHUYSEN):

H.R. 2026. A bill to grant the consent of the Congress to the SMART Research and Development Compact; to the Committee on the Judiciary.

By Mr. CULBERSON:

H.J. Res. 55. A joint resolution proposing an amendment to the Constitution of the United States to require that Federal district court judges be reconfirmed every ten

years by the executive and legislative authorities of the State in which they serve; to the Committee on the Judiciary.

By Mr. BACA (for himself, Ms. CARSON of Indiana, Mr. UDALL of New Mexico, Mrs. NAPOLITANO, Ms. LINDA T. SANCHEZ of California, Mr. SERRANO, Mr. ACEVEDO-VILA, Mr. CONYERS, Mr. LANTOS, Mr. GONZALEZ, Mr. REYES, Mr. FROST, Mr. HINOJOSA, Mr. MENENDEZ, Mrs. CAPPS, Mr. RODRIGUEZ, and Mr. ORTIZ):

H. Con. Res. 163. Concurrent resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo; to the Committee on International Relations.

By Mr. GRAVES (for himself, Mr. BRADY of Texas, and Mr. OBERSTAR):

H. Con. Res. 164. Concurrent resolution expressing the sense of Congress that there should be established a National Truck Safety Month to raise public awareness about the contributions, responsibilities, and needs of truck drivers to make the Nation's highways safer; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Mr. BLUMENAUER, Mr. BILIRAKIS, Ms. BERKLEY, Mr. BERMAN, Ms. GINNY BROWN-WAITE of Florida, Mr. CROWLEY, Mr. DICKS, Mr. DOYLE, Ms. ESHOO, Mr. FOSSELLA, Mr. HINCHEY, Mr. HOLT, Mr. KENNEDY of Minnesota, Mr. KNOLLENBERG, Mr. LANTOS, Ms. LEE, Mrs. MALONEY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCNULTY, Mr. MARKEY, Mr. PALLONE, Ms. ROS-LEHTINEN, Mrs. TAUSCHER, and Ms. WATSON):

H. Con. Res. 165. Concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on International Relations.

By Mr. VITTER:

H. Con. Res. 166. Concurrent resolution expressing the sense of Congress in support of Buckle Up America Week; to the Committee on Transportation and Infrastructure.

By Mr. WELDON of Pennsylvania (for himself and Mr. ORTIZ):

H. Con. Res. 167. Concurrent resolution welcoming the Prime Minister of Singapore, His Excellency Goh Chok Tong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and Singapore; to the Committee on International Relations.

By Mr. HALL (for himself, Mr. GREEN of Texas, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. EDWARDS, Mr. SESSIONS, Mr. REYES, Mr. CARTER, Mr. TURNER of Texas, Mr. BARTON of Texas, Mr. HINOJOSA, Mr. LAMPSON, Mr. BRADY of Texas, Mr. STENHOLM, and Mr. BOEHLERT):

H. Res. 222. A resolution commending those individuals who contributed to the debris collection effort following the Space Shuttle Columbia accident; to the Committee on Science.

By Mr. YOUNG of Alaska:

H. Res. 223. A resolution amending rule XXIII of the Rules of the House of Representatives to permit the employing office of an employee of the House who serves in a reserve component of the uniformed services to pay the employee an additional salary for any period during which the employee is on active duty; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LATOURETTE introduced A bill (H.R. 2027) for the relief of Zdanko Lisak; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. FORD, Mr. HULSHOF, Mr. WYNN, Mr. HASTERT, Mr. GORDON, Mr. DELAY, Ms. NORTON, Ms. PRYCE of Ohio, Mr. MEEKS of New York, Mr. CANTOR, Mr. CRANE, Mr. RAMSTAD, Mr. ENGLISH, Mr. FOLEY, Mr. SHAYS, Mr. SMITH of Texas, Mr. UPTON, Mr. WOLF, Mr. GILLMOR, Mr. STEARNS, Mr. CAMP, Mr. KINGSTON, Mr. MCHUGH, Mr. BACHUS, Mr. BERTLETT of Maryland, Mr. BARTON of Texas, Mrs. MYRICK, Mr. NORWOOD, Mr. SOUDER, Mr. TIAHRT, Mr. WAMP, Mr. WICKER, Mr. DOOLITTLE, Mrs. NORTHUP, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. REYNOLDS, Mr. SESSIONS, Mr. SHIMKUS, Mr. GREEN of Wisconsin, Mr. HAYES, Mr. ISAKSON, Mr. TERRY, Mr. AKIN, Mr. BOOZMAN, Mr. FORBES, Mr. GRAVES, Ms. HART, Mr. KELLER, Mr. PENCE, Mr. SCHROCK, Mr. SIMMONS, Mr. BARRETT of South Carolina, Mrs. BLACKBURN, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. CHOCOLA, Mr. GARRETT of New Jersey, Ms. HARRIS, Mr. JANKLOW, Mrs. MUSGRAVE, Mr. RENZI and Mr. FOSSELLA.

H.R. 42: Mr. BURR.

H.R. 43: Mr. BURR.

H.R. 97: Mr. DEFAZIO, Mr. PAUL, Mr. JENKINS, Mr. CARSON of Oklahoma, Mr. SHIMKUS, Ms. GINNY BROWN-WAITE of Florida, Mr. GALLEGLY, Mr. CRAMER, Mr. GUTKNECHT, Mrs. WILSON of New Mexico, Mr. ANDREWS, Mr. LARSON of Connecticut, Ms. WOOLSEY, and Mrs. JO ANN DAVIS of Virginia.

H.R. 107: Mr. CASE.

H.R. 109: Mrs. MUSGRAVE.

H.R. 119: Mr. FILNER.

H.R. 121: Mr. ANDREWS.

H.R. 126: Mr. DAVIS of Alabama and Ms. GINNY BROWN-WAITE of Florida.

H.R. 167: Mrs. MUSGRAVE.

H.R. 173: Mr. UDALL of New Mexico, Mr. BROWN of Ohio, and Mr. VITTER.

H.R. 284: Mr. TOOMEY, Mr. UPTON, Mr. WU, Mr. MARIO DIAZ-BALART of Florida, Mr. TOWNS, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Mr. BILIRAKIS, and Mr. MICA.

H.R. 286: Mr. SCOTT of Georgia.

H.R. 288: Mr. STUPAK.

H.R. 290: Mr. SIMMONS, Mr. CAPUANO, and Mr. SHAW.

H.R. 296: Mr. TIBERI.

H.R. 328: Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Ms. BERKLEY, Mr. BONILLA, Mr. NETHERCUTT, Mr. THOMPSON of California, Mr. FLETCHER, Mr. RUSH, Mr. JACKSON of Illinois, Mr. SANDLIN, Mr. TURNER of Texas, Mr. GOODE, and Mr. SANDERS.

H.R. 433: Mr. OSE.

H.R. 434: Mr. ISRAEL, Mr. SHAW, Mr. WICKER, Mr. HOBSON, Mr. KLINE, Mr. MILLER of Florida, and Mr. LOBIONDO.

H.R. 450: Mr. LEWIS of Kentucky.

H.R. 463: Mr. SANDLIN.

H.R. 466: Mr. VITTER and Mr. CONYERS.

H.R. 489: Ms. GINNY BROWN-WAITE of Florida.

H.R. 571: Mr. ROGERS of Alabama, Ms. GINNY BROWN-WAITE of Florida, and Ms. GRANGER.

H.R. 594: Mr. ROTHMAN, Mr. GARY G. MILLER of California, Mr. GALLEGLY, and Mrs. CAPITO.

H.R. 611: Mr. GARRETT of New Jersey.

H.R. 677: Mrs. DAVIS of California.

H.R. 684: Mr. CANNON.

H.R. 687: Mr. KINGSTON.

H.R. 728: Mr. ANDREWS and Mr. MOLLOHAN.

H.R. 740: Mr. GRIJALVA.

H.R. 745: Mr. CUMMINGS, Mr. MEEKS of New York, Mr. BRADY of Pennsylvania, Mr. MCGOVERN, and Mr. THOMPSON of California.

H.R. 757: Mr. GUTIERREZ.

H.R. 761: Mr. BRADLEY of New Hampshire.

H.R. 775: Mr. SESSIONS, Mr. BONNER, Mr. BURTON of Indiana, Mr. KELLER, and Mr. BILIRAKIS.

H.R. 791: Mr. BONILLA, Mr. WHITFIELD, Mr. HAYWORTH, Mr. BECERRA, and Mr. MCINNIS.

H.R. 792: Mr. BRADLEY of New Hampshire, Mr. FRANK of Massachusetts, Ms. BERKLEY, Mr. BROWN of South Carolina, and Mr. OSBORNE.

H.R. 817: Mr. WYNN and Mr. WOLF.

H.R. 839: Mr. FILNER, Mr. SCOTT of Georgia, Mr. SULLIVAN, Ms. BERKLEY, Mr. BISHOP of New York, and Mr. CAMP.

H.R. 850: Mr. SIMMONS and Mr. MILLER of Florida.

H.R. 854: Mr. PALLONE.

H.R. 898: Mr. COOPER, Mr. TANNER, Mr. OWENS, and Mr. HILL.

H.R. 977: Mrs. MUSGRAVE.

H.R. 980: Mr. HAYWORTH.

H.R. 1022: Mr. GONZALEZ and Ms. LEE.

H.R. 1044: Ms. MAJETTE.

H.R. 1063: Mr. PAUL, Mr. WAMP, and Mr. THOMPSON of Mississippi.

H.R. 1077: Mr. KILDEE, Ms. MCCARTHY of Missouri, and Mr. GREEN of Texas.

H.R. 1102: Mr. LEVIN.

H.R. 1111: Mr. FALEOMAVAEGA.

H.R. 1125: Mr. BROWN of South Carolina, Mr. OSBORNE, Mr. PENCE, and Mr. HINOJOSA.

H.R. 1155: Mr. SERRANO, Mr. ENGEL, Mr. EMANUEL, Mr. RANGEL, Mr. GILCHREST, Mr. ISAKSON, Mr. BARTLETT of Maryland, and Mr. TOM DAVIS of Virginia.

H.R. 1175: Mr. GARRETT of New Jersey.

H.R. 1179: Mr. SCHROCK and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1206: Mr. LATOURETTE.

H.R. 1210: Ms. ROS-LEHTINEN, Mr. MCDERMOTT, Mr. OLVER, and Mr. COOPER.

H.R. 1222: Mr. KINGSTON and Mr. MILLER of Florida.

H.R. 1231: Mr. SANDLIN, Mr. HYDE, Mr. BERMAN, Mr. UPTON, Mr. BOYD, Mr. SESSIONS, Mr. SULLIVAN, Ms. MCCARTHY of Missouri, Mr. LARSEN of Washington, Mr. GREEN of Texas, Mr. JENKINS, and Mr. TIBERI.

H.R. 1251: Mr. FOSSELLA and Mr. GUTIERREZ.

H.R. 1275: Mr. CUMMINGS and Mr. KILDEE.

H.R. 1276: Mr. GERLACH.

H.R. 1288: Mr. PENCE, Mrs. TAUSCHER, Mr. BONILLA, Mr. KNOLLENBERG, Mr. CUMMINGS, Mr. OBERSTAR, Mr. MICHAUD, Mrs. MCCARTHY of New York, Mr. MENENDEZ, Mr. ABERCROMBIE, Mr. DINGELL, Mr. FRANKS of Arizona, Mr. WYNN, Mr. MCDERMOTT, Ms. LINDA T. SANCHEZ of California, Ms. SLAUGHTER, Ms. ESHOO, Mr. FRELINGHUYSEN, and Mr. LANTOS.

H.R. 1301: Mr. FILNER and Mr. THOMPSON of California.

H.R. 1313: Mr. WELLER, Mr. HAYWORTH, Mr. GREEN of Texas, Mr. POMBO, Mr. PORTER, and Mr. FROST.

H.R. 1323: Mr. FALEOMAVAEGA, Mr. DAVIS of Florida, and Mr. BISHOP of Georgia.

H.R. 1340: Mr. PRICE of North Carolina, Mr. CUMMINGS, Mr. GRIJALVA, and Mr. LUCAS of Kentucky.

H.R. 1345: Mr. DAVIS of Florida.

H.R. 1348: Mr. FILNER.

H.R. 1376: Mr. ENGLISH.

H.R. 1385: Mrs. MALONEY, Mr. KLECZKA, Mr. EVANS, Mr. MILLER of North Carolina, and Mr. GREEN of Texas.

H.R. 1415: Mr. HOEFFEL and Mr. ENGEL.

H.R. 1422: Ms. SCHAKOWSKY and Mr. WYNN.
H.R. 1426: Mr. REHBERG and Mr. FRANK of Massachusetts.
H.R. 1445: Mrs. JOHNSON of Connecticut and Mr. SHAYS.
H.R. 1472: Mr. SIMMONS, Mr. BEREUTER, Mr. JONES of North Carolina, and Mr. BILIRAKIS.
H.R. 1479: Mr. SCOTT of Virginia and Mr. JONES of North Carolina.
H.R. 1511: Mr. SCOTT of Georgia, Mrs. MYRICK, Mr. CULBERSON, Mr. CHOCOLA, Mr. CARSON of Oklahoma, Mr. MOORE, Mrs. KELLY, Mr. DAVIS of Alabama, Mr. MICA, Mr. CANTOR, Mr. UPTON, Mr. BOEHLERT, Mr. QUINN, Mr. REHBERG, Mr. WALDEN of Oregon, Mr. DELAY, Mr. SIMMONS, Mr. TANNER, Mr. BROWN of South Carolina, Mr. CAMP, Mr. CRENSHAW, Mrs. JO ANN DAVIS of Virginia, Mr. DEMINT, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FERGUSON, Mr. GRAVES, Mr. HOBSON, Mr. JOHNSON of Illinois, Mr. LEWIS of California, Mr. PEARCE, Mr. PLATTS, Mr. RYAN of Wisconsin, Mr. SCHROCK, Mr. SHUSTER, Mr. SULLIVAN, Ms. PRYCE of Ohio, Mrs. JOHNSON of Connecticut, Mrs. BLACKBURN, Mr. PORTMAN, Mr. CHABOT, Mr. BASS, Mr. BILIRAKIS, Mr. BOEHNER, Mr. BONNER, Mr. BURGESS, Mr. EHLERS, Mr. GUTKNECHT, Mr. KELLER, Mr. KINGSTON, Mr. KLINE, Mr. MILLER of Florida, Mr. NUNES, Mr. NUSSLE, Mr. SHADEGG, Mr. TAUZIN, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, and Mr. YOUNG of Alaska.
H.R. 1513: Mr. PETRI, Mr. KLECZKA, Mr. PICKERING, Mr. CARTER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SESSIONS, Ms. DUNN, Mr. LEWIS of Kentucky, and Mr. ENGLISH.
H.R. 1532: Mr. GREEN of Wisconsin, Mr. ISRAEL, Mr. DOYLE, Mr. PETERSON of Minnesota, Mr. ISAKSON, Mr. LINDER, Mr. THOMPSON of California, Mr. FRANK of Massachusetts, and Mr. SHERMAN.
H.R. 1534: Mr. FRANK of Massachusetts.
H.R. 1568: Mr. MEEKS of New York, Mr. WYNN, Mr. GONZALEZ, and Mr. BAIRD.
H.R. 1574: Mr. REHBERG.
H.R. 1582: Mr. GUTKNECHT, Mr. TIBERI, Mr. PEARCE, and Mr. KILDEE.
H.R. 1635: Mr. CUMMINGS and Mr. GRIJALVA.
H.R. 1643: Mr. FILNER, Mr. PORTER, and Mr. SIMPSON.
H.R. 1652: Mr. PRICE of North Carolina, Mr. GUTIERREZ, Mr. DOYLE, Mr. MCGOVERN, Mr. LANTOS, Mr. ACEVEDO-VILA, and Mr. MENENDEZ.
H.R. 1663: Mr. KUCINICH.
H.R. 1692: Mr. BRADY of Pennsylvania and Mr. ORTIZ.
H.R. 1708: Mr. HYDE, Mr. MILLER of North Carolina, Mr. NEAL of Massachusetts, Mr. BECERRA, Mr. BISHOP of Georgia, and Mr. WELDON of Pennsylvania.
H.R. 1709: Mr. FARR, Mr. SANDERS, and Mr. GREEN of Texas.
H.R. 1711: Mr. HOLDEN and Mrs. CAPITO.
H.R. 1725: Mr. HAYWORTH.
H.R. 1738: Ms. HOOLEY of Oregon, Mr. STUPAK, Mr. FARR, Ms. CARSON of Indiana, Mr. CUMMINGS, Mr. EVANS, Ms. MILLENDER-MCDONALD, Mr. TIERNEY, Ms. SOLIS, Mr. DAVIS of Illinois, Mr. WAXMAN, Mr. FALEOMAVAEGA, and Mr. RANGEL.
H.R. 1746: Mr. STRICKLAND, Mr. BRADLEY of New Hampshire, Ms. CORRINE BROWN of Florida, Mrs. TAUSCHER, Mr. PENCE, Mr. SERRANO, Mr. MICHAUD, Mr. MENENDEZ, Mr. WYNN, Mr. DINGELL, Mr. THOMPSON of California, Mr. SCOTT of Virginia, Mr. BALLANCE, Mr. MCGOVERN, Mr. CUMMINGS, Mr. BACA, Ms. LEE, Mr. BALLENGER, Mr. MANZULLO, Mr. LANTOS, Ms. ESHOO, Mr. LOBIONDO, Mr. FILNER, Mr. MILLER of North Carolina, Ms. VELAZQUEZ, Mr. UPTON, and Mr. MORAN of Virginia.
H.R. 1754: Mr. SANDLIN.
H.R. 1758: Mr. MCINNIS.
H.R. 1775: Mr. KING of Iowa and Mr. PETERSON of Minnesota.
H.R. 1776: Mr. GOSS and Mr. FRELINGHUYSEN.
H.R. 1778: Mr. SANDERS and Mr. SOUDER.
H.R. 1786: Mr. OWENS, Mr. OLVER, Mrs. LOWEY, Mr. FROST, Mr. RANGEL, and Mr. KUCINICH.
H.R. 1787: Mr. ROGERS of Michigan.
H.R. 1799: Mr. FALEOMAVAEGA.
H.R. 1813: Ms. ROS-LEHTINEN, Mr. PAYNE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FRANK of Massachusetts, Mr. KUCINICH, Ms. LEE, and Mr. MCDERMOTT.
H.R. 1838: Mr. FROST.
H.R. 1873: Mr. AKIN.
H.R. 1874: Mr. LANGEVIN, Mr. INSLEE, and Mr. WAXMAN.
H.R. 1887: Mr. RANGEL.
H.R. 1933: Ms. ESHOO, Mr. BACA, and Mr. KIND.
H.R. 1949: Mr. MICHAUD.
H.R. 1964: Mr. TIERNEY and Mr. GERLACH.
H.R. 1994: Mr. GREEN of Texas.
H. J. Res. 4: Mr. HERGER, Mrs. NAPOLITANO, and Mr. RODRIQUEZ.
H.J. Res. 46: Mr. LAHOOD.
H. Con. Res. 39: Mr. CLYBURN, Mr. RANGEL, and Mr. PAYNE.
H. Con. Res. 49: Mr. AKIN, Ms. WOOLSEY, Mr. DAVIS of Illinois, Mr. SHAW, Mr. DAVIS of Alabama, and Mr. KENNEDY of Rhode Island.
H. Con. Res. 93: Mr. LATOURETTE, Mr. ISAKSON, Mr. GARRETT of New Jersey, Mr. DREIER, and Mr. GINGREY.
H. Con. Res. 103: Mr. HOLT.
H. Con. Res. 116: Mr. FOLEY.
H. Con. Res. 148: Mr. ETHERIDGE and Ms. LEE.
H. Con. Res. 160: Mr. FLAKE and Mr. SOUDER.
H. Con. Res. 161: Mr. MORAN of Kansas.
H. Res. 103: Mr. PAUL.
H. Res. 133: Mr. GARRETT of New Jersey.
H. Res. 136: Mr. PENCE and Mr. GARRETT of New Jersey.
H. Res. 142: Mr. BLUMENAUER and Mr. BONILLA.
H. Res. 180: Mr. BISHOP of Georgia and Mr. RANGEL.
H. Res. 194: Mrs. JO ANN DAVIS of Virginia, Mr. HASTINGS of Florida, Mrs. TAUSCHER, and Mr. WAMP.

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. 2: Mrs. MUSGRAVE.
H.R. 898: Mr. CARSON of Oklahoma.

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PROCEEDINGS AND DEBATES OF THE *108th* CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, WEDNESDAY, MAY 7, 2003 *No. 67*

Senate

The Senate met at 10 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, Dr. K. Randel Everett of the John Leland Center for Theological Studies in Arlington, VA.

PRAYER

The guest Chaplain offered the following prayer:

May we pray.

O Lord, our Lord, how majestic is Thy name in all of the earth. When we consider Thy heavens, the work of Thy fingers, the moon and the stars which Thou hast ordained, who are we that You would give thought of us. Yet You have made us a little lower than God and crowned us with glory and majesty.—Psalm 8

Please open our eyes to Your many expressions of beauty in the brilliance of the azaleas, in the warmth of the sunshine and in the gentleness of a friend.

Please open our ears to the sounds of joy in the laughter of little children and in the singing of birds. Speak through us as we seek to encourage someone who is hurting and reach out to someone who is afraid.

Gracious Lord, this day is a gift You have given to us. Don't let us miss out on what You are doing. Let us live in the fullness of Your mercy. In Thy name we pray. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The majority leader.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be in a period for morning business until 12 noon. Following morning business, the Senate will begin consideration of the NATO expansion treaty. This treaty is a necessary step to include seven new member countries in the NATO alliance.

Under the previous order, the Senate will debate the treaty and dispose of all amendments during today's session. I advise my colleagues that rollcall votes are possible with respect to the two amendments to the resolution of ratification. Once those amendments are disposed of during today's session, the Senate will set aside the treaty, so the Senate will vote on the adoption of the resolution of ratification at 9:30 tomorrow morning.

As a reminder, cloture motions were filed on the nominations of both Priscilla Owen and Miguel Estrada. This will be the second attempt to end the filibuster on the Owen nomination and our sixth effort with respect to Miguel Estrada. The cloture votes on Owen and Estrada will occur during Thursday's session.

In addition, I want to inform all Members that negotiations are ongoing to continue to clear several important pieces of legislation for floor action. These items include the State Department authorization bill, the bioshield bill, air cargo security legislation, the FAA reauthorization bill, the FISA legislation, and a number of pending nominations. Therefore, Members should anticipate additional votes throughout the day.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, while the distinguished majority leader is in the Chamber, I wonder if he has any idea how much time he wants for the debate on the two cloture motions tomorrow or are we just going to vote on them?

Mr. FRIST. Mr. President, I have not talked to our caucus about that, but I will get back to Senator REID shortly so we can plan out the day tomorrow.

Mr. REID. The other question I have is, we have people ready to offer amendments on the energy bill. Is the majority leader still planning on spending some time on that bill tomorrow?

Mr. FRIST. The plan is to be on the energy bill and continue the debate and start the amendment process tomorrow, Thursday. The plan is to hopefully start that—although I am not sure—in the morning after we finish the vote.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period for the transaction of morning business not to extend beyond the hour of 12 noon, with the time equally divided between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I had 10 minutes. I ask unanimous consent that my time be extended to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX CUTS

Mr. HOLLINGS. Mr. President, it is fortuitous that the distinguished Presiding Officer is the forerunner of the position: If we are going to cut taxes only $350 billion, you are going to lose his vote. The debate has ensued from $756 billion to $350 billion to try to make for a compromise of $550 billion in tax cuts. But the most responsible voices say at this particular time: No tax cuts.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

The present Chairman of the Federal Reserve, Mr. Alan Greenspan, says: No tax cuts. I ask unanimous consent to print in the RECORD an article from the New York Times, dated May 1, 2003.

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

[From the New York Times, May 1, 2003]

GREENSPAN SAYS TAX CUT WITHOUT SPENDING REDUCTIONS COULD BE DAMAGING

(By David E. Rosenbaum)

WASHINGTON, April 30.—Alan Greenspan, the chairman of the Federal Reserve Board, told Congress today that the economy was poised to grow without further large tax cuts, and that budget deficits resulting from lower taxes without offsetting reductions in spending could be damaging to the economy. Opponents of the large cut favored by President Bush took Mr. Greenspan's testimony as support for their position.

Mr. Greenspan's statements to the House Financial Services Committee were made as new Treasury data showed that tax revenues have arrived at a much slower pace than expected this spring. As a consequence of the revenue shortfall and increased spending enacted this month, government and private analysts said today, the budget deficit this fiscal year will be at least $80 billion higher than the Congressional Budget Office projected last month.

With a large deficit, Mr. Greenspan said, ''you will be significantly undercutting the benefits that would be achieved from the tax cuts.''

The combination of Mr. Greenspan's testimony and the prospects of a higher deficit gave added ammunition to Mr. Bush's political opponents, as the president continued today to press Congress to approve a $550 billion, 10-year tax cut.

''These deficit numbers are just the latest reminder that what many of us have expressed concern about is becoming even more of a problem,'' said Senator Tom Daschle of South Dakota, the Democratic leader.

The president met today on the tax issue with Republican Congressional leaders. Afterward, Senator Bill Frist of Tennessee, the majority leader, said that the president and all the leaders wanted as large a tax cut as possible and that Congress might consider more than one tax measure this year.

Ari Fleischer, the White House spokesman, played down any disagreement with Mr. Greenspan. Last week, the president announced that he would renominate Mr. Greenspan to his fifth term as Fed chairman, and Mr. Greenspan, 77, said he would accept.

Mr. Fleischer said today that Mr. Bush's first priority was creating jobs immediately and that the government could reduce the deficit ''over time.'' He agreed with Mr. Greenspan that the best way to lower the deficit was to hold the line on government spending.

Mr. Greenspan said that with the end of the uncertainties associated with the war in Iraq, the economy was in a position for strong growth. But if that does not occur, he said, the Fed was prepared to lower interest rates further.

As is his practice, Mr. Greenspan spoke elliptically in his Congressional testimony and never addressed the tax legislation before Congress specifically.

But he said that even without additional stimulus, ''the economy is positioned to expand at a noticeably better pace than it has during the past year.''

He also said new academic evidence had strengthened his opinion that budget deficits led directly to higher interest rates.

Mr. Greenspan's view on tax cuts is similar to one he expressed in February, but the environment has changed. Congress is now on the verge of drafting and voting on actual tax legislation, and the Fed chairman's views on economic matters carry more weight in Congress than the opinions of any other economist.

In response to a question about the need for additional economic stimulus, Mr. Greenspan said that with the tax cuts enacted in 2001 and sizable growth in government spending, ''we already have a significant amount of stimulus in place.''

He added that he was skeptical of the ability of changes in tax and spending policy to ''fine tune'' the economy in the short term.

Mr. Greenspan said he strongly supported the president's tax policy, particularly the proposal to eliminate taxes on most stock dividends, ''provided it is matched by cuts in spending.''

Deficits are especially important in the near future, he said, because of the pressure on the economy early in the next decade when the baby boom generation begins to reach retirement age.

The shortfall in tax revenues has been apparent all spring, but the magnitude did not become clear, economic analysts said, until they examined the Treasury's daily reports of tax receipts in the two weeks since the April 15 filing deadline.

William C. Dudley, chief economist at Goldman Sachs, said he was seeing ''a pretty sizable shortfall relative to expectation.''

Goldman is forecasting a $425 billion deficit in the current fiscal year, which ends Sept. 30. In February, the White House projected a deficit of $304 billion. Last month, the Congressional Budget Office, using a different method of calculation, projected a deficit of $246 billion.

A senior Republican staff member in Congress who has analyzed the Treasury data said that revenues were running about $40 billion lower than the Congressional Budget Office expected. He said tax refunds were about $20 billion higher than anticipated and tax payments about $20 billion lower.

One reason for the shortfall in revenues, economists say, is that the poor performance by the stock market in 2002 resulted in smaller tax payments of capital gains taxes and fewer taxes paid by business executives who exercised stock options.

In addition to the deficit increase resulting from lower revenues, the projections by the White House and the Congressional Budget Office do not count the $42 billion in additional spending, mostly for the war, that Congress approved this month. Nor do they consider the likelihood that Congress will approve tax cuts and make at least some of them retroactive to Jan. 1 and the probability that the administration will ask Congress for additional spending authority for reconstruction costs in Iraq.

Mr. HOLLINGS. Mr. President, the former Chairman of the Federal Reserve, Paul Volcker, the former Secretary of the Treasury, Bob Rubin, as well as the former Secretary of Commerce, Pete Peterson, call for no new tax cuts. They took this stand in an article in the New York Times on April 9, 2003. The position they take is that budget deficits matter. There is no question that we had a conscience with respect to deficits. The economists at the Federal Reserve have said that every $100 billion in deficits raises the interest rate a quarter of a percent, and our friends at the Brookings Institution say, no, every $100 billion in deficits raises the interest rate one-half to 1 percentage point.

The point is, look at what we are doing. I ask unanimous consent to print in the RECORD a chart of the budget realities.

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

HOLLINGS' BUDGET REALITIES

Pres. and year	U.S. budget (outlays) (in billions)	Borrowed trust funds (billions)	Unified deficit with trust funds (billions)	Actual deficit without trust funds (billions)	National debt (billions)	Annual increases in spending for interest (billions)
Truman:						
1947	34.5	−9.9	−4.0	+13.9	257.1	
1948	29.8	6.7	11.8	+5.1	252.0	
1949	38.8	1.2	0.6	−0.6	252.6	
1950	42.6	1.2	−3.1	−4.3	256.9	
1951	45.5	4.5	6.1	+1.6	255.3	
1952	67.7	2.3	−1.5	−3.8	259.1	
Eisenhower:						
1953	76.1	0.4	−6.5	−6.9	266.0	
1954	70.9	3.6	−1.2	−4.8	270.8	
1955	68.4	0.6	−3.0	−3.6	274.4	
1956	70.6	2.2	3.9	+1.7	272.7	
1957	76.6	3.0	3.4	+0.4	272.3	
1958	82.4	4.6	−2.8	−7.4	279.7	
1959	92.1	−5.0	−12.8	−7.8	287.5	
1960	92.2	3.3	0.3	−3.0	290.5	
.						
Kennedy:						
1961	97.7	−1.2	−3.3	−2.1	292.6	
1962	106.8	3.2	−7.1	−10.3	302.9	9.1
Johnson:						
1963	111.3	2.6	−4.8	−7.4	310.3	9.9
1964	118.5	−0.1	−5.9	−5.8	316.1	10.7
1965	118.2	4.8	−1.4	−6.2	322.3	11.3

HOLLINGS' BUDGET REALITIES—Continued

Pres. and year	U.S. budget (outlays) (in billions)	Borrowed trust funds (billions)	Unified deficit with trust funds (billions)	Actual deficit without trust funds (billions)	National debt (billions)	Annual increases in spending for interest (billions)
1966	134.5	2.5	−3.7	−6.2	328.5	12.0
1967	157.5	3.3	−8.6	−11.9	340.4	13.4
1968	178.1	3.1	−25.2	−28.3	368.7	14.6
Nixon:						
1969	183.6	0.3	3.2	+2.9	365.8	16.6
1970	195.6	12.3	−2.8	−15.1	380.9	19.3
1971	210.2	4.3	−23.0	−27.3	408.2	21.0
1972	230.7	4.3	−23.4	−27.7	435.9	21.8
1973	245.7	15.5	−14.9	−30.4	466.3	24.2
1974	269.4	11.5	−6.1	−17.6	483.9	29.3
Ford:						
1975	332.3	4.8	−53.2	−58.0	541.9	32.7
1976	371.8	13.4	−73.7	−87.1	629.0	37.1
Carter:						
1977	409.2	23.7	−53.7	77.4	706.4	41.9
1978	458.7	11.0	−59.2	−70.2	776.6	48.7
1979	504.0	12.2	−40.7	−52.9	829.5	59.9
1980	590.9	5.8	−73.8	−79.6	909.1	74.8
Reagan:						
1981	678.2	6.7	−79.0	−85.7	994.8	95.5
1982	745.8	14.5	−128.0	−142.5	1,137.3	117.2
1983	808.4	26.6	−207.8	−234.4	1,371.7	128.7
1984	851.9	7.6	−185.4	−193.0	1,564.7	153.9
1985	946.4	40.5	−212.3	−252.8	1,817.5	178.9
1986	990.5	81.9	−221.2	−303.1	2,120.6	190.3
1987	1,004.1	75.7	−149.8	−225.5	2,346.1	195.3
1988	1,064.5	100.0	−155.2	−255.2	2,601.3	214.1
Bush:						
1989	1,143.7	114.2	−152.5	−266.7	2,868.3	240.9
1990	1,253.2	117.4	−221.2	−338.6	3,206.6	264.7
1991	1,324.4	122.5	−269.4	−391.9	3,598.5	285.5
1992	1,381.7	113.2	−290.4	−403.6	4,002.1	292.3
Clinton:						
1993	1,409.5	94.2	−255.1	−349.3	4,351.4	292.5
1994	1,461.9	89.0	−203.3	−292.3	4,643.7	296.3
1995	1,515.8	113.3	−164.0	−277.3	4,921.0	332.4
1996	1,560.6	153.4	−107.5	−260.9	5,181.9	344.0
1997	1,601.3	165.8	−22.0	−187.8	5,369.7	355.8
1998	1,652.6	178.2	69.2	−109.0	5,478.7	363.8
1999	1,703.0	251.8	124.4	−127.4	5,606.1	353.5
2000	1,789.0	258.9	236.2	−22.7	5,628.8	362.0
Bush:						
2001	1,863.9	268.2	127.1	−141.1	5,769.9	359.5
2002	2,011.0	270.7	−157.8	−428.5	6,198.4	332.5
2003	2,137.0	222.6	246.0	468.6	6,667.0	323.0

Note.—Historical Tables, Budget of the US Government: Beginning in 1962, CBO's The Budget and Economic Outlook: Fiscal Years 2004–2013, January 2003.

Mr. HOLLINGS. Mr. President, during that 30-year period under six Presidents, with the cost of World War II, the cost of Korea, the cost of Vietnam, the sum total of deficits over that 30-year period under Republican and Democratic Presidents was only $358 billion. Last year, without the cost of Iraq, it was $428 billion. We now are on course for a deficit this year of $600 billion.

If there is any doubt about it, I ask unanimous consent to print page 4 of the conference report budget resolution.

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

Fiscal year 2003: $512,284,000,000.
Fiscal year 2004: $558,382,000,000.
Fiscal year 2005: $487,527,000,000.
Fiscal year 2006: $431,788,000,000.
Fiscal year 2007: $400,325,000,000.
Fiscal year 2008: $405,415,000,000.
Fiscal year 2009: $366,084,000,000.
Fiscal year 2010: $359,961,000,000.
Fiscal year 2011: $380,680,000,000.
Fiscal year 2012: $314,363,000,000.
Fiscal year 2013: $301,506,000,000.

(5) DEBT SUBJECT TO LIMIT.—Purusant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2003: $6,747,000,000,000.
Fiscal year 2004: $7,384,000,000,000.
Fiscal year 2005: $7,978,000,000,000.
Fiscal year 2006: $8,534,000,000,000.
Fiscal year 2007: $9,064,000,000,000.
Fiscal year 2008: $9,602,000,000,000.
Fiscal year 2009: $10,102,000,000,000.
Fiscal year 2010: $10,601,000,000,000.
Fiscal year 2011: $11,125,000,000,000.
Fiscal year 2012: $11,588,000,000,000.
Fiscal year 2013: $12,040,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2003: $3,917,000,000,000.
Fiscal year 2004: $4,299,000,000,000.
Fiscal year 2005: $4,599,000,000,000.
Fiscal year 2006: $4,829,000,000,000.
Fiscal year 2007: $5,007,000,000,000.
Fiscal year 2008: $5,169,000,000,000.
Fiscal year 2009: $5,272,000,000,000.
Fiscal year 2010: $5,349,000,000,000.
Fiscal year 20011: $5,428,000,000,000.
Fiscal year 2012: $5,424,000,000,000.
Fiscal year 2013: $5,394,000,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2003: $531,607,000,000.
Fiscal year 2004: $557,821,000,000.
Fiscal year 2005: $587,775,000,000.
Fiscal year 2006: $619,062,000,000.
Fiscal year 2007: $651,148,000,000.
Fiscal year 2008: $684,429,000,000.
Fiscal year 2009: $719,132,000,000.
Fiscal year 2010: $755,754,000,000.
Fiscal year 2011: $792,152,000,000.
Fiscal year 2012: $829,568,000,000.
Fiscal year 2013: $869,690,000,000.

Mr. HOLLINGS. Mr. President, you can see that the debt rises during the 10-year period from 2003 to 2013. Mr. President I want you to particularly listen to this—the debt rises from $6 trillion to $12 trillion. I know the distinguished Presiding Officer remembers well how we had the balanced budget amendment running around here for 15 years.

Remember back in 1994, the Republicans stood on the Capitol steps and said: Government is going to be different; we have a contract; we are not going to run any deficits; we are going to have a balanced budget. This particular budget passed the U.S. House of Representatives without a single Democratic vote, all Republicans.

In the Senate, there was only one Democratic vote, the Senator from Georgia. Otherwise, Vice President CHENEY had to come in and adopt this course of $6 trillion to $12 trillion. That is $600 billion a year in deficits each year for 10 years.

The Chair can see I am trying to gain the attention, for Heaven's sake, of this body to where we can get down to reality so that we do not just willy-nilly go on and not even pay for the war.

I put up an amendment to pay for the war. I could get no support for that. We tell GIs to go into Iraq and we hope they do not get killed, and the reason is we want them to hurry back so we can give them the bill. This generation, this Congress, this Government, aren't going to pay for the war.

Now what happens? Treasury Secretary Snow says: Wait a minute now, you have to stimulate, you have to stimulate. Of course, we had that back when President Reagan started that nonsense of tax cuts. That is what President George Herbert Walker Bush called voodoo, and I will never forget

the chairman of the Finance Committee, Senator Dole. He was against all of this growth and voodoo. He said: There is good news and bad news.

I said: Senator, what is the good news?

He said: The good news is a busload of supply siders have just driven over the cliff.

I said: Well, what is the bad news?

He said: There was one empty chair.

He was talking about Jack Kemp. We were against supply side and voodoo. But two years ago, we had voodoo 2, with President George Walker Bush's tax cut, which the distinguished Presiding Officer helped pass. Now let us see what President Bush's newest tax cuts, voodoo 3, will do.

Secretary Snow said a dividend cut would boost stocks by 10 percent. But, look, stocks are up 14 percent since March 11. Do you believe you are getting rich? Do you see all the jobs busting out all over?

On the contrary, you see Robert Samuelson talking about ''Stubborn Stagnation.'' I ask unanimous consent that article from this morning's Washington Post be printed in the RECORD.

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

STUBBORN STAGNATION

(By Robert J. Samuelson)

The economic news since the war in Iraq suggests that we remain in the grips of what I've called ''the new stagnation.'' It's a baffling twilight zone. We're not in an economic free-fall, indeed, most Americans enjoy almost unprecedented prosperity. But there's also rising insecurity (over jobs, stock prices) and a persisting squeeze on both government social spending and corporate profits. People yearn for clarity and confidence, while the new stagnation provides mainly uncertainty and contradictions.

Consider some contrasts. Since late 2000, annual U.S. economic growth has averaged about 1.5 percent (1996–2000 average: 4 percent). This barely exceeds the rate of population growth. By one government survey, 2.1 million jobs have vanished. The stock market has lost about 40 percent of its value (roughly $7 trillion) since its peak in early 2000, says Wilshire Associates. But most people are doing all right. There are still 130 million non-farm jobs. And the median price of existing homes—most Americans' biggest financial asset—rose 7.1 percent last year.

Japan pioneered the new stagnation. In the 1990s, its economy foundered; unemployment rose gradually. But most people lived well. Prosperity, if not growth, was widespread. There was no alarm. The Japanese were cocky. Hadn't they overtaken the United States economically? Everyone acknowledged ''bubbles'' in stocks and real estate. But once the aftershocks passed, the economy would revive smartly. It never did. Since 1992 Japan's growth has averaged 1 percent (1980s average; 3.8 percent).

We're not Japan—but we could slip into the same trap. After the euphoria of the '90s, Americans believe that their economy can't be held down for long. The standard diagnosis now is that it's suffered from temporary setbacks: the stock bubble, Sept. 11, corporate scandals and, most recently, the war in Iraq. These will fade; the economy will rebound. Perhaps. Since the war, oil prices have declined and consumer confidence has risen. But the standard diagnosis minimizes deeper weaknesses.

First, the boom's aftermath. It wasn't just stocks. As consumers celebrated new stock wealth, they borrowed heavily and went on a spending spree. The personal savings rate dropped sharply. Now the market's decline suggests sluggish spending as households rebuild savings. Similarly, businesses went on an investment binge in the 1990s. They overinvested in computers, fiber optics, office buildings and machinery. There's huge surplus capacity. Consumer spending and business investment represent about 80 percent of the economy; if they're weak, growth can't be strong.

Second, Europe and Japan. Their stagnation deepens global stagnation. Germany, Europe's largest economy, is a mess. Its banks are weak; unemployment is almost 9 percent. Together, Europe and Japan account for about 30 percent of the global economy and a similar share of U.S. exports. If vibrant, they would cushion the U.S. slowdown. They would import more from the United States and elsewhere.

Third, twisted trade. Global trade is usually a force for good. Countries specialize and spend abroad (via imports) what they earn abroad (via exports). Unfortunately, most Asian countries—led by Japan—strive for permanent trade surpluses. This depresses the global economy by breaking the chain of spending. In 2002 Asia had a current account surplus of roughly $230 billion, reports the International Monetary Fund. Much of this was with the United States. Jobs and production flow from here to there. China looms increasingly large in this process.

These fierce demons are devouring economic growth—and efforts to revive it. Recall: Since early 2001 the Federal Reserve has cut overnight interest rates from 6.5 percent to 1.25 percent. Meanwhile, the Bush tax cuts and weak economy have shifted the federal budget toward ''stimulus.'' A surplus of $236 billion in 2000 became a $157 billion deficit in 2002 (and is headed higher). Tax cuts enhanced purchasing power. Low interest rates enabled millions of homeowners to refinance mortgages. Auto companies provided cheap credit for buyers. Still, the economy sputters. In the past six months, consumer spending has grown at less than half the rate of the previous year. The housing boom may have stalled.

Stubborn stagnation has led some economists—notably Stephen Roach of Morgan Stanley—to fear deflation, which is a general decline in prices. A few years ago, this seemed preposterous. No more. Global demand remains weak; surplus capacity discourages new investment; gluts depress prices. Deflation could be dangerous: Lower prices could squeeze profits and depress stocks; and lower prices could prevent corporate debtors from repaying loans, leading to defaults and bank failures.

Whenever the economy unexpectedly weakens, we're told it's a ''pause.'' Maybe. But the present bust may be as misunderstood as was the previous boom. It is worldwide, not just American. It defies textbook economic models and therefore may defy textbook remedies. In Japan, low interest rates and big budget deficits haven't restored growth. European and Japanese weaknesses fundamentally reflect social and political preferences. The desire for social protections has stifled economic growth with regulations and taxes. As for America, recovery requires patience. Surplus capacity must be shut or absorbed; debt levels must be cut.

What can be done? Good question. Unfamiliar problems may require unfamiliar responses. If things get dramatically worse, that may concentrate people's attention. But for now, Republicans and Democrats are using the petty debate over the proposed dividend tax exclusion to avoid harder questions. In Japan, those questions rarely got raised, because the economy's slow-motion unraveling never presented a clear crisis. The danger of the ''new stagnation'' is that, by creating a false sense that a strong recovery is always imminent, it could cause the same thing to happen here.

Mr. HOLLINGS. We all know it is not going to stimulate anything in that we already have a $428 billion budget deficit this year that is stimulus, plus $600 billion next year. We have over $1 trillion in stimulation. That is why Alan Greenspan says we do not need any further stimulation, and adding $30 billion or $40 billion more is not going to do it. But let's assume that it does. It is not going to stimulate Peoria. It is going to stimulate Shanghai.

What has happened is, and Mr. Samuelson talks about this, is that we have made it too expensive to do business with our high standard of living. Before one can open, for example, Jones Manufacturing in the United States, you have to meet requirements for clean air, clean water, Social Security, Medicare, Medicaid, plant closing, parental leave, safe working place, safe machinery, just go right on down the list.

You can go down to Mexico for $1 an hour, $2 an hour, or you can go to China for 50 cents an hour. So they are going like gang busters there. We have a tremendous imbalance of trade—a $500 billion imbalance. We are going out of business. We have to get with reality. We cannot treat foreign trade as foreign aid any longer. We have to get a competitive trade policy. We have to cut out the tax benefits companies have when they go overseas, and instead include tax benefits for manufacturing in this country.

We have to straighten out many other items dealing with trade. There is no question that we have to say to the Export-Import Bank and the Overseas Private Investment Corporation that they shall not finance any product that does not have at least 80 percent U.S. content; that we ought to prohibit the sale in interstate commerce of any manufactured product by an individual 12 years of age or younger. We have to require the Buy America provision not just in defense but in homeland security. We have to get what Senator Dole tried to do 10 years ago with the World Trade Organization judicial body to review the WTO determinations. There are a lot of things we have proposed.

I ask unanimous consent that this article of mine from the State newspaper in Columbia last week be printed in the RECORD.

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

[From the State, May 3, 2003]

WASHINGTON'S WILD WAYS CHOKE RECOVERY

(By Ernest F. Hollings)

President Bush storms the country, lamenting that ''people are looking for jobs and can't find them.'' Two big reasons: First, industry is not about to invest or re-hire with Washington spending like drunken sailors. Second, any expansion of jobs will probably be in China, Mexico or India.

Business people look at how government does business. For 30 years, from 1945 to 1975, the sum total of government deficits, including the costs of World War II, Korea and Vietnam, amounted to $358 billion. Last year's fiscal deficit—without the cost of Iraq—amounted to $428 billion.

Instead of levying taxes to pay for Iraq, the president says: ''In time of war, a country runs deficits.'' False. The United States raised taxes to pay for every war since the Revolution—until now. President Lincoln put a tax on estates and dividends to pay for the Civil War. This president says to eliminate the tax on estates and dividends; the economy needs stimulating.

We just had a $428 billion deficit, or stimulus, last year; and this year's deficit (stimulus?) will exceed $500 billion. A tax cut of $50 billion more is not going to stimulate. What's more, the business executive sees on Page 4 of the Republican Conference budget just passed that the national debt in the next 10 years goes from $6 trillion to $12 trillion.

Interest costs are headed through the roof. Economists at the Federal Reserve have just estimated that each $100 billion of deficit raises interest costs a quarter of one percentage point. The Brookings Institute says interest costs rise between one-half and one percentage point for every $100 billion of deficits.

Interest rates will soar, and this is no time to invest or re-hire. We have just lost 2.6 million jobs with the 2001 tax cut stimulus, and there is no education in the second kick of a mule.

Let's assume the Bush tax cut stimulates. Jobs created will not be in Columbia, but in Shanghai. Corporate America's is moving fast to cut labor and environmental costs. Before opening Jones Manufacturing, U.S. law requires clean air, clean water, Social Security, Medicare, Medicaid, minimum wage, a safe workplace, safe machinery, plant closing notice, parental leave, etc. A plant can locate in Mexico for $2 an hour labor and none of these requirements—or to China for less than 50 cents an hour.

Corporate America has banded together a conspiracy for ''free trade'' to facilitate imports and export jobs faster than we can create them. Led by the U.S. Chamber of Commerce, the conspiracy includes the Business Roundtable, National Association of Manufacturers, Conference Board, think tanks, funded universities, the retailers making bigger profits on the imported articles and newspapers making most of their profits from retail advertising, all for ''free trade.''

As a result, we have lost most of our hard manufacturing. And now we have a $5 billion deficit in the balance of trade in semiconductors and the worst trade deficit in farm products in 16 years, including such products as cotton, with China.

Free trade is an oxymoron. We must stop treating trade as aid and compete in the global economy. We must first eliminate the tax benefits for offshore production. Second, prevent the Export Import Bank or Overseas Private Investment Corporation from financing any product that does not contain at least 80 percent U.S. content. Third, prohibit the sale in interstate commerce of any manufactured product by anyone under 12 years of age. Fourth, require the Buy America provisions for both the Defense Department and Homeland Security. Fifth, eliminate the International Trade Commission, which never finds ''injury'' from a dumping violation. Sixth, return anti-dumping money to injured parties. Seventh, reform the World Trade Organization dispute settlements by establishing a panel of federal judges to review WTO determinations.

In 1993 with a similar fiscal deficit and gross domestic product, we cut spending and raised taxes, putting the government on a pay-as-you-go basis. This resulted in the strongest economy in the history of the United States. Eight million jobs were created. Today, we must put government again on a pay-as-you-go basis, reform trade and create jobs.

In addition to rebuilding Bosnia, Afghanistan and Iraq, now is the time to rebuild America.

Mr. HOLLINGS. Now is the time to sober up and approach it the way we did in 1993. When Governor Clinton was first elected, he invited the best of the best in financial minds to Little Rock. Greenspan went. The Governor was advised: you are going to not only have to cut spending when you take office, you are going to have to raise taxes. And we did.

The chairman of the Finance Committee, Bob Packwood, said: I will give you my home if this works. Newt Gingrich said: This is going to put us into a depression.

John Kasich, the chairman of the House Budget Committee, said: I will change parties and become a Democrat if this thing works. Oh, it was going to be disastrous.

The disaster turned out to be 8 years of the strongest economy. We paid the bills, putting Government on a pay-as-you-go basis. We created 22 million jobs. Now with President Bush's voodoo 2 that we passed in 2001, we are just more in debt. And the Democratic proposal just announced is nothing but Bush lite. You can either have the Bush proposed program of $756 billion in tax cuts, or $550 billion in tax cuts from the House, or Bush lite of $150 billion. None of them are going to stimulate anything.

Since the President has taken office, the country has lost 2.6 million jobs already. Don't you think we ought to stop now and get a hold of ourselves and realize what we have with all of these deficits; that interest rates are bound to go up, as well as the cost of a car, home payments, the cost of a washing machine, the cost of a refrigerator, and everything else? America is seeing this because back home every mayor is having to cut back, every Governor is having to cut back. They are having to release prisoners from the penitentiary. They are having to charge children to ride on the schoolbus. They are doing any and everything to try to get fiscal discipline back into their particular budgets.

But up here, we're like drunken sailors, saying oh, no, do not worry about it. We have to get reelected next year. To dickens with the needs of the country. It is the needs of the campaign, and we have to have tax cuts. So there we go. We have a big argument around here whether it should be $750 billion or $550 billion or $150 billion in tax cuts. And the best of minds say: Wait a minute, we are in trouble.

As Mr. Samuelson says, we have financial stagnation. We have the threat right this minute of deflation, and we are not creating jobs at all. We have a deficit in the balance of trade in not only hard manufacturing, but in high tech, high tech the motor of growth.

Again, with respect to the service economy, the Wall Street Journal this last week, said:

U.S. financial-services companies plan to transfer 500,000, or 8 percent, of total industry employment to foreign countries.

I ask unanimous consent that this article from the Wall Street Journal be printed in the RECORD.

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

[From the Wall Street Journal, May 1, 2003]

THE ECONOMY: MORE FINANCIAL JOBS GO OFFSHORE

(By Michael Schroeder)

In an accelerating trend, U.S. financial-services companies plan to transfer 500,000 jobs, or 8% of total industry employment, to foreign countries during the next five years, according to a new study.

Offshore job transfers have primarily focused on back-office functions such as data entry, transaction processing and call centers. But the job shift now is involving a wider range of professional lines of work, including financial analysis, regulatory reporting, accounting and graphic design, according to A.T. Kearney, a management-consulting subsidiary of Electronic Data Systems Corp.

The main reason remains the same: cost cutting. The study estimates an annual cost savings of $30 billion for the financial-services industry. A call-center employee earns about $20,000 in the U.S. and about $2,500 in India. A Wall Street researcher with a college business degree and a few years experience can earn as much as $250,000, compared with $20,000 in India.

The study was based on interviews in February and March with senior executives from 100 of the largest U.S. banks, brokerage firms, insurance companies and mutual funds. Corporate chiefs list India as the most attractive country overall for offshore business processing, followed by China, the Philippines, Canada, the Czech Republic, Mexico, Australia, Brazil, Ireland, Hungary and Russia.

China particularly should see significant growth, despite U.S. companies' experience with the Chinese violating intellectual-property laws. A.T. Kearney Managing Director Andrea Bierce said that problem is being addressed by a major U.S. insurer that is developing a new policy protecting intellectual property.

Among the most aggressive U.S. companies are General Electric Co.'s GE Capital Corp. unit, Citigroup Inc. and American Express Co. GE Capital has nearly 15,000 employees in India alone and plans to add 5,000 by year end, said Stefan Spohr, one of the study's authors. A.T. Kearney itself moved 50 jobs in creative-presentation service to India.

Mr. HOLLINGS. We are going out of business, and the discussion here is between $350 billion and $550 billion in tax cuts, and all they want to know is who can do the most? I can go home next year and run for reelection and say: Look what I have done. I have given you a tax cut—when we do not have any taxes to cut. We are running a $600 billion deficit in the Republican budget, when the Republicans are supposed to be financially responsible.

We never heard of $600 billion deficits. You folks came to town and said, Look, we not only want a $600 billion

deficit, we want it each year, every year, for the next 10 years. It is the budget on page 4. People don't see that.

I can see the Presiding Officer is going to call my time. He has been very courteous. I will be glad to yield him time when he can take the floor and answer these things because I have not been able to find a good answer.

I am trying to sober them up. Let's put the Government on a pay-as-you-go basis. Let's start getting competitive in industry and manufacturing and create real jobs. Let's start rebuilding—not Bosnia, not Afghanistan, not Iraq—but rebuilding the United States of America. That is the need of the hour.

I yield the floor and 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. CRAIG. 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. CRAIG. Mr. President, are we in morning business at this time?

The PRESIDING OFFICER. Yes, that is correct, until 12 noon.

Mr. CRAIG. I thank the Chair.

ENERGY POLICY

Mr. CRAIG. Mr. President, I am here this morning to speak to the bill that is now before us, S. 14, brought to the floor yesterday by Senator PETE DOMENICI, the chairman of the Energy and Natural Resources Committee of our Senate. It is a work product that a good many of us have been involved in for well over 3 years, in looking at the issue prior to the Bush administration coming to town and certainly with the initiative of the Bush administration to recognize the need for a national energy policy and to produce for us an outline of their vision of a national policy and asking the Congress to work its will over the last good number of years to produce that policy.

Of course, that came in the backdrop of brownouts and blackouts in California, of a jigsaw or certainly unprecedented ties or ups and downs in the gas markets of our country and a real recognition that over the last good number of decades the Congress of the United States and our Government had not minded the energy store of our country very well.

We were resting on the laurels of a relatively substantial surplus in electrical energy—the ability to produce hydrocarbons here at home; be less dependent upon foreign oil; and, to watch all of that change with the growth of our economy and some of the other government regulations that denied or limited the ability to produce energy for our country.

We know during the decade of the 1990s we went into a mode of deregulating the electrical industry all in the name of spreading that surplus out around the countryside but all based on the premise that you could lower the cost to the consumer because, in fact, there was a surplus.

Of course, during the decade of the 1990s we saw that surplus rapidly disappear with the phenomenal growth we went through with the country and the fact we were not adding to the energy base of our country. I believe while consumers in the short term experienced some relief—and ratepayers in the end—we saw price spikes, instability, brownouts, and a greater concern about a constant, stable flow of energy—the high-quality kind that is critical to fuel an industry and making sure that it was available upon call and when necessary, something that in the late 1990s and certainly at the turn of the decade was all in question.

That is one of the reasons we are here on the floor debating energy, and will be for the next several weeks in our effort to pass a comprehensive energy policy that will promote the kind of production that will advance conservation, and that will certainly promote the protection of the environment and the production of clean energy. In all of that context, what is most significant is, in fact, the production area. We now know with our capabilities and our technologies that we can produce it cleanly in a nonpolluting way, or certainly in a less impacting way to enhance the availability of supply.

One of the areas I have spent a good deal of time on over the last number of years is the issue of nuclear energy. Certainly during the decades of the 1970s and the 1980s and into the 1990s there was a concerted effort on the part of a variety of interests to argue that somehow nuclear energy was not a safe form of energy; that it was one that we ought to take out of our energy portfolio. What they failed to recognize was that about 20 percent of our generating capacity is based on nuclear energy. It really was a scare tactic to panic an uninformed public, on the safety and the stability of nuclear energy, into a sense of urgency as related to eliminating nuclear energy. During that period of time as knowledge began to grow, another fact began to emerge out of all of these issues. That was that nuclear energy was rapidly becoming a least cost part of our total energy package—that the cost of production was stable, that the reactors had operated very effectively, and that in retrofitting them, modernizing them, relicensing them, we were extending their life and getting greater efficiency.

In the last spike in our electrical costs, the nuclear energy industry—the electrical side of it—became the least cost producer of electrical energy.

At the same time, we have not brought any new reactors on line. The public and/or the interest groups have driven the costs by their concern over the siting of them and the building of them. And the constant demand of retrofitting them and building into them comprehensive and redundant systems has driven the costs and the ability to build one beyond the reach of the consumer and the ratepayer, and, of course, therefore, the utilities.

Understanding that we continue to push forward not only to develop a waste repository system to take the high-level waste out of the interim storage facilities at these reactors, as we have promised the public we would do, and move them to a permanent repository that is now sited and in the process of being licensed in Yucca Mountain in the deserts of Nevada, but we also have opened up another geological repository at Carlsbad, NM, known as a waste isolation pilot plant that handles transuranic waste—what I call ''garbage waste'', such as the tools and smocks of nuclear workers. The WIPP facility takes waste from our defense facilities, but the point is this facility has been operating for a number of years and we have demonstrated that we can deal with this type of waste safely.

This government has worked hard to keep good on its promise while there are many who would deter it and try to deny those promises to the consuming public, arguing that somehow we couldn't handle waste; therefore, we shouldn't have new reactors, and, certainly, therefore, we shouldn't build them if we couldn't manage the waste stream.

While all of that was going on, another issue began to emerge in the context of global concern. It was the issue of climate change. I will be speaking to that in a few moments. But the issue of climate change began to be argued by many as a product of greenhouse gas emissions, and in part certainly produced by the emission of greenhouse gases from the production of energy, and mostly electrical energy. While that grew, it allowed many of us to argue that the ability to produce electricity through a nuclear reactor was nonemitting, or an emission-free system. That has clearly become recognized. I think many of our experts now in the field of energy worldwide, as we see the need for energy constantly growing, will admit that over the course of the decades to come 20 percent of the electrical production, which is nuclear in this country, probably has to grow into 30 or maybe 40 percent of the total package to work to keep our air clean.

In France, I believe now nearly 80 percent of their electrical capacity is nuclear. Many other countries are following that route. They are managing their waste effectively and responsibly. It is also true in Japan. Here is a nation that not very long ago was most antinuclear for obvious reasons. But they came to recognize also that the ability to produce electricity for a growing economy in their country could be produced safely by nuclear energy.

All of that realization and all of that work in part came together with the

coming to town of President George W. Bush, Vice President DICK CHENEY, and the selection of Spencer Abraham as our Secretary of Energy—all recognizing that in the course of this we were going to have to get a new reactor design and new concepts that would allow us to advance the cause of electrical generation through the nuclear industry.

As a result of that growing interest and as a result of all of the changes that occurred in the world over the last several decades, and the clear understanding that the energy we produce for today's market and future markets needs to be clean, there is a much better understanding of the role that can be played by the nuclear industry if certain kinds of things are allowed to happen. I believe those certain kinds of things are new reactor designs—what we call new passive designs, those systems that are designed to shut themselves down automatically if problems occur instead of to be activated manually by human operators. We believe—and the industry certainly believes—that all of that is highly possible today. There are models out there that demonstrate that capability.

There are many in the scientific and engineering community who recognize the validity of being able to do that. It is with that, and the concept of new generations of reactor systems, that we began to look at the potential of this country's building that kind of prototype—a generation IV, passive reactor system that is clean, that burns its fuel more efficiently, that is extremely robust in its capabilities as it relates to safety and shutdown and, of course, in the end, because of its efficiencies and fuel utilization, leaves less waste compared to the old reactors.

Let me depart for a moment and tell you a story that I think most Americans do not know about today. It occurred in my State of Idaho, at a site now called the Idaho National Engineering and Environmental Laboratory. At the beginning of Admiral Hyman Rickover's desire to create a nuclear Navy a good number of years ago, activities began to be undertaken in the deserts of Idaho. Those activities related to the development of the prototype reactors to be put into the Nautilus submarine—a reactor that was small but efficient and powerful and safe for operation and safe to live by, to live right beside.

Of course, we have seen the phenomenal growth of that capability over the last good number of decades. We have become so good at building and engineering the reactors for our nuclear Navy today that a reactor that once had to be fueled every few years now need not be fueled for the design life of the hull of the vessel itself. That is almost a hard concept to imagine: that for a new nuclear Navy vessel today, when launched, and when its reactor is activated, that reactor will operate for the life of the vessel—but that is what is going on today.

That engineering, that capability, that efficiency was developed in the laboratories in Idaho. Of course, it is one of the great stories of energy efficiency, of safety, and of the effective management of the atom itself. It is that kind of technology that should be, and we hope can be, applied to the commercial side of the atom today, that we can, in fact, build smaller, modular, flexible, passive reactors that, when fueled, continue to operate long term for the production of electricity; and, of course, in doing that, to be immune from the price spikes in the marketplace that are based on the supply of fuel itself, because when that reactor is fueled and activated, it then continues to operate, at a flat cost, nearly for the lifetime of that fueling, which could go on for a good number of years. That is a uniqueness that we think we are now capable of producing in new reactor designs and new reactor concepts.

As all of this was developing, and this new interest was growing—and certainly brought to the forefront by the Bush administration, as they came to town and began to openly talk about the development of passive reactor concepts versus an administration that had just left town that worked actively trying to stop, to turn off, or to shut down the nuclear industry—other dynamics began to occur.

This is another unique dynamic that now fits into the whole concept of building a new nuclear reactor today: It is hydrogen, hydrogen fuel cells, and the ability to build clean hydrogen fuel cells that generate electricity to operate our automobiles.

I have driven a hydrogen fuel cell automobile, as many of my colleagues have, and they drive most effectively, except the prototype that I was driving up in Dearborn, MI, costs about $6 million. Well, we know that is out of the reach of the average citizen. However, we also understand that if this technology is applied to the transportation market as a whole, that there could come a day when my children and my grandchildren will view it normal to go to the local car dealer and buy a hydrogen fuel cell electric automobile at a competitive price in the market. That electric automobile will drive very efficiently, long term, at low cost, and have zero emission.

This administration, once again, in pushing the envelope of energy and energy technology, has argued that this ought to be the transportation fuel of the future, and we ought to begin to invest, increasingly so, in this concept.

In S. 14, these concepts come full circle, and we begin to authorize the investment substantially in the development of the hydrogen fuel cell—now, not just for the automobile, but the idea that there could come a day when you could develop small, modular fuel cells for the individual home, and they could run safely and easily and emission free for long periods of time to generate electricity for a home site or a small business or a rural dwelling is very feasible with the development of that technology.

Here rests the problem: Most have said we will gain this hydrogen through natural gas, that natural gas can become the producer of hydrogen. The problem is, you are using one energy source to produce another energy source. The efficiency of doing that makes it, in fact, a very poor use of natural gas.

We have also seen the unwillingness of this Congress or some interest groups to allow the exploration for natural gas and the expanded capability of that production.

I spoke yesterday on the floor about the pumping back into the ground of billions of cubic feet of natural gas in Alaska. Why? Because there is no way of getting it to the lower 48 States without the development of a pipeline, a pipeline that is proposed and embodied in S. 14, for the necessary purpose of supplying natural gas to the lower 48 states.

But the reality of the use of natural gas is that it ought not be used to produce hydrogen, and it ought not be used to fire gas turbines to generate electricity. Efficiency-wise, that is a poor use of natural gas. Natural gas ought to be used for the purposes of space heating. That is where it is the most efficient, and in an industry where it can be used for certain processing purposes. That is where natural gas finds its highest efficiencies.

If we want to develop a hydrogen transportation fuel industry—and natural gas is not necessarily the best source of hydrogen—how do we get it? How do we push that envelope to supply an abundant source of hydrogen to a marketplace that may well grow to fuel the fuel cells that will generate the electricity that will propel the modern car 20 or 30 years or 40 years from now? You can do it through using electricity to split water into oxygen and hydrogen—a process known as electrolysis. You can do it through the use of electricity in a much more efficient way than you can with the use of natural gas.

What do you use in electrolysis? You use water. So not only do you have an abundant resource that can be converted, but it can be converted in a very clean way into a gas that, when utilized, produces no emissions into the atmosphere.

Is this a dream? No, not at all. It is a reality, and we know that. It is a reality within the engineering capabilities of this country and the industries embodied in the energy field. We know that is a capability.

How do I jump from nuclear to hydrogen? I want to bring both of those together this morning because what we believe is that a generation IV passive reactor of the kind we are proposing be built as an experimental prototype by our Government, and one that is proposed and authorized in this S. 14 comprehensive energy policy for our country, also has built in it a system to

produce hydrogen. The idea is that we can, in fact, get two for one, and we can design safe nuclear reactors today, or passive nuclear reactors today, that are capable of having within them a system that splits water to produce hydrogen for the future transportation market of our country. This concept is something that is so exciting to me and ought to be exciting for our country.

To think that we have the capability of moving ourselves that much further forward is an opportunity. I liken this uniqueness, this application of science and engineering and technology, to something almost as important as the space program was decades ago. It is what Government ought to be doing, ought to be using its resources for—to push the envelope of technology forward and to allow the kinds of developments in technology that the private sector can then take and effectively use—because the private sector cannot afford to invest the hundreds of millions of dollars that it ultimately will require to develop this kind of technology. This long term technology development does not have the immediate payback return on it and so if we leave it all to industry it simply will not happen for a long period of time.

Embodied in S. 14 are the provisions that would authorize exactly what I am talking about today, a new reactor design for our country, a design that has within it the capability of the production of hydrogen through electrolysis, and to me that is a tremendously exciting concept. That is why I believe S. 14 is important legislation. A press person stopped me the other day and asked: How is President Bush doing on his domestic agenda? One of this President's No. 1 items, or top two or three, in his domestic agenda is a national energy policy. A lot has taken that issue off the headlines the last number of years—from the issue of 9/11 to terrorism to the war in Iraq. But underlying all of that and always important for the productivity of an economy, for the future of a Nation, is an abundant energy supply.

Through all of that, we have found just how fragile our energy supplies are. We are now nearly 60 percent dependent for our oil supply on foreign countries. We have in our infrastructure of electrical production aging facilities and transmission that is not effectively being replaced to sustain the quality of electricity we have.

As soon as this country begins to get back into the 3, 4, 5 percent growth rates we hope to see in the near future, we will find once again a lack of supply because we are not producing it or, if we are trying to produce it, we are trying to use gas through electrical turbines. The pricing of that is yet to be determined because of our inability to produce a more abundant supply of natural gas.

All of those issues fit together, and the American public, I hope, will be allowed to focus on that with us as we debate these issues embodied within S. 14.

S. 14 is a bill that was written the right way. It was written by the authorizing committee on Energy and Natural Resources, a combination of ideas that have worked their way through the process, that came to that committee to be crafted into legislation in a bipartisan way. Amendments were offered. Some were voted up; some were voted down. Most importantly, the process the American people respect and ask for was allowed to effectively work.

The energy bill we had on the floor a year and a half ago was not written by committee, but by a couple of individuals in the majority leader's office. The bill we have on the floor today was in fact crafted by the responsible committee of the Senate. I hope we can debate it thoroughly, amend it, if necessary, and ultimately get it into a conference with the legislation the House has passed so we can put it on our President's desk for his signature as a national energy policy for the country.

I have talked about a few provisions of the policy I believe are tremendously important. Let me speak to one other I believe is important as we work our way toward the development of a comprehensive policy.

Many of us have been through what is known as the Kyoto debate, a debate on climate change, an argument that the production of greenhouse gases is in fact creating a greenhouse effect that has created global warming. There are some who believe that emphatically. Others say the science simply does not bear that out today, that while our world may be getting warmer, it is not necessarily believed it is the greenhouse gases or the emission of those that is causing it. The obvious reason for that argument is clear. Historically, over the millions and millions of years of our timetable for the world, we have seen this globe get cold, get warm, and go through a variety of changes. There will be some who argue the changes we are experiencing today are in fact a product of that magnitude of geological change. I am one who has argued on the side of science.

Others found this to be a rather nifty political idea and have generated the politics of it, arguing that, my goodness, the world was going to come to an end and the ice cap on the Antarctic was going to melt and shorelines were going to move inland hundreds of feet, if all of this ice melted in the world today, and that could all be stopped if we would simply stop emitting the greenhouse gases produced by the burning of fossil fuels.

If we were to do that, because that is what would be required, if we knew in fact our globe was warming and we knew it was warming because of the emission of greenhouse gases, that is something this country would rush to do. However, it would also rush to convince the rest of the world to do it with them and in a way that would find alternative sources of energy. We would want to do that based on the very best science available, to use the modeling that could be produced by the supercomputers to bring about those kinds of judgments. We really would be talking about turning the light switches of our country off, unless we were willing to shift dramatically to new sources of energy in a relatively short time.

I am one who believes the science is not yet there to argue those kinds of changes. In fact, the Clean Air Act has produced a much cleaner environment, and we have on board current policies today that are continually reducing the amount of greenhouse gas produced per capita individual in our country as compared with other countries. We are contributing in a major way today to the improvement of the world environment. But we are a big country. We are big in the sense of the use of energy. We are the largest country in the world when it comes to the use of energy, and it is because of our wealth and because of the size of our economy. So when you examine the amount of greenhouse gas produced per capita individual, we still remain high, at the top of the list.

There are other countries today who have demonstrated little concern about the emission of greenhouse gas in their building of an economy. China, India, other countries, Third World emerging nations working hard to produce an economy to put their people to work. They have paid little regard to the environment. In fact, in the debate at the Kyoto climate change conference, the interests driving the conference said: We can just exclude developing countries because they can't comply. They are not advanced enough, and we couldn't get them to comply, anyway. Yet they have become major producers of greenhouse gases.

If you believe that in fact emissions of greenhouse gases are creating the kind of climate change some would argue is going on, then certainly the developing countries ought to be included. Why should we shut ourselves down and allow other countries to increasingly become polluters, allow them to be extremely competitive in the economic marketplace, when we have denied ourselves that kind of competitiveness because we have driven our cost of production up dramatically by new energy sources?

That is all part of a fairly general summary of the debate that has gone on here in the Senate and across the country and the world for the last number of years. I have attended a conference of the parties at The Hague related to climate change. That was the attitude of the rest of the world, that the United States economy was the bad actor producing all of the greenhouse gases, and we should just shut the United States' economy down or we should demand that the United States change its ways dramatically.

What they were not saying was: We also will consider making a similar

change in our country, as long as our cost of production remains relatively low.

The reason they will not say this is that they want their competitiveness in the world economy to rapidly increase compared to that of the United States. That became part of all of that debate. I, along with Senator BYRD and Senator HAGEL, some years ago developed a resolution that got 95 votes in the Senate suggesting that this country ought not go it alone when it came to climate change, and it certainly ought not proceed without good science; and we ought to build the systems that produce the science that allow those of us who shape public policy to make decisions based on the best science—I am talking lab science, not political science.

The climate change debate has been a good deal about the politics of the environment rather than the reality of the change itself, or what is producing the change and the science involved. This administration has said: Let's err on the side of science. Let's make sure we have an ambitious effort to get where we need to get, relating to climate change. We are not going to ignore it. We are going to be sensitive to it, but we are going to make sure that what we do is done right.

It just so happens that the nuclear initiative I have just talked about fits nicely into that equation of beginning to produce more and more of our electrical power from a nonemitting fuel source. The hydrogen fuel cell vehicle concept that I am talking about is, again, another clean technology. So while we are pushing the envelope of technology, we clearly ought to be building the scientific base to be able to make the decision as to how much further our economy and our country ought to go towards zero emissions into the environment in the name of climate change.

Those are awfully important issues, and they are some this country cannot deny or sidestep. But until we have the best science available, until we are using our own modeling, based on our own supercomputers, and we are not using the modeling with the Canadian bias, or a German bias, the kind of modeling that is producing the science that we are looking at today because we don't have our own, then shame on us for not developing it, for not using our own science and our own scientists to make sure that the science from which we base our decision is the right science. As I have said, the consequence is to produce an economy in which the American worker is no longer competitive or productive as it relates to other workers around the world. If that becomes the case, we slowly put our economy and our country at a tremendous disadvantage.

The great advantage we have always had as a country is the availability of an abundant energy supply. It is from that energy supply, which in most instances costs less than a comparable form anywhere else in the world, that we have built the greatest economy the world has ever seen, that we have put more people to work, that we have generated more wealth, and we have created a standard of living that all of us are proud of, and that we have provided for ourselves and our citizens truly the American dream.

Was it all based on energy? It all was based on the availability of energy as a major component of that industrial base, that economic base. It was certainly also based on the free market system and the competitive character of that and the innovation that occurred through that. But along the way, Government effectively used itself and the resources of the American taxpayer to push the technology, lift the horizons of experimentation that, in a way, ultimately brought that to the ground for use by the consuming public and to be generated in the private sector.

That is what S. 14, in large part, is about. It is about the grand, new designs of new concepts that deal with large production. It is about the grand, new utilization of wind turbines and photovoltaics, and certainly the type of energy that is extremely clean and can provide a portion of energy to our energy basket. It is about making our current forms of energy even cleaner by advancing the technologies available, to give the tax incentives to effectively use the regulatory device to do so, and also not to deny ourselves the continued production of energy from our public lands and resources, and to do so in clean, environmentally sound ways that we now have the technology to utilize, because we pioneered it.

The world uses our technology today to produce clean energy. We are denying ourselves the use of our own talent. This very comprehensive energy bill will advance our cause as a country in the world, and in the area of energy technology dramatically. That which we produce for ourselves is also available to the rest of the world. It is not nor should it ever be ignored that even in China today, as it works to build new energy technologies, it is using the technology that we developed to produce energy for itself. Now we are wanting to push that envelope of technology even further, in a more aggressive approach that is environmentally benign and clean and productive for our general economy.

So a good deal of work has gone into the legislation. Now we will work our will on the floor of the Senate with different amendments that compete with some of the concepts I have talked about and, in some instances, would like to deny them altogether. We will vote it, I hope, up or down within the next few weeks. I believe it will pass and we will move it to a conference with the House and then ultimately to the President's desk. All of that happens when the President signs this into law and public policy.

I think the Senate and the Congress of the 108th can be proud of the work it has done on this energy bill. We can look forward into the future for generations of Americans and say we have redesigned the foundation, reshaped the context of a national energy strategy for our country. As this policy is implemented, it will allow that continuation of an abundant supply of a variety of forms of energy that in the past, today, and in the future will feed an ever-growing economy that continues to grant the average American citizen access to the American dream. That is what we are about. That is what good public policy ought to be about.

I believe S. 14 embodies a great deal of that.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTOCOL FOR NATO

Mr. CRAIG. Mr. President, we are still in morning business. I note that no other colleagues are yet on the floor. I will speak again in morning business, but only briefly this time, as it relates to the issue before us and the protocol for the North Atlantic Treaty Organization and the ascendency to that organization of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

As we began to expand NATO a good number of years ago, I had voted against some of the early expansions because I did not think we had yet effectively designed our role in a post-cold-war era and a post-Soviet Union era and about the North Atlantic Treaty Organization as it relates to what it would be doing in the future. As we have seen that role adjust and change over the last several years, certainly the activity in the Balkans and the ability of NATO to participate there in bringing stability to that region has played an increasing role.

I have also been concerned that as NATO grew, we effectively changed our posture there and, in fact, even reduced some of our presence there.

I had the opportunity during the Easter break to travel to Romania. Romania, in a few years, will be eligible for and will make application for entry into the North Atlantic Treaty Organization. With the growth and development of the European Union and, of course, NATO itself, it is important, I believe, that we continue to expand its role and reshape its presence on the European Continent.

We will have before us Executive Calendar No. 6, Treaty Document 108–04, bringing these countries in to NATO

which is an important expression on the part of this country of support of these countries. They are struggling mightily as they emerge from behind the Iron Curtain, as new democracies of Central and Eastern Europe shaping their own economies, to put their people to work, to assume their role in the European Community.

Many of these emerging countries, new democracies, were also very supportive of the coalition of Great Britain, Spain, and the United States in our recent effort in Iraq. They recognize the importance of stability. They also were the subject of a form of dictatorship in communism and control and their disappearance behind the Iron Curtain and within the Soviet Union for over 45 years. They appreciate the right of free people to shape their countries and their economies, probably more so than any other country around the globe today because they are newly freed nations.

I think it is important, in dealing with this effectively, as we debate it this afternoon and tomorrow, to understand that it is a role we play in cooperation with the European Community today and we will continue to have a strong role in NATO, but one that I think deserves to be redefined as the new emerging democracies of Europe become members of the North Atlantic Treaty Organization.

I am very excited about the opportunity for them. I was extremely excited to see what they are doing in Romania today and the hard work that is going on there to shape a new country, to build an economy, and to get their people back to work and out from under the old government bureaucracies of communism, and to recognize there really is a marketplace and there really is representative government and that free people can be phenomenally inventive, creative, and geniuses when they are free to the market, free to the profit incentive.

Romania clearly has that opportunity. I was over there on a different mission than to deal with NATO. I was there on a mission for children. I am the chairman of the Congressional Coalition on the Adoption Institute. As Romania was emerging, we know there were a good number of accusations over the past years, following the dictatorship of Ceausescu and when the world got a chance to see inside Romania, about how they were handling their orphans and children who had no families.

I began to work through the Adoption Institute for the ratification of the Hague Treaty which developed an international protocol that all nations we hope will conform to as to how they deal with their children and how they deal with intercountry adoption within a process that makes it transparent, legitimate, and legal so there is no trafficking of children.

Romania has been accused of such activity. As a result of that, the President of Romania and their parliament decided to put a moratorium on intercountry adoption for a time. It caught a number of Americans who were in the process of adopting Romanian children midstream in those adoptions. They are working very hard at this moment, if you will, to clean up their act. They have excellent people working now to reform the whole of child care in Romania. We saw great examples of that.

They are also working to make sure they are in full compliance with the protocol of the Hague Treaty and to build a transparency into the system and to effectively register the agencies that function in the areas of adoption.

In the course of all of that discussion, and in visiting with nearly all of the elected officials of Romania, certainly the president, the prime minister, defense ministers, and others, they recognize all of these issues go hand in glove as they emerge into an environment where they can become a member of the North Atlantic Treaty Organization and ultimately a member of the European Union. Of course, for them and for their country, their economy, and their citizenry, this is an ever-important process, an important march and journey that the country of Romania is on.

That is certainly true in the broad sense of all of the countries I just mentioned that are now looking for acceptance into the North Atlantic Treaty Organization. It is important we speak to that. A good deal more will be said certainly by Senators WARNER, LEVIN, ROBERTS and others, along with Senator DODD, as we deal with this issue and vote on this particular Executive Calendar number.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOUBLE TAXATION

Mr. CRAIG. Mr. President, since we are still in morning business, I will speak a few more moments until another of my colleagues asks for time.

Because it is time sensitive, I thought I would talk for a few moments about the issue of double taxation of dividends that is currently before our Finance Committee and certainly is a major component of our President's stimulus package.

Some weeks ago, before the Special Committee on Aging that I chair, we looked at this issue as it relates to older Americans. I found it fascinating that 71 percent of all taxable cash dividends are received by Americans age 55 and older. Dividend income benefits older workers and seniors who worked very hard throughout their working life, sacrificed, saved, and invested in stocks, and in their senior years were most assuredly concerned that those stocks were dividend producers.

Unfortunately, dividend income is taxed twice—we know that—once at the company level and then again at the individual level. In effect, it certainly punishes older Americans for taking personal responsibility in their lives to save and build a little nest egg as a part of their total retirement.

This pie chart demonstrates that very clearly. Dividend penalties are received by more than half of all of our seniors. This pie chart shows that 52 percent of seniors receive taxable dividends. Nine million seniors are age 65 and older, many on fixed incomes, and rely on a little dividend income. The average dividend income for these seniors is over $4,000 a year, and that is very significant to a retired person living on a fixed income.

That is one of the reasons our President put this idea forth. But it is only one reason. The economists who we had before the Special Committee on Aging talked about a lot of other issues embodied in this concept.

When our President first proposed it, there were a good many who said: Why this? How could this be stimulative to the economy? As those critics began to examine what our President proposed and put it in a computer model to see what kind of stimulative effect it might have, they began to recognize that it might have considerable effects.

Economists are now suggesting it would reduce the cost of business investment by 10 to 25 percent. In other words, the cost of capital that businesses require to build plants and create jobs could be reduced by as much as 25 percent. And, in fact, they would be removed from basically a 71-percent net tax bracket in which dividends or profits of corporations find themselves.

I find it interesting that we are the country of the free enterprise system, we are the country of big business, in which the rest of the world wants to invest, generating and creating the jobs on which so many of our workers depend—and at the same time we tax our profits from these businesses at nearly 71 percent. We tax them in combination twice, once at the corporate level and once at the individual level.

We are now beginning to find increased business investment that would result and have a tremendous stimulative effect on our economy and would boost the technology side of spending in our country. That is one of the very areas that help is so directly needed.

Most technology companies depend on purchases made by the industries most likely to pay dividends. It is the growth generating effect of the two in combination that is so important. These industries include manufacturing, banking, insurance, transportation, communications, and other sectors. All of them currently are flat or growing very slowly.

The strength of these industries depends on boosting their business investment. If these industries are strong and are buying the new technologies of the country, then our technology side also begins to strengthen. Of course, increased use of technology by workers improves worker productivity.

You have to get the marketplace working and you have to get investment back into the market to increase productivity. Productivity is the ultimate source of economic prosperity.

While it will tremendously benefit seniors—and these are statistical facts on which we all agree—what we are really talking about is jobs. What the American people are questioning and asking for right now is job creation, and we are playing politics with an awfully important issue that can have the effect of stimulating the economy, bringing investment into the economy, and creating those jobs that the American people are extremely concerned about today. Technology, the application of investment into these fields, ratchets upwards and does exactly what we want it to do, producing higher levels of productivity and driving wages higher for all of our citizens. It is an economic combination that works well.

It is interesting that the economic critics are quiet because they have done their modeling and they have seen the positive, job creating effect of ending the double taxation of dividends. It is now the political critics who step forward saying we cannot do this kind of thing. Of course, if one is a critic of the issue and their political advantage requires that somebody ought to fail who has put this issue forward, then denying this economy the ability to grow is certainly in the forefront of their concern.

The argument is deficits and spending, that government does not create jobs, it just spends a lot of money. Yes, ending the dividend penalty can have an effect, and I talked earlier this morning about the effect of technology and the application of technology once it is well developed in areas where the public sector cannot go.

That ultimately will create jobs when it is applied in the private sector, but certainly the kind of spending we are talking about as it relates to government is not what generates jobs. What will generate jobs and what most of us have come to realize can generate jobs—is an effective economic stimulus package that does not double tax, that does not penalize profit-seeking, and that does allow a reduction in the cost of capital by as much as 10 to 25 percent.

In my State of Idaho, employment decreased by 6,000 workers last year, and we are not a big State. Earlier this year, Micron, one of my larger employers, announced a plan to lay off 1,000 people. Zilog, a California company employing a number of people, closed its doors. The dividend taxation is, in part, something that can change this equation effectively and, I think, responsibly. I hope the Finance Committee can bring a stimulus package to the floor that has the elimination of double taxation as a centerpiece to the total package that we will be voting on here in the next couple of weeks.

I see my colleague, the chairman of the Judiciary Committee, the senior Senator from Utah, is now on the floor. I will yield the floor so he has adequate time to speak. I thank my colleagues for listening.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague for his excellent remarks. My colleague from Idaho has been a formidable force in the Senate for many years and he has done a terrific job, and these particular remarks I agree with and associate myself with.

Mr. CRAIG. I thank my colleague.

THE LOOMING SUPREME COURT BATTLE

Mr. HATCH. Mr. President, I want to take a few moments this morning to share with my colleagues an article that recently appeared in the Washington Times about what may happen if there is a Supreme Court vacancy this year. I hope this article is wrong because it will be a sad day for America if its predictions come true. But I am going to talk about this article because I think its predictions might come true in this bitter, partisan Senate that exists today.

This article, written by James L. Swanson of the Cato Institute, is entitled, Forthcoming Clash for the Court. Let me take a moment to share with my colleagues the dire forecast this article sets forth. It begins:

At the Supreme Court of the United States, October Term 2002 is drawing to a close. The justices hear their last oral arguments on April 30, and in late June they will take to the bench for the last time to announce their final opinions of the term. Court watchers await decisions in several important cases, including free-speech and affirmative-action issues, which may not come down until the last day of the term. But that is not the only reason why court watchers have circled the last week in June on the calendar. That is when oddsmakers are betting on the retirement of at least one member of the court.

For months, pundits have speculated that Chief Justice William H. Rehnquist, Justice Sandra Day O'Connor or Justice John Paul Stevens will step down this year. Why?

Because justices traditionally retire under the political party that appointed them, and this is the last chance for these three Republican appointees to retire during President Bush's first term with the assurance that he can fill a vacancy before the 2004 election.

Because, in the case of the chief justice, he has, in three decades of service, gone from lone dissenter to leader of the court's return to the first principles of limited government and federalism, and will go down as one of the most important chief justices in history.

I agree with that assessment. I agree the author is right on that. Chief Justice Rehnquist has been a remarkable chief justice and the Court has done some remarkable things under his leadership. But the article goes on to say:

Because, in the case of Justice O'Connor, the press spread rumors that she wanted to retire.

Because, in the case of Justice Stevens, he is 83 years old.

Both are excellent people and excellent leaders. Let me go on:

It is impossible to know whether these or any other members of the Supreme Court are planning to retire this year. Many self-styled experts have embarrassed themselves by attempting to predict a justice's vote in a single case, let alone a retirement from the bench. Nor is this to suggest that any of the nine justices should retire. The performance of the oldest justice (John Paul Stevens), to the youngest (Clarence Thomas), of the longest serving (William H. Rehnquist) to the briefest (Stephen Breyer), reveals that all remain able and engaged. Their written opinions confirm that none has suffered an intellectual decline. One may disagree with their views, but not their competence to serve. If a retirement comes, it will occur because the justice wants to step down, not because he or she has to.

It might not happen until the end of June. But it could also happen tomorrow. Justices Potter Stewart, Warren E. Burger and Thurgood Marshall waited until the end of their final terms and made June announcements. But Byron White and Harry Blackmun announced their retirements early, on March 3, 1993, and April 6, 1994, respectively, to give President Clinton ample time to nominate their successors, Ruth Bader Ginsburg and Stephen Breyer, and to win Senate confirmation by, in both cases, the beginning of August.

Although it is impossible to know if or when a vacancy will occur, one thing is easy to predict: how Democrats will respond to Mr. Bush's first nomination of a Supreme Court justice. Senate Democrats, in combination with a cabal of special interest groups, intend to politicize the Supreme Court and oppose any Bush nominee, regardless of who the nominee is. History, both recent and reaching back to the Reagan and first Bush presidencies, offers little encouragement that the Senate will conduct itself professionally and responsibly.

The pattern emerged over time: the Democrats' defeat of Judge Robert H. Bork's nomination to the court in 1987; their near-killing of Judge Clarence Thomas' nomination in 1991; their rage against the Supreme Court for ''handing'' the presidency to the Republicans in the 2000 election; the notorious Washington Post op-ed by Abner Mikva (former Clinton White House counsel and retired U.S. Court of Appeals judge) calling on the Senate to block any Supreme Court nominations by President Bush; their bottling up superbly qualified appellate court nominees for nearly two years on the Democratic-controlled Senate Judiciary Committee; their obsession with Roe vs. Wade and their imposition of ideological litmus tests; their celebration of the American Bar Association seal of approval as the ''gold standard''—until the ABA began giving many of Mr. Bush's nominees the highest possible rating; their filibustering of the nomination of Miguel Estrada to the U.S. Court of Appeals in Washington to prevent an up or down vote even after a majority of senators announced that they will vote to confirm him; their threatened filibuster against Texas Supreme Court Justice Priscilla Owen for a seat on the 5th U.S. Circuit Court of Appeals.

That history, and more, exposes what Democrats will do to fight a Bush Supreme

Court nomination. The attack will be waged on two fronts, one substantive, the other procedural.

The substantive attack will have six parts.

Retirement day blitzkrieg. If the retiring justice is a Republican, and gives the White House advance, confidential notice of his or her intention to retire, as Chief Justice Warren Burger did in 1986, the president will have an opportunity to announce a retirement and a nomination on the same day. Within one hour of that nomination, a leading Democratic senator, probably Tom Daschle, Edward Kennedy, Patrick Leahy or Charles Schumer, will attack the nominee's character, integrity or competence. (Recall Mr. Kennedy's outburst within 45 minutes of President Reagan's nomination of Judge Bork: ''Robert Bork's America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue policemen could break down citizen's doors in midnight raids, school children could not be taught about evolution, writers and artists could be censured at the whim of government.'') Sundry left wing ''public interest'' (actually, special interest) groups will join the chorus. The purpose of the first day blitzkrieg is to set the president and the nominee reeling on their heels and destroy the momentum of the nomination. The blitzkrieg aims to spin that night's TV coverage and the next morning's newspaper stories.

The paper blizzard. Within hours of the nomination, senators and special interest groups will inundate the press with letters, reports, memos and even small books that purport to expose the unfitness of the nominee. In many cases, those scripts have already been written. For more than two years, Democrats have been doing ''opposition research,'' as though preparing for a political campaign, to uncover damaging information on the 10 to 15 people rumored to be on the president's short list for the court. The purpose of the paper blizzard is to turn public opinion against the nominee long before the Senate Judiciary Committee even convenes a hearing on the nomination.

The indictment. The paper blizzard will include some or all of the following accusations: The nominee is not ''sensitive'' to the rights of women, children, black Americans and other racial minorities, the disabled, workers, unions, farmers, native Americans and others. The nominee is ''out of the mainstream'' of the American legal tradition; is too ''right wing''; is even ''radical.'' (Democrats perfected their use of those smear tactics against Judge Bork, stooping so low as to suggest he might not believe in God. Apparently a godless conservative is even more dangerous than a god-fearing one.) With much hand-wringing, Democrats will cry crocodile tears, sighing ''if only the president had nominated a moderate conservative, we would be delighted to confirm him or her.''

We have seen that lately in just regular nominations. You can imagine what is going to happen with the Supreme Court nomination.

If the nominee does not have an extensive body of scholarly writings, Democrats will tar him as a ''stealth'' candidate, who possesses hidden and alarming views. If, on the other hand, the nominee has written extensively, those writings will be denounced as ''out of the mainstream.''

Remember that phrase. We have seen a lot of it around here in recent times on current nominees, who have had unanimous well qualified ratings from the gold standard of the Democrats, the American Bar Association.

Mr. Swanson goes on to say:

If the nominee believes in a color-blind society and equal treatment under the laws, and questions the constitutionality of race-conscious policies called affirmative action by some, then of course the nominee is a ''racist'' who will want to ''turn back the clock'' on civil rights, overturn Brown vs. Board of Education, repeal the 13th, 14th and 15th Amendments, and reintroduce slavery.

Mr. Swanson is very colorful in some of his remarks, but we have actually seen this type of treatment of Republican nominees.

Mr. Swanson goes on to say:

Beyond attacking the nominee personally, the paper blizzard will suggest that he or she represents a so-called transformative appointment who will upset the alleged delicate balance of the court. Some Democrats will seek cover by claiming that they have nothing against the nominee, he or she is just the wrong person at the wrong time for the best interests of the court and the country.

We have actually seen that in the months since January, and on other occasions, with the same arguments being used against people with unanimous well qualified recommendations from the American Bar Association.

Mr. Swanson goes on to say:

Rancorous hearings. Mr. Bush's first nominee to the court should not expect a cordial reception from Democrats on the Judiciary Committee. They will attempt to grill the nominee for three to six days. They will ask hundreds of questions. Many hostile witnesses will be called. Special interest groups will haunt the hearing room and loiter in the halls, murmuring against the nominee and handing out attack literature.

The partisan committee vote. For the Democrats, the hearings are mainly for show and to posture before the cameras for their constituencies and the left-wing special interest groups. They will have already decided their vote before the hearing begins or the nominee speaks one word. Of course that vote is ''no.'' Because Republicans are a majority on the committee, the nomination will be reported to the Senate favorably by a party-line vote.

The Senate vote. Once the Judiciary Committee reports the nomination to the full Senate, Democrats opposing the nomination will continue to fight it on the floor by insisting on a lengthy debate. Then they will try to persuade their colleagues to vote against the nominee. Ultimately they will lose. The president's nominee will be confirmed because the Republican majority, plus a number of responsible Democrats, will vote to confirm him. If there is a vote, that is.

Along with their substantive attack on the nominee, Democrats will mount a procedural attack. That plan has two elements.

Delay the Judiciary Committee hearing. Upon making a nomination, the president will ask Judiciary Committee Chairman Orrin Hatch to schedule hearings by early July, with the goal of having a Senate floor vote by late July or early August. Democrats on the committee will vigorously oppose that goal and attempt to delay the hearing until September. They will bleat that there must be no ''rush to judgment,'' and claim that they require months to ''study'' the nominee. Their ability to stall Judge Bork's hearings until September contributed to the nomination's defeat. Democrats and the special interest groups had all summer to mobilize their onslaught against Judge Bork. The White House failed to anticipate the viciousness of the assault and was taken off guard. Because the Republicans now control the committee, the Democrats will find it harder to stall the hearings.

The filibuster trump card. When all else fails to cow the president's nominee into withdrawing, when the Democrats have been unable to stall the Judiciary Committee hearing, when they can't stop the committee from reporting the nomination favorably to the full Senate, after they fail to turn mainstream America against the nominee, when they count heads and discover that a majority of senators, including many Democrats, intend to vote to confirm the president's nominee, look for the leaders of the opposition to play their favorite, anti-democratic, Democratic trump card—the filibuster. Democrats challenged the president on Miguel Estrada, and they believe they have found the president wanting. Although Mr. Bush has called Mr. Estrada one of his most important appellate nominees, the White House has, for the past two years, been unable to confirm him. The Democrats' successful filibuster against Miguel Estrada, the first ever against a nominee to a U.S. Court of Appeals, has emboldened them to challenge Mr. Bush when he makes his first nomination to the High Court. The Democrats have paid no price for their Estrada filibuster. Look for them to test the president again.

Yes, that is the worst-case scenario, and it may not unfold. In any event, if there is a vacancy on the court, the nominee must be treated civilly, fairly and allowed an up-or-down vote by the full Senate, as the Constitution contemplates. The president had better be prepared for a fight. His opponents are certainly ready. If the president prevents the politicization of nominations to the lower Federal courts, and to the U.S. Supreme Court, he will win the most important domestic battle of his first term. If he loses that battle, he may not get a second chance.

Those are one observer's predictions about the fight that will ensue if there is a vacancy on the Supreme Court this year. As I said at the outset, I certainly hope that the predictions in this article do not come true, because it will be a sad day for the Senate and for the country if they do. I have to admit that many of the tactics described in this article sound alarmingly familiar—we have seen them practiced with great skill on President Bush's Circuit Court of Appeals nominees.

We have seen most of those types of techniques used in various debates. I am hopeful that this type of bitter partisanship will not continue. I continue to try to be optimistic about the prospects for a Supreme Court vacancy, but it gets harder and harder every day, and about fair treatment for whoever is appointed by this President. I have to say I have a great deal of concern about how the President's nominee or nominees to the Supreme Court will be treated. I hope my colleagues will think about the impact of these tactics as described in this article and the consequences of such a destructive campaign on both the Senate and the Nation.

Mr. Swanson has done us a favor by putting what have been tactics used in the past into an article—yes, an alarmist article, but unfortunately every one of those tactics he has described has been utilized in the past by friends on the other side.

We are right now in the middle of filibusters against two highly qualified, exceptional people, and the arguments used against them are almost unreal. The only argument I keep hearing about Miguel Estrada is he just hasn't answered all the questions. We have had very few circuit court nominees who have even come close to answering the number of questions that have been asked of Mr. Estrada. We hear arguments against Priscilla Owen, about the only thing left that has not been totally obliterated by the facts: that she joined in dissent—in a few of the better than 800 cases—of a young girl who asked for a judicial bypass so her parents would not have to be notified about her upcoming abortion.

Polls indicate that more than 70 percent of the American people support parental notification. It has nothing really to do with Roe v. Wade. It has to do with whether parents have a right to assist or consult with their young daughter who may be going through the most momentous medical procedure in her lifetime. But the finder of fact in these few cases found that these young women—these young girls—should consult with their parents. That is being held against Priscilla Owen as though she is against Roe v. Wade, when she clearly and unequivocally said she will support the decision in Roe v. Wade as a circuit court of appeals judge. You couldn't ask anything more of her, but they are asking more.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NATO EXPANSION TREATY

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will proceed to executive session to consider Executive Calendar No. 6, which the clerk will report.

The legislative clerk read as follows:

Resolution of Ratification to Accompany Treaty Document No. 108–4, Protocols to the North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

The PRESIDING OFFICER. Under the previous order, there are 4 hours of debate on the treaty.

The Senator from Indiana.

Mr. LUGAR. Mr. President, we now commence a very important debate on the NATO treaty.

On behalf of the Committee on Foreign Relations, I am pleased to bring the protocols of accession to the North Atlantic Treaty of 1949 to the floor for the Senate's consideration and ratification. The protocols extending membership to Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia were signed on March 26, 2003, and were transmitted by President Bush to the Senate on April 10, 2003. The accession of these countries to the NATO Alliance is a tremendous accomplishment. It deserves the full support of the Senate and the governments of the other 18 NATO members.

The Foreign Relations Committee has held 10 hearings on NATO since 1999. Five of these hearings were held during the last 2 months, as we prepared for this debate on the Senate floor. The Senate Foreign Relations Committee gave its unanimous approval to the resolution of ratification.

I especially thank Senator JOSEPH BIDEN for his assistance in moving NATO expansion forward and for his insightful participation in the wider debate on NATO policy. The resolution of ratification before us today reflects our mutual efforts to construct a bipartisan resolution that could be broadly supported by the Senate.

During the course of the committee's consideration of the Protocols of Accession for these seven nations to join NATO, we received testimony from Secretary of State Colin Powell, Under Secretary of State Marc Grossman, Under Secretary of Defense Doug Feith, and United States Ambassador to NATO Nick Burns. Each expressed strong support for NATO expansion. In addition to efforts undertaken in the Foreign Relations Committee, Senators LEVIN and WARNER and the Committee on Armed Services conducted two hearings examining the military implications of the treaty and shared an analysis of their findings with us. This letter has been made a part of the RECORD and our committee report.

When NATO was founded in 1949, its purpose was to defend Western democracies against the Soviet Union. But the demise of the Soviet Union diminished the significance of NATO's mission. We began to debate where NATO should go and what NATO should do. In early 1993, I delivered a speech calling for NATO not only to enlarge, but also to prepare to go ''out of area.'' At that time, many people were skeptical about enlarging NATO's size and mission. Those of us who believed in NATO enlargement prevailed in that debate. And I believe that events have proven us right.

As we consider this new enlargement, it is clear that the last round has been highly beneficial. Hungary, Poland, and the Czech Republic are among the most dynamic countries in Europe. They are deeply interested in alliance matters, and they have sought to maximize their contribution to collective security. The prospect of NATO membership gave these countries the incentive to accelerate reforms, to settle disputes, and cooperate with their neighbors. Their success, in turn, has been a strong incentive for democratization and peace among Europe's other aspiring countries.

Many observers will point to the split over Iraq as a sign that NATO is failing or irrelevant. I disagree. Any alliance requires constant maintenance and adjustment, and NATO is no exception. The United States has more at stake and more in common with Europe than with any other part of the world. These common interests and shared values will sustain the alliance if governments realize the incredible resource that NATO represents. As the leader of NATO, we have no intention of shirking our commitment to Europe.

But as we attempt to mend the alliance's political divisions over Iraq, we must go one step further and ask, if NATO had been united on Iraq, could it have provided an effective command structure for the military operation that is underway now? And would allies, beyond those currently engaged in Iraq, have been willing and able to field forces that would have been significant to the outcome of the war? In other words, achieving political unity within the alliance, while important to international opinion, does not guarantee that NATO will be meaningful as a fighting alliance in the war on terror.

In the coming years, NATO will have a decide if it wants to participate in the security challenge of our time. If we do not prevent major terrorist attacks involving weapons of mass destruction, the alliance will have failed in the most fundamental sense of defending our nations and our way of life.

This reality demands that as we depend NATO, we also retool NATO, so that it can be a mechanism of burden sharing and mutual security in the war on terrorism. America is at war, and we feel more vulnerable than at any time since the end of the cold war and perhaps since World War II. We need allies to confront this threat effectively, and those alliances cannot be circumscribed by geographic boundaries.

In our committee hearings on NATO, we have heard encouraging testimony that our allies are taking promised steps to strengthen their capabilities in such areas as heavy airlift and sealift and precision-guided munitions. We also have heard that the seven candidates for membership are developing niche military capabilities that would be useful in meeting NATO's new military demands. But clearly, much work is left to be done to transform NATO into a bulwark against terrorism. An early test will be NATO's contribution to peacekeeping and humanitarian duties in the aftermath of combat in Iraq. A strong commitment by NATO nations to this role would be an important step in healing the alliance divisions and reaffirming its relevance for the long run.

The Resolution of Ratification we are considering today includes nine declarations and three conditions. I will review each of these provisions for the benefit of the Senate:

Declaration 1 reaffirms that membership in NATO remains a vital national security interest of the United States.

Declaration 2 lays out the strategic rationale for NATO enlargement.

Declaration 3 emphasizes that upon completion of the accession process, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia will have all the rights, privileges, obligations, responsibilities, and protections of full NATO members.

Declaration 4 emphasizes the importance of European integration.

Declaration 5 reiterates NATO's ''open door'' policy, and declares that the seven new countries will not be the last invited to join the alliance.

Declaration 6 expresses the Senate's support for the Partnership for Peace.

Declaration 7 expresses support for the NATO-Russia Council established at the Prague Summit, but reinforces the Senate's view that Russia does not have a veto or vote on NATO policy.

Declaration 8 declares that the seven candidate countries have implemented mechanisms for the compensation of victims of the Holocaust and of Communism.

Declaration 9 states that the committee has maintained the constitutional role of the U.S. Senate in the treaty-making process.

Condition 1 requires the President to reaffirm understandings on the costs, benefits, and military implications of NATO enlargement.

Condition 2 requires the President to submit a report to the Congressional Intelligence Committees on the progress of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia in meeting NATO security sector and security vetting standards.

Finally, Condition 3 requires the President to certify to Congress that each of the governments of the seven candidate countries is fully cooperating with the U.S. efforts to obtain the fullest accounting of captured and missing U.S. personnel from previous conflicts and the Cold War.

When President Bush made his first trip to Europe 2 years ago, he strongly voiced the U.S. commitment to Europe generally and to NATO in particular. Now at a moment when relations with some of our European allies are strained, a clear showing of bipartisan support for NATO enlargement takes on added importance. The affirming message of the first round of enlargement led to improved capabilities and strengthened transatlantic ties. I am confident that this second round will do the same. I ask my colleagues to join me in voting for this resolution of ratification.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN. Mr. President, I will proceed with an opening statement relative to the matter before us, and that is expansion of NATO.

Mr. President, today we begin consideration of an amendment to the North Atlantic Treaty of 1949 to admit to NATO seven new members—Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

If we approve this legislation, as I hope we will, it will mark an important step in the strategic transformation of the Alliance to respond to a new security environment.

I would like to discuss the history of this strategic transformation and then to examine the qualifications of each of the seven candidate countries.

The process of transforming the Alliance actually began shortly after the collapse of communism in Europe in 1989.

The first major change in the post-Cold War NATO was an absolutely critical event that is all-but-forgotten today: the accession to NATO, without fanfare, of the former East Germany when it reunited with the Federal Republic of Germany on October 3, 1990.

We talk about the expansion of NATO and we never really mention that. Again, the first significant thing that happened in transforming the alliance in the new security environment was that East Germany, a former Warsaw Pact member, was accepted and subsumed into and became part of Germany again, but also became part of NATO as a consequence of that.

The following year, in June 1991, the Warsaw Pact disbanded, and in December 1991, the Soviet Union dissolved.

At the Madrid Summit in July 1997, NATO invited three countries from the former Warsaw Pact—Poland, the Czech Republic, and Hungary—to enter into final accession negotiations with the Alliance.

I might say a word about the care with which this body scrutinized that round of NATO enlargement.

The Committee on Foreign Relations alone held a dozen detailed hearings and published a 550-page book containing hearing transcripts, policy analyses, a detailed trip report, and other documents. Other committees also held hearings on enlargement.

Then, during March and April of 1998, came seven full days of intense debate on ratification here on the floor. I had the privilege of being floor manager for the ratification, which was approved by a 80–19 vote on the evening of April 30, 1998.

Poland, Hungary, and the Czech Republic formally joined NATO on March 12, 1999. Less than 2 weeks later, the Allied air war was launched against Serbian aggression in Kosovo.

The events of the 1990s, and the increasing instability in the Middle East and Central Asia, led my farsighted colleagues—Senator LUGAR and former Senator Nunn, to the memorable conclusion that the NATO Alliance had to ''go out of area, or out of business.''

Still, most analysts remained skeptical. The terrorist attacks of September 11, 2001, dispatched any remaining doubts about the nature of the threats we now face. The unanimous decision on the following day by the NATO Allies to invoke Article 5 for the first time in NATO's history confirmed the vitality of NATO's collective defense principle.

At the NATO Ministerial Meeting in Reykjavik in May 2002, the Allies agreed that in order to meet security threats, NATO needed forces that could be deployed quickly to wherever they are needed and sustained over time to complete their mission. This agreement effectively settled, at least conceptually, the ''out-of-area'' debate.

Meanwhile, in Brussels and among NATO members a discussion had begun on the merits of a so-called ''Big Bang'' next round of enlargement to give meaning and force to the new missions ahead.

Recognizing that potential members in Central and Eastern Europe would individually require years to reach all of the military standards of NATO, members began to view their entrance as a regional grouping as politically and geographically strategic.

Initially, I personally had some skepticism of this perspective and was concerned about the abilities of these countries to contribute to the alliance. But the determined response of these countries to the war against terrorism, their participation in SFOR and KFOR peacekeeping in the Balkans, their participation in Operation Enduring Freedom in Afghanistan, and the progress they have made on their NATO membership action plans, so-called MAPs, convinced me all seven of these countries would serve us well as formal allies. I declared my support for all seven of these countries in an article I wrote for the Los Angeles Times of September 1, 2002.

The critical turning point in defining new tasks for NATO occurred at Prague in November 2002, at NATO's so-called ''Transformation Summit.''

Prague crystallized the debate over NATO's new missions, new capabilities, and new members, and it afforded members opportunity to set forth a strategic agenda for a revitalized NATO.

Among the accomplishments at Prague, the alliance agreed to the Prague Capabilities Commitment. NATO, because it is a military organization—I think it is beyond that and is a political organization as well—loves all these acronyms. It takes a while; I apologize for my colleagues who do not follow this closely. The PCC, the Prague Capabilities Commitment, replaced the overly ambitious and broad Defense Capabilities Initiative of 1999 with a more concrete framework for force modernization and adaptation, including acquisition of equipment and technology through consortia of members and the development by individual

countries of so-called niche capabilities, which I will describe later. That is a new term that is formally being used.

NATO also adopted an American proposal to develop a NATO response force, NRF, a high-readiness, mobile combat unit that would allow NATO to go out of area to meet threats where they arise.

Finally, the alliance invited the seven countries whose qualifications we are considering today to begin final negotiations with the alliance on joining as full members.

NATO issued the invitation knowing that the militaries in most of the seven countries would not greatly enhance the war-fighting ability of the alliance, at least in the short term. Taken together, however, they will measurably increase NATO's potential.

The seven invited countries will add 220,000 active-duty troops to the alliance immediately, or about 175,000 by the end of the decade, once current reform and restructuring of forces are completed in Bulgaria, Romania, Slovakia, and Slovenia. This represents a 6 percent overall increase in NATO military forces.

This round of enlargement will also yield strategic infrastructure benefits. The membership of the seven countries will increase the number of airfields with long runways available to the alliance by 6 percent and the number available in Europe by 13 percent.

Airfields and ports in these countries also factor in to the Pentagon's initial plans to reshuffle its forces in Europe, including the possibility of building U.S. bases and airfields in Bulgaria and the nearby Black Sea port of Burgas, as well as at a Romania airbase and a Black Sea port of Constanta.

In addition, Romania has unmanned aerial vehicles and a C–130 lift capability, while Slovakia has air-to-ground training ranges.

Moreover, the enlargement will add so-called niche capabilities to NATO's array of professional forces, several of which could be directly applicable to future out-of-area missions. These specialized capabilities include Bulgarian and Slovak antinuclear, biological, and chemical weapons teams; Slovenian demining units; Romanian elite force and mountain troops; Lithuanian special forces and medics; Estonian explosive detection teams; Latvian explosive ordinance destruction specialists, including underwater demolition teams; and a joint Baltic Sea air surveillance network.

While their forces may be small in number, the seven invited countries have shown no hesitancy in deploying their uniformed men and women in the Balkans, Afghanistan, and, in some cases, in the Middle East, as coalition operations have required.

In February of this year, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia joined NATO candidates Albania, Croatia, and the former Yugoslav Republic of Macedonia as the so-called Vilnius Ten in bravely standing with the United States and its coalition partners.

They declared the importance of the transatlantic alliance and called for action by the international community in response to the clear and growing danger posed by Saddam Hussein in Iraq.

Mr. President, a short excerpt from their declaration demonstrates the vigorous spirit these nations I believe will bring to NATO:

> Our countries understand the dangers posed by tyranny and the special responsibility of democracies to defend our shared values. The trans-Atlantic community, of which we are a part, must stand together to face the threats posed by the nexus of terrorism and dictators with weapons of mass destruction.

In word and in deed, these countries have already demonstrated their value as partners and de facto allies, and it is in the interest of the United States, in my view, to see this partnership be made formal by their acceptance into NATO.

The governments of the seven involved countries have also taken tremendous steps and, in some cases, faced considerable political risk to align their institutions and policies in accordance with NATO's standards and values. Let me summarize their individual qualifications for NATO membership.

Bulgaria: Bulgaria has committed to spend around 2.8 percent of GDP on defense in 2003, a higher percentage than that of several of our current allies, and to continue to downsize its armed forces by the thousands. On October 31, 2002, Bulgaria announced that it had destroyed all of its FROG, SCUD and SS–23 missiles, remnants of the old Soviet arsenal.

To shut down any further proliferation of gray arms, Sofia has adopted a supplemental export control legislation, drafted a new border security act, and adopted new regulations on border checkpoints.

Moreover, it took immediate and decisive action against those involved in the illegal shipment that occurred last year from the Terem military complex.

Bulgaria, a rare country that protected its Jewish citizens during World War II, has generally been tolerant of all its religious, ethnic, and political minorities. An exception was the anti-Turkish campaign in the late eighties, the dying spasms of a discredited Communist regime. Today a largely ethnic Turkish party is a member of the governing coalition. Bulgaria is now moving to complete the process of property restitution to its Jewish community with only one property still under legal procedure.

Estonia: Estonia leads the Baltic region in free market reforms, increased defense spending last year of 2 percent of GDP, and is developing a light infantry brigade, the first battalion of which should be equipped and trained by the end of this month. The organization, Transparency International, has rated Estonia the least corrupt country in central and Eastern Europe.

Building on an already good record, last year, they adopted an action plan to improve the administration and judicial capacity in their country.

Estonia has amended minimum language requirements in its laws on citizenship and employment to address needs particularly of its large Russian ethnic community. As a result, in the most recent national elections, the ethnic Russian parties failed to clear the 5 percent hurdle necessary to enter Parliament. In other words, the majority of Estonia's ethnic Russian citizens cast their vote for multinational parties on the basis of substantive issues, not ethnicity. I think that is remarkable.

In August 2002, overcoming a few voices of intolerance, the Estonian Parliament voted to recognize January 27 as a day of remembrance for the Holocaust.

I know the Presiding Officer is a student of that era, as well as my colleague from Indiana, the chairman.

That is also a fairly remarkable undertaking. People in this country think it would be automatic, but that is a pretty big deal.

Latvia has enacted a law to require 2 percent of its GDP to be spent on defense beginning this year. By the end of 2003, Latvia's first professional infantry battalion will be ready to participate in NATO-led operations, with three additional mobile reserve battalions ready in 2004.

Riga's economic reform efforts have been well funded and generally successful, and Latvia is now assisting other post-Communist countries such as Georgia and Ukraine with their own reform efforts.

After a somewhat contentious start in the early 1990s, Latvia has had considerable success in integrating its large Russian-speaking minority by dismantling citizenship and bureaucratic restrictions to full social and political participation within Latvia.

Lithuania has increased its spending on defense to 2 percent of GDP in 2002. By the end of 2004, Lithuania will be able to deploy and sustain a mobile, professional infantry battalion, and by 2006 a rapid reaction brigade.

A small, elite unit of Lithuanian special operations forces is currently serving in Operation Enduring Freedom in Afghanistan. Recently, this unit was involved in ground combat against al-Qaida forces during a strategic reconnaissance mission and together, with allied reinforcements, captured several of the enemy.

Lithuania signed a border treaty with Russia in 1997, which the Russian Duma is expected to ratify later this month, and has reached an agreement to permit Russian military traffic to transit Lithuania on its way to Kaliningrad.

In 2002, Vilnius launched a Program for Control and Prevention of Trafficking in Human Beings and Prostitution. The Government has established

a public center for the Roma in Vilnius, launched a program to integrate Roma into Lithuanian society, and developed information campaigns to promote this tolerance.

Conscripts in Lithuania's armed forces have a unit in their training on the history of World War II and the Holocaust in Lithuania, and the Government is working with international nongovernment organizations to establish legal procedures for Jewish communal property restitution.

Quite frankly, in a sense, as I go through this, if we did nothing other than accomplish these changes in the countries I have mentioned so far, unrelated to the military, in order to get them to move toward NATO—not to get them to make it clear what they had to accommodate to move toward NATO—I would argue it would be a significant success, a singular success, but the story goes on.

Romania, by far the largest of the seven candidate countries, spends $1 billion, or 2.38 percent of its GDP, on defense. Moreover, Romania is committed to being a net contributor to NATO and is upgrading its 21 MiG–29 fighter aircraft, its navy ships, and its missile launching systems.

An elite Romanian infantry battalion, the Red Scorpions, served in Afghanistan—that is how they are referred to, the ''Red Scorpions''—and was replaced by the Carpathian Hawks that are currently there. I love these names. It is sort of part of the history of Romania, which is another question.

I might add that Romania flew these units to Afghanistan on their own C–130s, a feat which many of our current NATO allies are unable to duplicate.

The Romanian economy has grown substantially over the past 3 years, by 4 percent in 2002, and inflation, although it remains high, has been brought under the IMF target rate of 22 percent.

Romania opened a National Anticorruption Prosecutor's Office in September 2002 and has begun a judicial reform effort that includes prosecuting judges for bribery and corruption, an act called ''unprecedented in the region.'' Romania's relations with Hungary have improved following the 2001 agreement on Hungarian ''status law'' for ethnic Hungarians outside Hungary's border. I might add, one of the major changes that took place when Hungary wished to come in was Hungary made similar reforms.

These changes are consequential. As a student of European history, some of this is centuries in coming. The animosities and antagonisms have been real. This is a big deal. The reason I bother to point that out is that it all has a ripple effect, in my view.

Hungary's admission to NATO began Hungary forming their policies that related to ethnicity. That, in turn, I believe, has made it easier for Romania—and necessary, by the way, to become part of NATO—to act in a similar way.

Slovakia has made great progress in democratic reforms and is the first country to reelect a center-right reform government in Central and Eastern Europe since the end of the cold war.

Under Prime Minister Dzurinda, Bratislava committed to raise its defense spending and maintain it at 2 percent of GDP in 2003 and beyond. A sweeping defense reform plan, known as the Slovak Republic Force 2010, will establish by 2010 a small, well-equipped interoperable armed force integrated into NATO military structures.

In February 2003, Slovakia opened a new department to fight corruption, which is overseen by the Deputy Prime Minister and the Minister of Justice. Bratislava is preparing new laws to create an Office of the Special Prosecutor and to prevent corruption in public administration and the judiciary.

I remember, after the Prague Spring was crushed back several decades ago, I went to Bratislava to meet the fellow who was responsible for the Prague Spring.

To think that today this is all happening is, to me, amazing, just within the time that I have been in the Senate.

Alone among the seven candidates, Slovenia comes out of a tradition of nonalignment as a part of the former Yugoslavia. It is the exception. Also alone among the candidates, it won its independence by force of arms in a short, successful war against the Federal Yugoslav forces in June of 1991.

I might add, I pushed very hard in the first round for Slovenia to be added. I thought they were qualified then.

Moreover, Slovenia has won widespread acclaim for aspects of peacekeeping activities. Its International Trust for Demining and War Victims Assistance is currently responsible for two-thirds of all the demining operations in southeastern Europe.

Although the wealthiest in per capita terms of the candidate countries, Slovenia has lagged behind the other six in terms of defense spending as a percentage of GDP. Ljubljana has committed to reach 2 percent GDP by 2008. Slovenia has focused on creating two battalions of rapid reaction forces for combat and peacekeeping operations.

Freedom House gave Slovenia the highest rating of all the candidate countries with respect to rule of law and preventing and combating corruption. Slovenia is the only country among the seven candidates to have held a referendum on NATO membership. On March 23 of this year, 66 percent of those participating voted in favor of membership, a considerable achievement during the first week of the highly televised military operations in Iraq, which I need not tell my colleagues was not particularly politic or popular among most European voters.

No society anywhere is perfect, and despite their outstanding record of accomplishment, significant challenges remain for each of the seven candidate countries. They include: permanently curtailing all gray arms sales in Bulgaria; implementing strict control over classified information in Bulgaria and Latvia; eliminating discrimination against ethnic minorities, especially Roma, in Bulgaria, Romania and Slovakia; abolishing the remaining restrictions on the freedom of the news media in Romania; completing the restitution of religious and communal properties that had been seized by the Communists or by the Fascists during the Holocaust in all of the seven countries; educating the publics of all of these countries about the Holocaust and the poison of anti-Semitism; and fully implementing legislation designed to eradicate corruption in all seven countries.

Membership in NATO, however, in my view, will reinforce the process of democratic and economic reforms ongoing in these countries.

That is why I mentioned Hungary before. I think this is a process. I think they have all met the minimum standards required, both in terms of their militaries, at this point, and in terms of reforms necessary.

I truly believe were we unwilling—and I don't believe we will be—to admit them, we would turn this progress in the wrong direction. As a member of NATO, what we have seen is that these countries will get better and better and better. At least that is my hope and expectation.

Each country has worked with NATO under the Membership Action Plan process and has developed a subsequent Timetable for the Completion of Reforms to identify strategies to conclude and build on the steps necessary to assume the full responsibilities and obligations of NATO membership.

As Ambassador Nick Burns, the United States Permanent Representative to the North Atlantic Council, recently told the Foreign Relations Committee, ''We have pushed these countries hard to be ready,'' and ''they will be among our most committed allies when they walk through NATO's doors as full members.''

The Resolution of Ratification before the Senate today is similar to the resolution approved during the last round of NATO enlargement. Let me briefly summarize it.

The text reflects bipartisan agreement, in accord with the view of the administration, that U.S. membership in NATO remains a vital national security interest of the United States.

The Resolution of Ratification makes clear that any threat to the stability of Europe would jeopardize vital U.S. interests.

It reaffirms that the security and prosperity of the United States is enhanced by NATO's collective defense against aggression that may threaten the territory of NATO members.

It affirms that all seven countries have democratic governments, have demonstrated a willingness to meet all

requirements of membership, and are in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area.

The resolution underscores the importance of European integration, mentioning the Organization for Security and Cooperation in Europe—OSCE—and the European Union in that regard.

The resolution also contains positive declarations on the alliance's ''Open Door'' policy toward potential future members, on the alliance's successful Partnership for Peace program, on the NATO-Russia Council created last year, and on compensation for victims of the Holocaust and of communism.

The resolution contains three substantive and sensible conditions relating to costs and burden-sharing, on intelligence matters, and on full cooperation with efforts to obtain full accounting of captured and missing U.S. personnel from past military conflicts or cold war incidents.

In summary, I believe the Resolution of Ratification accomplishes the objective of providing the strategic rationale for the accession of these seven new members and preserving U.S. interests with respect to future enlargement.

This round of enlargement isn't the end of the road. Rather, it is a historic milestone in a process that began with the end of the cold war.

Thus, it is essential that the door to membership remain open for candidates states Albania, Croatia, and the former Yugoslav Republic of Macedonia, as well as down the road for potential candidates like Bosnia and Herzegovina, Serbia and Montenegro, Ukraine, and perhaps other countries.

By endorsing NATO enlargement, we recognize the soundness and relevance of the vision of a Europe whole, free and at peace.

We acknowledge that a larger, stronger transatlantic relationship anchored in NATO will better serve us in confronting the transnational terrorist threats of the twenty-first century.

We affirm that the United States will continue to play a leadership role in the security of the North Atlantic area, which I think is critical for us to reaffirm.

I urge my Senate colleagues to vote in favor of the Resolution of Ratification and endorse the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia as full members of the NATO Alliance.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. We are pleased to yield time to the distinguished Senator from Kansas, as much as he would require.

Mr. ROBERTS. Mr. President, I rise today to express my support for admitting Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia into the North Atlantic Treaty Organization. As NATO's focus evolves to include transnational threats, it is important to have as many like-minded nations abroad as possible.

At the same time Congress and the President must ensure NATO as a military alliance can act efficiently and with precision in the post 9/11 world.

These days I hear some pundits talk about rebuilding the alliance as if it is in the same shape as post-war Iraq or post-war Afghanistan. NATO is in no such condition. The inability to achieve North Atlantic Council approval for assistance to Turkey was damaging but not catastrophic. NATO is in good shape.

Nonetheless, it would be productive for NATO to consider improvements that would streamline its decision-making process, increase operational planning for contingencies, and more appropriately respond to a member nation who refuses to uphold basic alliance mandates such as Article IV.

Toward that end, I am pleased to join Chairman WARNER and Senator LEVIN in offering an amendment to the Resolution of Ratification that adds a declaration concerning potential reforms to NATO internal processes.

Specifically, the declaration includes a Sense of the Senate that the President should place on the agenda for discussion at the North Atlantic Council the consensus rule as well as a process for suspending a member nation that acts contrary to the provisions of the North Atlantic Treaty.

Further, the Warner-Levin-Roberts amendment requires a report from the President regarding Alliance dialogue on these issues as well as methods to provide more flexibility to NATO's military leadership for operational planning prior to formal alliance approval.

My primary focus is on the process of consensus and planning for new contingencies.

The decision-making process of consensus within the NATO alliance served the organization and is purpose well in the 20th Century. While the bipolar security environment of the previous century shaped our command, and defined our mission, the 21st Century requires that we depart from the clearly defined role of territorial defense.

NATO must recognize the need to change from the traditional terrain-based military of a defensive alliance to an effects-based alliance in order to prepare for a new set of security challenges. Our adversaries do not recognize international law, sovereignty or accepted norms of or behavior.

As we recognize the growing need to conduct operations outside the alliance's boundaries as we do in Afghanistan in order to protect our interests and enhance our security, we also need to acknowledge the inherent limitations of consensus voting by 26 nations.

Issues of security and the need to take military action will likely not be perceived uniformly in an organization that spans a wide geographic area, encompassing different interests. Recognizing this reality and the need to adopt a different modality for decision making within the alliance is imperative.

I would argue NATO needs to consider adopting—I emphasize needs to consider—a decision-making model that doesn't require a consensus vote to act. Nations that choose not to take military action would not be compelled to participate. However, they would not block the alliance and those nations that decide to act from carrying out military operations.

That brings me to contingency planning. Currently, NATO's military leadership is forbidden to even conduct prudent planning for contingency operations until the matter is voted on in the North Atlantic Council.

The difficulty in crafting viable plans to often complex military operations amongst nineteen separate nations is a daunting task. The measure of difficulty to conduct planning will be exacerbated with the addition of seven new members.

Current planning processes may even prevent the full realization of the NATO Response Force, something that could be stood up at the June principal meeting. This capability is central to NATO's appropriate effort to develop an agile and responsive force that will enable the alliance to respond to terrorism and instability.

To transform the military capability into a viable, very responsive force without the means to rapidly employ it, is counterproductive. It is time for NATO to consider developing a methodology by which the military leadership is permitted to conduct prudent planning for contingency operations.

These are my concerns, as we vote—and I will vote—to approve further expansion of the alliance. I commend my colleagues, the chair and ranking member of the Committee on Armed Services, for sharing these concerns and for crafting a worthy amendment.

I am a cosponsor, and I urge support for Warner-Levin-Roberts amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). Who yields time?

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LUGAR. 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. LUGAR. Mr. President, I yield 20 minutes to the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I am so proud to stand on the floor of the Senate today as we consider the candidacy of seven new European democracies—Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia—for membership in the NATO Alliance.

The question of NATO enlargement is one that has long been close to my heart. As Mayor of Cleveland and Governor of the State of Ohio, I worked closely with constituents in my State with ties to countries that were once subject to life behind the Iron Curtain.

It is amazing to me to see how far many of these countries have come in such a short time, rising to embrace democratic reforms after so many years under communist rule. The fact that seven countries that were once part of the former Soviet Union, the Warsaw Pact or Tito's Yugoslavia have been invited to join the NATO alliance is testament to how much has been achieved since the collapse of the Soviet Empire more than a decade ago.

We owe so much to Pope John Paul II, President Reagan, President George H.W. Bush, and now President George W. Bush. As I said to the President in a letter prior to his trip to Poland in June 2001, when he clearly articulated his support for enlargement of the Alliance:

> During my entire life I have supported the Captive Nations and yearned that someday they would have freedom, but I doubted that would happen during my lifetime. However, it did happen because of your dad and President Reagan, who said ''Mr. Gorbachev, tear down this wall.''

I also said:

> You, Mr. President, have the opportunity to guarantee the freedom and security of those once subjected to life under Communist control by making it clear that you will support the expansion of NATO to include former territories of the Soviet Union, Tito's Yugoslavia and the Warsaw Pact regardless of Russia's opposition.

And he did it.

President Bush outlined his vision for enlargement in a landmark speech to the students and faculty at the University of Warsaw on June 15, 2001, when he remarked that as we approach the NATO Summit in Prague:

> We should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.

That speech was very strategic because at the time there were many people who were wondering whether or not the President would move away from the expansion of NATO in consideration of compromising with at that time President Putin in regard to the ABM Treaty—the ABM Treaty at the time looking like it would stand in the way of moving forward with the President's National Missile Defense Initiative.

The President was true to his word, and it was extremely gratifying to see this vision begin to turn to reality when President Bush joined other NATO heads of state in Prague last November. I remain grateful to the President for inviting me to join him as a member of the Congressional delegation to the NATO Summit, along with Senator BILL FRIST, Congressman TOM LANTOS, Congressman ELTON GALLEGLY and Congressman DOUG BEREUTER. The thrill of being in the room when NATO Secretary General Lord Robertson announced the decision to invite the three Baltic nations, as well as Bulgaria, Romania, Slovakia and Slovenia, to join the Alliance, is something that I will always remember.

On that historic day, I listened as heads of state from our allied nations including the Czech Republic, France, Spain, Great Britain, Poland, Canada, Turkey, and many others praised the work done by the seven candidate countries and expressed their strong support for enlargement to include these new European democracies.

While there are disagreements within NATO that must be addressed, there is general consensus among the current members of the Alliance on the question of enlargement. It is acknowledged that in addition to shared values, the seven candidate countries bring defense capabilities that will enhance the overall security and stability of the NATO Alliance. President Bush, Secretary of Defense Donald Rumsfeld, Secretary of State Colin Powell, and the highest-ranking member of the U.S. military, Chairman of the Joint Chiefs of Staff General Richard Myers, have all expressed this view. America's top leaders believe that in addition to niche military capabilities, these seven countries bring energy, freshness and enthusiasm to the Alliance.

As Secretary Powell remarked in testimony before the Senate Foreign Relations Committee last week, enlargement of the NATO Alliance to include Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia is in the national security interest of the United States. It will, he said:

> Help to strengthen NATO's partnerships to promote democracy, the rule of law, free markets and peace throughout Eurasia. Moreover, it will better equip the Alliance to respond collectively to the new dangers we face.

NATO Secretary General Lord Robertson, after working with the NATO aspirant countries on comprehensive domestic reforms in preparation for membership in the Alliance, has also concluded that this round of enlargement will enhance the strength and vitality of NATO a view which he expressed at the Prague Summit and reiterated earlier this week during a meeting with members of the Foreign Relations Committee.

I share this view, and I believe it is appropriate and timely that we now consider these candidates for membership in NATO. They have provided crucial support in the aftermath of the terrorist attacks against our country on 9/11, and continue to make significant contributions to the ongoing campaign against international terrorism. They have shown their solidarity in our efforts to disarm Saddam Hussein and liberate the Iraqi people, and have pledged to work with the international community to promote security and reconstruction in Iraq following the end of military action.

The candidate countries have also moved forward with democratic reforms to promote the rule of law and respect for human rights. I am strongly concerned about the disturbing rise in anti-Semitic violence in Europe and other parts of the world. Several of the candidate countries, including Latvia, Bulgaria, and Romania, have joined with the United States, Poland and other countries to actively encourage the chair-in-office of the Organization for Security and Cooperation in Europe—OSCE—to mount a serious and credible OSCE conference on anti-Semitism. Due in part to their efforts, the OSCE has agreed to conduct such a conference, and it is scheduled to take place in June. This is just one example, but it is indicative of important action that is taking place.

As was highlighted during a series of hearings on NATO enlargement conducted by the Foreign Relations Committee, the seven candidate countries bring nearly 200,000 new troops to the alliance. They have also pledged to commit significant resources to national defense, with Bulgaria, Romania, Estonia, and Lithuania all at or above 2 percent of the gross domestic product mark in 2002. Slovakia and Latvia were just under 2 percent, and Slovenia at 1.6 percent in 2002, and they have pledged and committed to reach the 2-percent mark by 2008.

The average defense spending among candidate countries was 2.1 percent for 2002, which is equal to the average spent by the current NATO members for the same period. It is interesting to note that 11 of the 19 members of the alliance did not reach the 2-percent mark for defense spending in 2002, which we should all be concerned about. Clearly, there is room for improvement in this regard for current members of the alliance.

On March 27, 2003, Under Secretary of State for Political Affairs Marc Grossman testified before the Armed Services Committee regarding the future of NATO. When asked about the benefits of enlargement, he said:

> I believe, Senators, that the accession of these countries are about the future of NATO, and will be good and directly benefit U.S. interests. Why? They're strong Atlanticists. They're allies in the war on terror. They've already contributed to Operation Enduring Freedom and the International Security Assistance Force in Kabul.

The list goes on. I agree with Secretary Grossman's assessment. These countries already make significant contributions that strengthen the transatlantic relationship.

They have acted as de facto Allies. In fact, they have acted as better Allies than some of the members that are currently in NATO. And I believe they will make important contributions, as members, to the NATO alliance.

While much has been achieved, there is still work to be done as the candidate countries continue to work on their membership action plans. As was said in Prague, Prague should be viewed as the starting line, not the finishing line. There is still a lot more that has to be done on those maps.

Efforts have continued since the Prague summit. I was very pleased to learn that the people of Slovenia—who have been engaged in a discussion about NATO membership for many years now—voted overwhelmingly in support of Slovenia's membership in NATO during a national referendum on March 23, with roughly two-thirds of the voters favoring accession to the alliance. This was a crucial step for the country that was the birthplace of my maternal grandparents. Hooray for Slovenia. I am glad they understood.

It is imperative that the candidates continue to address the outstanding issues that require attention, including military reform, respect for human rights, and efforts to combat organized crime and corruption. It is this last piece, perhaps, that concerns me the most. These problems have the potential to undermine democratic reforms, respect for the rule of law, and other core NATO values, and I believe they could be very dangerous if left unchecked.

I was glad to hear from Secretary Powell, during his testimony before the Foreign Relations Committee last week, that there are, in fact—this is wonderful—significant steps that have taken place on behalf of the NATO aspirants to combat corruption and organized crime. With regard to Bulgaria, for example, the Secretary of State remarked that the Bulgarian Government recently created an interagency anticorruption commission to be led by the Minister of Justice. The Bulgarian Parliament also passed anticorruption legislation and antibribery legislation.

Secretary Powell noted that the Romanian Government is now working on legislation to reform its judiciary, civil service, and political party financing activities. I am also hopeful that Romania will move forward with steps to ensure progress on outstanding property restitution issues, including those of significance to Hungarian and other minority groups in Romania.

So while I still think there is work to be done, I am satisfied that things are moving in the right direction.

After meeting with leaders from these seven countries and spending time in each country that has been invited to join NATO—I have been in all of them and have met with all of their leaders—I am confident that reforms will continue. I sincerely believe reforms will be swifter and more complete as these countries are brought into the alliance rather than left out. History tells us this has been the case with other countries that have been part of the alliance. NATO has a way of asserting pressure and, as General Lord Robertson said during our meeting Monday, squeezing those who need to shape up.

As we consider enlargement today, it is clear that the world is a different place than it was when Poland, Hungary, and the Czech Republic were brought into NATO. The world's democracies and multilateral institutions, including the NATO alliance, face new threats to freedom, marked not by Communist aggression but, instead, by the dangerous nexus between weapons of mass destruction, rogue nations, and terrorists who have shown their willingness to use chemical, biological, or nuclear weapons against those who value freedom and democracy, if given the chance.

NATO's decision to invoke article 5 in the aftermath of the tragic events of September 11 signifies that an attack on one is an attack on all, and that sent a strong message of solidarity to the people of the United States and the world at large. I suspect that when the resolution was put together in regard to article 5, we were very careful to make sure we did not get ourselves in entangling alliances. Never did we ever believe we would be calling on the other nations in NATO to come to our assistance as they did.

NATO's mission to transform to meet these growing threats does not make the alliance irrelevant; rather, it means we need the shared commitment to freedom, democracy, and security embodied by the NATO alliance now more than ever before. A NATO alliance enlarged to include seven new democracies that have embraced these values will enhance our ability to meet new challenges for peace in the world.

At the Prague summit, NATO heads of state embarked upon a course to identify the capabilities needed to confront new challenges to international security. They agreed that new challenges would require the alliance to operate beyond Europe's borders. The Prague Declaration noted:

> In order to carry out the full range of its missions, NATO must be able to field forces that can move quickly to wherever they are needed, upon decision by the North Atlantic Council, to sustain operations over distance and time, including in an environment where they might be faced with nuclear, biological and chemical threats, and to achieve their objectives.

As Secretary General Lord Robertson has said, NATO must either go out of area, or go out of business.

This will become crucial as NATO prepares to assume new responsibilities in Afghanistan this August, moving forward on the North Atlantic Council's decision on April 16 to provide enhanced support to the International Security Assistance Force in Kabul. NATO's new ISAF role is perhaps indicative of the types of missions the alliance could take on in years to come. As Secretary Powell indicated last week, this is the largest step to date that the alliance has taken outside its traditional area of responsibility. And, as you know, Mr. President, they are now talking about the possibility of NATO being involved in security forces in Iraq.

As the alliance prepares for its role in Afghanistan, it does so at a time when current members of NATO and other countries in Europe have considerable experience working together, due to operations in Kosovo, Bosnia, and Macedonia. As former Supreme Allied Commander Joe Ralston noted in remarks before the Atlantic Council on Monday evening, this is in stark contrast to the past, when members of the alliance depended on annual training exercises.

I think that is really something we should emphasize, that these nations have been working militarily together since Bosnia. They are in Kosovo today. They will be in Afghanistan. It is amazing how well the NATO command has worked in Kosovo. And I am confident it will work as well in Afghanistan.

But new missions will demand that NATO step up efforts to improve its military capabilities. This was a major theme at the Prague summit last November, where NATO heads of state approved the creation of a NATO response force, which is envisioned to consist of approximately 25,000 troops who are ready and able to deploy anywhere in the world within 30 days. The goal is to have the force operational by 2006. While work has been ongoing to flesh out the details of the NATO response force, this is still a paper concept, and we look forward to learning more about efforts to turn this into a viable force at the June ministerial meeting in Madrid.

The NATO response force goes hand in glove with the Prague Capabilities Commitment, which replaces the Defense Capabilities Initiative, or DCI, that was initiated at the 1999 Washington summit. As many of us know, very little progress was made on that 1999 Defense Capabilities Initiative.

The Prague Capabilities Commitment, though, calls on Allies to improve and develop military capabilities, focusing on defense against weapons of mass destruction, intelligence, command, control and communications, and strategic air and sea lift, among other things.

This initiative focuses on pooling resources and identifying niche capabilities that certain countries can bring to the table in order to strengthen NATO's military reach. I have been pleased to hear from Secretary Powell, Lord Robertson, and General Ralston that the alliance has begun to identify niche contributions that the seven candidates can make to future operations.

They are willing and able. They have, in fact, already demonstrated their willingness to use them in NATO operations in the Balkans as well as military efforts to combat international terrorism.

For example, Bulgaria contributes troops to NATO operations in the Balkans, with military personnel in both Bosnia and Kosovo. Bulgaria has also contributed to Operation Enduring Freedom, allowing for coalition aircraft to refuel at Burgas, and sending a nuclear, biological and chemical decontamination unit to Afghanistan. Bulgaria has also deployed a NBC unit to the Iraqi theater of operations at the request of U.S. Central Command.

Estonia also supports NATO missions in southeast Europe, and has approved the deployment of troops to assist in the reconstruction of Iraq.

Latvia has deployed medical teams to Afghanistan, and in April the Latvian Parliament approved the deployment of troops to Iraq for peace enforcement and humanitarian operations.

Lithuania has deployed a medical team and a Special Operations Unit to Afghanistan. Lithuania has also deployed troops to support Operation Iraqi Freedom.

Romania sent a military police platoon to support the International Security Assistance Force in Afghanistan. Romania has also provided an NBC unit in support of Operation Iraqi Freedom.

Slovakia has deployed an engineering unit to Afghanistan, and was the first NATO candidate country to deploy troops—an NBC unit—in support of Operation Iraqi Freedom.

Slovenia provides troops and equipment to NATO operations in the Balkans, and has also provided crucial assistance in de-mining and mine victims assistance, running the International Trust Fund for De-mining. Additionally, Slovenia has provided humanitarian and de-mining assistance to Afghanistan.

They are all doing a job right now and will do more once they are brought into NATO formally.

While there is still work to be done, these contributions are encouraging. If NATO is to meet future challenges, it is imperative that the capabilities gap between the U.S. and our European allies be addressed. The Prague Capabilities Commitment highlights critical needs within the alliance. This is a good place to start, and I am hopeful that it will succeed in producing tangible results. Without adequate capabilities, NATO's ability to respond to future security challenges will be seriously undermined.

As NATO looks to the future, there will be other challenges. Bringing in seven members will, I believe, strengthen the alliance; at the same time, there will be adjustments as NATO adapts to membership at 26 rather than the current 19. I share the sentiments expressed by Secretary of State Colin Powell and NATO Secretary General Lord Robertson that the alliance will adapt, as it always have.

I disagree with some of my colleagues, who may argue that significant changes should be made to the NATO decision-making process. The alliance has always been based on consensus, protecting the view of each member. As Secretary Powell remarked in testimony before the Foreign Relations Committee last week, NATO is not a committee or a council. It is an Alliance that has traditionally—and successfully—been based on the rule of consensus.

I was interested when Lord Robinson spoke to us on Monday. We were talking about this issue. He said somehow we worked it out. We had the problem with Turkey, and there was a question of how that would all be worked out. The alliance had the flexibility to move forward and take care of that problem.

He specifically said that they need the flexibility, that somehow they will work it out. If we come in with some specific way of how we will do this, it will tie their hands and won't give them the flexibility to do what they have to do when the time comes. I am confident they will do that.

It is my sincere belief that the European democracies of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia will, as they have already demonstrated, contribute to NATO's proud tradition and serve to strengthen the alliance. I strongly support enlargement of the alliance to include these countries, and look forward to further expansion in the future to those countries who have demonstrated the ability to accept the responsibilities that come with membership in the NATO alliance. I never thought I would be here today on the Senate floor able to recommend this to my colleagues. It is a wonderful day.

I rise today in strong support of the Resolution on Ratification before us today, which will extend U.S. support to make NATO membership a reality for these new European democracies.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LUGAR. 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. LUGAR. I ask unanimous consent that the time be charged equally to both sides during the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, since the end of the cold war, the mission of the North Atlantic Treaty Organization has changed from one of confronting the Soviet Union to one of securing democracy and stability in one undivided, free Europe.

By passing the resolution of ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, the Senate supports a giant step toward realizing that goal.

I want to speak just for a moment about the recent disagreements among NATO countries regarding Iraq. After many years of supporting NATO enlargement, and my particular interest in Baltic membership in NATO—which I will speak about—I confess that I am concerned that now that my dream is on the cusp of reality, NATO is divided and torn.

I was one who thought the United States should have taken a longer diplomatic path before resorting to war with Iraq and I am particularly concerned about the impression expressed by many of our allies that there is no room for disagreement with US policy.

I believe that our relations with our NATO allies can and must be repaired. But I also want to remind my colleagues that NATO is an alliance of democratic countries whose populations were overwhelmingly opposed to the US going to war with Iraq.

If our goal is to support an undivided, democratic, and free Europe, we must accept and welcome debate within the NATO alliance and work harder to hear and accommodate the views of our allies. It would be the height of irony if the organization originally formed to confront totalitarian communism would disintegrate because of a lack of tolerance for disagreements with United States policy.

I want to focus my remarks today on this resolution on the Baltic states, not because I oppose the membership of Bulgaria, Romania, Slovakia and Slovenia. On the contrary, I supported the policy of seeking the largest possible enlargement of NATO in this round. I always confess my prejudice when I speak about the Baltic states. My mother was born in Lithuania. So when I speak of the Baltic countries, it is with particular personal feeling.

I could not have predicted a few years ago that we could not have to fight, and fight hard, to get Lithuania, Latvia, and Estonia into NATO.

Even as recently as three years ago, Russian President Vladimir Putin claimed the NATO membership for the Baltic States would be a ''reckless act'' that removed a key buffer zone and posed a major strategic challenge to Moscow that could ''destabilize'' Europe.

Russian objections to Baltic membership in NATO had no credibility. Russia has nothing to fear from NATO and nothing to fear from Baltic membership in NATO. The tiny Baltic States are no military challenge to Russia, and certainly a democratic Russia does not threaten Europe.

I give credit where it is due, and I believe President Bush's strong leadership in supporting NATO enlargement and his firm rejection of Russian objections to Baltic membership were key to securing broad support, both here and in Europe, for this round of NATO enlargement.

A quick review of history is called for to help appreciate just how remarkable it is that Lithuania, Latvia, and Estonia are on the verge of membership.

In June 1940, the Soviet Union occupied the Baltic countries of Estonia,

Latvia, and Lithuania and forcibly incorporated them into the Union of Soviet Socialist Republics.

Throughout the occupation, the United States maintained that the acquisition of Baltic territory by force was not permissible under international law and was unjust. We refused to recognize Soviet sovereignty over these Baltic States.

On July 15, 1940, President Franklin Roosevelt issued an Executive order freezing Baltic assets in the United States to prevent them from falling into Soviet hands. On July 23, 1940, Secretary of State Sumner Welles issued the first public statement of such policy of nonrecognition of the Soviet takeover of the Baltic countries. The United States took steps to allow the diplomatic representatives of those countries to continue to represent them in Washington despite the Soviet occupation.

In 1959, Congress designated the third week in July as ''Captive Nations Week,'' and time after time, year after year, I would gather in Daley Plaza in Chicago with those from Baltic States and other occupied countries to wonder and pray if there would ever be freedom in those countries again.

The good news about Latvia, Lithuania, and Estonia's membership in NATO is it did not come about by accident. The people of the Baltics never let go of their dreams of freedom. They never let our Government forget that they were going to live by those dreams. The official U.S. policy of nonrecognition of Soviet takeover of the Baltics gave them hope.

I went to Lithuania a few years ago with my late brother, Bill. We went to the tiny town where my mother was born, Jurbarkas. When we were there, we found we had relatives, cousins, that we never knew we had, family separated by the Iron Curtain.

I did not believe in my lifetime that I would see the changes come to pass in the Baltic States. When I visited Lithuania the first time in 1979, it was under Soviet domination. Freedom was at a premium, and the poor people of that country slogged by day after day wondering if they would ever have another chance at self-governance.

Lithuania, Latvia, and Estonia asserted their independence from the domination of the Soviet Union, but at a great cost. Soviet paratroopers stormed the Press House in Vilnius, injuring four people. Barricades were set up in front of the Lithuania Parliament, the Seimas. On January 13, 1991, Soviet forces attacked the television station and tower in Vilnius, killing 14 Lithuanians. I was there shortly thereafter. Today, one can see how it is a standing memorial to those who died in the latest fight for freedom in the Baltics.

Images of crowds of unarmed civilians facing down Soviet tanks in the Baltics to protect their parliaments were a powerful message of resistance. It created hope across the world.

The Baltic countries have nurtured their relations with the West, but they have also worked to have a good relationship with Russia. Despite the bitter experience of years of Soviet occupation, each Baltic country has tried to establish a good working relationship so that citizenship and language laws conform to European standards, taking care not to discriminate against ethnic Russians still living in their borders. As a result of these steps, and because of U.S. and NATO's efforts to engage Russia in a positive relationship, Russia's opposition to Baltic membership has disappeared.

The Baltic countries, I wish to add, have also taken an extraordinary and historic step to face up to the bitter legacy of the Holocaust, when hundreds of thousands of Lithuanian, Estonian, and Latvian Jews perished, by setting up a Holocaust museum, teaching about the history of the Holocaust in school, returning the Torah scrolls taken from synagogues and destroyed during that sad period, and working to restore Jewish property rights.

Some people question whether these tiny countries bring anything to NATO. NATO is not a country club; it is a military alliance. When the Soviet troops finally left the Baltic countries, they took almost everything, and these tiny countries started to rebuild their economy and rebuild their power to defend themselves.

The old Soviet ways disappeared, and new thinking, new leaders appeared. Western ways of thinking about military organization, whether civilian control of the military, took their place. To be sure, these are small countries, but they have been helpful countries. They will make a positive contribution to NATO. They already have in Bosnia, Kosovo, Kyrgyzstan, Afghanistan, and Iraq.

When we ratified the membership of Poland, Hungary, and the Czech Republic, some in the Senate doubted their contributions and worried about the cost burdens. I think they realize today that those worries have not materialized into anything serious. Poland, Hungary, and the Czech Republic have been great allies of NATO.

Let me conclude by saying this. Today, Lithuania, Latvia, and Estonia have worked hard to become market economies, to watch their democracies flourish. The fact they want so much to be part of NATO is an affirmation of great hope and great optimism for Europe. I am glad we stood by these countries during the dark hours of Soviet occupation.

I am sorry my mother did not live long enough to see this day, but she did live long enough for two of her three sons to return to the tiny village of Lithuania that she never saw after leaving in 1911. Our return trip to Lithuania was part of closing a loop in our own family history, but it also established a bond, a uniting, a tie between the United States and a small Baltic nation.

By the action of the Senate today in expanding NATO for these new countries, and particularly to expand them to include all of the Baltic countries and my mother's home nation of Lithuania, I believe we are completing the job which was started in 1999: to expand NATO and cement a stable democratic and free Europe.

I yield the floor.

Mr. HAGEL. Mr. President, I rise today to support the resolution ratifying the expansion of the North Atlantic Treaty Organization, NATO, to include Estonia, Latvia, Lithuania, Slovenia, Slovakia, Romania, and Bulgaria.

NATO has been the bedrock of international security since its establishment 54 years ago. Although the military dimension of the alliance was instrumental in containing the Soviet Union, NATO was always about more than military security. America's relationship with our NATO allies has symbolized the common values, as well as the common interests, of democracies united against those international actors who represent tyranny and aggression.

We live at a time of danger, unpredictability, and potential global instability. But we also live in a time of historic opportunity. Alliances are not absolved from the forces of change in world affairs. The ability to adapt to the challenges of this new era in world affairs—challenges from terrorism and weapons of mass destruction—speak to the importance of NATO and other international institutions, including the United Nations, that have played such key roles in promoting and protecting our common interests since World War II.

NATO's decision in November 2002 to expand its current membership of 19 by inviting Estonia, Latvia, Lithuania, Slovenia, Slovakia, Romania, and Bulgaria to begin accession negotiations acknowledges the imperatives of change. I strongly endorse this action. Today, member and candidate countries are expected to do what they can to modernize their forces, including development of niche capabilities and the establishment of a NATO response force. But we know that the contributions of an enlarged NATO will not be defined solely by military capabilities. Expanding NATO also encourages a process of political and economic reform in candidate states.

There is a deep security dimension to an expanded NATO. The threats from terrorism and weapons of mass destruction cannot be handled by the United States or any country alone. Defeating terrorism requires unprecedented international cooperation in the diplomatic, military, law enforcement, intelligence, and economic areas. If our purpose in an expanded NATO is about defeating these threats to our common security, than bringing these seven new members into NATO is critical to our national security.

Although America's military power may be unprecedented in world history,

NATO will continue to play a vital role in American and global security. In Afghanistan, the German proposal for NATO to take charge of the International Security Assistance Force, ISAF, represents a new and significant turn in NATO's mission. NATO may well play a role in maintaining security in postwar Iraq. At some point, when there is an Israeli-Palestinian peace agreement, NATO troops may be called upon to help guarantee that peace.

I believe NATO's next 50 years will be just as important for world peace as its first 50 years.

Mr. HATCH. Mr. President, I rise to urge the ratification of Treaty Document 108–14, allowing for the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia to the North Atlantic Treaty Organization, NATO.

I wish to commend the chairman of the Senate Foreign Relations Committee, Senator LUGAR, as well as the ranking minority member, Senator BIDEN, for the work their committee has done to prepare for this historic vote. Since the first accession to the original membership of NATO, when Greece and Turkey were admitted, the Senate has preserved its role of advice and consent on amending this treaty. Senators LUGAR and BIDEN, who have made the advancement of the Atlantic alliance a central concern in their respected careers as two of the Senate's most thoughtful members on foreign policy, have maintained the Senate's critical function, and have, through hearings and statements through the years, provided many opportunities to study the policies and the evolution of the U.S. national interest within the Atlantic alliance.

This is the second time we have voted to ratify the North Atlantic treaty since the end of the cold war. President Clinton supported the first group of new entrants in 1998, and at that time I joined 79 of my colleagues in support of membership for Poland, the Czech Republic and Hungary. When I took to this floor to urge ratification, I said: ''I hope this is not the last enlargement, although I am confident that future enlargements, if they occur, will occur with the same detailed, painstaking consideration as we have conducted over the past 4 years.'' Senators LUGAR and BIDEN have given this accession treaty that consideration, and their committee has unanimously recommended passage. In so doing, the committee has concluded its work to achieve a major platform in President Bush's foreign policy: the admittance to this alliance of the latest group of nations willing and capable to advance the mission of the North Atlantic Treaty Organization.

We will all note that the debate today will be shorter than it was in 1998. And I predict that the vote for passage will be at least as strong, although it is worthwhile noting that every vote this Senate has had since 1955 on all of the new entrants to NATO has been with strong majorities. The reason the debate will be shorter today reflects the consensus that has formed on the subject we address today:

The enlargement of NATO, Mr. President, is good foreign policy for the United States.

Of course it is also good for the candidate countries. Working through our detailed membership action plans, these nations have transformed their militaries, improving interoperability and—this is equally important—developing complementarities of missions. They have had to accept goals for defense expenditures, exceeding, in some cases, the percentage of GNPs dedicated to defense by some of NATO's older members.

And the desire to join NATO has forced the applicant nations to promote and meet other conditions of open and democratic societies. These nations have had to resolve all border issues, establish political norms for the protection of minorities, open their historical archives and accept the responsibilities of their captive or totalitarian pasts, including the Holocaust era and the communist era, combat corruption and set standards of transparency, and educate their publics on the nature of the commitment to NATO. Throughout these years of preparation, we have seen, in varying strong and distinct measures, a host of nations enthusiastically embracing our values and earnestly accepting the responsibilities explicit in membership of the North Atlantic Treaty Organization.

The core of that responsibility lies in article V of the North Atlantic treaty. That article states: ''The Parties (that is, the member states) agree that an armed attack against one or more of them shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual and collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.''

This is the commitment at the core of the NATO alliance. It is that commitment that served to deter a Soviet attack against Europe and North America for nearly 50 years. That was a deterrence that was backed up by an explicit understanding that, if deterrence failed, NATO's goal would be to predominate in victory. The deterrence worked, the peace was kept, and that is why NATO is rightly considered the most effective military alliance in modern history.

The end of the cold war brought on a reevaluation of the role of NATO, with a few suggesting that NATO was no longer necessary without a Soviet threat. That misguided view—that mistook the end of the Soviet threat for an era of unprecedented peace and security—never took hold. More sober minds recognized that security and stability were not to be assumed as the status quo, and that conflict would take new forms, be it ethnic war from the dissolution of Yugoslavia to transnational threats emanating from other parts of the world and threatening the security of Europe and North America.

As has already been mentioned in the debate, NATO has only invoked article V once in its history, and it was not during the cold war when, as I mentioned, the deterrence of the alliance always held. Article V was invoked after September 11, 2001, when the members of the alliance determined that the attacks by al-Qaida on the United States were to be considered an attack against the entire alliance. In the days after September 11, 2001, NATO aircraft flew patrols over U.S. airspace as the U.S. military prepared to deploy to Afghanistan in the first phase of our global war on terrorism.

Under U.S. leadership, NATO has accepted that it will face new missions in the 21st century, and that many of those activities defending the members of the alliance will be out-of-area missions. A quick review of the contributions of the nations seeking membership in this latest treaty accession demonstrates, in my view, that they understand the new missions and are already contributing.

Bulgaria was a member of the President Bush's ''coalition of the willing,'' and granted use of its airspace as well as an airbase for our Iraq operations, and has offered infantry forces for peacekeeping. While Iraq was not a NATO operation, our ability to rely on Bulgaria, as well as other existing NATO members for equipment and support, made our victory in Iraq more easily attainable.

Estonia has been contributing to NATO operations in the Balkans, providing forces to SFOR and KFOR. It was also a member of the ''coalition of the willing,'' and has also offered soldiers for post-conflict peacekeeping in Iraq. Similarly, Latvia has also contributed to SFOR and KFOR in the Balkans, supported U.S. policy in Iraq, and has sent medics to support our operations in Afghanistan. Lithuania has contributed to U.S. operations in the Balkans and Afghanistan, and was a vocal member of the ''coalition of the willing'' in Iraq.

Romania has made significant contributions to U.S. operations, providing troops and transport aircraft to our mission in Afghanistan, and granting use of their territory during our operations in Iraq. One thousand American troops are currently stationed in Romania.

These are just highlights of ways that these countries have directly contributed to the challenges we face

today, and they do not include the specialties these various countries are developing to confront the challenges of tomorrow.

I raise these highlights because I believe that ratifying this treaty is good foreign policy, Mr. President, in that it strengthens America's position in the world, and enhances our ability to achieve our goals when the defense of our national security requires us to go beyond our borders.

This second wave of nations joining NATO since the end of the cold war brings political stability and expands security to most of Central and Eastern Europe, a geographic zone that brought us calamitous strife and bloodshed in the 20th century. We are referring to a region that Secretary of Defense, Donald Rumsfeld, has felicitously termed the ''New Europe.'' I have nothing against the Old Europe, and note that history shows a common bond with many of the nations of that ''Old'' Europe, a bond reaffirmed by our coalition partner, Great Britain, and currently and I hope temporarily denied by other members, such as France, Germany and Belgium.

Today we vote for New Europe. In recognizing their contributions, we should not deny their enthusiastic embrace of America's role in the world. They were, after all, the captive nations of the Soviet era, and we were, after all, the leading light in the fight against communism. In their enthusiastic embrace of our values and our missions, I think of the line of Cicero, that ''Gratitude is not only the greatest of virtues, but the parent of all others.'' These nations have shown already that they are willing to defend freedom, and their membership in the Atlantic alliance will advance that defense.

I will repeat again what I said in 1998, and say that I hope this is not the last enlargement. Croatia and Ukraine have indicated that they wish to join some day, and I would welcome them. The mission of NATO is to defend, not exclude.

Today I urge my colleagues to join me in ratifying this latest round of accession to NATO, and in so doing, to add force and depth to an organization that has long served the security of this Nation.

Mr. ALLARD. Mr. President, I rise in support of the proposed North American Treaty Alliance expansion before the Senate today.

When the NATO countries met in Prague last November, they agreed to invite seven new countries to join the Alliance as full members. These seven countries: Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia have submitted their applications and proven their willingness and ability to respect the political and military obligations of NATO membership and to contribute to the Alliance's common-funded budgets and programs.

The NATO Alliance has been enormously successful over the last 50 years and will continue to do so for many to come. Too often some only see NATO as a coalition of nations organized for collective defense. It is so much more. NATO enhances the political and economic stability for all countries in the Euro-Atlantic area. By helping these new members as they strengthen good governance, rule of law, and human rights, NATO will also facilitate a better long-term environment for American trade and investment as well as collective defense and security.

In our war against terrorism, NATO serves a vital role. Strengthening the Alliance for this purpose is a positive development. From the conflicts in the Balkans, the war in Afghanistan or the most recent Operation Iraqi Freedom, the seven invitee nations have contributed, or have committed to contribute, critical support in the form of personnel, overflight or basing rights.

As a matter of fact, in this most recent war with Iraq, we received greater support from these seven countries than some of our more historical European allies. The value of loyal allies committed to democracy and making the world free from tyranny, regardless of any business dealings, cannot be understated.

These seven countries are committed to eliminating and addressing past wrongs. Whether it is the atrocities performed during the Second World War and the Holocaust to the proliferation of military weaponry known as Grey Arms, each of these countries has recognized the issues and is committed to correcting the wrongs done.

Expansion of NATO is not a new or unusual event. Throughout its tenure, NATO has continually added new members. Turkey and Greece were the first new members to join in 1952, followed soon after by Germany, in 1955. Spain entered in 1982 and the first former Warsaw Pact countries, Czech Republic, Hungary and Poland joined in 1999.

It is also likely there will be another round of expansion, inviting such countries as Albania, Croatia and Macedonia. President Bush has espoused an ''open door'' policy to NATO membership.

Today the door should not be held open for some and kept shut for others. The defined membership criteria encourages all that satisfy these requirements will be welcomed.

NATO expansion will serve U.S. interests by strengthening both NATO and our bilateral ties with these new allies, who have already done a great deal to support our vision for NATO and collective security.

I do have concerns regarding NATO and its future viability. We need to take a long look at the arbitrary and politically motivated, but indefensible use of the ''consensus rule'' NATO employs, and those nations who try to manipulate the path to peace for less than honorable purposes.

I understand my good friend from Virginia, Senator WARNER, and Senator LEVIN will offer an amendment related to the ''consensus rule.'' I think the amendment is a good idea and deserves the support of this body.

Finally, the path to peace is broad enough to allow all those who wish to traverse it in good company. We should welcome them with open arms.

Mr. BROWNBACK. Mr. President, I have enjoyed watching this debate with my colleagues on the topic of expanding the North Atlantic Alliance. This new round of expansion is one of the most significant events in the alliance's history and will have a profound impact on Trans-Atlantic relations for a long time. The message I bring and I think my colleagues bring is that the North Atlantic Treaty Organization, NATO, is still vital to our security and expansion will make it all the more stronger. Seven countries, Bulgaria, Estonia, Latvia, Lithuania, Slovakia, and Slovenia, have made bids to join NATO.

This debate has evolved in such a way as to recognize the strengths and weaknesses of the alliance in a sober way. The hyperbolic debate over burden-sharing and the contributions of some our allies, whether material or physical, has gone by the way-side with this new round of expansion. The contributions of alliance members is no less important—in fact, it is a central tenet to the success of the alliance. Rather, by inviting these seven new members, we have focussed more attention on how better to integrate, and give opportunity and prominence to those states that wish to contribute more to the collective security of the alliance.

At a hearing the Foreign Relations Committee held on the first of April, one of the witnesses, Bruce Jackson of the Project on Transitional Democracies made several excellent points about these new candidates, one of which I should emphasize for the sake of my colleagues who were not present.

I will revert to the question of contributions and military power. Many critics have focussed on the current capabilities and potential contributions of these seven countries and questioned whether and what they will bring to the alliance. Mr. Jackson pointed to the fact that when West Germany was invited to join NATO, it had neither an army nor a defense budget.

By contrast, the Baltic states have taken it upon themselves to orchestrate regional security agreements and contribute a rational portion of their budgets to national defense. The Balkan countries joining the alliance, Romania and Bulgaria, have militaries that can be immediately utilized for NATO operations. In fact, all of the seven countries, have themselves contributed to NATO missions in Europe, to Operation Enduring Freedom, OEF, in Afghanistan and Operation Iraqi Freedom, OIF.

Romania pulled together 100 of its personnel for SFOR in Bosnia, contributed 200 to KFOR in Kosovo. Romania

committed itself and contributed substantially to our efforts during Operation Enduring freedom, OEF, and the International Security Assistance Force, ISAF. For OEF, they sent a 400-person battalion to serve in Kandahar. For ISAF, they sent a military police platoon to Kabul to support securing the Afghan capital. In support for the security and revitalization of a post-conflict Afghanistan, Romania airlifted arms and munitions to be used by a newly reconstituted Afghan National Army. In Iraq, Romania has sent a WMD unit to assist in force protection and have committed to providing peacekeepers and police to assist in the security of that country.

In 1997, during the debate to enlarge NATO for the Czech Republic, Poland and Hungary, the emphasis was and for President Bush especially, still is a unified and free Europe. Our mission then was to stand beside these democracies and direct them to a bright future of freedom, democracy and prosperity.

The assumption of all the states woven into the North Atlantic Treaty is a common set of values among its members. These values, democracy and free markets, are the values in which this collective security agreement is defending. Ensconced in the treaty signed on April 4, 1949 were the shared values of democracy, individual liberty, the rule of law, the peaceful resolution of territorial disputes, civilian control of the military, and central to the treaty's purpose, commitment to the stability and well-being of the countries party to the treaty.

I have in my hands a copy of the Atlantic Charter, a document that very much predates the North Atlantic Alliance and was penned during the dark days of World War II by British Prime Minister Winston Churchill and US President Franklin Roosevelt. This document espoused the foundations on which NATO was born—liberty, self-determination, perpetuation of prosperity and collective security.

Though not the axiom which keeps the alliance glued together, it is difficult to ignore that, as much as the territory, it is those principles that the alliance is fighting to protect.

Here in this building we should think proud of our institutions and their triumph on the world's stage. Not for the hubris at the moment of victory, but for the better tomorrow which all our new European friends will enjoy after the half-century of abandonment behind the Berlin Wall.

Our commitment should never waiver and our continuing mission should remain clear in our minds. We should have enough charity in our hearts to realize the world around us that does not enjoy the freedom we do, and be willing to push the borders of liberty beyond the comfortable world in which we occupy. Seven countries are now eagerly awaiting the advice and consent of this body.

I ask unanimous consent to print the following document in the RECORD.

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

THE ATLANTIC CHARTER

The President of the United States of America and the Prime Minister, Mr. Churchill, representing His Majesty's Government in the United Kingdom, being met together, deem it right to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world.

First, their countries seek no aggrandizement, territorial or other;

Second, they desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned;

Third, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self government restored to those who have been forcibly deprived of them;

Fourth, they will endeavor, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity;

Fifth, they desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic advancement and social security;

Sixth, after the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want;

Seventh, such a peace should enable all men to traverse the high seas and oceans without hindrance;

Eighth, they believe that all of the nations of the world, for realistic as well as spiritual reasons must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside of their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practicable measures which will lighten for peace-loving peoples the crushing burden of armaments.

Franklin D. Roosevelt
Winston S. Churchill

Source: Samuel Rosenman, ed., Public Papers and Addresses of Franklin D. Roosevelt, vol. 10 (1938–1950), 314.

Mr. ROBERTS. Mr. President, I ask unanimous consent that a copy of a letter dated May 7, 2003, be printed in the RECORD in regard to the NATO enlargement protocol.

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

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, May 7, 2003.

Hon. BILL FRIST,
Hon. TOM DASCHLE,
U.S. Senate,
Washington, DC.

DEAR LEADER FRIST AND MINORITY LEADER DASCHLE: As the full Senate prepares to take up consideration for modifications to the North Atlantic Treaty in order to accommodate new members in the North Atlantic Treaty Organization (NATO) Alliance, we feel that it is fitting to make a number of observations concerning this important step forward in trans-Atlantic relations.

We wish to express our satisfaction with those portions of the draft resolution of ratification now before the Senate which preserve intelligence equities.

Draft Condition (3) has two parts. Subsection (A) would require the President to submit a report, by January 1, 2004, to the Congress intelligence committees on the progress of the indicted accession countries in satisfying the security sector and security vetting requirements for NATO membership. We feel that this report is essential. Fitness for NATO membership is a function not only of adequate general security procedures, but also of the strength of national structures ostensibly in place to ensure effective political control over the activity of security services. We suggest that the indicated report should cover the latter consideration as well as the former.

Subsection (B) of draft Condition (3) would require the President to report, by January 1, 2004, to the Congressional intelligence committees on the protection of intelligence sources and methods by accession countries. The report would identify the latest procedures and requirements established by accession countries to protect intelligence sources and methods. The report would also include an assessment of how these countries' overall procedures and requirements for the protection of intelligence sources and methods compare with the same procedures and requirements of other NATO members.

As the Senate Select Committee on Intelligence observed during the last round of NATO expansion (see, Exec. Rpt. 105–14, 105th Congress, 2d Session, p. 56, 57, March 6, 1998), a number of factors should be taken into account to assess the reliability of accession countries to protect NATO sources and methods, namely: The strength of democratic reforms, with a focus on ministerial and legislative oversight of intelligence services and activities; the degree to which accession countries have succeeded in reforming their civilian and military intelligence services, including the ability of the services to hire and retain qualified Western-oriented officers, and the evolution of political and public support for these services; Russian intelligence objectives directed against these countries, including any disinformation campaigns designed to derail, retard, or taint their integration with the West; counterintelligence and other security activities being pursued by the accession countries and the adequacy of resources devoted to these efforts; and the work underway between the [accession countries] and NATO to ensure that security standards will be met by the time [they] join the Alliance.

The context for cooperation with NATO accession countries has changed drastically since 1998, given Operation Iraqi Freedom, Operation Enduring Freedom, and other events which have underscored the willingness of several accession countries to cooperate with their former adversaries in the West to fight terrorism and other critical threats. It is also apparent that democratic reforms among the NATO accession countries have taken strong root and are irreversible.

It is less clear that there has been similar progress in other areas identified by the Senate Select Committee on Intelligence in 1998 as critical indicators of likely performance, such as counter-intelligence and resistance to Russian attempts to influence policy. In short, security-related concerns about NATO expansion that concerned Senators in 1998 remain valid, although the atmosphere for lasting and positive change is vastly improved. We look forward to the Administration's report on these indicators.

On the whole, we feel that U.S. intelligence equities can be safeguarded with this new round of NATO enlargement. We look forward to continuing our work with the Administration during the accession process.

Sincerely,

PAT ROBERTS,
Chairman.
JOHN D. ROCKEFELLER IV,
Vice Chairman.

Mr. KYL. Mr. President, I rise in strong support of this resolution of ratification for the expansion of the North Atlantic Treaty Organization.

The accession to NATO of these seven new democracies—Estonia, Latvia, Lithuania, Slovakia, Romania, Bulgaria and Slovenia—is an historic event that will have far-reaching and, in my view, very beneficial consequences.

Just a dozen or so years ago, these countries were under the boot of Soviet domination and communist dictatorship. Against their will, they were arrayed against NATO as members of the now defunct Warsaw Pact. Today, they stand ready and willing to join forces with NATO, the organization that played such a major role in bringing freedom to their part of the world.

We are striking a blow for freedom here today. Millions of people in eastern Europe live free today because of the commitment, patience and firmness of America and her allies during the cold war. And through their accession to NATO, those millions will now be able to live in greater security, as well as take part in the noble pursuit of defending the liberty of others.

The expansion of NATO into eastern Europe will serve American interests in several ways. For starters, these seven nations, I believe, will help reinvigorate NATO's sense of purpose; which is, first and foremost, the defense of liberty.

With memories of tyranny so fresh in their minds, the people of these nations no doubt have a deep appreciation for the freedom that is sometimes take for granted in the West. Thus, they are apt to have fewer reservations than some of our other allies about confronting the aggression of those who are hostile to our way of life. This appreciation for freedom—and for those who helped them during the cold war—was unquestionably a factor in the strong support that each of these seven nations gave us in Operation Iraqi Freedom.

Most of the prospective members have very limited military capabilities, and we will certainly expect them to invest properly in their armed forces in the coming years. But many of these countries already possess excellent specialized capabilities, such as the Polish special forces who fought in Iraq or the Slovak WMD defense unit now serving in the Gulf. Over time, I am confident that each of these countries will find it own niche in NATO.

Expansion of the NATO alliance to these countries will also offer us the opportunity to diversify and reorder our basing arrangements—the need for which, I believe, has been demonstrated by 9/11 and the runup to the Iraq War. In the future, it is clear that U.S. forces will need more flexibility—both geographic and political—than ever. It thus behooves us to review our basing structure in Europe with an eye toward relocating some—though certainly not all—of our forces.

NATO expansion serves that end. Many of the prospective members—Romania and Bulgaria in particular—are located closer to where U.S. forces are likely to see action in the future. Their governments are known to be actively interested in hosting U.S. forces. Polls indicate strong pro-American sentiment in these countries.

Mr. President, 65 years ago, Eastern Europe began a horrific descent into darkness with the deal that was struck at Munich. Yalta then solidified what was to be another 45 years of communist tyranny for these nations. Those tragic mistakes are being rectified here today, and we should be proud.

But make no mistake, the expansion of NATO is more than just a rearward-looking act of humanity. It is also a forward-looking act of statemanship that will serve U.S. interests well in the future.

Mr. SMITH. Mr. President, I rise today to express my full support for the Treaty on NATO Expansion. As chairman of the Senate Delegation to the NATO Parliamentary Assembly, I cannot underscore strongly enough the value of including these seven nations in the NATO Alliance. I applaud and support the administration's leadership on bringing NATO enlargement to the Senate.

These seven prospective member nations have made great strides in developing responsible democratic governments, free-market economies, civil society, and transparent and accountable armed forces. As their active support for the Global War on Terrorism and Operation Iraqi Freedom demonstrates, these nations share our values and are willing—and able—to help promote democracy and freedom around the world.

I believe that it is significant that each invitee has provided direct military support for the Global War on Terrorism, having contributed overflight rights, transit and basing privileges, military and police forces, medical units, or transport support to U.S.-led efforts. They have provided noteworthy support to the International Security Assistance Force, ISAF, in Afghanistan and NATO efforts to stabilize the Balkans. And, as has been mentioned many times today, these countries provided resounding support for U.S. policy on Iraq. I believe that these efforts merely herald the beginning of immense, enduring contributions to come from these nations.

As cochair of the Senate Baltic Freedom Caucus, I would be remiss to not express particularly ardent support for the accession of Estonia, Latvia and Lithuania to NATO. Through working with groups like the Baltic American Freedom League, the U.S.-Baltic Foundation and the Joint Baltic American National Committee, I have first-hand knowledge of the large grassroots public support across the U.S. for inclusion of these noble nations in NATO. These organizations deserve recognition for their decades of work to help liberate and secure the future of the Baltics.

Mr. DODD. Mr. President, as you know, I had originally intended to offer an amendment to the pending resolution adding an additional declaration to the nine that were added during the Foreign Relations Committee's consideration of this matter. My amendment would have dealt with a topic already covered by the Warner-Levin amendment, namely the relevancy of the consensus rule by which the North Atlantic Council has historically carried out its decision making. Now that the Senate has adopted the Warner-Levin amendment by voice vote, I do not see any need to proceed with my amendment.

My amendment would not have answered the question of whether in fact the consensus rule is relevant now that the world has profoundly changed and the membership of the organization has greatly expanded. It would however have appropriately called upon the President to review this matter as we move forward to sign off on the accession of seven additional members to this important organization.

We all know that the latest round of NATO expansion—Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovenia, and Slovakia—will bring NATO membership up to 26 countries. And at least three more remain poised for admission in the coming years: Albania, Croatia, and Macedonia.

Let me be clear. I am all for offering NATO membership to any democracy that wants to join and can contribute to our common security. But I am wondering how all this expansion will affect the decision-making capabilities of NATO as an organization.

For more than 50 years, NATO decisionmaking has been based on consensus—every member state must agree on every important course of action. When 16 NATO countries all faced a common Soviet threat, achieving consensus on major issues was not much of a problem.

We may very soon—within a few years—have 29 members of NATO, from all across Central, Eastern and Southeastern Europe. That is almost double the number we had not too many years ago. The idea that the alliance's decisions will soon be dependent on the unanimous consent of so many diverse nations, seems to me, potentially a recipe for stalemate in NATO decisionmaking.

My personal view is that NATO should consider creating some form of ''top-tier administrative council''—similar the U.N. Security Council—to prevent the diminution of NATO's power and effectiveness as a military alliance.

At last year's NATO summit in Prague, President Bush pressed for ''the most significant reforms in NATO since 1949.'' He was mainly referring to the creation of a rapid reaction force to deal swiftly and effectively with new and emerging threats.

Last month, Under Secretary of State Marc Grossman reiterated this idea during his testimony before the Senate Armed Services Committee. He rightly pointed out that NATO needs to be ''equipped with new capabilities and organized into highly ready land, air and sea forces able to carry out missions anywhere in the world.''

Mr. Grossman was referring to the need for the creation of a ''NATO Response Force'' to handle serious global challenges, such as proliferation and terrorism. I agree with him that such a force would be beneficial. But I also believe that is only half of the story. It seems to be stating the obvious that each addition to NATO will logically affect in some way the organization, mission, and effectiveness of this proposed rapid response force.

Just as I agree that NATO needs to tailor itself to future global challenges by standing up a NATO Response Force, I can foresee scenarios in which quick and decisive action will be needed in a very short amount of time—perhaps days.

I think it is reasonable to ask whether it will always be necessary or desirable for all 26, or 29, members of NATO to be involved in every aspect of the deployment of this force?

If the answer to that question is no, then shouldn't we at least ask the U.S. administration to study the question of whether NATO should consider a more streamlined decisionmaking structure for NATO to take into account both NATO's new missions, and the alliance's ever-expanding membership. The Levin-Warner amendment should allow a serious review and discussion of that issue.

As I have stated earlier, I am a strong supporter of the pending Protocol approving the new members to NATO. We all want a strong and vibrant NATO. I believe that the resolution of ratification, with the declarations and conditions that have been appended by the Senate will help to make that possible.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 535

Mr. WARNER. Mr. President, parliamentary inquiry: It is my understanding that it is appropriate at this time to proceed to the Warner-Levin-Roberts-Sessions amendment. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. LEVIN, Mr. ROBERTS, and Mr. SESSIONS, proposes an amendment numbered 535.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To propose an additional declaration)

At the end of section 2, add the following new declaration:

(10) CONSIDERATION OF CERTAIN ISSUES WITH RESPECT TO NATO DECISION-MAKING AND MEMBERSHIP.—

(A) SENSE OF THE SENATE.—It is the sense of the Senate that, not later than the date that is eighteen months after the date of the adoption of this resolution, the President should place on the agenda for discussion at the North Atlantic Council—

(i) the NATO ''consensus rule''; and

(ii) the merits of establishing a process for suspending the membership in NATO of a member country that no longer complies with the NATO principles of democracy, individual liberty, and the rule of law set forth in the preamble to the North Atlantic Treaty.

(B) REPORT.—Not later than 60 days after the discussion at the North Atlantic Council of each of the issues described in clauses (i) and (ii) of subparagraph (A), the President shall submit to the appropriate congressional committees a report that describes—

(i) the steps the United States has taken to place these issues on the agenda for discussion at the North Atlantic Council;

(ii) the views of the United States on these issues as communicated to the North Atlantic Council by the representatives of the United States to the Council;

(iii) the discussions of these issues at the North Atlantic Council, including any decision that has been reached with respect to the issues;

(iv) methods to provide more flexibility to the Supreme Allied Commander Europe to plan potential contingency operations before the formal approval of such planning by the North Atlantic Council; and

(v) methods to streamline the process by which NATO makes decisions with respect to conducting military campaigns.

Mr. WARNER. Mr. President, I, first, wish to thank the distinguished managers, my two colleagues and friends, with whom my friend and partner for 25 years, Senator LEVIN, and I have had the privilege of working these many years, over a quarter of a century in the Senate. We have, I think, reached a common understanding that I will proceed for several minutes, followed by my colleague from Michigan, and in such time the two managers will address their perspective on this particular amendment. I think they are generally in support; however, I shall let the managers speak for themselves.

Mr. President, I rise today to express my support for the ratification of the Protocols to the North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia. The Protocols that we are considering today would allow those seven nations to become full members of the NATO alliance.

My colleagues may recall that, in 1998, I did not vote in favor of the expansion of NATO to include Poland, Hungary and the Czech Republic. My opposition at that time was not directed at those three countries. Rather, I was concerned with the broader question of how the expansion of NATO to include newly democratizing countries of Central and Eastern Europe would affect NATO's future missions and its effectiveness as a military alliance.

NATO's success in integrating the new members admitted in 1999, and NATO's commitment to enhancing its defense capabilities and those of its prospective new members, have helped persuade me to support the enlargement of NATO today. But I remain concerned that NATO's enlargement by seven additional nations—the largest enlargement in Alliance history—could have dramatic implications for NATO's ability to function as an effective military organization.

Today, the threats to NATO member nations come from within and without NATO's periphery. Because of NATO' success, there is no Soviet Union or Warsaw Pact. The threats—such as terrorism and the proliferation of weapons of mass destruction—are transnational in nature, and they emanate from regions outside of Europe. This was recognized in the Strategic Concept NATO adopted 1999, which envisioned NATO ''out of area'' operations to address new threats. To remain a viable military alliance, NATO must have both the military capability and the political will to respond to the new threats. NATO's recent decision to assume the lead of the International Security Assistance Force in Afghanistan, and its willingness to consider supporting a stabilization force in Iraq, are welcome examples of new NATO missions appropriate to today's threats.

The Senate Armed Services Committee has a long tradition of strong support for the NATO alliance, and has played an important role in the Senate's consideration of the North Atlantic Treaty and its subsequent amendments. In March and April 2003, the committee conducted two hearings on the future of NATO and on NATO enlargement. The Administration witnesses at these hearings unanimously supported ratification of the NATO enlargement Protocols.

One of the issues the committee examined in its NATO hearings was whether the prospective new members would enhance the military effectiveness of the alliance, and how their membership would affect the capabilities gap that currently exists between the United States and many other members of NATO.

The witnesses who appeared before our committee testified that NATO was taking concerted efforts to address the ongoing problem of a capabilities and technology gap. They noted the decisions taken by NATO's leaders at the Prague Summit in November, 2002, to launch the Prague Capabilities Commitment and to create a NATO Response Force. Through the Prague Capabilities Commitment, NATO members agreed to spend smarter, pool

their resources and pursue ''niche'' specializations such as lift capability, or precision-guided munitions. The NATO response force is envisioned to be a highly ready, rapid reaction force of approximately 25,000 troops with land, sea and air capability, deployable on short notice and able to carry out missions anywhere in the world. The response force will reinforce the need for individual alliance members to develop and contribute unique capabilities to this new force.

Regarding the military capabilities of the prospective new members, I was impressed that each of them is similarly being encouraged to focus on specific ''niche'' capabilities where they can achieve a high level of expertise and procure high quality equipment to make a substantial contribution to NATO's military capabilities overall. Some of the invitees already possess specialized capabilities that have served the alliance in the Balkan operations and in the global war on terrorism, including: special forces, nuclear, biological, and chemical defense, mountain fighting, and demining.

Equally persuasive was the testimony of our witnesses regarding the contributions of the nations admitted to NATO in 1989. Poland, Hungary, and the Czech Republic have proved to be steadfast allies and active force contributors to NATO operations in the Balkans, and in the war against terrorism.

Mr. President, historically, I was among those who objected to the last enlargement of NATO. At this time, I very carefully considered the proposal by our distinguished President, President Bush, and other world leaders, that the time has come for new members to be brought in. I commend the Secretary of State and the Secretary of Defense for the careful procedures that led up to the nominations of these new countries to come into the membership of NATO.

I am privileged to be on the floor now and to cast my vote in favor of these protocols which will enable the seven countries to become members of NATO in due course.

I have to say, I still have some of the concerns I had last time because NATO is such a magnificent organization. Over half a century it has proven its worth time and time again. The Warsaw Pact does not exist, the threats from the Soviet Union do not exist, largely because of the wisdom incorporated in this treaty, and the combination of the military commitments and the political will of the North Atlantic Treaty Alliance members over the years to have that alliance stand there as a deterrent. It has worked, and it has worked well.

We cannot foresee the future and, therefore, we must be flexible because worldwide threats have gone through such a major transformation, from major nation-state-sponsored threats to worldwide terrorism, so much of it non-state sponsored. For that reason I want to support the admission of these new nations.

Further, while so many of these newly democratic nations do not bring a large army, large navy, or a large air force, in due course their ''niche'' military capabilities will add a very valuable dimension to NATO's ever expanding responsibilities.

NATO is participating actively in Afghanistan, and contemplating participating actively in Iraq in peacekeeping and support roles. I shall not discuss this in detail. Nevertheless, that is a tribute to Lord Robertson and others who have recognized that the threat to NATO nations comes from beyond their periphery now, but could be brought within their periphery at any time by the threat of worldwide terrorism. Those are the reasons I support NATO's participation in ''out of area'' operations in Afghanistan and post-conflict Iraq.

I remember the words of Ben Franklin as he emerged from the Constitutional Convention and a reporter stopped and asked him: Mr. FRANKlin: What have you wrought? And his reply was very simple: A republic, if you can keep it.

There is a challenge to these NATO nations, soon to be 26 in number. You have the heritage of this great treaty of over half a century, and the challenge is, can we keep it?

I think we can. I think we will. Within the current thinking on NATO, Senator LEVIN, I, and others have identified two issues that dominated our committee's hearings on NATO: the so-called ''consensus rule'' by which NATO operates and the question of whether NATO should have a process for suspending the membership of a nation that is no longer committed to upholding NATO's basic democratic principles.

With respect to the consensus rule, the recent divisive debate over planning for the defense of Turkey in the event of war with Iraq demonstrated that achieving consensus in NATO has become more difficult. How difficult will it be with 26 nations? A different manifestation of this problem occurred with respect to NATO operations in Kosovo when ''command by committee'' hampered NATO's leaders' ability to wage the most effective, rapidly responsive military campaign. Such difficulties in reaching consensus are occurring in part because respective NATO members have different views, as they should, about today's threats and how best to respond to them. Achieving consensus is likely to become even more complex as NATO enlarges its membership. That is why I believe—and my colleagues join me on this—the consensus rule, and NATO's operating procedures more generally, should be periodically reexamined to ensure that NATO has procedures that allow it to plan, reach decisions, and act in a timely fashion.

Regarding the issue of a suspension mechanism, some of our committee members have expressed concern about the lack of a mechanism for suspending a NATO member if that nation no longer complies with the fundamental tenets of NATO—democracy, individual liberty, and the rule of law.

While it may well be true that NATO has ways other than suspension to deal with such a situation, it is prudent for NATO to consider the matter now, as a conceptual problem, and have some options in mind, rather than be confronted with a problem in the future, and be somewhat unprepared should it arise.

Given the tremendous interest of the Armed Services Committee in these two subjects, I, along with Senators LEVIN, ROBERTS, and SESSIONS, am offering an amendment to the resolution of ratification for these protocols that would urge the President—I repeat, urge the President—of the United States to raise these subjects for discussion in the North Atlantic Council at NATO, and request that a report on these subjects be provided to the relevant committees of the Congress.

I have consulted closely with administration officials, and negotiated the language in this amendment with administration officials way into last night, in order to receive their support, and they have no objections today. I hope we can achieve that because we have—Senator LEVIN and I, speaking for our group—have made some concessions in order to have this matter treated in such a way that the whole Senate can be supportive.

I conclude by saying, based on the hearings conducted by the Armed Services Committee and subsequent analysis, I am persuaded that the NATO enlargement protocols we are considering today will advance the national security interests of the United States and deserve the Senate's support.

Lastly, on the assumption that NATO, I think very wisely, will take a role in Afghanistan, on the assumption again that NATO, again very wisely, will take a role in Iraq, which is a positive thing, I say this with respect to the coalition of forces: We will achieve the end result that is now unfolding in Afghanistan and Iraq. It is yet to be completed, but basically the desired result will have been achieved in Afghanistan and Iraq at some cost—with the bloodshed of Americans and other coalition partners, with enormous tax dollars. These are very significant contributions by the coalition of forces and this great United States of America.

I think it is a minimal suggestion that NATO consider changing its procedures for deciding to undertake such operations in the future to avoid the problems we have recently witnessed.

I urge my colleagues to support the amendment to the resolution of ratification I am proposing today, and to join me in giving our advice and consent to ratification of the protocols to the North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia,

Lithuania, Romania, Slovakia, and Slovenia.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me thank my good friend from Virginia for his great work on this resolution. We have worked together not just in the Senate for all of these years but on this particular issue we have worked together for a long time. I also thank the managers of this bill, not just for working with us on this matter but also for their work generally on a host of issues which they struggle with to try to make our Nation a lot more secure. They work together magnificently. They are both essential for this country's security and strength and wisdom, which we surely need in these complicated days.

Mr. WARNER. Mr. President, if the Senator will yield, I thank him for the reference to our long-term working relationship. The Senator has really taken the lead for over 5 or 6 years. We have worked on this issue for a very long time. It is not something that has just suddenly come to mind.

Mr. LEVIN. I thank my friend from Virginia.

First, I very much support the expansion of NATO to include these seven additional countries, just as I supported the expansion for the three that we approved a few years ago. I believe this expansion, like the last one, could lead to a safer, more united, more cohesive Europe and reduce the possibility that Europe would ever again be divided by war. I very much support the expansion.

I have been troubled by one issue for many years—actually a number of issues relative to NATO—that as we expand NATO, there is a greater likelihood, just statistically, that someday, some country is going to no longer live up to NATO's requirements that it be a democratic country with a free market. We hope that will never happen. We do not expect it to happen. But what happens, after these nations are added hopefully, if one day, one of the now 26 nations departs from the alliance's fundamental principles?

As it now stands, there is no mechanism in the charter to suspend a country that no longer complies with NATO's fundamental principles. It is an unusual alliance in that regard that does not have a suspension mechanism, but it does not. We could actually, theoretically, see a country become a dictatorship and stop 25 democracies from acting in their own self-defense or in defense of a secure world. That is an unusual provision. It is one that was consciously adopted, but it is one that as we add more countries to NATO we have to think about, it seems to me.

Our amendment is aimed at raising this issue. We do not direct that there be a solution to the problem. We simply believe that NATO countries, as NATO expands, should address the issue of a country in the future possibly departing from the fundamental principles that guide NATO.

What happens, for instance, if one country becomes a dictatorship? That dictatorship could veto a decision that all the other NATO member nations wanted to take, perhaps to come to the aid of a people who were being ethnically cleansed on a scale perhaps approaching what happened in the genocide that occurred in Kosovo, or worse. That issue, as well as the consensus issue Chairman WARNER has raised, should be raised at NATO. They should discuss it. They should decide whether or not they want to proceed on the current course.

Again, I emphasize that our amendment, while expressing the sense of the Senate that the administration raised this issue at the North Atlantic Council, does not in any way indicate what the outcome of that discussion would be, nor, indeed, does it in any way suggest what the position of the United States should be during those deliberations. We simply want the issue of suspension and consensus and the other issues referred to in our resolution discussed at the highest level at NATO—just discussed.

There is a question raised: Is this aimed at any particular country? It is not. It is explicitly not aimed at any one of the 26 countries. We made it clear we amended our language to make it clear this would take effect 18 months after the resolution is adopted. We expect by then all the new countries will have been in long enough so there will be no sensitivity about that issue.

We also make it clear this is not a condition in any way on the ratification of the NATO documents. It is drafted as a declaration of the intent of the Senate rather than as a condition of any type. That is, in essence, what we do.

A final discussion item that is listed in the resolution would be methods to streamline the process by which NATO makes decisions with respect to conducting military campaigns. We believe this is essential because this refers to the actual conduct of military operations—not to the approval to conduct it but it seeks to address the problems that were experienced in the conduct of NATO operations in Kosovo where it was reported that General Wesley Clark, the then NATO commander, was restricted in his actions by a number of NATO countries that wanted to review each day's bombing targets. The planning should be allowed to proceed in advance in the event that the North Atlantic Council approves the operation. This simply would expedite and streamline the planning of military operations.

Our amendment is not intended to interfere with the passage of our resolution of ratification. It would not cause any delay in the ascension of the seven new members into the NATO alliance. Again, it merely seeks to cause the alliance to consider some issues that could pose problems in the future, if not addressed in a calm, careful, and measured way before a crisis occurs.

Discussion and report is what we are asking the administration to participate in and to initiate—again, not declaring what the position of this administration or any future administration will be and not in any way suggesting the outcome of those deliberations and discussions. It is a matter of prudence that this issue, which would have such huge ramifications down the road as to whether or not NATO can act, should be discussed in advance, whatever the outcome of that discussion.

I thank Senators LUGAR and BIDEN for working with us in a way so we now believe this matter can be resolved and adopted.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Delaware.

Mr. BIDEN. I will respond briefly. Anyone who is a C–SPAN watcher will be a bit confused. We have Senator WARNER talking about his 25-year relationship with Senator LEVIN and I am about to talk about my 28-year relationship with my friend, Senator LUGAR. This is proof there is bipartisanship in this operation. We have a Democrat and a Republican opposing a Democrat and Republican on the principle here but not on whether or not this should be included and considered.

This is basically a procedural judgment we are making. I have a few points notwithstanding the very well intended effort on the part of Senator LEVIN who has, for a number of years, been concerned about this issue and is concerned that, as he said, who knows, maybe some day we will end up with one of these member states no longer being a democracy. It is possible.

What do we do? Let me suggest what Secretary Powell said before our committee when there was consideration, not by Senator LEVIN or Senator WARNER, but there was discussion about having a condition attached to this treaty—which is not the case now. He said:

> NATO is not a committee; it's not a council; it is not a group. It is an alliance. When you call something an alliance, I think it means that everybody has to be together for the alliance to take action.

I am skipping ahead to make this short. Secretary-General Lord Robertson told the members of the Foreign Relations Committee:

> Even when times have been difficult, NATO has never failed to get consensus or to find a way to work around the problem. No country has ever used its national veto.

As Secretary General Lord Robertson also said, ''NATO is an infinitely adaptable organization'' and has proven itself equal to all organizational challenges.

Let me be more precise. When France pulled out of NATO's integrated command in 1967, the alliance decided it had a problem. Ordinarily, that would be enough to cripple NATO because it

would effectively veto everything. What did we do? Then NATO came up with a Defense Planning Committee, the so-called DPC, which for years has done the bulk of NATO's work. When France refused to go along on the Turkey article 4 request last winter, saying the decision in the NAC would be counterproductive to diplomatic discussions of the United Nations, what did we do? We went over to the DPC effortlessly. We did not have a great crisis in NATO.

If that had not worked, Lord Robertson could have ordered the SACEUR to make the Patriots and AWACs available to Turkey, or he could have done what former Secretary General Luns once did. He could have simply declared his own decision was final unless there was unanimous opposition.

I will not take more time, although there is much more to say. The reason I bring these things up, we have, in fact, dealt with very difficult crises in NATO, including member states not meeting the criteria of a democratic free market, respecting human rights, et cetera. We have had different countries who have been the odd man out on different occasions. Every time, instead of having to go through the process of a period of expulsion, we were able to weather the storm by dealing with it through other mechanisms.

Here is the larger point I wish to make. I do not want to take too much time, but it is a very important point to make, in my view.

Especially troubling is the opinion of Lord Robertson that alternatives to the consensus principle would create more problems than they are intended to solve.

Majority rule or a UN Security Council-type system would send members scurrying for votes in support of their positions, merely delaying action and reinforcing divisions among allies.

The consensus rule is a fundamental part of NATO, an essential second element in the article 5 defense clause of NATO, requiring that any NATO action taken as a result of an attack on a NATO member be decided by consensus.

My colleagues should note that this Article was crafted back in 1949, on American insistence, to prevent the U.S. from being pulled into wars by European countries.

As Lord Robertson asked us, ''does the U.S. now really want to open the door to the possibility of being dragged into a war it does not want to participate in?''

I might quote from a thoughtful letter to Senator LUGAR and myself written by Bruce Jackson, president of the U.S. Committee on NATO:

> At present, the United States is the only country that can consistently produce unanimous outcomes at the level of the North Atlantic Council or, failing in that, at the Defense Planning Committee. The process of achieving unanimity is uniquely and, perhaps intentionally, to the advantage of the United States.
>
> The countries whose ratification is before the Senate are aghast that the Senate might consider weakening U.S. leadership in NATO, which is the aspect of NATO they most admire, just as their democracies reach the threshold of membership. We share their concern.

Five years ago when this was brought up in the last expansion, I said, ''Why would we indulge in unilateral disarmament and give up our veto over a NATO decision?''

People wondered later, and asked me: What are you talking about? How is this giving up any veto?

With regard to the mechanism to suspend a member that strays from NATO's principles, that too is unnecessary. Here are two examples: During the authoritarian rule of the Greek colonels from 1967 to 1973, Greece was frozen out of the key NATO decisions. When it appeared Portugal might go Communist in the summer of 1975, it, too, was frozen out.

There would also be the temptation to play domestic politics with a suspension mechanism.

We would not want NATO to be torn apart the way the European Union was three years ago when other countries isolated Austria because Mr. Haider's distasteful party had joined the governing coalition after a free election.

For example one might envision a future scenario in which Turkey were threatened with military attack and some members would argue that Ankara's imperfect human rights record obviated the obligation of the NATO allies to honor their Article 5 commitments.

This isn't far-fetched. In January 1991, Mr. Lambsdorff, then the leader of the Free Democrats in Germany's Bundestag, voiced similar sentiments.

The reality is that once a suspension clause was introduced into the North Atlantic Treaty no country could fully rely upon Article 5.

Lord Robertson's summary judgment on creating a suspension mechanism speaks volumes:

> The worst possible thing would be to legislate in advance for all possible occasions and then be locked in.

Our debate will be watched closely in the seven invited countries and throughout the rest of Europe. Attaching this declaration to the Senate's ratification would send an unsettling message through the Alliance.

Lord Robertson gave us his bottom-line on Monday:

> Putting these issues on the agenda of the NAC would be ''deeply unhelpful'' to him and would ''open a can of worms.''

The bottom line here, Madam President, is that I really think we should understand what is intended. The objective here to get NATO itself to adopt such a rule would be the single most serious thing we could do to U.S. leadership and U.S. de facto control of NATO.

I urge my colleagues to vote down this amendment, which is both unnecessary and potentially disruptive to NATO as it is about to welcome seven new members.

I thank my friend from Michigan and my friend from Virginia for being willing not to go with the original resolution they had, and seek this report from NATO within 18 months after the request being submitted by the Secretary of State. I think that is a more prudent way to proceed. But I hope when that is done, the NATO membership will uniformly reject any change in the process. But again I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I agree with the analysis of history given by my colleague, the distinguished Senator from Delaware, with regard to the basic exclusion—or rather consensus and exclusion argument we are having today. He states correctly this arose the last time we discussed NATO accession. It is an important argument that has been propounded by the distinguished Senator from Michigan, the distinguished Senator from Virginia, and others. I simply rise to say the substance of the issue is different from the procedure. In this amendment offered by the distinguished Senators, we are discussing an amendment that says:

> It is the sense of the Senate that, not later than the date that is eighteen months after the date of the adoption of this resolution, the President should place on the agenda for discussion at the North Atlantic Council—
>
> (i) the NATO ''consensus rule''; and
>
> (ii) the merits of establishing a process for suspending the membership in NATO of a member country that no longer complies with NATO's principles of democracy, individual liberty, and the rule of law set forth in the preamble to the North Atlantic Treaty.

The amendment also calls for reports on the points of view raised by our Government and, likewise, its fulfillment, with the gist of this amendment.

At the time we had Secretary Powell before the Foreign Relations Committee in one of the five hearings the committee has conducted on NATO, we requested his view on the subject of consensus and expulsion. In fact, I requested a letter from Secretary Powell, which he sent to me, and made clear as a matter of principle NATO's decision-making process in his judgment works well and serves the United States interests.

The Secretary affirmed that for 50 years, from the cold war to Kosovo and now Afghanistan, NATO has been able to reach consensus on critical decisions. NATO is an alliance, and no NATO member, including the United States, would agree to allow alliance decisions to be made on defense commitments without its agreement.

Regarding the suspension mechanism, the Secretary said NATO has been able to deal successfully with the rare cases in the past of problem countries, and NATO has dealt effectively with Allies that have experienced regimes that did not support NATO's democratic principles by isolating them or excluding them from sensitive discussions—just as the Senator from Delaware has illustrated.

I would add that when, at Senator LEVIN's request, these issues were raised by Ambassador Burns in an informal discussion within the alliance, there was no support from other members for creating a suspension mechanism or for changing the consensus rule.

Essentially, the administration preference, when we asked them with regard to this idea, is that these issues not be addressed in the resolution of ratification and certainly that they not be termed as a condition. The authors of the amendment today have not done so. This is not a condition. Therefore, there is not an argument with the administration.

The Secretary believes the questions are worthy of further study, and so do I. My own view, having listened to the testimony by Secretary Powell and then as Senator BIDEN suggested more recently, a visit in the Foreign Relations Committee with Secretary General Robertson of NATO and with our Ambassador, Nick Burns, is that essentially, as the Secretary's letter has pointed out, the decisionmaking process has worked well, has served the United States interests. As Senator BIDEN pointed out, as you look into the fine print, it might not serve our interests so well if in fact our effective veto was terminated.

Having said all of that, none of us has wisdom that is all encompassing on these issues. Times change. Senator LEVIN in his comments has cited some reasons and these are important to consider.

Therefore, I come out in this discussion on the side of thought that within 18 months the United States ought to think through these arguments, ought to put them on the agenda of the North Atlantic Treaty Council for discussion. In 18 months the world may have changed a lot. Even if a discussion of them in recent months led to apparently universally negative views of our NATO allies, plus apparently a negative viewpoint of our own Secretary of State, it is conceivable that on further study, intensive study in this area, there may be some other constructive results.

I say this because I respect very deeply the distinguished chairman and ranking member of the Armed Services Committee. They, too, held hearings, as I cited in my opening statement, on the NATO accession issue. They are intensely interested, as we are in the Foreign Relations Committee, and as all Members of this body are, in what is in the best interests of our country, in our military alliances, in the prosecution of peace, in those horrible instances, and in the prosecution of war.

These are serious issues, and this is perhaps an appropriate time as the body is focused on NATO to, once again, say these are discussions that have to take place from time to time. We in the United States ought to suggest that our Secretary of State take that initiative.

For these reasons, I am going to support the amendment. I hope that, as a matter of fact, it will receive a unanimous verdict of support today on the procedural issues and issues that are out there, even if all of us have fairly strong views on the substance—and that would include the administration as well as colleagues.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I rise in support of the Warner/Levin/Roberts amendment to the resolution of ratification on NATO Enlargement.

Before I talk about our amendment, I want to take a few moments to express my strong support for the enlargement of the NATO Alliance to include Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia.

A significant aspect of any enlargement of the Alliance to the United States, of course, is that it would represent a commitment by the United States to treat an armed attack on any of these seven nations as an armed attack on the United States. In 1998, when the Senate was considering the enlargement of NATO to include Poland, Hungary and the Czech Republic, the attitude of Russia to the inclusion of former members of the Warsaw Pact was a factor which was part of the debate. Such enlargement was not intended to be threatening and, appropriately, it was not perceived as a threat by Russia, which wanted to establish a constructive relationship with the United States and the other members of NATO. As a matter of fact, Russia's decision on that matter was so clear that its position relative to NATO membership for former Soviet Republics Latvia, Lithuania and Estonia is not even an issue today.

One issue that I have wrestled with in 1998 and before was my belief that NATO should have a mechanism to suspend the membership of a NATO member, if that member no longer complies with the Alliance's fundamental principles of democracy, individual liberty and the rule of law. In the Armed Services Committee hearings that preceded the 1998 Senate floor action, I put the issue to former Secretary of State Henry Kissinger who said in part that ''I think in situations in which a government emerges incompatible with the common purpose of the Alliance, there ought to be some method, maybe along the lines you put forward.'' I also raised the issue with former Secretary of Defense William Perry who said in part that ''What you are describing is a problem—in fact, I would call it a flaw—in the original NATO structure, the NATO agreements. And, in my judgment, this is a problem which should be addressed.''

I had a colloquy with the then Chairman of the Foreign Relations Committee, Senator BIDEN, who said in part that ''I agree with the Senator from Michigan that this is an important matter that raises fundamental issues for the United States and our allies. I believe that this is a matter that merits careful consideration within NATO councils. It would certainly be preferable for NATO to discuss this in a careful and measured way now, rather than be faced with the issue at some future time when an emergency situation exists.''

That careful and measured consideration, however, has not been undertaken within NATO councils in the interviewing years.

Just as I supported enlargement of the Alliance to a total of nineteen nations in 1998, so I support enlargement of the Alliance today to a total of 26. But I am mindful that the sheer number of nations that will soon make up the alliance increases the chance that one of them may some day depart from the alliance's fundamental principles. Having said that, I want to be perfectly clear—our amendment is not aimed at any of the seven nations whose accession is before us today—it is not aimed at the three most recent NATO member nations—it is not aimed at any of the long-term NATO member nations—and it is not aimed at any potential future NATO member nation—it is not aimed at any nation.

It is aimed at the possibility that a NATO member nation that, for example, was no longer democratic and was ruled by a dictator, would be in a position to veto a decision that all of the other NATO member nations wanted to take—perhaps to come to the aid of a people who were being ''ethnically cleansed'' on a scale that was approaching genocide such as happened in Kosovo. I believe that the United States should put the issue of whether a process should be established to suspend—suspend, not expel—such a member nation so that it would not endanger NATO's decision making when all but an undemocratic member nation wants to act.

The growth in the number of NATO member nations to 26 also increases, under the laws of mathematics, the potential that one NATO member nation, even a nation that conforms to the alliance's fundamental principles, could prevent the alliance from making a decision where all other countries want to act. The recent experience, wherein France prevented the North Atlantic Council from authorizing planning for the defense of Turkey to proceed and the Alliance had to go to the Defense Planning Council for that authorization, is a real-world example that demonstrates the need for the alliance to reconsider whether the consensus rule for NATO decisions should be changed.

I want to emphasize very strongly at this point that our amendment doesn't mandate a particular outcome to the discussion of these issues by the North Atlantic Council. It doesn't prejudge the result of the discussion and it doesn't require the U.S. representative

to take a particular position in the discussion. It merely seeks to have the issues placed on the North Atlantic Council's agenda, discussed in the council, and the results of that discussion be reported back to the U.S. Senate.

Our amendment would require the President's report to discuss two other matters. The first would be methods to provide more flexibility to NATO's Supreme Allied Commander, Europe, who is presently U.S. General Jim Jones, to plan potential contingency operations before the formal approval of such operations by the North Atlantic Council. In the instance that I mentioned, wherein France blocked the planning for Turkey's defense, it would have been very useful if NATO's military planning staff could have been preparing contingency plans so that they would have been immediately available once the civilian decision-makers had approved the defense of Turkey.

A final discussion item would be methods to streamline the process by which NATO makes decisions with respect to conducting military campaigns. This refers to the actual conduct of the operation—not to the approval to conduct it—and seeks to address the problems that were experienced in the conduct of the NATO operations in Kosovo where it is reported that General Wes Clark, the then-NATO Commander, was restricted in his actions as a number of NATO capitals insisted on reviewing and approving each day's bombing targets.

This amendment does not interfere with the passage of the resolution of ratification. It does not cause any delay in the accession of the seven new members into the NATO Alliance. It merely seeks to cause the Alliance to consider some issues that could pose serious problems in the future if not addressed in a calm, careful and measured way before a crisis occurs.

I ask unanimous consent that the discussion between myself and former Secretary of Defense Perry be printed in the RECORD.

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

COMMITTEE ON ARMED SERVICES, U.S. SENATE

HEARING TO RECEIVE TESTIMONY ON ISSUES RELATED TO NATO ENLARGEMENT—THURSDAY, MARCH 19, 1998, WASHINGTON, DC

We went into Bosnia, I understand, for legitimate reasons, I think. But, still, it is not what NATO was invented for, which was to reassure the Western Europeans that they would not be attacked by the Russians. And if they were attacked by the Russians, the United States would come to their defense.

And I do not think the operation in Bosnia qualifies to that standard. Which does not mean I am against it, but, still, I do not think you can square it with the original Treaty.

Chairman THURMOND. My time is up.

Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman.

Ms. Eisenhower, your sensitivity to the impact of this on our relationship with Russia, it seems to me, is correct, in terms of being aware of it. We should worry about it. We should consider it.

I reach a different conclusion than you do, but it is not politically incorrect to factor into the deliberation what the impact on that relationship is. I reach a different conclusion than you do for a number of reasons. And, by the way, I, too, have talked to dozens of parliamentarians in Russia, both here and in Moscow, as well as their leadership, their minister of Defense, their Foreign Minister, and so forth.

And I have heard their words. I have also seen their actions, including the following actions: They entered into a Founding Act with NATO after the decision to expand NATO was made. And they have remained a member of that relationship. And that Founding Act says—and this is between NATO, after the announced expansion, and Russia—that Founding Act reaffirms the determination of the parties, NATO and Russia, to give concrete substance to our shared commitment to a stable, peaceful and undivided Europe.

So one of the actions which they have taken is to both join a Founding Act with NATO after the announced expansion, and to remain a member of that Founding Act. Secondly, recently the Partnership for Peace was expanded. A more active participation was recently agreed to by Russia with NATO. So we have a more active participation in NATO's Partnership for Peace recently, after the actual decision to have three additional countries join NATO.

Next, recently, their Prime Minister, Mr. Chernomyrdin, publicly pledged, after meeting with our Vice President, that the Russian Government will push hard for the Duma's ratification of START II. This came within the last few weeks.

We have heard—and I have heard from parliamentarians—that the expansion of NATO will hurt the chances for ratification. We understand that. But, nonetheless, the action taken by the Prime Minister is that he is going to push hard for that ratification. And that is despite his clear awareness that NATO is, with great likelihood, going to be expanded and that this Senate will ratify that expansion. So we have that action taken on the part of Mr. Chernomyrdin.

We also have a recent—interestingly enough, we talked about public opinion polls in here—we have a recent public opinion poll by the Gallup people in Moscow, released last Saturday, revealing that 57 percent of the people in Moscow support the Czech Republic's bit to joint NATO; 54 percent support Hungary's admission; 53 percent said Poland should allowed to join NATO. And a quarter of those polled had no views on the subject.

Now, I do not know what their sample was and so forth, but, nonetheless, I am not so sure public opinion in Russia is so wholly as one-sided as you indicate. And, again, I have also had similar meetings, as you have had, with their parliamentarians.

On the other hand, it is a very important factor to consider. And I think we should all weigh that. We should not give Russia a veto. That would be a very bad mistake, but we surely should consider the impact of any expansion on our relationship with Russia, and on the effort to bring Russia into the democratic world and to keep them there, and to keep them into the free market world. It is a very important issue.

You have raised another issue, however, which I find—and I join with you in finding troubling. And that is the inability of NATO to suspend a member, to remove a member who no longer comports with NATO's principles of democracy and free market orientation, and a dedication to freedom. This could happen in the future. It could happen. And there is no mechanism inside of NATO to suspend a member. Every member has a veto. And that could create a problem with your strategic vision. I think all of us hopefully view the world somewhat strategically. That could create a problem down the road.

And so I want to ask, Secretary Perry, about this issue. It is something which has troubled me. I do not want to try to condition the accession of these three new members on a suspension agreement, because that would raise a false implication that it has something to do with them—which it does not. It is a general issue that I think we have to face in NATO at some point, not related to these three particular countries, or any other particular country.

But what happens in the future if a member of NATO no longer comports to the principles of NATO in terms of commitment to democracy, freedom and free markets, and then has a veto on NATO operations? And my question, Mr. Perry, is this: Should we at some point raise within NATO, and satisfy ourselves, on the question of the suspension of a member at some point in the future and a mechanism to accomplish that end? That is my question.

Dr. PERRY. That is a very good question, Senator LEVIN. What you are describing is a problem—in fact, I would call it a few—in the original NATO structure, the NATO agreements. And, in my judgment, that is a problem which should be addressed. It has been a problem for many, many years. And therefore it is important, in addressing that problem, to separate it from the issue of NATO accession. I would not in any way want to tie that issue to the NATO accession issue.

We could have predicted several decades ago that that would cause a problem, that there would be some major issue come up on which we could not reach consensus, and that would bring NATO to a halt, or that some member would depart from the NATO values. Happily, that has not happened. But it is a potential problem, and I think we ought to address it.

Senator LEVIN. My time is up. I would appreciate, however, for the record, if you or any other member here—my time is up and the chairman here, I think, has got to stick to his 5-minute rule—but if you or any other panelist here would submit for the record your ideas on that subject, it would be very helpful to us.

Mr. LEVIN. I thank my friends, the managers of this resolution, for their tremendous work on NATO expansion and other issues.

Mr. SESSIONS. Madam President, since the original North Atlantic Treaty was signed in Washington in April 1949, the organization has expanded far beyond its original 12 members. The amendment to this treaty that I was proud to co-sponsor with my distinguished colleagues Senators WARNER, LEVIN, and ROBERTS acknowledges that we have had recent difficulty with the consensus decision making methodology currently in force within NATO.

Four more European nations later acceded to the Treaty between 1952 and 1982. In 1999, the Czech Republic, Hungary and Poland were welcomed and possibly tomorrow we will add Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, Slovenia bringing the number to 26 members.

The following description of this consensus requirement is taken from the NATO web site, and it says:

In making their joint decision-making process dependent on consensus and common

consent, the members of the Alliance safeguard the role of each country's individual experience and outlook while at the same time availing themselves of the machinery and procedures which allow them jointly to act rapidly and decisively if circumstances require them to do so.

It stands to reason that with the addition of more members, that consensus will be increasingly difficult to achieve.

Our amendment simply asks that the President do two things: to examine the consensus requirement so that we ensure that we preserve our sovereign right to act in our own national interest; and, examine a procedure by which we can take action against a member who fails to comply with the shared values upon which NATO was founded.

Not everyone agrees with this request to have NATO address these two issues. I disagree.

The strength of the NATO Alliance is based upon adaptiveness. Our recent experience with the UN, NATO and other formations clearly shows we must address the changes we perceive in alliances.

Mr. LUGAR. Madam President, I know I speak for all members of the Foreign Relations Committee in commending the Armed Services Committee for this discussion of these issues, and, most importantly, the comity between the committee members and leadership. I think that is demonstrated in our debate today on a serious issue but to one which we have come to a good conclusion.

I know of no further debate. It would be a privilege if the Chair would put the issue to us.

The PRESIDING OFFICER. Is all time yielded?

Mr. LUGAR. All on the amendment.

Mr. LEVIN. I yield our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 535) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield as much time to the Senator from Texas as she may require.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I was interested in the previous discussion because I think they were talking about going back to NATO to discuss some contingencies that might occur and how they would be addressed. That is the subject of my view on this issue.

I support the entrance of these new countries, but I think we need to take a step back and make sure NATO is going to remain the greatest defense alliance that the world has ever known.

In 1999, when the Senate voted to ratify the addition of Poland, the Czech Republic, and Hungary, I said at the time that we needed to reassess the mutual threat to NATO nations to assure the strength of our alliance in that agreement.

Four years later, as we prepared for what became Operation Iraqi Freedom, we were disappointed, to say the least, to watch three NATO countries refuse to support the defense of our ally, Turkey. That was an initial signal that we have reached the point of stretching the alliance.

That Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are candidates for NATO is both a miracle and a testament to the effectiveness of NATO itself. They survived brutal totalitarian regimes during the cold war. Now they are free to fully join the world community as valued members of NATO.

But what is the state of the alliance they seek to join? The world has seen three NATO members refuse to support disarming Iraq. In the view of the United States, this was the same as the failure to come to the aid of a member country that has been attacked, a renunciation of our mutual agreement.

Now is the time to ask: What is the mission of NATO today? Is NATO going to protect the future or defend the past?

For NATO to remain relevant, we must agree on its fundamental mission. Our alliance should recognize that the concern threats of terrorism and the proliferation of weapons of mass destruction have replaced the common threat of Soviet imperialism. After the most recent break in our bonds, it is essential to establish a new mission to counter a new threat. NATO has always been unified around a common purpose, but if it becomes nothing more than a patchwork quilt, we will be wasting our money and endangering our own national security by continuing to pay its bills and diverting our attention.

Fifty-four years ago this month, the United States pledged to protect Europe from the Warsaw Pact. We were steadfast in our commitment. We based 300,000 troops in Europe continuously throughout the cold war and keep 119,000 troops there now. We have paid a quarter of NATO's costs, even though we are only one of 19 nations belonging to the alliance. Clearly, our commitment played a vital role in NATO's victory in the cold war.

After the cold war ended, we turned our attention to areas of the world that cried out for stability. We went to Somalia, Haiti and the Balkans, with varying degrees of success. We became central to peace negotiations in the Middle East. We focused more on our commitments abroad and less on our own national defense closer to home. All that changed on September 11, 2001, when terrorists and the countries supporting them tried to destroy the icons of democracy, capitalism and American power. Those attacks on our homeland marked the end of our policy of containment.

The global war we are fighting against terrorism and our forceful disarming of Iraq has forged new alliances unthinkable before September 11. Our relationship with Pakistan in the war on terrorism and Operation Enduring Freedom in Afghanistan is one example of this dynamic shift. But the war on terrorism has strained other long-standing, traditional alliances.

Many of our friends in Europe do not comprehend the impact September 11 had on America. They viewed what happened within our borders from arm's length, not acknowledging it as an attack on our country that required a firm response. This disconnect has caused a rift among NATO allies that would have been unthinkable before September 11. That split was manifested in the refusal to help disarm Iraq.

As we prepared for Operation Iraqi Freedom, our long-time allies, France, Germany and Belgium, countries we have been committed to defend from attack for over half a century, opposed us at every turn. Even today, they are thwarting the rebuilding of Iraq by refusing to lift the U.N.-imposed sanctions that would allow oil to be sold to pay for new infrastructure in that country.

A strong alliance cannot maintain its strength under such strain. It is imperative that NATO establishes a new, common mission or risk withering into irrelevance. If our purpose is a common defense, then we must form a consensus in defining our common threats. And those who agree should reconstitute a strong NATO.

During Operation Iraqi Freedom, we created a valuable template for how the world community can bond in this era of reckoning. We now should lead the effort to reconfirm a coalition of the willing to stand together against the common threat of terrorism to our democracies.

The seven invited countries have all demonstrated they are prepared to contribute if they join NATO. Every one of them supported the U.S.-led coalition to disarm Iraq. As the United States develops plans for the reconstruction and administration of postwar Iraq, we are consulting with all seven of these nations to determine how best to proceed in this process and how they can contribute. All have indicated a willingness to consider the requests of the United States or other international organizations to help restore Iraq.

Just this week, Bulgaria pledged to provide combat troops under international command. By doing so, Bulgaria has stepped forward—among the first of the world's nations—to internationalize the U.S.-led occupation. These seven countries are showing they are ready to do what it takes within their means to make the world more secure.

Madam President, I am certainly going to vote to support this round of NATO expansion because I do believe all of these prospective members have

a clear understanding that NATO has new threats and new missions, and they will make a positive contribution to this alliance.

But I do hope we will take the lead in bringing to NATO a clear focus, a clear focus on the common threats that we all face, and the methods for defending against those threats. That is what it will take to assure that this great alliance will be a great alliance in the future and not just something we talk about in the past with great regard.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I yield to the distinguished Senator from Virginia as much time as he might require.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Thank you, Madam President. I thank the chairman of the Foreign Relations Committee, Senator LUGAR, for his outstanding leadership on this issue. I also very much agree with the remarks made by Senator HUTCHISON of Texas.

As far as an enlarged NATO, we have had hearings on the mending of fences and the moving forward that we will need to have as a country with our Allies with a new sense of realism insofar as NATO and certain alliances—who we can always count on and who we sometimes may not be able to count on in the future.

I rise today to specifically address the issue of the enlargement of NATO. I offer my very strong support for the enlargement of the North Atlantic Treaty Organization alliance. The NATO alliance, over the decades, has had a positive impact on the world.

Since the days I was Governor of Virginia, I have been a long-time advocate of enlarging NATO, with new countries to contribute to security and also to advance individual liberty.

I was an advocate of admitting Poland, the Czech Republic, and Hungary, and they have been good participatory members. You can see how the advancement of liberty has allowed the people of those countries to have greater freedoms and greater prosperity.

I believe that enlarging the alliance will bring even greater peace and security to the world, as well as confirm the value of economic reforms that will offer all people greater individual freedoms and protection of their rights.

The reforms and progress that have been made by Estonia, Latvia, Lithuania, Slovakia, Slovenia, Bulgaria, and Romania have transformed once communist, oppressive states into vibrant democracies that appreciate the newly reborn freedom to control their own destinies.

These nations are ascending into NATO at a serious time for the NATO alliance. As these countries have made a positive transformation, so must NATO transform from the cold war deterrent it has so successfully been over the last 50 years into an alliance that is able to adapt to meet the new challenges facing the world and the partner nations of NATO.

NATO and its members must now develop the ability to meet the threat of global terrorism wherever it may arise. This will no doubt be challenging, as the structure and strategy of the NATO alliance for decades has been to prepare for traditional conflict against the Soviet Union.

To meet the defense needs of today, all NATO nations will need to make a commitment to the forces and the resources that are necessary to root out and defeat state-sponsored and itinerant terrorism beyond the shores of the United States and Europe.

The seven nations that are poised to join NATO will be asked to take an immediate role in implementing this new mission. While it is unrealistic to ask these countries to meet the defense spending levels of the United States, the alliance should urge these new members to establish an expertise and an unmatched capability in a particular area of combating terrorism. NATO does not particularly need large, traditional forces or armaments. The alliance, rather, needs skilled units that can neutralize the devastating impacts of chemical or biological weapons, as well as seasoned intelligence organizations to ensure that NATO and its members are always able to thwart terrorist conspiracies or attacks before they are executed.

The seven aspirant countries have had to overcome significant political and economic difficulties to reach the precipice of NATO membership. Transforming a socialist-focused economy to one that is market based requires tremendous perseverance and visionary leadership and also an appreciation of liberty on the part of the people of these countries.

Indeed, the people of these nations have made their decisions and their choices. And now the economies of the aspirant countries are growing markets with potential for prosperous growth. These experiences will help these nations as they adjust to the burden of collective defense and make the responsible decisions that come with NATO membership.

I am confident that these countries—whether they are in the Baltics or Central Europe or Southeastern Europe—will continue to meet their responsibilities. You may ask, why are you so confident? Look at what these aspirant countries are already doing, and have been doing, in the current year and recent years. One must look only at the peacekeeping missions currently, and those that have been going on for several years in the Balkans.

You can look at the war in Afghanistan, and also the conflict in Iraq to conclude that not only will these nations be prepared to take the mantle of NATO membership—but are already contributing to the safety and security of all members. Their contributions and support have been substantive and significant in these current times of need.

NATO will certainly become a stronger alliance, with the capabilities and the vitality these prospective new members bring to the partnership.

I see these seven new members actually revitalizing NATO. There are concerns that have been expressed about the adherence and the unity of NATO. These seven countries will bring a revitalization, an appreciation for the importance of NATO and the freedoms and values we stand for.

When you discuss the expansion of NATO, the benefits of membership are often the focus. However, it is important to understand the tremendous value the alliance, and especially the United States, gains when these seven countries are offered membership.

We have seen the impact of these nations in the positions and actions taken during the recent military conflict in disarming Iraq. When the alliance first addressed the Iraq issue, it was these countries that immediately voiced their support for offering protection to an ally. Once the conflict began, these countries offered staging support as well as troops and chemical weapons teams which ensured Allied Forces were prepared to confront all possible battlefield scenarios. In particular, Bulgaria and Romania were helpful with their bases.

The alliance experienced a disconcerting event earlier this year when a member nation, Turkey, requested defense assistance. Critics again questioned the value and importance of NATO. However, those trying days highlighted the importance of this alliance to the United States. And while there was a small number of members who disagreed with the United States, the vast majority were in agreement with our policy and were extremely helpful in moving the alliance to assist Turkey in their defense needs.

Beyond the military conflict in Iraq, expanding the membership in NATO continues to be in the interest of this country. As the United States continues to confront terrorism on all fronts, we will need the continued support and intelligence assistance to make our efforts successful. Again, I feel confident these nations will take the lead in developing specialized programs that are needed within NATO.

Again, the aspirant countries are being asked to put together quick response forces to deal with chemical or biological attacks, should one occur. These are the invaluable programs that NATO will need as it changes its focus to fighting terrorism.

The United States will always need allies with which to partner to promote democratic values and our principles. By offering NATO membership to these seven countries, our country is gaining valuable allies that are intimately familiar with the value of individual freedom and also the concept of representative government. They appreciate what a blessing that is for the people.

The tremendous reforms and the progress that have been made by these aspirant nations is a testament to their commitment to the core values that have made NATO the strongest military alliance in history.

I strongly urge my colleagues to vote favorably on this resolution of ratification and welcome Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to our alliance of shared security but, more importantly, to our alliance of shared values, principles, and aspirations for free people.

I yield the floor.

Mr. LUGAR. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. LUGAR. Mr. President, it is a privilege to yield as much time as he requires to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I thank the Chair. I suggest the absence of a quorum for 1 minute.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. LUGAR. Yes.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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 Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Indiana, the distinguished chairman of the Foreign Relations Committee, for his work on this very important legislation, for his leadership and continued voice of maturity and reason that is often needed in our discussions and debates over issues of national security.

The Senate's ratification of the NATO enlargement protocol before us represents the ultimate victory of freedom over the fear and terror that ruled Central and Eastern Europe from 1945 to 1989. The Berlin Wall came down in 1989. The Soviet Union collapsed in 1991. NATO expanded eastwards in 1999 and will do so again with the Senate's consent in 2003. History will judge NATO's historic move eastwards as a final chapter in a long struggle not simply to roll back oppression but to consolidate a Europe whole and free.

The democracies of Estonia, Latvia, Lithuania, Romania, Bulgaria, Slovakia, and Slovenia add a moral and strategic dimension to the alliance. The Baltics were captive nations during the cold war. Romania, Bulgaria, and Slovakia were subsumed into the Soviet empire, and Slovenia was a constituent part of Tito's Yugoslavia.

These nations suffered over four decades of effective foreign control and occupation. In 1989 and 1991, we celebrated their independence. Today we celebrate their secure freedom, enshrined in our great Western alliance in defense of our common values.

The Vilnius seven nations, as NATO's newest members are known, lent their moral voice to our campaign to liberate Iraq and end Saddam Hussein's tyranny. A February 5 letter from the V–7 nations, plus Albania, Macedonia, and Croatia, stated:

> The trans-Atlantic community, of which we are a part, must stand together to face the threat posed by the nexus of terrorism and dictators with weapons of mass destruction. . . . The clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies.

These nations share our values because they understand oppression all too well. Their voices carry special weight.

We received significant political and logistical support from the V–7 nations during the war in Iraq. NATO's new democracies provided their airspace, airfields, ports, and military personnel in support of Operation Iraqi Freedom. Several of these nations deployed troops to the Iraq theater. Many of NATO's newest members more resolutely and more concretely supported the military campaign in Iraq than did some of NATO's founding members. These seven democracies have also served as de facto Allies in NATO operations in Bosnia, Kosovo, and Afghanistan.

NATO's enlargement serves American leadership in Europe, anchoring our commitment to security and freedom there. It welcomes into the alliance a large group of nations that resolutely support American leadership and the principles that guide it in Europe and across the world.

As we saw during the Iraq debate, a majority of Europe's leaders, including NATO's new members, supported America's determination to disarm Iraq. NATO's new members will be solid allies that will expand NATO's reach, amplify its voice, and enhance its moral authority to defend freedom, including against the threat of global terrorism.

I have had the pleasure of traveling to each of the seven new member states to review their preparations to join NATO. Like my colleagues, I have been struck by these democracies' determination to rank among our closest allies, and to see NATO membership not only as a way to guarantee their security, but to contribute to the larger struggle for freedom the West once waged on their behalf.

The success of the Prague Summit demonstrated the new NATO's shared history, shared values, shared sense of threat, and an agreed way forward in meeting those threats. This new NATO will provide a firmer foundation for peace and a more resolute defense of our values. Prague lent considerable momentum to the construction of an integrated and peaceful Europe and taught us much about our alliance.

The decisions at Prague to invite seven new members to join the alliance, create a NATO rapid reaction force, enhance military modernization and interoperability, and streamline NATO's infrastructure were tangible accomplishments that should make the alliance more capable and flexible. Rather than debating out-of-area operations, NATO forces and assets are supporting the peacekeeping mission in Afghanistan. The NATO-Russia Council provides a forum for security cooperation with Moscow. NATO's peacekeeping missions in the Balkans have been a success. The United States is considering a new military basing concept on the territory of new NATO Allies in southeastern Europe. NATO remains central to American interests in Europe and beyond.

This is not to suggest in any way that everything is going swimmingly within the alliance. NATO has been put at grave risk by hostile French obstructionism that is as dangerous as it is cynical.

Let me be clear: I believe the French government is pursuing a systematic campaign to undermine American leadership in Europe and the world. I believe France would ultimately like to see America's withdrawal from Europe and the replacement of an American-led NATO with an all-European army. France's active opposition to the United States within the North Atlantic Council over a period of many years, and in the daily workings of the NATO bureaucracy, make clear the French agenda to weaken NATO's foundations and make the alliance less capable of effectively meeting challenges to international security.

Officials at many levels of the French government, including President Chirac, boldly assert France's ambition to serve as a ''counterweight'' to the United States. By definition, a country can be either a counterweight or an ally, but it cannot be both. Official pronouncements by the French government, and the daily actions of France within NATO and at the Security Council, make clear that France is not an ally of the United States.

France's decision in February to block a routine request for Turkey's defense—I emphasize ''defense''—in the event of war with Iraq created the most serious internal crisis the alliance has known in a generation. France's open rejection of its commitment to a fellow NATO ally required the decision on Turkey's reinforcement to be taken in the Defense Planning Committee, which excludes France.

The Defense Planning Committee is the logical and appropriate venue for

decisions relating to the defense of NATO members to be made. France does not contribute militarily to an alliance premised on the military defense of member democracies. France has a political voice but not a military stake in NATO decision-making. Decisions relating to the military interests and defense of member states—the core of NATO's mission, and the bulk of its agenda—fall under the authority of the Defense Planning Committee. The French dilute their own influence in NATO by not participating in its military arm, and the alliance should recognize that condition of French membership by making defense decisions in a forum that reflects France's absence from NATO's military mission.

NATO did ultimately achieve a consensus in the DPC that met Turkey's defense requirements. Achieving consensus in an institutionalized forum that excludes France seems to me to have produced a better result than a divisive majority vote in the North Atlantic Council, had we shelved the consensus principle in favor of some other weighted voting mechanism, as some in the Senate have proposed.

While I did not oppose the agreement reached today in the Senate creating a reporting requirement on the issues of consensus and suspension within NATO, I do not support overturning the consensus principle and creating a suspension clause because I believe it could weaken American leadership and interests in NATO while actually improving the position of France within the alliance. Replacing the consensus rule with a majority voting scheme would lead to factionalism and could result in scenarios in which the United States was outvoted, ceding our traditional leadership to others. Adopting a suspension clause would gut the heart of the alliance, the commitment to mutual defense, by introducing a reservation into the Alliance's commitment to defend an embattled democracy.

Putting the issue of the consensus rule on the agenda of the North Atlantic Council would be seen by some of our best allies as divisive. It would create a debate within the Council not about the French fifth column, but about an American proposal that would dilute the influence of other NATO partners by weakening or negating their influence in a majority voting scheme. Replacing the consensus rule with some form of majority vote could threaten the supreme national interests of any NATO member, including the United States, that might at some point find itself dissenting from a majority of NATO members on a matter vital to that country's national security. The United States would never give up its effective veto over NATO military operations, and no country that contributes militarily to the alliance could be expected to do the same by endorsing a majority voting process.

Under consensus, no vote counts more than any other, which is not true in a weighted majority voting system like that of the Security Council. Consensus helps pull allies together and gives each an equal stake in their outcomes. It prevents factionalism and the development of voting blocs that would only divide allies, not draw us together. Consensus prevents France from leading its own voting bloc in opposition to the United States. Historically, the United States has been the only NATO member whose initiatives regularly achieve consensus. Why throw away such an effective tool for U.S. leadership?

Nor would I support conditioning NATO enlargement on developing a mechanism to suspend any NATO member that fails to uphold alliance principles. Advocating a kick-out clause suggests a lack of confidence in the democratic character and commitment of our new allies. It sends exactly the wrong message to these new members: that we fear they may regress from the democratic values we have certified that they share by inviting them to join NATO, values which NATO itself protects and strengthens. Conditioning their membership with the suggestion that we do not have confidence in the longevity of their democracies seems a strange way to welcome them into our alliance.

A clause threatening any individual NATO member with expulsion would weaken the heart of the Washington Treaty by casting doubt on the commitment of the NATO Allies to come to the defense of any threatened member state. A suspension clause would effectively condition the mutual defense commitment that is at the heart of the alliance in a way that would breed insecurity and mistrust, not security and confidence, among member states. In the words of Bruce Jackson of the Project on Transitional Democracies:

> A provision to expel [NATO members] would introduce a corrosive mental reservation into the commitment to defend an embattled democracy and would, therefore, debilitate the most powerful military alliance ever assembled.

NATO works so well for many of the reasons the U.N. Security Council does not: it is a true community of values in which all members are democracies; consensus requires unanimity that gives all members a stake in decision-making and outcomes; the absence of majority voting or weighted voting like the Security Council does not create different classes of membership or hostile factions; and unlike the Security Council, NATO has proven time and again that it is able to effectively resist aggression and use its military and political power to expand freedom. The reason the seven new members of NATO are so keen to join the alliance underscores their clear belief it will protect their security and advance their interests. Can anyone hold the Security Council to the same standard?

NATO's value to American interests and the progress of freedom endures. NATO enlargement serves American interests by delivering seven committed treaty allies who share our perspective on the world. Enlargement serves our common values by adding to our community of allied democracies the voices and the people of countries that were long denied their free destiny. NATO's expansion moves us decisively in the direction of a Europe whole and free, one that has exorcized the ghosts of a violent past and stands with us in its commitment to human freedom.

As the leaders of Britain, Spain, Italy, Poland, Hungary, the Czech Republic, Denmark, and Portugal have written, ''The real bond between the United States and Europe is the values we share. . . . These values crossed the Atlantic with those who sailed from Europe to help create the United States of America. Today they are under greater threat than ever. . . . Today more than ever, the transatlantic bond is a guarantee of our freedom.'' Let that continue to be our creed in the uncertain years ahead, confident that we are stronger together than apart, that our values ennoble our common defense of them, and that we can, together, make this a safer, freer, better world. It's worth fighting for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I know of no Senators who wish to debate. I have consulted with the distinguished ranking member, Senator BIDEN. He knows of no Members on the Democratic side seeking time to debate and I know of no Republicans who seek further time in debate. Therefore, I ask unanimous consent all time be yielded back on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, my understanding, and I ask for guidance from the Chair, is that a vote on final passage of the NATO treaty will occur at 9:30 a.m. tomorrow.

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. I advise all Senators that the next action on the treaty will, in fact, be the final vote at 9:30 tomorrow. I also add as an announcement that the foreign ministers of the countries seeking ascension will be brought to the floor following the vote for presentation to Senators. That will be a prelude for a number of recognition ceremonies involving the President, the White House, and others.

Mr. SARBANES. Will the Senator yield?

Mr. LUGAR. I am happy to yield.

Mr. SARBANES. I simply commend chairman LUGAR and Senator BIDEN, ranking minority member, for their very effective leadership with respect to this NATO enlargement issue. I am pleased to join with them in supporting this very important step forward.

I underscore how quickly the chairman moved with respect to this matter and how carefully it was done in the

committee. Very extended consideration was given to this issue, which of course, comports with its importance. This is a major step we all need to recognize and the fact that it will happen without controversy, at least of any consequence, ought not to make us lose sight of the fact of the historic nature of what is being accomplished here—tomorrow, presumably.

I thank the Senator for his skilled leadership on this issue.

Mr. LUGAR. I thank the distinguished Senator from Maryland for his leadership in our committee throughout the years and, likewise, specifically, on the issue of NATO that has been before the Senate.

MORNING BUSINESS

Mr. LUGAR. I ask unanimous consent the Senate now begin a period of morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORZINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIRNESS AND RESPONSIBILITY IN POLITICAL LIFE

Mr. CORZINE. Mr. President, I rise today to speak to an issue of fairness and responsibility in our political life that demands our attention.

Let me premise my remarks by saying it is an honor to be a Senator and serve the people of New Jersey. I love my job. I love politics and the debate of ideas it makes possible. But I must say that I am downright disgusted when that debate of ideas degenerates into the politics of personal destruction and moves toward character assassination, especially when it may run afoul of the laws passed by this body, and more especially when the target of a campaign of personal destruction is a good and decent man—TOM DASCHLE, who has spent his entire adult life in service to our Nation.

A little over 1 year ago, the Congress passed—and the President signed—the Bipartisan Campaign Reform Act of 2002.

Even as the courts ponder a challenge and an appeal to this landmark legislation, there are those involved in the political process that have demonstrated their intent to disregard it no matter what the court decides for the sole purpose of destroying a political opponent.

In that regard, there are very disturbing reports in the media this week about an amorphous front group being formed in South Dakota for the purpose, in the words of its organizers, of ending TOM DASCHLE's public career in 2004.

I don't question anyone's right to free speech nor their right to mount a campaign against any candidate for Federal Office, but this effort would apparently violate both Federal tax and election laws.

According to press reports, associates of the presumptive Republican nominee for Senate in South Dakota have begun raising special interest money in Washington for an advertising campaign in South Dakota against Senator DASCHLE, a campaign only marginally distanced from Senator DASCHLE's potential competitor or the opposing political party.

The problem with this effort, leaving aside the elements of personal destruction, is that the organization leading it—the Rushmore Policy Council—is organized as a tax-exempt 501(c)(4) nonprofit organization.

According to the IRS, 501(c)(4) organizations ''must be operated exclusively for the promotion of social welfare.'' The IRS also stipulates that, ''the promotion of social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office.''

One might say a lot of things about TOM DASCHLE, but his election or defeat is hardly social welfare. It is clear from their own statements that the purpose of the Rushmore Policy Council is to defeat Senator DASCHLE. In short, this is likely a violation of the letter of the law and clearly a violation of its spirit.

The Congress attempted to address these types of advertisements in the campaign finance reform law passed last year. But one of the organizers of the effort against Senator DASCHLE stated simply that, ''We're going to operate as if it's not'' on the books.

In additional to the personal attacks and legal questions are the implications of a smear campaign that constructs front groups to infiltrate a Senator's home State with reckless disregard for the spirit of the campaign finance laws that this body passed just last year with bipartisan support.

At the very least, this is a mockery of Congress's efforts to clean up electoral politics.

Let me quote from the memo distributed around Washington by the organizers of the Rushmore Council's so-called Daschle Accountability Project: ''We propose to destroy Daschle's credibility'' and ''ultimately end his political career . . .''

Unbelievably, the group funding this covert operation intends to employ South Dakotans who have almost nothing to do with the campaign, but who help to convey the false impression that the campaign is, and I quote, ''putatively based in South Dakota—to avoid the dismissive 'outsider' label routinely attached to such efforts in the past.''

In other words, the group exists to put a phony local veneer on the GOP's efforts to ruin its number one target—TOM DASCHLE. Or as this particular group puts it, ''. . . maybe be rid of [Tom Daschle] once and for all.''

This is the work of the Rushmore Policy Council, an organization so small it has no website or local telephone listing. Its offshoot ''The Daschle Accountability Project'' is a proudly self-described coalition of right wing organizations whose stated purpose, according to its own mission statement, is not to engage in policy debate, but rather to end Daschle's career by running an $800,000 advertising campaign in South Dakota designed to ''destroy DASCHLE's credibility within his home state through humor''—as if a laugh track makes them any less unseemly.

The Rapid City Journal recently cited leaders of campaign finance watchdog groups who have already pointed out that the Rushmore Policy Council is endangering its tax-exempt status by targeting DASCHLE for defeat in 2004. ''It's not clear to me how they will remain a 501c4—an organization that must operate exclusively for the promotion of social welfare—as they are going to do what is being reported.

And, Fred Wertheimer, president of the campaign finance reform group Democracy 21 agrees with this assessment. He tells the Journal ''The group's activities need to be carefully watched in the coming months to see if, in fact, they are breaking tax laws and campaign-finance laws. It is clear they want to defeat Senator DASCHLE . . . there doesn't seem to be any question they want to use this for this goal and that purpose . . . and that—is not what this group—is supposed to engage in.''

Most disturbingly is that this type of attack is hardly new. About a year and a half ago, the White House asked its political allies to turn up the heat on Senator DASCHLE. Most of us know the routine—the orchestrated campaign to tar TOM with the label ''obstructionist.'' Even while under his leadership the Senate approved 100 judicial appointments and rejected only two—some obstructionist.

Where I come from, 100 is hardly obstructionist.

After the White House's directive, the outrageous attacks began. Since then, political opponents have compared Senator DASCHLE to everyone from Saddam Hussein to the devil himself on talk radio.

The problem this ''Burn Down Daschle'' effort faces is two fold: No. 1, lack of credibility; and, No. 2, lack of legal authority.

On the former, the Sioux Falls Argus Leader accurately points out that the Daschle Accountability project and its efforts to destroy DASCHLE's character through an ad campaign with a ridiculing tone embedded in humor have the potential to backfire in a small State where retail politics holds great sway.

Senator DASCHLE, I realize, doesn't need me to defend himself to the people of South Dakota. They are smart enough to see through this despicable outsider campaign. They know he stands with South Dakota and her farmers. They know he stands with South Dakota and its small businesses. They know he stands with South Dakota on health care, education and responsible economic policy. He has given a lifetime of service to his community.

I only wish the Daschle-bashers would remember that the President promised to change the tone in Washington. Unfortunately, he has. It has gone from bad to worse.

It is worth noting that a number of the people involved in this campaign have their own problems with previous campaigns and finance reform, and by some of the people with whom they have associated. I think this latest effort is no less distasteful.

I thank the Chair for taking into consideration what I hope will be an attempt to turn to the real political debate on real issues and leave the character and some of the efforts we have seen to undermine the true nature of how people try to compete in the political arena.

I thank the Chair.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senate is in morning business. The Senator from Michigan may proceed.

MEDICARE

Ms. STABENOW. Mr. President, I rise today to talk about recent remarks made by the Director of the CMS, Mr. Tom Scully. Last month, speaking to an audience of health care providers in Lancaster, PA, Mr. Scully made the following comments on the Medicare Program.

Mr. Scully has the agency that oversees the Medicare Program, so this is particularly disconcerting given the way he described the Medicare Program. He used the phrase ''an unbelievable disaster.'' The person who is the administrator of the Centers for Medicare and Medicaid Services said: Medicare is an unbelievable disaster. We think it is a dumb system.

I could not disagree more. While I disagree with his views, at least I admire his candor because when it comes to Medicare, a lot of people are pretending to strengthen it and improve it when in fact they agree with Mr. Scully.

Medicare, along with Social Security, is a great American success story. Medicare has been in place since 1965. It is the only part of our health care system that is a universal system, meaning that once a person is age 65, they have access to health care. Regardless of who they are in this country or if they are disabled, they have access to health care. This is the only part of our system, the only group of people, who know that there is a guarantee of health care for them; that is, those who are under Medicare.

We have almost 40 million people now under Medicare, and because of Social Security and Medicare, we have brought millions of seniors and the disabled out of poverty into a better quality of life. I call that a great American success story. I do not call it a ''dumb system.''

It is important to talk about what is happening right now in the debate about Medicare and where we are. The day after the State of the Union Address this year, President Bush went to Grand Rapids, MI. We always welcome a President of the United States to my home State. He came to promote his Medicare reform plan. However, he barely mentioned it during his speech. When he did mention it, he indicated that only those who choose to go into private Medicare plans—not Medicare as we know it but private sector plans—would be allowed to get prescription drug coverage. Those who could not get into a private plan or who wanted to stay in traditional Medicare to see their own doctor, would be, unfortunately, out of luck under this plan.

So we have a system that has been in place and has worked for seniors and the disabled since 1965, providing health care. Now we are hearing about proposals which say that if someone wants to get help for prescription drugs, they have to go back to the system the way it was before, they have to go back to private insurance plans.

When the President said that, Republicans, Democrats, and health care providers roundly criticized this particular plan. Many pointed to the fact that private sector Medicare plans are currently not a viable option in most of the country. They are just not there, let alone in rural areas.

In fact, the President, ironically, went to Grand Rapids, MI, to talk about the virtue of private Medicare plans when even in the area where he was, in western Michigan, there are no private sector plans. So everyone listening to him would not have access to help pay for their prescription drugs under the proposal that was made because the proposal that was made was based on something called Medicare+Choice, which has been a failure in Michigan as well as across the country.

The overall experience of the private sector plan, in fact, is that it has not worked. I will share the numbers. Nationwide, 2.5 million seniors have been dropped from private sector HMOs under Medicare+Choice plans. In fact, I have to say my mother was one of them in an HMO. She was having a good experience in a Medicare HMO, and they dropped Medicare. Out of the blue, she had to go look for another insurance plan and other doctors because they pulled out.

In Michigan, 35,000 seniors have been dropped from these private plans, including, as I said, my own mother. Currently, only four Medicare+Choice plans operate in my State. They are available to only 2 percent of the population of my State, and they are all in the eastern part of the State none in the central part of the State, in Lansing where I live, none in west Michigan, in Grand Rapids, none in upstate Michigan or the Upper Peninsula only in one geographic area.

Given this fact and the fact that Democrats, Republicans, and many other people stood up and said, wait a minute, this is a plan that does not make any sense, after a great deal of discussion the Bush administration did release a new set of principles for adding prescription drugs to Medicare. This time, their plan allows those who remain in traditional Medicare to get only a minimal catastrophic coverage and possibly a discount card.

We understand from analysis it would be an average of a little over $3 that would come off a prescription based on a discount card. However, if the senior citizen wanted real prescription drug help, really wanted to be able to pick between food and their medicine, they would have to, again, abandon traditional Medicare and possibly give up seeing their own doctor in order to go into a private plan.

In all sincerity, I believe this drive to privatize Medicare is simply wrong. Since its inception in 1965, the Medicare system has worked well for seniors. In fact, back then 29 percent of the seniors of our country lived in poverty and now it is 11 percent. I call that a success, although we still need to be worried about the 11 percent.

I agree that Medicare should be updated. I agree it should be modernized to cover prescription drugs and also focus more on prevention. We heard Secretary Thompson who came before the Budget Committee to talk about prevention. I agree with him. We need to change the system to be more focused on prevention. We need to update Medicare to cover prescription drugs. But seniors should not be forced into private sector HMOs or other plans to obtain this kind of coverage.

Mr. Scully was honest about his beliefs. He spoke his mind. He expressed the belief of many that Medicare is dumb and is a disaster. These quotes are similar to those that were spoken by then-House Speaker Newt Gingrich when he said he wanted to let Medicare wither on the vine. These comments have been made before. It is very clear to me that Mr. Scully, Mr. Gingrich, and many others want to replace Medicare with a private sector system. I urge my colleagues to stand up against this assault.

I am particularly concerned about what is happening and how it relates to

the tax plans that are in front of us, and what is happening now in the economy. As a member of the Budget Committee, when many of us bring up concerns about falling further into deficit through the tax plans that were passed last year giving tax cuts to the elite, another round that is being proposed this year, and we see that we have 450 economists across the country, including 10 Nobel laureates who say this will not create jobs, it will just add to weakening in the economy and, in fact, be devastating because of the red ink it will create—when we see that, when we ask, how can you possibly support this when the first big round of baby boomers are coming very soon, in the next 6 to 8 years, how do we do both?

How in the world can we afford to place ourselves in such jeopardy, trillions of dollars in debt, the result of a policy that says tax cuts should be given to the elite, while building up national debt. How can we afford that?

I am told by colleagues, you assume Medicare and Social Security will be there as you know it now. I do assume Medicare and Social Security will be there as we know it now. When I look at the numbers, I am deeply concerned. The Center of Budget and Policy Priorities released a report recently that basically said if we just took the tax cuts for the elite passed in 2001 and made those permanent and carried that out, it would cost about $10 trillion—if we carried that out the way we usually estimate Social Security and Medicare; over 75 years, $10 trillion in costs for that tax policy.

What is the combined Medicare and Social Security deficit projected during the same time? The $10 trillion that we are putting into place if that passes in the House and the Senate and is signed by the President. We will voluntarily be setting ourselves on a course to $10 trillion in debt right when we know Medicare and Social Security will need $10 trillion.

If you add to that the current debates about adding to that with the new policies that have been proposed, we end up between $12 trillion and $14 trillion in costs exactly at the same time we have a need for $10 trillion in Medicare and Social Security.

This is a conscious choice. For those who vote for the plan proposed by the President, you are putting in place great jeopardy to Social Security and Medicare. It is a conscious choice. I have to assume it comes based on what Mr. Skully was talking about, that people believe Medicare is a dumb system, an unbelievable disaster.

Medicare and Social Security are great American success stories. We need a short-term plan for jobs, opportunity, and prosperity, and that is what we are proposing. That really creates jobs. We can give tax cuts responsibly for taxpayers and small businesses and help States without jeopardizing Medicare and Social Security.

I am deeply concerned about this and urge colleagues to take another look at what is proposed in the Senate and work together.

The PRESIDING OFFICER. The Senator from the Commonwealth of Kentucky.

ENERGY

Mr. BUNNING. Mr. President, I rise today to talk about the energy bill and need for a comprehensive energy policy.

Although we were unable to pass an energy bill in the 107th Congress, I am hopeful that in this Congress we will be able to get a good bill through the Senate, out of conference, and onto the President's desk.

We have had a department of energy for over 20 years. But we've never had a sound national energy policy.

Now is the time for Congress to get serious about addressing our energy supply and needs.

In order to make progress on the energy bill we need to figure out how to increase production while also doing more to encourage conservation.

In the past I think Congress has failed to make progress on energy policy because we have tried to make a choice between the two.

I hope most of us understand that a sensible energy policy must strike a balanced approach that includes a boost in domestic energy production as well as a promotion of conservation and smarter energy use.

The energy bill before us, under Chairman DOMENICI's leadership takes good steps towards striking this balance.

I look forward to the tax provisions coming from the finance committee that will further promote conservation and energy efficiency by encouraging the use of cleaner burning fuels.

As a member of both the energy committee and finance committee, I am pleased to have had the opportunity to help craft the bill before the Senate.

In the wake of September 11 and ongoing problems in the middle east, it is more and more obvious a sound energy policy is a crucial part of our national security.

We must have reliable sources of energy and we must cut our reliance on foreign oil.

Increasing our domestic production is critical in reducing our foreign dependence.

Right now we depend upon foreign nations—including the middle east—for nearly 60 percent of our Nation's oil supply.

Americans have experienced some difficult times recently when oil and gas prices shot up. They are starting to edge back down now. But during the winter and early spring consumers saw prices go up and up.

We all saw the rise in gas prices this winter and the crimp it put on the economy.

We are struggling to get out of a recession now, and while passing an energy bill might not help us in the short term, it could make a difference the next time we hit an economic downturn or things flare up in the middle east.

The need to increase our own production of energy has never been more important than now.

While we appear to be moving away from combat in Iraq, there is still a lot of uncertainty in the middle east.

It is too important and there is too much instability in the world. We need to pass an energy policy now.

Mr. President, Congress has been playing political football with the issue for the past few years. I think it's time to end the game.

Our Nation and our National security continue to be at stake.

We must strengthen our energy independence to protect ourselves from any dangerous and unpredictable events in the middle east.

We don't want the United States beholden to other countries just to keep our engines running and lights turned on.

While I am disappointed that ANWR is not in the bill before us, the bill does provide a good starting point to help our Nation increase domestic production of energy and reduce our reliance on foreign sources.

It also provides important conservation provisions which will help protect the environment.

I am also glad that the Senate's energy bill contains the clean coal provisions I wrote to help increase domestic production while also improving environmental protection.

For my home State, this means more jobs and a cleaner place to live.

Clean coal technologies will result in a significant reduction of emissions and a sharp increase in efficiency of turning coal into electricity.

I'm proud to come from a coal state. For generations Kentuckians from Pike county in the east to Crittenden county in the west have made their living in the coal fields and coal mines.

For the last decade coal in Kentucky was on the downturn because of legislative and regulatory policies from the Federal Government.

Now I am glad to see that we have turned that around and are taking steps to make sure that coal continues to play a vital role in meeting our future energy needs.

This focus on clean coal is good for the environment. And it is certainly good for the economy and for putting folks back on the job.

The energy bill encourages research and development of clean coal technology by authorizing nearly $2.6 billion in appropriations for the D.O.E. to conduct programs to advance new technology.

Almost $2 billion will be used for the clean coal power initiative where D.O.E. will work with industry to advance efficiency, environmental performance, and cost competitiveness of new clean coal technologies.

The proposed energy tax package includes nearly $2 billion in tax credits

for companies to implement clean coal technology.

Coal plays in important role in our economy. The 21st century economy is going to require increased amounts of reliable, clean, and affordable electricity to keep our Nation running.

Today, more than half of our Nation's electricity is generated from abundant low cost domestic coal.

We have over 275 billion tons of recoverable coal reserves. This is nearly 30 percent of the world's coal supply.

That is enough coal to supply us with energy for more than 250 years.

With research advances, we have the know-how to better balance conservation with the need for increased production. We should use our know-how to come up with a good energy bill.

I hope we can move it quickly and pass a bill to make our environment, economy, and National security stronger.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS OF JUSTICE PRISCILLA OWEN AND MIGUEL ESTRADA

Mrs. HUTCHISON. Mr. President, I want to talk today about Justice Priscilla Owen. On Friday, it will be the 2-year anniversary of the nomination of Justice Priscilla Owen for the Fifth Circuit Court of Appeals and also for Miguel Estrada to the District of Columbia Court of Appeals.

These are two qualified nominees in every respect who are being filibustered to keep them from taking their seats. They have both received a majority vote of the Senate, but neither of them is confirmed because we are now being asked to have a 60-vote threshold for these qualified nominees. It is not right, and I think it goes against the Constitution and affects the balance of powers.

The balance of powers was very clearly and purposefully set out by our Founders so that each branch would be separate and equal. In the Constitution, it says the President will nominate Federal judges and the Senate will give its advice and consent. Historically, advice and consent under the Constitution has meant a majority vote for judicial nominees. It does not mean a 60-vote threshold. And it does not mean that the Senate can dictate to the President whom the President can nominate.

We should give the President's nominees an up-or-down vote when they get out of the committee. The committee is there to have hearings, to question these nominees. If a person gets out of committee, that person deserves a vote on the floor.

When the Founding Fathers did think that a supermajority should be required, they clearly provided for it. For example, article II, section 2, gives the President the power to nominate ''by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur.'' Immediately following this provision, the Constitution gives the President the power to make judicial nominations ''by and with the Advice and Consent of the Senate,'' period.

By clear omission, the Constitution does not require a supermajority for judicial nominees as it does for treaties. Congress has no right—it has no power, as outlined by the Constitution—to assume a different role in the nomination and confirmation of judges. A filibuster requiring 60 votes on a judicial nominee is beyond the intent of the Constitution.

Furthermore, the 25th amendment to the U.S. Constitution, approved by the Senate in 1965, demonstrates, I think, the intent of the Founding Fathers in confirming a nominee. In this case, the Vice President ''shall take office upon confirmation by a majority vote of both Houses of Congress.'' If we are required to approve the Vice President of the United States by a majority vote, how could we possibly require a 60-vote threshold for a Federal judge?

I understand that cloture votes are needed sometimes for procedural reasons, such as a time-management device, but with the nomination of Miguel Estrada this has not been the case; with the nomination of Priscilla Owen this has not been the case.

This kind of filibuster is unprecedented in Senate history. So I hope we can do one of three things: We can start talking about changing the Senate rules so that, in the case particularly of judicial nominations, we will not ever have a 60-vote threshold, which is not contemplated by the Constitution; or we can require a vote, ask for a vote, get a vote for these qualified nominees; or we can file a lawsuit, asking the courts to decide if the balance of powers in the Constitution is being violated by this 60-vote threshold.

I do hope we will get an up-or-down vote on these nominations. The fact that they have received over 51 votes—both of them—shows that they would be confirmed if they had their right to an up-or-down vote in the Senate.

Priscilla Owen, of course, is from Texas, so I know her and I know her reputation. She has the strongest bipartisan support you could possibly ask for. She is a person who graduated cum laude from Baylor Law School, made the highest grade on the State bar exam when she graduated. She has been elected to the supreme court by over 80 percent of the people in Texas. She is universally well regarded.

She is not a judicial activist. In fact, it is her strict adherence to the letter of the law and Supreme Court rulings that has been one of the problems with this nomination because she didn't make law. She didn't try to put words in the mouth of a legislator. She just followed what the legislature said in the parental consent laws in the State of Texas, the law of the State. She followed the letter of the law and the Supreme Court rulings and tried not to be a judicial activist. For that she is being accused of being a judicial activist.

She was grilled twice by members of the Judiciary Committee. She had very tough hearings. I don't think I have ever seen a nominee do better. She knew every answer to every question asked, even the minutia of cases that had been heard by her court years ago. She knew what she had done and the reasoning for it. Her hearings alone would be enough to show her academic prowess and her qualifications for this bench.

Further than that, the hearings also showed her judicial temperament. She handled herself so well, and she has gone through 2 years of a grueling experience—not something she is used to. Judges are not usually in the political arena. Even when they are elected, they don't usually have strong opposition. They don't have these spirited races such as we see in legislatures and the Congress. It wasn't that she was attuned to the slings and arrows of politics. She has handled herself so beautifully, I don't think you could ever argue that she does not have the judicial temperament. When you put that together with her clear academic excellence, she is the kind of person we want on the bench.

I wonder if we turn down nominees like Miguel Estrada, who came to this country from South America when he was about 18 years old, didn't speak English, worked his way through Columbia, was Phi Beta Kappa, went to Harvard Law School and graduated magna cum laude, then had an outstanding record in the Solicitor General's Office, winning very complicated Supreme Court cases, and is known as one of the outstanding appellate lawyers in America—if people like Priscilla Owen and Miguel Estrada are not the kind of people we are going to put on the court, we are going to start having mediocre people on the court.

We will have people who never have said anything, people who don't have the stellar reputations. These scholars, Miguel Estrada and Priscilla Owen, are people who are willing to take pay cuts in order to serve, because they like the intellectual challenge. They like what they are doing. They like public service. They are willing to take huge pay cuts for serving, and they are willing to do it. And they are quality people. What are we doing? What are we doing holding up quality qualified people like this?

These nominations should not be controversial. They obviously are because they are not being passed, but

these are not controversial people. They are mild-mannered, brilliant, fair, evenhanded, temperamentally sound people. We are putting them through the political meat grinder.

I have to ask: Who are we going to get, as we go down the road and good people watch what has happened to Priscilla Owen and Miguel Estrada? Who is going to submit themselves to be a Federal judge, if they have to go through this kind of political process?

I hope the Senate can amicably resolve the issue of nominations, especially judicial nominations where the Constitution and the balance of power are at stake. I hope we will allow these votes for these two people who deserve an up-or-down vote and deserve to be on the bench. They will both make excellent judges.

May 9 is Friday. We are going to have cloture votes tomorrow, May 8, the day before the 2-year anniversary of these qualified nominations. I hope those who are filibustering them will see their way clear to let the majority rule. Both of these nominees have now gotten 52 and 54 votes respectively. They have the majority. In any other case they would be on their way to sitting on the circuit courts of appeals. That is where they ought to be. That is where they deserve to be.

I hope my colleagues will allow Miguel Estrada and Priscilla Owen to take their rightful place on the bench. They have earned the majority vote. They have received a majority vote, which is what is required by the Constitution. They should be allowed to be confirmed.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. 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. CORNYN. Mr. President, I ask unanimous consent that in the period for morning business, I be allotted 20 minutes to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL CONFIRMATION PROCESS

Mr. CORNYN. Mr. President, I rise today to say a few more words about our broken judicial confirmation process. This week the Senate marks a dismal political anniversary: 2 years of partisan obstruction of President Bush's judicial nominees, culminating in two unprecedented filibusters, and more are threatened.

The current list includes Justice Priscilla Owen, with whom I served on the Texas Supreme Court, whose nomination is now subject to a filibuster before the Senate. This 2-year anniversary indicates the true breadth of the failure of the judicial confirmation process, an increasingly bitter and destructive process, a process that does a disservice to the President, to the Senate, to the nominees, and ultimately to the American people.

Today a partisan minority of Senators are forcing a supermajority requirement of 60 votes on the judicial confirmation process. They are using the filibuster not simply to provide for adequate debate—a reasonable and laudable goal—but to prevent many of our Nation's most talented legal minds, in this case at least two of them, from filling our Nation's judicial vacancies. These obstructionist activities continue to undermine the constitutional principles of judicial independence and majority rule.

My colleagues should not think the American people do not know what is going on here. They see when a nominee's well-recognized abilities are ignored in favor of scare tactics and revisionist history, and they see when some Senators eschew the interests of the States from which they were elected, and, indeed, our Nation, and instead kowtow to special interest groups.

I am confident that Members of the Senate are wise enough to reject, I guess, what can only be called an inhuman caricature that has been drawn of Justice Priscilla Owen by special interest groups intent on vilifying, demonizing, and marginalizing an admirable nominee.

If we were allowed to hold a vote today, a bipartisan majority of this body stands ready to confirm Justice Priscilla Owen to the Fifth Circuit Court of Appeals.

I would like to take a few moments to talk about my own observations while serving with Justice Owen on the Texas Supreme Court for a period of 3 years during which our terms overlapped, from the time she joined the court in January 1995 until the time I left the court after serving 7 years in October of 1997.

During those 3 years, I had the privilege of working closely with Justice Owen. I had the opportunity to observe on a daily basis exactly how she approached the task of judging, how she thinks about the law and, indeed, her responsibilities, and how she thinks judges should perform once given the awesome responsibility that confers.

I spoke with and debated with Justice Owen in conference on countless occasions about how to faithfully read and follow statutes passed by the legislature and how to interpret precedents; that is, cases that had been previously decided that are binding on courts in terms of their guidance on deciding the same issues in the future.

I saw how hard she worked to faithfully interpret and apply what the legislature had written. I saw her take notes. I saw her tireless attention to detail, her zeal for studying the law, her dedication and her diligence. Not once did I see her attempting to pursue a political or personal agenda at the expense of what the law said or what the law required.

Indeed, some of my colleagues have taken her to task for disagreeing, and the fact that appellate judges, particularly at the highest court in my State, would actually disagree with one another, and suggesting that somehow there is something wrong with that.

Well, to the contrary. That is exactly what the job of a judge is. If we did not have judges occasionally disagree with each other, that would mean somebody was not doing their job, because by the time cases get to the top echelons of our judicial system, they are the hardest cases. They are the cases that cannot be solved by lower levels of the judiciary or indeed by settlement between the parties. These are important issues and must be decided. Indeed, a judge, unlike a member of this body, cannot choose to simply walk away. They must decide the case in the posture as presented by the litigants.

From experience and from observation, Justice Owen believes strongly that judges are called upon not to act as another legislative branch, not to act as a politician trying to read the polls or trying to assess what public opinion may say about this question or another. A judge's job is to faithfully read the statutes on the books and then apply them to the case before him or her or to interpret the precedents by earlier courts and to faithfully apply those, not in a lawmaking fashion but in a law interpretation and law enforcement fashion.

Indeed, that is the difference between what judges do and what members of the executive or legislative branches do. Judges are not supposed to make law. They are supposed to interpret and enforce the law written by the legislature.

I can testify from my personal experience as her former colleague that Priscilla Owen is an exceptional judge and one who understands and internalizes her duty to follow the law and enforce the will of the legislature. That is why the American Bar Association gave her a unanimous rating of well qualified. That is why she has strong bipartisan backing, including Democrats in the State of Texas and Democrat practitioners who have seen her in action. That is why she had enthusiastic support from her fellow Texans in her last election to the court. Some 84 percent of the voters voted to return her to office when she ran for that election.

Simply put, she is a brilliant legal scholar and a warm and engaging person. Knowing the individual, the human being, as I do, it causes me great pain to see her treated the way I believe she has been treated, unfairly, during the judicial confirmation process, and to hear Senators describe her in a way that nobody who knows her would recognize.

Not many in this body have had the privilege of knowing her personally and so that is why I think it is important

for me to say the picture that has been painted of this highly qualified and highly talented human being and great judge in our State of Texas is more than just a little disappointing. It is beneath the dignity of this institution and disserves not only this institution but the constitutional requirement of judicial confirmation and, indeed, ultimately the American people.

The beltway special interest groups are not interested in trying to understand or evaluate Justice Owen by her real record, because if they were, they would see it as a sterling record of intelligence, accomplishment, and bipartisan support. The special interest groups are not interested in the confirmation of nominees who merely interpret the law and render judgment responsibly. They are only interested in confirming people who they believe are advocates of their interests, something that is totally at odds and conflicts with the role a judge is supposed to perform.

Sadly, it is clear that these same special interest groups are interested in obstructing as many of President Bush's judicial nominees as they possibly can. Those who oppose Justice Owen's confirmation appear to have really no stomach for debate and talking about the facts. They choose instead to filibuster and engage in the worst kind of mean-spirited and destructive political attacks.

Let there be no doubt left in the matter. Allow me to quote one of the leaders of the special interest groups opposed to Justice Owen's nomination quoted in the Los Angeles Times last week, when they said: It is sad that not all of these nominees can be filibustered.

So it is clear who is playing the tune and who is giving the instructions. Unfortunately, too many are heeding those instructions to filibuster the President's nominees, to prevent a bipartisan majority of this body from voting to confirm those nominees as they would today in the case of Priscilla Owen and Miguel Estrada.

I can only hope that at some point my colleagues will understand what is going on and reject this special interest influence on the judicial confirmation process. I can only hope that ultimately what we will all strive for is a process that is fair and consistent with our constitutional duty. Yet by blocking a vote on Priscilla Owen, they make themselves allies to these groups, groups that rejoice at the prospect of a Senate in constant gridlock when it comes to the judicial confirmation process.

These shrill attacks are inaccurate, dishonest and unfair. It is not the first time. These are the same people and the same groups that claimed during the nomination of Supreme Court Justice John Paul Stevens that he ''expressly opposed women's interests.'' They found Supreme Court Justice Anthony Kennedy ''a deeply disturbing candidate.'' They testified that Justice Lewis Powell's confirmation would mean that ''justice for women will be ignored.'' And they described Supreme Court Justice David Souter as ''almost neanderthal.''

Those attacks and the current attacks of these same special interest groups are neither accurate nor, after they have long been exposed as untrue, should they be deemed credible. Lending credence to these tactics should be beneath this body. They have no standing for their arguments to be considered legitimate by this body. Like the little boy who cried wolf one too many times, they should be ignored by this body.

It is hard to recognize the caricatures that opponents of these nominees have drawn. As a member of the Senate Judiciary Committee who has voted on a number of President Bush's nominees for the Federal bench, I have seen the politics of personal destruction are fast becoming a commonplace activity for our judicial nominees. Indeed, I began to wonder whether there are enough good and honorable people with distinguished records left in the legal profession or in the judiciary who will volunteer to submit their names to this destructive process who, knowing the facts, regardless of the truth, they will be painted as some horrible caricature of their principal beliefs. Nominees who are so well recognized for their ability should not be required to serve an indefinite period of time in the stocks as targets for these special interest groups that attack them on a regular basis.

It pains me to see what can only be called the politics of personal destruction played out in the course of the judicial confirmation process.

This Friday the clock will run on into a third year of gridlock and obstruction. The special interest groups must be very proud.

These obstructionist tactics abuse the power of the filibuster. It not only violates the bedrock principle of democracy and majority rule itself but arguably offends the Constitution, as well. Indeed, prominent Democrats such as former White House Counsel Lloyd Cutler and, indeed, colleagues in the Senate currently serving, such as TOM DASCHLE, JOE LIEBERMAN, and TOM HARKIN, have condemned filibuster misuse as unconstitutional. An abuse of filibusters against judicial nominations uniquely threatens both the Presidential power of appointment and the principle of judicial independence.

Whether unconstitutional or merely obstructive of our political system, the current confirmation crisis calls out for reform. As all 10 freshmen Senators, myself included—including the distinguished Senator now presiding—stated last week in a letter to the leadership: We are united in our concern that the judicial confirmation process is broken and needs to be fixed. We believe the Senate must find an end to the downward spiral of accusations, obstruction, and delay.

In the face of this consensus that the process is broken, I stand before this body today and say, once again, it is time for a fresh start. In that spirit, the Senate Subcommittee on the Constitution yesterday held a hearing to consider proposals that have been offered to try to restore both the integrity of the confirmation process and the strength of our most cherished constitutional values. We explored and debated a variety of reform proposals at yesterday's hearing, including one from Senator ZELL MILLER from Georgia, who suggests what Senator HARKIN and Senator LIEBERMAN and 17 other Democrats did in 1995; that the 60-vote rule for any debate be reduced incrementally with each succeeding vote until the rule reaches 51 votes. There would be 2-day intervals between each cloture vote so that the whole process would last less than 2 weeks while ensuring adequate time for delay and debate, if necessary, but in the end allowing the majority to do what they are entitled to do in this body and elsewhere in a democracy, and that is to have their will reflected in the law and, in this case, in the confirmation of highly qualified nominees.

Senator HARKIN and Senator LIEBERMAN back in 1995 originally argued that this would preserve the traditions of this body while still giving the minority plenty of time to plead its case without blocking the majority forever.

Now Senator MILLER has proposed this same rule be put into place. This strikes me, personally, as the most intriguing option that has been presented. Senator SCHUMER advocates an overhaul of the judicial confirmation process entirely by eliminating the President's appointment power and instead giving President Bush and the minority leader ''equal votes in picking the judge pickers.'' I really think this is binding arbitration and foisting off on others what should be our responsibility and what we ought to be big enough and responsible enough to solve for ourselves. But I do give Senator SCHUMER credit for offering a reform proposal. I believe it reflects his opinion, as he has stated, both in writing and orally, that the process is broken and needs reform.

Essentially, Senator SCHUMER proposes that the President and the Senate minority leader select equal numbers of members of Senate judicial nominating positions in each State and circuit who would then select one nominee for each judicial vacancy. The President would be required to nominate, and the Senate required to confirm the individuals selected by the commission absent any evidence that the candidate is ''unfit'' for judicial service.

While I appreciate the spirit of reform and trying to find our way out of this gridlock that I believe Senator SCHUMER's proposal represents, there are several concerns. I have stated some of them.

White House Counsel Alberto Gonzales has called the plan ''inconsistent with the Constitution, with the history and traditions of the Nation's Federal judicial appointment process and with the soundest approach for appointment of highly qualified Federal judges.''

Let me be clear. While I think there are problems with the proposal, I do appreciate Senator SCHUMER's acknowledgment of the problem.

Finally, Senator ARLEN SPECTER and, indeed, Senator LEAHY, the ranking member of the Judiciary Committee, have urged the imposition of strict time deadlines for the Senate to hold hearings and votes on judicial nominees. Indeed, the President has proposed the same sort of procedure. Chief Justice Rehnquist, speaking on behalf of the Federal judiciary, has also asked the Senate to ensure prompt up-or-down votes on nominees. Senator SPECTER has fleshed out his proposal and did so yesterday, again, which would call for preset time periods for a nominee to be debated in the committee and on the floor and then finally to reach an up-or-down vote.

I hope there will be more proposals. We had a panel of constitutional scholars, some of the most preeminent legal thinkers in the Nation, and I am sure there will be others. I hope there are others paying attention to this debate and who will offer proposals because I think it will take the best legal thinking. It will take a spirit of bipartisanship. It will take putting the recriminations and the finger-pointing behind us and looking forward and not backward in trying to relive some of those battles of the past for us to be able to get to closure on some reform.

What is important in the short term is that each of these intelligent and responsible Members of the Senate have acknowledged a crisis exists and urge reform of the confirmation process.

We insist that judges be fair and impartial in deciding cases and that they shall neither fear nor favor. But clearly the requirement of fairness does not end in the judicial branch of Government. It also applies to Congress and to this Senate in performing our responsibilities. It is self-evident that this standard should apply in confirming judicial nominees. Our current state of affairs is neither fair nor representative of the bipartisan majority of this body. For democracy to work and for the fundamental democratic principle of majority rule to prevail, all this debate must eventually end, and we must bring matters to a vote.

As Senator Henry Cabot Lodge once said about filibusters: To vote without debating is perilous, but to debate and never vote is imbecile.

I can tell you from personal experience as a former supreme court justice in my home State that when you put your left hand on the Bible and you raise your right hand and you take the oath of office as a judge, you change. If you were formerly an advocate, someone who did battle in our courts of law, representing the position of a client, you no longer are an advocate. If you were formally a legislator, someone who would argue in a body such as this for what public policy demands in terms of representing the best interests of the people you represent, once you become a judge, you are no longer a legislator; you change.

You are, instead, entrusted with a solemn duty, and that is to interpret the law to the best of your ability in accordance with the intent of the people who wrote that law. You must interpret the law as written and not as judges or lawyers or legislators or advocates or special interest groups might like that law to be written. You must interpret the law as it has been written, consistent with the legislative intent.

My hope is that this body will ultimately abide by the constitutional requirement that majorities govern in the case of these two nominees who are being filibustered. We must not, consistent with that same Constitution, impose a supermajority requirement where the Constitution requires none and where the Supreme Court and Senate traditions and the fundamental principle of majority rule dictate that a majority vote, not a 60-vote supermajority, will prevail.

We, of course, must consider the interests of our respective States and the Nation, and I think those interests should be considered above the interests and desires of the special interest groups that seem to have grabbed hold of the confirmation process and will not let it go.

We must act, and I believe we must act soon, to reform this broken confirmation process. Of course, this task falls not on others far away, not even on the President, not on the judiciary, but this responsibility falls on us as citizens, as Senators, as Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, my colleague and many other colleagues in recent weeks have spoken on the floor on the subject of judicial appointments, Federal judgeships. I want to offer a few comments on the subject, not because I think I am an expert—I don't even serve on the Judiciary Committee—but the comments that have been made on the floor of the Senate suggest to the American people that somehow one side of the Senate is blocking judicial nominations, the system is broken, it is not working, and somehow it has to be fixed. Let me see if I can at least provide some clarity.

In the summer of 1991, we had 110 vacancies in the Federal courts. That has now been reduced to 47 vacancies. Why is that the case? Because we have been processing nominations from the White House for Federal judgeships and approving new Federal judges for lifetime appointments. We have voted. We have had votes on 123 of President Bush's Federal judges who have been confirmed. I have voted for 120 of the 123.

Incidentally, of those 123, 2 of them were North Dakota Federal judges. I recognized that the openings in the Fargo and the Bismarck district would be filled by President Bush, would be filled by Republicans. The process worked the way it should work and the way I believe it should always work in that circumstance; that is, the White House and Senator CONRAD and I worked together to find candidates, a list of qualified candidates in North Dakota from which the President would select. He then selected a candidate, a Republican, to send to the Congress to say: Here is who I believe should be the new Federal judge for a lifetime in the Fargo district. Here is who I believe should be the Federal judge for a lifetime in the Bismarck district.

He nominated both. I am proud to say I supported both. Both are wonderful lawyers. Both are going to be great judges. They both now sit on the bench. They do so with my vote, and I was proud to do it. That is exactly the way this ought to work.

Let me describe a bit about what the Constitution does say about judgeships. It says the President:

. . . shall nominate and by and with the advice and consent of the Senate shall appoint . . . judges of the Supreme Court and all other officers of the United States. . . .

What that means is the President shall nominate and the Senate in its process shall make a judgment about whether it advises and consents to that nomination. So the President has no inherent right under the Constitution to send us a name and say: Oh, by the way, this is who I aspire to appoint to the Federal bench, district court, or circuit court, and you must accept this nominee. That is not what the Constitution says.

The Constitution says there is a two-part process: The President proposes and we dispose. The President nominates and we give our advice and consent. A President not of my political party has the right to nominate members of his political party to sit on the Federal bench. When it worked as it worked in the circumstance with North Dakota, I was proud to be someone who said: Count me in. I vote for these nominees because I think they will be great Federal judges.

When it doesn't work is a circumstance where the White House says: We don't care what you think down in the Senate. Here is a name, and we are going to shove it down that pipe, and if you don't like it, tough; we are going to fight like the dickens to get it.

You have the right to fight, I would say to the White House. You have a

right to fight for your nominees. But if you don't have a process where there is some agreement and understanding of working together on lifetime appointments, sometimes nominees are going to get snared and caught in a web down here.

We have approved 123 of the nominees sent to us by President Bush. As I indicated, I have voted for 120 of them. This so-called breakdown or collapse in the process is over two nominations at this point.

This is not new. We have two nominations that are caught in the web, and I will explain why in a moment. The fact is this web has been a much tighter web for a long period of time in which we have reduced far more than half of the vacancies in the Federal bench. Why? Because we are in the business of approving the President's nominees. In a circumstance where we have approved 123 of them, it can hardly be said that this process is broken.

But it has been broken. There were times when this process was broken. One of the judgeships, the nominations that were sent here that is caught, is in the Fifth Circuit. Let me describe what happened in the Fifth Circuit just so we have some history.

In the Fifth Circuit, from 1995 on we had three nominations by the previous administration—three nominations—Judge Rangel, Enrique Moreno, and Alston Johnson. They never got a hearing—not one hearing, not a day, not a minute. They were dead when they got here. There were going to be no hearings because there wasn't going to be a judge on the Fifth Circuit Court appointed by that administration, by the Clinton administration.

What happened? The administration changed. So did the control of the Senate for a while. Judge Clement was confirmed in 6 months; Judge Pickering had two hearings, had a negative vote in the committee. Perhaps—I guess it was a negative vote. I was thinking perhaps he pulled his nomination from consideration. But in any event, there was action in the committee for Judge Pickering.

Judge Priscilla Owen: two hearings, a vote in the committee.

Judge Edward Prado: a hearing, a vote.

Do you see the difference? Under the previous administration, the Republican Senate would not even allow a hearing—not 1 minute of hearing, let alone bring a candidate to the hearing room and have a discussion and have a vote and bring it to the floor—not even a hearing, not 1 day. That was when the system was really broken.

Now we have a circumstance where we are told that because we have two nominations on the floor of the Senate that have not moved—and I will explain why—that the system has somehow completely collapsed and we should change the rules of the Senate.

Let us take a look at the DC Circuit Court. There was not any intention to add a judge to the District of Columbia Circuit Court under the previous administration. We had the nomination of Allen Snyder. He was never given a vote. Elena Kagen was never given a vote because they said the District of Columbia Circuit doesn't have enough work. We shouldn't add a judge to the DC Circuit. Now, all of a sudden, the administration changes, and there is room for more. We need more, and we need to add someone to the District of Columbia Circuit.

You go up and down over the recent years, and you see, in the circuit court especially, candidate after candidate who was never given a vote and was never given a hearing. That is when the process was broken and had collapsed.

It can hardly be said that the process doesn't work at this point when we have reduced the vacancies on the Federal bench by confirming 123 of the President's nominees. And I have voted for almost all of them. That is not a process that has collapsed.

Let me talk about the two that are at odds that Members have come to the floor of the Senate and talked about how the system has collapsed.

The first is Mr. Estrada. Mr. Estrada was nominated by the President to the second highest court in the land. Mr. Estrada had been asked for certain information: No. 1, to answer the questions posed to him by the Judiciary Committee when he appeared; and, No. 2, to have the information released—that is, information about his work when he was with the Solicitor General's Office.

The fact is, until and unless Mr. Estrada releases that information and provides that information, in my judgment he will never get a vote in the Senate. He just won't. One might not like that. Fine, you do not have to like that. But if we are talking about putting people on the Federal bench for a lifetime, we had better discharge our responsibility in a serious way and be serious when we seek information from a candidate. That candidate has an obligation to provide the information. If it is not forthcoming, there is no entitlement and no inherent right under our Constitution to proceed to a vote on a nominee sent to us by the President.

It is interesting that Mr. Estrada testified before the Senate Judiciary Committee the same day Judge Hovland from North Dakota testified before the committee. I referenced him before—a Republican who now sits on the bench in Bismark, ND. He is someone for whom I was proud to have voted. The same questions that were asked of Mr. Estrada were asked of Mr. Hovland that day. Mr. Hovland answered them. Mr. Estrada did not. That is why Mr. Estrada's nomination is caught in a net here in the Senate. It is why he has not had a final vote. He has not released the information from the Solicitor General's Office. He did not respond to the questions.

As soon as all of that is available to the Senate, as I have said repeatedly on this floor, I think he ought to be given a final vote, up or down. Until that time, no Senator ought to aspire to give a final vote to a candidate, to a lifetime appointment of judgeship, or on the circuit or district court who says ''I am not going to provide the information you requested.'' No Senator should insist on proceeding to final vote in that circumstance.

That is not discharging the obligations of the Senate.

Let me talk for a moment about an article that I read in the San Antonio Express News which I thought really described exactly the same circumstance we face here in the Senate, ''A Tale of Two Texas Judges.'' It happens to deal with the nomination of Judge Priscilla Owen and Judge Prado. I am going to read this because I think it is important.

In the nomination of U.S. District Judge Edward Prado for the Louisiana-based 5th Circuit Court of Criminal Appeals, President Bush has found a fail-proof strategy for selecting federal judges. Prado faced no opposition from the Senate Judiciary Committee—or anyone else for that matter—because, unlike some of the President's other recent nominees, Prado is well-qualified with a long record of fairness and moderation.

Unfortunately, the full Senate will be consumed this week with bitter debate over another White House judicial nominee—Texas Supreme Court Justice Priscilla Owen, who has a different kind of record. Instead of moderation, Owen is known for her conservative activism.

Opposition to Owen was so strong that her nomination was rejected last year. This year's Republican-led Judiciary Committee resuscitated it, giving Owen a slim 10–9 party-line vote.

It is not as though Democrats are opposed to all White House nominees. After all, the same committee voted 19–0 in favor of Prado. Now Democrats in the Senate appear likely to filibuster Owen's nomination. Once again, the battle over the White House's judicial nominees is gridlocked.

To avoid this kind of partisan strife, the Bush administration should employ the Prado strategy for future judicial nominees.

That strategy is to choose moderate nominees with long experience who understand that the role of the judge is not to legislate from the bench.

There is a solution to all of this. It has nothing to do with changing the rules. In fact, I submit that when we have confirmed 123 judges submitted by President Bush—and I voted for 120 of them—this process is hardly broken. But the solution to this is for the President and Mr. Gonzales to engage with the Senate and work with the Senate with respect to the kind of nominee that we will put on the circuit court. There is no inherent right in the Constitution that says the President shall nominate and somehow the Senate must consider expeditiously every nomination.

In fact, the Republicans for years and years since I have been in the Senate refused to hold hearings—not even one hearing for nominee after nominee after nominee.

We did not hear the discussion on the floor of the Senate so much about changing the rules and the system

being broken with Mr. Enrique Moreno, who, I believe, is from Texas. I have met him. He would have been a terrific judge. Unfortunately, he wasn't given the time of day by the Senate. We have not done that. This side has not done that. The fact is that even the two nominees who are in dispute at this point had their hearings. They had their day before the committee. They had their vote before the committee. But Mr. Moreno is an example of so many others who never got any consideration at all.

Let me be quick to say that despite the miserable failure of dealing with these judgeships back in the 1990s in the previous administration, I don't think this is at all payback. I don't think this is what this is. Payback would mean we would not have approved 123 of the nominations sent to us by President Bush. We have done that because we think the selection of judges is a process that requires the opportunity for both of us to work our will. The President can send a nomination to us and we can consider that and the options that we have to deal with that nomination.

The way to avoid the pitfalls and the problems that exist with the two nominations that are causing such angst and people coming to the floor saying the sky is falling and the system has collapsed is for the President to work with the Members on the nominees they send to the Senate. There are some—not many—who are simply not going to be confirmed. It is almost automatic that this President's nominees are going to sit on the Federal bench—not quite automatic but almost—evidenced by the fact that 123 we have approved with the votes of almost all Democratic Senators.

There is a way to solve this problem. If you don't believe me, then believe this editorial which is exactly on the mark.

If they say our strategy is simple, we are going to pack the circuit courts with philosophical extremists, and they send us names that reflect the desire to pack the circuit courts with extremists, I am sorry; this process isn't going to work. This process is going to slow down and perhaps stop because, in my judgment, this Senate is not going to allow that to happen. We insist if someone is going to sit for a lifetime on the Federal bench that they be qualified and not be judicial activists who bring an aggressive agenda to the bench.

With respect to the Owen nomination, I was not on the Judiciary Committee and was not part of the hearings, but I have read the record. I have certainly heard from a lot of people who know and who have worked with Judge Owen. I have read the statement of Mr. Gonzales himself from the White House exercising his great angst at her judicial activism on the bench in Texas. But the fact is, she had her day in the Senate last year, and she was turned down by the Senate Judiciary Committee. Now that nomination comes back to us. The fact is, she is one of those few who clearly is a very aggressive judicial activist.

The Gonzales quote is very telling to me. It is not just Judge Gonzales. That same quote about the disposition of Judge Owen and what she does on the bench in the State supreme court is not just from Mr. Gonzales, it is from a range of sources, which I think persuades many in the Senate not to want to proceed with this nominee.

But do not—do not—take the two instances of Mr. Estrada, who has refused to provide the information that is requested by the Senate, and Judge Owen, who was turned down last year by the Senate Judiciary Committee, to say somehow the sky is falling and the structure is broken and we ought to change the rules of the Senate, and how awful this is. Nonsense, total nonsense.

Mr. President, 123 judges sitting on the Federal bench are testimony to the fact that we are approving President Bush's judges. It is just that there are two who stick in the craw of people because they say we have a responsibility, somehow, to rubberstamp all these nominations. I am not going to rubberstamp anybody who is going to serve for a lifetime, especially on a circuit court. If they are not going to provide the information, then they ought not sit on the Federal bench—simple, just open and shut. It has nothing to do with politics, nothing to do with Republicans, nothing to do with Democrats. If you don't provide the information, you are not going to sit on the Federal bench.

Maybe those of us who think that way are in the minority. If so, eventually, I guess, those people will get to the Federal bench. They will say to Congress: I'm sorry, I have a Presidential nomination, and I have no obligation to give you additional information. If there are enough Senators who believe that is discharging our responsibilities, by saying, yes, sir, absolutely, well then maybe these nominations will happen, but they won't happen with my vote, not with a Republican or with a Democrat.

This is what Judge Gonzales said. In Jane Doe, Judge Alberto Gonzales—incidentally, a then-supreme court justice, who is clearing these nominees through the White House—stated that to interpret the law, as Justice Owens did in this case ''would be an unconscionable act of judicial activism.''

I will tell you what. It is not just this phrase. If we had time and I had the interest, I would show you other examples of exactly this sort of activism which persuades me this is not the kind of judge I want to put on a circuit court.

Let me make the point, once again, that the Constitution provides two things: The President shall nominate, and the Senate shall advise and consent. If a President, any President, decides he is going to try to stack a circuit court with people of extremist views, then this Senate—I guarantee you, this Senate—whether it is Republicans against a Democratic President or Democrats stopping a Republican President—this Senate is going to say: I am sorry, it is not going to happen.

Perhaps we should get a long list out here, perhaps a list of 123 names. We could start with North Dakota with Justice Erickson or we could start with any one of a number of the others on that list of 123 who are now Federal judges because President Bush said, ''I want them,'' and because the Senate said, ''You bet. We have taken a look at these judges and they deserve to be on the Federal bench.''

Perhaps going through 123 of them, reducing the number of vacancies by well more than half, we would define that as success rather than a calamity. But if we do not want to take a look at the success, then let's take a look at the two who exist that are causing these problems and these difficulties.

I will tell you, we have, in my judgment, every right to say to the President, in these circumstances: Work with us to send us nominees who we can put on the DC Circuit, who we can put on the Fifth Circuit. Work with us to do that, just as you worked with us with 123 other Federal judges who now are on the Federal bench.

Mr. REID. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield for a question.

Mr. REID. During the years when President Clinton was sending nominees down here, there was a period of time when the Democrats controlled the Senate. Does the Senator recall that?

Mr. DORGAN. That is correct.

Mr. REID. If that were the case, every person he sent down would have been approved, is that right, using the logic used by the majority now?

Mr. DORGAN. Right.

Mr. REID. The fact is, a relatively small percentage of the people he sent down were approved because the Republicans did not like the people he sent down; is that right?

Mr. DORGAN. That is correct.

Mr. REID. Now, I personally disagreed with what the Republicans were doing at that time.

The PRESIDING OFFICER. The Senator has used his allotted time in morning business.

Mr. DORGAN. Mr. President, what is the allotted time under morning business?

The PRESIDING OFFICER. The allotted time is 10 minutes.

The Senator from Nevada.

Mr. REID. Mr. President, under my time, I will ask the Senator a question and would appreciate him responding.

The PRESIDING OFFICER. The Senator does not have the floor.

Mr. REID. He yielded the floor. Of course I have the floor. Who else has it? He yielded the floor. I asked permission to be recognized.

The PRESIDING OFFICER. The Senator from North Dakota is out of time.

Mr. REID. I know. And I asked——

The PRESIDING OFFICER. The Senator from Texas.

Mr. REID. What do you mean: ''The Senator from Texas''? I asked to be recognized, and I was recognized. What do you mean: ''The Senator from Texas''? What are you talking about?

The PRESIDING OFFICER. I recognize the Senator from Nevada.

Mr. DORGAN. Mr. President, might I ask a parliamentary inquiry for the moment? I now understand we were under a period of morning business. When I came, the Senator from Texas was speaking, I assume, perhaps, under morning business as well. I don't know whether I consumed more time than he did or whether it was about even. Could you tell me how much time the Senator from Texas used?

The PRESIDING OFFICER. The Senator from Texas asked to speak for 20 minutes and did speak for 20 minutes.

Mr. DORGAN. Mr. President, how much time did I consume?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. DORGAN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, thank you very much.

Now, if the Senator from Texas wishes to go someplace or something, I would be happy to yield the floor to the Senator. I don't have much to say, but I have a few things to say.

Mr. CORNYN. Certainly. I would like the opportunity to respond to some of the remarks of the Senator from North Dakota.

Mr. REID. Fine. I will not be long at all. I appreciate that.

I say to my friend from North Dakota, the point I was making, when the Chair indicated time was up, was that there were procedures by the majority that stopped President Clinton's nominees from going forward. Does the Senator recall that?

Mr. DORGAN. Yes, including filibusters, of course.

Mr. REID. I recall, very clearly, there were hearings not held in the Judiciary Committee; is that right?

Mr. DORGAN. Well, many of the nominees never got a hearing—ever—under any circumstance.

Mr. REID. And we, the minority at the time, did not like it, and we had a Democratic President; is that not true?

Mr. DORGAN. That is correct.

Mr. REID. I also ask the Senator this question: During the time you have been in the Senate and I have been in the Senate, we have seen changes of the majority—whether it was Democrats or Republicans—it switches back and forth; is that right?

Mr. DORGAN. Yes. The Senator is correct, yes.

Mr. REID. Now, I say to my friend from North Dakota, in the form of a question I ask you to respond to, we did not like what happened, but the Senate went on just fine; the country survived; did it not?

Mr. DORGAN. Absolutely. I remember Mr. Paez, who is now a Federal judge, his nomination was here 1,500 days. I remember the number of times people came to the floor of the Senate expressing great angst about that. It took forever.

But unlike Mr. Paez, many nominees never got a hearing, let alone a vote, never got called to Washington, being told: All right, your nomination is before the Senate. This is the date of your hearing. Many nominees never ever got a hearing.

But I say to the Senator from Nevada, this ought not be, and should never be, payback for ''this side did this, that side did that, so for the last 20 years, let's get even.'' That ought not be what the case is. And I demonstrate and I assert it is not the case because we have approved 123 of President Bush's nominations. I said: I am proud to do that. I was proud to support the two Republican nominees from North Dakota because I think they are terrific judges.

I think we have had great success here. I admit that there is a hangup with two of the judgeships.

I say to my colleague from Texas, who spoke before I did, I do not mean to be pejorative about this. I do not mean to question anyone's motives. I only say that when one asserts that the sky is falling, the system is broken, and nothing is working, there is another view. I was trying to express another view, respectfully.

I respect the opinion of the Senator from Texas, but I have a very different view about our responsibilities, our obligations, and our accomplishments with respect to these nominations.

If I might make one additional comment, I say to the Senator from Nevada, I am not on the Judiciary Committee. I do not pretend to be an expert in these circumstances with these issues. I have studied enough and learned enough to know that many of the nominations that are sent here have been excellent. I have been proud to support them.

But I also understand there are circumstances where we have an obligation and a right to assert our rights. That is exactly what is happening in two circumstances that I think have caused great angst among some and caused them to say the sky is falling. But the sky is not falling at all.

Mr. REID. Mr. President, I simply wanted to acknowledge the statements of the Senator from Texas and the Senator from North Dakota. I am trying to make a point that things change around here: Democrats are in control; Republicans are in control. The Democrats will be back in control of the Senate sometime. It may not be in the next election cycle; it may not be in the next election cycle, but it will happen. We will be in control sometime, and we will have a Democratic President sometime. I think we have to look into the future, that we don't jam the system.

I appreciate very much the Senator from North Dakota indicating this is not payback time. When we took control of the Senate, we said at that time, this is not payback time. We have proven that. There have been hearings held. If there is somebody who has been held up, that should be brought to the attention of the body. Senator DASCHLE and I have stated on many occasions that this is not payback time. If it were, things would be in desperate shape.

We have approved a lot of judges that don't meet what many people over here feel is in the best interests of the country, but we have felt that the President has to have great leeway in the people he has chosen. That is indicated by the 123 we have approved.

I understand the power of concern of the chairman of the Judiciary Committee, Chairman HATCH. His feelings about Miguel Estrada have been made very clear. I know Senator HATCH. I know how strongly he feels about this matter. But I would hope that those on the other side will understand that Miguel Estrada's problem could be solved so easily. Let us see the documents from the Solicitor's Office, and I think it could be solved very quickly.

With Justice Owen, it is a different problem. But remember, we are talking about 123 to 2. I don't think it is fair to try to tell the American public that the system is broken. I really don't think it is.

I want also to apologize publicly for raising my voice to the Chair. I rarely do that. I did and I apologize to the Chair for that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I will take a few moments to respond to some of the comments made by the Senator from North Dakota and the Senator from Nevada.

First, I certainly respect their right to have an opinion and to express an opinion that this system of judicial confirmation is not broken. I disagree with them. Reasonable observers, outside of the bubble in this Chamber and perhaps inside the beltway, looking at this system will say: The system is broken and disagree with them. Indeed, to date, over 134 editorials in 94 newspapers have called for the confirmation of Miguel Estrada and Priscilla Owen and have called for an end to the filibuster. Indeed, the preponderance of the views is in favor of those who believe that the system is broken and sorely in need of reform.

I pointed out the bipartisan letter of the 10 freshmen. I pointed out even Senator SCHUMER and others who have been here for quite a while believe the system is broken. So I think we need a fresh start.

In many ways, the Senator from North Dakota makes my case for me.

When he goes back through all of the grievances of the past in the judicial confirmation process, real or perceived, he says the system was broken back then but it is not now.

He also says that because Democrats have voted or allowed a vote—they haven't necessarily voted for them, but they have allowed a vote—on 123 of the President's judicial nominees and disallowed votes on only 2, that it somehow makes it all right.

There is an important point that needs to be made. When 123 of President Bush's judicial nominees have been confirmed and 2 have been blocked by unprecedented filibusters—and please understand there has never been a filibuster before, a true filibuster of judicial nominees before in the history of the Senate before Miguel Estrada and Priscilla Owen—how can some of these same people stand on the floor of the Senate or in the Judiciary Committee or in front of TV cameras and say President Bush is nominating only ideologues. Back in my State, some of the names I have heard these nominees called would be fighting words. If somebody called you some of the names I have heard these nominees called, indeed the President for nominating some of these same people, those would be simply fighting words.

We are not fighting here today. I am simply trying to make the point that the sort of harsh, shrill, unreasonable, emotional allegations being made by some of these special interest groups that are being repeated by some Members of this body when it comes to these nominees simply don't stand up to any test of reason.

Two years for a judicial nomination is not a sign of a healthy judicial confirmation process. It is a sign that the system is broken and needs to be repaired.

I yield to the distinguished Senator from Kentucky.

Mr. MCCONNELL. I say to my friend from Texas, if he will yield the floor and let me get the floor, we will do this very quickly.

Mr. CORNYN. I am happy to do so.

The PRESIDING OFFICER. The Senator from Kentucky.

UNANIMOUS CONSENT REQUEST—H.J. RES. 51

Mr. MCCONNELL. Mr. President, the assistant Democratic leader and I have been working over the last few hours to come up with a consent agreement with regard to handling the debt limit. We have now reached agreement.

Therefore, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the consideration of Calendar No. 80, H.J. Res. 51, the debt limit extension; that first-degree amendments be limited to 12 per side, with relevant second-degree amendments in order; provided that no amendments with respect to gun liability or hate crimes be in order on either side; that upon disposition of all amendments, the joint resolution as amended, if amended, be read the third time, and the Senate then vote on passage of the joint resolution without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have the floor.

Mr. REID. Would the Senator from Kentucky withdraw his consent at this time?

Mr. MCCONNELL. Mr. President, I withdraw the unanimous consent request for the time being.

I yield the floor.

OWEN NOMINATION

Mr. CORNYN. Mr. President, I have some further remarks I want to make with regard to the Owen nomination. I know there are other Senators who will be coming to the floor. I certainly want to give them an opportunity to speak on that subject if they wish.

As I was saying, the comment of the Senator from North Dakota that 123 Bush judicial nominees have been confirmed and only 2 obstructed, as these 2 fine ones have been, and that is a sign that the system is not broken really is at odds with the caricature I have heard and the Nation has heard about the type of person President Bush has nominated for judicial office. The truth is that they are uniformly highly qualified, able, and experienced, and should be, and are the same type of people who should be confirmed; and why they have picked out these 2 nominees against whom to engage in an unprecedented filibuster is, frankly, beyond me.

I see the Senator from Kentucky and the Senator from Nevada here. I yield the floor to them.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 51

Mr. MCCONNELL. With apologies to the Senator from Texas for the interruption, we would like to try one more time to reach an agreement on something Senator REID and I have been working on for the last few hours.

I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the consideration of Calendar No. 80, H.J. Res. 51, the debt limit extension; that first-degree amendments be limited to 12 per side, with relevant second-degree amendments in order; provided that no amendments with respect to gun liability or hate crimes be in order on either side; that upon disposition of all amendments, the joint resolution, as amended, if amended, be read the third time, and the Senate then vote on passage of the joint resolution, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 113

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, Calendar No. 32, S. 113, the Foreign Surveillance Act, be referred to the Senate Intelligence Committee and that the committee be automatically discharged from further consideration of the measure and the Senate then proceed to its immediate consideration under the following limitation: That there be 2 hours of general debate equally divided between Senator KYL and Senator SCHUMER, or their designees; that the only amendments in order, other than the committee-reported substitute, be the following: Feingold amendment regarding reporting be considered and agreed to; Feinstein amendment regarding permissive presumption, with 4 hours of debate equally divided.

I further ask unanimous consent that following the disposition of the above-listed amendments and the use or yielding back of the debate time, the committee amendment be agreed to, the bill, as amended, be read the third time, and the Senate proceed to vote on passage, with no further intervening action or debate.

Further, I ask unanimous consent that following passage of the bill, the title amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, on the paragraph indicating the Feingold amendment regarding the report being considered and agreed to, is there any time on that?

Mr. MCCONNELL. No.

Mr. REID. No time. Just reported and agreed to. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I apologize again to the Senator from Texas for the continued interruptions. I have no anticipation that I will be doing that again.

The PRESIDING OFFICER. The Senator from Texas is recognized.

OWEN NOMINATION

Mr. CORNYN. Mr. President, I notice the Senator from Alabama is here, and I believe he wants to speak on the Owen nomination. I will turn the floor over to him in a few minutes.

There are a couple of things I want to finish responding to regarding what the Senator from North Dakota and the Senator from Nevada have said, and the way they characterize Justice Owen—as an activist, as somebody who is out of the mainstream, and in terms of judicial qualifications.

I just point out that the picture they paint is totally at odds and inconsistent with the fact that Justice Owen has broad, bipartisan support in the Senate, and it is only a narrow minority of the Senate that is blocking the bipartisan majority from actually voting. To me, that is not evidence of an extreme position or somebody who is out of the mainstream.

I point out and remind my colleagues that former Texas Supreme Court justices, Republicans and Democrats, a long list of former Presidents in the State bar of Texas, Republicans and Democrats, have endorsed her confirmation. That is hardly evidence consistent with the portrait that her detractors are attempting to paint and that was painted by the Senator from North Dakota just a few moments ago. In her last election, 84 percent of the voters in Texas voted for her reelection—hardly consistent with the picture of an extreme, out-of-the-mainstream person and nominee.

I will tell you that in 2000 virtually every major newspaper in Texas endorsed her reelection. Here again, that is not consistent with the portrait being painted today by her opponents.

Let me finally address the issue on which Justice Owen has been criticized, and that is the Texas parental notification statute. I point out to my colleagues that Justice Owen had no choice but to interpret the Texas parental notification statute as adopted by the Texas Legislature. She had no choice. She did her best. I think it is a record of which she and the Senate can be proud.

But I think some of the arguments against this nominee are really wolves in sheep clothing. In other words, I think some of the special interest groups that are opposing Justice Owen's nomination really object to the Texas parental notification statute—a statute which I strongly support because I believe it protects parental rights, in order to at least be involved in one of the most serious and profound decisions that a young girl may have to make in her young life, when under Texas law, if she wanted to get her ears pierced at a doctor's office, she could not do so without parental consent.

This law does not require consent; it requires notice to at least one parent before a minor child decides to get an abortion. As I say, I think a lot of the arguments being made against Justice Owen and this nomination are really masked by an underlying objection by some of these special interest groups to the fact that Texas has—like the vast majority of States—a parental notification law. Eighty-four percent of the American public supports parental rights and laws requiring that a minor child give notice at least to a parent before getting an abortion.

The U.S. Supreme Court has upheld the validity of those laws as not impeding access to an abortion, but merely involving a parent and letting a parent know. Of course, if for some reason, within the letter of that law, a parent cannot be notified, or should not be in the eyes of a judge, there is a judicial bypass provision, and that was exactly the law that Justice Owen was duty-bound to interpret as a member of the Texas Supreme Court in dealing with that Texas parental notification statute.

Justice Owen, in a vast majority of those cases, voted with a majority of the court and dissented from the majority less often than two other justices on that same court.

I would point out that the author of the Texas parental notification law, Senator Florence Shapiro, supports Justice Owen's confirmation.

One other point. I hope we can finally put this issue to bed because it seems as if it gets trotted out every couple of days when it comes to the Owen nomination, and that is the allegation that Alberto Gonzales, White House counsel, formerly a member of the Texas Supreme Court who served with Priscilla Owen, accused her of judicial activism. That is just not true. That is not the fact, and anyone who cared enough about the issue would certainly read the opinions that are referred to by those who are making that fallacious claim.

What happened in that case is some members of the court accused Judge Gonzales of misreading the statute. He stated it would be judicial activism for someone to change the law to suit their own personal beliefs. He did not say Judge Owen had done that.

To me, that settles the issue completely. Here again, you find the facts more divorced from what is happening, what is being said as you see a person, a fine, decent person, a highly qualified candidate for this judicial office, being attacked unfairly. As you see the facts twisted and this caricature again being painted, it bears no relationship to the facts.

I remember Senator ARLEN SPECTER the other day, I think it was in the Senate Judiciary Committee, saying it is clear the Rules of Evidence that apply in court that somebody speak from personal knowledge, that it be trustworthy, it be credible, do not apply to statements made on the floor of the Senate or in the Senate Judiciary Committee. People repeat facts other people say that may be completely wrong or by people who have a motive to bend the truth.

Justice Owen, has been a victim of people who have bent the truth or who care nothing for the truth and who care only for defeating this very fine nominee by our President for this judicial office.

Mr. President, we are not going to give up the fight to have a bipartisan majority of the Senate vote on either Judge Owen's confirmation or on the confirmation of Miguel Estrada. As we heard yesterday before the Senate Subcommittee on the Constitution, constitutional scholars said there are serious constitutional problems with the argument that somehow the cloture rule, which requires 60 votes to cut off debate, can trump the Constitution, which requires only a majority vote.

Senator SPECTER yesterday alluded to something called the nuclear option. He said he was not going to talk about it. All I wish to say is we are not going to give up, and I will not give up when I see a good person, an honest, a decent person who has worked hard, who has risen to the top of the legal profession, who has become a judge and excelled in her job as a judge, who has been faithful to the oath she has taken to interpret the law and not to be a superlegislator or be a legislator wearing a black robe, I am not going to stop as long as it is possible to do anything within my power to see her confirmed and to see that justice and fairness be provided to this good and decent person.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Texas. He knows Priscilla Owen. He served on the Texas Supreme Court. He served as the attorney general of Texas. He knows the legislators who passed the laws in Texas. He knows Justice Owen's history and the respect she has in the community. One can sense his feelings of how bizarre it is to have this wonderful woman, who is popular throughout the State, with 84 percent of the vote, unanimously well-qualified rating by the American Bar Association, attacked and have people come to this body and say she is some sort of extremist. It is really a sad day.

My colleagues on the other side say: We are only objecting to two nominees. Why would they pick Priscilla Owen to be one of the two? Justice Owen is so marvelous. They say she was turned down last year. That was when we had an interlude in which the Democrats had the majority in the Senate and they had a majority in the Senate Judiciary Committee. That committee, on a straight party-line vote, voted down this wonderful candidate, Priscilla Owen, for the Federal court, on a straight party-line vote.

That was not done in the 8 years President Clinton was in office when Republicans had a majority. Republicans never voted down one of his candidates on a straight party-line vote. We ought to think about that.

Senator CORNYN is a tremendous addition to the Senate. The Priscilla Owen matter was raised in his race. It was a matter he discussed, and the voters voted for Senator CORNYN to be their Senator, and he was on record as supporting her nomination.

Now that he is here and helped give us a majority, we moved her out of the committee. She really was not voted down in committee. She was blocked in committee. They tried to keep her nomination from reaching the floor of the Senate, where it could be voted up or down and succeed, until the majority changed.

It is frustrating to me to hear the Democratic Members of this body say: Miguel Estrada can be confirmed or we can move him up for a vote as soon as he turns over all of his records, all the memoranda he wrote while he was at the Department of Justice.

The Presiding Officer, the Senator from Minnesota, is a skilled attorney. He knows these issues. When a lawyer works for a client, the records are the client's records; they are not the lawyer's records. A lawyer cannot pass out his memoranda to his client without the client's permission.

In this case, Miguel Estrada had a client. His client was the United States of America, and his duty and responsibility was to give his supervisors in the Department of Justice—4 of his 5 years he was in the Department of Justice were during the time President Clinton was President of the United States. So his memoranda went to Clinton appointees and their people. They said just turn them over.

This is a big deal. I served almost 15 years in the Department of Justice. It was a great honor for me to hold that position. I think it is the greatest, most honorable law firm in the world. It was great to be there. They are good lawyers. They follow the law.

The Department of Justice should never give over their internal memoranda on a fishing expedition like this just to try to buy votes in the Senate to get somebody confirmed. They should stand firm, and the heat needs to be on those who ask for these records to be turned over.

It was said that some of those records have been turned over in the past. I remember one Senator waving around the documents saying it had been done before. I got them out of the RECORD. I determined that it was the Robert Bork nomination.

Most Americans who have been around a few years remember the Bork deal. He was the Solicitor General of the United States and was moved up to Attorney General.

He fired Elliott Richardson, the midnight massacre, and the Senate had a specific inquiry.

When Bork was in the Department of Justice, they wanted to know about the memoranda he had written involving Watergate, which raised questions of ethics and impropriety and misconduct.

It is quite a different thing if a Member of this Senate says, or this group of Senators say, we want certain records, and those records are records that may give light on a specific wrongdoing that has been alleged to have occurred; there is some sort of concern over an act of wrongdoing which has occurred, but they did not suggest Miguel Estrada was involved in a single act of wrongdoing. They just said: We want to see every memorandum he wrote to the Department of Justice, memoranda owned by the Department of Justice, part of the Department of Justice's work product, part of their decision-making process.

They should not turn it over. These Senators, some of whom are lawyers on the other side, know that, and they ought not to be asking for that. I do not believe they would accept it if Republicans were asking for it in the same circumstance. We have to have a certain amount of collegiality, we have to have a certain degree of fairness and respect for proper procedures, and it is disrespectful of the whole governmental process to insist that the work product of the Department of Justice, in a blanket fishing expedition, needs to be turned over to Senators in exchange for getting an up-or-down vote for a highly qualified nominee.

I am not pleased with what is going on. We all remember well when President Bush was elected and the Democrats had a Senate retreat, and one of the things they discussed was what to do about nominations. They had three well-known liberal professors known throughout the country, Laurence Tribe, Marsha Greenberger, and another lawyer lecture them. These liberal professors told Senate Democrats that they ought to change the ground rules, that they do not need to do like we have done for 200 years since America's founding. It is clear to me that as a result of that conference, somewhere along the line a majority of the Democratic Members of this body agreed, and they have changed the ground rules of confirmations in a way that has never been done before.

In committee, they voted down two nominees on a straight party line vote. They said we ought to change the burden of proof and put it on the nominee. They made a number of other allegations and changes in the process that they said ought to occur. They asked to strengthen the blue slip policy that gives an objecting home State Senator power to block a nomination. When President Bush was elected, they had a meeting and demanded that they have more power.

At the same time, they complain in this body about nominees who did not move because of the traditional exercise of the blue slip. They wanted to have even more power to block nominees of President Bush than existed to block President Clinton's nominees. So it is a frustrating thing.

The most dramatic and historical change of the ground rules occurs when this body engages in filibusters. I noticed they said Mr. Paez was held up 1,000 days. Well, Priscilla Owen and several others are at about that number right now.

How did the Paez matter come to a vote? In my strong view, Paez should never have been confirmed as a Federal judge based on the record we had. I opposed his nomination. But how was it brought up? How do you deal with a hold? You move for cloture. It is a process. No filibuster was ongoing. It just was not being brought up for a vote.

The majority leader of the Republican Party, TRENT LOTT, moved for cloture. I voted for cloture even though I opposed the Paez nomination. Cloture was voted overwhelmingly. Why? Because we did not believe that filibuster was an appropriate remedy for dissatisfaction over a judge. The Republicans believed that a judge should not be filibustered. It has not been done for a circuit or a district judge since the founding of this country, until our colleagues on the Democratic side have now openly filibustered Priscilla Owen and Miguel Estrada.

If they were to say, this is an extremist judge who lacks qualifications, and those sorts of things, maybe we ought to be able to use that power. But that is not the case with these two judges.

These two judges were rated by the American Bar Association. The American Bar Association is an institution that on legal and social issues is, I think, consistently to the left of the American people and the Senate. For example, they oppose any laws restricting abortion and they take a number of very liberal positions on social issues. But the American Bar Association is an entity that understands what the legal practice is about.

They can go out in the community pretty quickly and determine if someone is irresponsible or an extremist. They will rate them accordingly. Well, the American Bar Association has done in-depth background checks on Miguel Estrada and Priscilla Owen. As I recall, they have one person who does a lot of the work. They talk to all of the judges before whom the lawyer practices. They talk to the opposing counsel, co-counsel. They talk to the leaders of the bar in the community. They talk to just about anyone who would have an opinion on them.

They talk to civil rights leaders. They always talk to minority representatives to make sure they have broad-based feedback. Then there are 15 or so of them who meet and evaluate this nominee, and they issue a rating.

With regard to Priscilla Owen, a justice on the Texas Supreme Court, elected with 84 percent of the vote last time, they unanimously rated her the highest rating they give: Well qualified.

Miguel Estrada, editor of the Harvard Law Review, clerked for the Second Circuit Court of Appeals, clerked for Justice Anthony Kennedy on the Supreme Court of the United States, something very few lawyers ever get to do in their life—it is one of the highest honors one could have—they interviewed all the lawyers and all the people, including, I am sure, people in the Clinton Department of Justice where he worked, and they rated him unanimously well qualified, as both of them should have been.

So this talk that they are somehow extremist is just not right. When we see a woman of such good demeanor as Priscilla Owen displayed during her confirmation process—she took all of those questions, many of them based on false premises, with great skill and

aplomb, I thought, and handled herself well, as did Miguel Estrada—this is a very unsatisfactory time in this Senate, when now for the first time in the history of America we have filibusters of circuit judges. This is not about a judge who some lawyers think has an integrity problem. Nobody has suggested that. They are not nominees who people think are somehow unqualified intellectually, or they have lack of experience or lack of ability to do the work. These are the best of America.

Many of us have asked, why would they pick these two nominees? It seems one reason we keep coming back to—and it is so bizarre, I hate to repeat it almost—is that both of these nominees are clearly worthy of serious consideration for the Supreme Court of the United States. They are so fine and have such a marvelous breadth of experience and record of accomplishment in their lives that both of them ought to be on any shortlist for the Supreme Court of the United States. So is that why we are having an objection? They are too good, too qualified, too capable, too intelligent? I do not know, but something is awry when the filibuster is used against people of this quality. I feel very strongly about that.

I agree with Senator CORNYN, and I am glad he is having hearings about it. I am glad he is inquiring into this because he has the judicial experience, integrity, and capability to maybe help us work our way through this maze. Maybe we can figure out a way to get around this. We certainly know the Constitution of the United States, clearly, in the case of advise and consent, will be by majority vote. It is very difficult to interpret it any other way.

Let me say a little bit more about the sterling qualities of Priscilla Owen. She finished at the top of her class at Baylor Law School and aced the Texas bar exam. She made the highest possible score on the Texas bar exam. What better proof of legal ability objectively analyzed than by the tests you take for a bar exam. She passed that with flying colors, with the highest possible score. She was a partner at one of Texas's finest firms, Andrews and Kurth, when she ran for the Supreme Court in 1994. She practiced and litigated for 17 years and was recognized as one of Texas's finest lawyers; not some office clerk who never went to court, but a litigator who was out in the courtrooms in the Federal court and the State court trying cases and developing a reputation of excellence.

She is a member of the American Law Institute, the American Adjudicatory Society, the American Bar Association, a Fellow of the American and Houston Bar Foundations. She was reelected to the Supreme Court in 2000, garnering 84 percent of the vote. She spent so little money in her campaign, despite her big win, that when it was over, she had a good bit of money left. She did something I have never heard of a politician doing: She went back and checked her contribution list and sent back everybody the money they gave to her. There is certainly no Senator who has done that. We like to keep our campaign account, thinking we may need it again some time. That was a voluntary action on her part that demonstrates her high character and high standards.

She serves as the liaison to the Supreme Court of Texas court and mediation task force and the statewide committees on providing legal services to the poor and pro bono services. This mediation task force, I know, causes grief to some of our aggressive litigators, but mediation is a growing method of settling disputes, short of full-fledged and highly expensive litigation. She has been at the forefront of that. I have not heard anyone complain about that.

I ask myself, What is it people would complain about? Is it because she is looking for ways to reduce the costs of protracted litigation?

She was part of a committee that successfully encouraged the Texas legislature to enact legislation that has resulted in millions of dollars a year in additional funds for providing legal services to the poor. She does not just sit there in the office and write opinions. She cares about justice. She wants to make sure everyone has a good day in court. She participated in a committee that raised millions of dollars to help the poor have better legal counsel. That is important. This is some extremist we are talking about?

She serves as a member of the A.A. White Dispute Resolution Institute. She was instrumental in organizing a group known as Family Law 2000 which seeks to find ways to educate parents about the effect of a dissolution of a marriage, the effect on their children, and to lessen the adversarial nature of legal proceedings when a marriage is dissolved. That is important. A lot of parents get so caught up in the anger at their spouse. They have to realize that children are completely baffled by this. They are watching this fight going on with the parents, both of whom they love, and they want to be together, and it is a painful experience. The legal system and the court system of America needs to do a better job of thinking about the impact of these hostile, aggressive divorce proceedings on children. She took a lead in that. This is an extremist?

Among other community activities, she serves on the Board of Texas Hearing and Service Dogs for the blind. She is a member of the St. Barnabas Episcopal Mission in Austin, TX, where she teaches Sunday school and is the head of the altar guild. Is this an extremist Episcopalian? That is a contradiction in terms.

She earned her BA from Baylor and graduated cum laude from Baylor, and was a member of the Baylor Law Review. She was honored as the Baylor Young Lawyer of the Year and as a Baylor University outstanding young alumni.

That led up to her sterling career and practice, her election to the Supreme Court of Texas, her nomination by the President of the United States, who is from Texas and knows her and knows her record. He nominated her for consideration by this body which led to her eventual rating by the Bar Association of America, unanimously well qualified. I am proud of her in that respect.

They complain about these parental notification cases. In Texas, the law of Texas is a modest law. It says before a child can have an abortion, before they can be taken off someplace by some older boyfriend to have an abortion—and too often that is what the cases are—they at least ought to tell one parent. If they choose not to do that, they can go to court. If they have a good reason why they should not tell either parent, the court will allow them not to do so. It is called parental notification law. I think it makes sense. Virtually overwhelmingly, the American people support that; 80 something percent of the people support that. In Texas, you cannot get your ears pierced or a tattoo without parental consent—not just notification. So for Heaven's sake, it should not be considered extreme to require notification prior to an abortion. The Supreme Court of the United States has upheld these laws.

Let me give the hard facts on these cases. The way it works in Texas, a child goes to a court and says: I don't want to tell my parents; they might get mad. The judge has a hearing. If the judge disagrees and says: No, you need to tell one of your parents; we believe you can tell your mother, you should tell your mother before you undergo this procedure, if you want to go forward, you can, but you should tell her. Then, if the young person is not happy with that, they can appeal. They take the appeal to the court of appeals in Texas, a three-judge court, and that three-judge court reviews the opinion of the trial judge. If the trial judge said the young person did not have to tell the parents, there is no appeal. It is over. The case will never even get to the court of appeals unless the trial court says no, you must tell your parents. If the court of appeals overrules the trial court, the case ends there.

If the appellate judges after reviewing the record of the trial court conclude the trial court was correct and affirms that decision, then the young person can appeal again. In this case it would go to the Texas Supreme Court where Justice Owen sits.

By the time it has gotten to the court, a trial judge has ruled notification is appropriate, and a three-judge intermediate appellate court of Texas has ruled it ought to be done.

These are the numbers. Justice Owen agreed with the lower court opinion and voted to require parental notification in 10 of the 14 cases. She voted to

reverse the lower court and grant the exception outright two times. She voted twice to just flat reverse the lower court and say the young person is entitled to an exception—on 2 of those 14 cases. And on 2 cases she did not believe the lower court had done it correctly, had not heard the case fairly, and sent it back down for further hearings on the facts.

In my experience as a litigator who has been involved in trying a lot of cases, that is about the percentage you would expect. You would expect that by the time a case has gone through two levels that the lower courts are probably right most of the time.

So I just don't think that is an extreme record at all. I cannot believe they continue to persist in arguing she is somehow a judicial activist. As Senator CORNYN has pointed out, that was a reference to another judge's dissent; not her opinion even. It was unfair to say Judge Gonzales has said she was an activist. It is not so.

As a matter of fact, I would add this: They say this lady is an extremist. She is not fit for the Federal court because she has not voted right on these parental notification cases. It is almost humorous to think about it. But she voted with the majority of the Texas Supreme Court in 11 of the 14 cases before that court. The full court voted to require parental notice in 7 cases and to grant the exception outright in 3 cases and to remand 4 cases.

These are just excuses, for some reason, that are out there that have been used to block her. They do not withstand rigorous analysis.

One more thing. Let's say she made a mistake. I don't know how many hundreds of cases she has heard on the supreme court. But the American Bar Association and the legal community in Texas, they know her. After a while you form an opinion of a judge and a lawyer. You have an opinion as to whether or not they have good judgment, whether they are capable, whether they work hard, whether they have integrity. Even if they make a mistake somewhere along the line in a case, that is not disqualifying. Any judge who ruled on thousands of cases is not going to be mistake free.

I would say she has done extraordinarily well. We ought to listen to the opinions of those who know her, like Senator—Judge—CORNYN, her former colleague on the court; like all the major newspapers of Texas; like the American Bar Association; like her colleagues on the bench; and like President Bush, who knew her in Texas. She is qualified to an extraordinary degree and would make a magnificent circuit court judge and should be confirmed. We ought not to be in the midst of a historic filibuster on any nominee, really, but particularly this one.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATO EXPANSION

Mr. SESSIONS. Mr. President, we are waiting for wrap-up. I would like to make a few brief remarks in support of the provision offered by Senator WARNER and Senator LEVIN and others that deal with the expansion of NATO, and in particular, the rule of consensus in NATO.

NATO is now 26 countries. It is a group that has provided a bulwark for freedom and liberty against the totalitarian Communists of the Soviet Union and their footstools they dominated in Eastern Europe. They stood firm for a half century, and we have lived to see the collapse of the wall, collapse of the Soviet Union, and freedom spread across Eastern Europe. It is one of the great events in all of history, maybe the highlight of the 20th century.

The NATO alliance has a rule called the consensus rule. It says:

> In making their joint decisionmaking process dependent on consensus and common consent, the members of the alliance safeguard the role of each country's individual experience and outlook while at the same time availing themselves of the machinery and procedures which allow them jointly to act rapidly and decisively if circumstances require them to do so.

That is the rule. We have gone up in numbers. We are going to add more members now. We are probably going to go over 30 members. As a result, we have to ask ourselves what is this unanimous group? What happens if a country goes bad? What if the Communists take back over one of their former footstools they ran over in Eastern Europe? What if a Milosevic takes over a country and rejects the ideals of NATO? What if some radical religious party takes over a country and leads it on the wrong road? What if a Saddam Hussein, a fascist-type government, takes over one of these countries? We are not able to act anymore? We have to sit here and stop all of NATO's legitimate actions?

What this amendment would do is ask the NATO alliance to talk openly and honestly about this problem. It does not require anything. What it requires and asks is the NATO ministers meet and discuss this rule and see if they want to keep this rule.

It focuses on a couple of questions. One is should you always have to have a unanimous vote? I remember very distinctly in the Armed Services Committee after the Kosovo effort, which was mainly driven by our air power, the commander of the American Air Force who directed our air campaign against Kosovo, answered some questions I asked him.

I asked him if the unanimous rule and consent requirement hinder his selection of targets.

He said: Yes.

I said: Did that hindrance delay the successful outcome of the war? Did it cost more lives of Kosovo citizens and Serbian citizens? And did it endanger American lives?

Yes.

Why did this happen? The NATO group approved even the targets our Air Force were selecting before they committed their flights over Kosovo. This is not healthy. This is not a good way to run a war. Now we are going to have 30-plus nations, some of which may have ethnic or political or weird ideas, and they may object to targets. They may object to tactics.

We had an incredible 11 days to figure out a way to get NATO to vote to support Turkey, in case Saddam Hussein attacked Turkey. Some have said that was a good record. Eventually they did get the agreement, but they had to move outside the political NATO to the military NATO. That means France is not in it. You know France is not even a part of the military NATO compact. So they got out of the political NATO and finally got our people all to agree to defend a NATO member against Saddam Hussein. It took 11 days to do so.

I would say to my friends in the NATO alliance, we are so proud of this alliance and what it has achieved. We are proud of the commitment and high ideals that NATO has set for that region and throughout the whole world. But we are a little nervous. We think it is about time to think through this consensus rule.

I don't want to stir up anything. I don't want to say that we don't respect any one nation's vote in NATO nor give it great respect. But I do think that a mutual respect to the United States' overwhelming majority of NATO would be to ask questions: Wait a minute. What kind of mechanism could we do that would protect small nations, and that would protect the minority of nations but allow NATO to act legitimately even without an absolute unanimous vote?

I think Senator WARNER, Senator LEVIN, Senator ROBERTS, and others who have offered this are on the right track. I have asked about it for some time. In fact, when the matter came up several years ago to expand NATO, I asked a number of the witnesses from President Bush's administration some tough questions about it. They were forward. I asked about the rule of consensus. They defended it. They said, Well, we think it is going to be OK. Senator LEVIN, likewise, took the same position. When we had the recent hearing on the further expansion, we dealt with this same issue.

I quoted some of Senator LEVIN's remarks previously. I think this is a good time for us to move forward to bring this to a head. Let us talk about it openly. I don't think a discussion without any requirement to act could upset anybody. Let us talk about it and maybe we can make some progress.

RECOMMENDED APPOINTMENTS

Mr. FRIST. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I sent to Vice President CHENEY on the appointment of Richard W. Bratton, of Wyoming, to the Citizen's Coinage Advisory Commission.

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

U.S. SENATE,
Washington, DC, May 6, 2003.

Hon. DICK CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Pursuant to the provisions of Public Law 108–015 I have respectfully recommended to Secretary John Snow of the United States Department of the Treasury the following individual to be appointed to the Citizen's Coinage Advisory Commission:

Mr. Richard W. Bratton of Wyoming.

Sincerely,

BILL FRIST,
Majority Leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the following letter regarding an appointment to the Citizen's Coinage Advisory Commission be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, May 7, 2003.

Hon. DICK CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Pursuant to the provisions of Public Law 108–15 I have today respectfully recommended to Secretary John Snow of the United States Department of the Treasury the following individual to be appointed to the Citizen's Coinage Advisory Commission:

Leon Billings of Maryland.

Sincerely,

TOM DASCHLE,
Democratic Leader.

SUBMITTING CHANGES TO COMMITTEE ALLOCATIONS, FUNCTIONAL LEVELS, AND BUDGETARY AGGREGATES

Mr. NICKLES. Mr. President, section 421 of H. Con. Res. 95, the 2004 Budget Resolution, requires the Chairman of the Senate Budget Committee to make appropriate adjustments in the appropriate allocations and aggregates to reflect the difference between Public Law 108–11—the Emergency Wartime Supplemental Appropriations Act, 2003—and the corresponding levels assumed in the resolution.

As enacted, the Emergency Wartime Supplemental Appropriations Act of 2003 contains changes in new budget authority, outlays and revenues that differ from those assumed in the budget resolution. For fiscal year 2003, the supplemental provides $4.432 billion in budget authority, $3.745 billion in outlays, and $2 million in revenues above the amounts assumed in H. Con. Res. 95. The supplemental also provides $215 million in additional new budget authority and $332 million in additional outlays for fiscal year 2004; over the period of fiscal years 2004 through 2013, it provides an additional $888 million in budget authority and $1.406 billion in outlays over the amounts assumed in the resolution.

I am therefore inserting a set of tables into the RECORD which show the revised allocations and aggregates, reflecting the adjustments I am making pursuant to section 421. These revised allocations and aggregates are the appropriate levels to be used for enforcement of the 2004 Budget Resolution. I ask unanimous consent to print the above-referenced tables in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004—H. CON. RES. 95; REVISION TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 421

[In billions of dollars]

Section 101

(1)(A) Revenues (on-budget):	
FY 2003	1303.113
FY 2004	
FY 2005	
FY 2006	
FY 2007	
FY 2008	
FY 2009	
FY 2010	
FY 2011	
FY 2012	
FY 2013	
(1)(B) Changes in Federal Revenues:	
FY 2003	−56.721
FY 2004	
FY 2005	
FY 2006	
FY 2007	
FY 2008	
FY 2009	
FY 2010	
FY 2011	
FY 2012	
FY 2013	
(2) Budget Authority (on-budget):	
FY 2003	1867.072
FY 2004	1861.333
FY 2005	1990.603
FY 2006	2122.725
FY 2007	2233.213
FY 2008	2349.256
FY 2009	2454.814
FY 2010	2555.986
FY 2011	2669.845
FY 2012	2754.409
FY 2013	2875.544
(3) Budget Outlays (on-budget):	
FY 2003	1819.167
FY 2004	1884.280
FY 2005	1981.995
FY 2006	2089.892
FY 2007	2190.978
FY 2008	2307.637
FY 2009	2420.227
FY 2010	2528.260
FY 2011	2651.603
FY 2012	2724.337
FY 2013	2855.914
(4) Deficits or Surpluses (on-budget):	
FY 2003	−516.054
FY 2004	−558.828
FY 2005	−448.120
FY 2006	−432.381
FY 2007	−400.727
FY 2008	−405.793
FY 2009	−366.465
FY 2010	−360.323
FY 2011	−381.063
FY 2012	−314.765
FY 2013	−301.929
(5) Public Debt	
FY 2003	6750
FY 2004	7388
FY 2005	7982
FY 2006	8540
FY 2007	9069
FY 2008	9608
FY 2009	10109
FY 2010	10608
FY 2011	11132
FY 2012	11596
FY 2013	12048
(6) Debt Held by the Public	
FY 2003	3921
FY 2004	4303
FY 2005	4604
FY 2006	4835
FY 2007	5013
FY 2008	5175
FY 2009	5278
FY 2010	5356
FY 2011	5435
FY 2012	5432
FY 2013	5402

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004—H. CON. RES. 95; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 421

[In billions of dollars]

Section 103 (on-budget, in billions)

(1) National Defense (050):	
FY 2003	
BA	455.302
OT	420.504
FY 2004:	
BA	400.546
OT	421.994
FY 2005:	
BA	420.071
OT	419.916
FY 2006:	
BA	440.185
OT	427.159
FY 2007:	
BA	460.435
OT	438.934
FY 2008:	
BA	480.886
OT	462.955
FY 2009:	
BA	491.951
OT	479.285
FY 2010:	
BA	502.301
OT	493.226
FY 2011:	
BA	511.859
OT	508.131
FY 2012:	
BA	520.553
OT	510.509
FY 2013:	
BA	529.428
OT	524.494
(2) International Affairs (150):	
FY 2003:	
BA	30.616
OT	22.781
FY 2004:	
BA	25.681
OT	27.415
FY 2005:	
BA	29.734
OT	25.663
FY 2006:	
BA	32.308
OT	26.851
FY 2007:	
BA	33.603
OT	28.597
FY 2008:	
BA	34.611
OT	29.664

FY 2009:
BA 35.413
OT 30.755
FY 2010:
BA 36.258
OT 31.689
FY 2011:
BA 37.136
OT 32.565
FY 2012:
BA 38.005
OT 33.408
FY 2013:
BA 38.885
OT 34.298

(3) General Science, Space and Technology (250):

FY 2003:
BA 23.164
OT 21.560
FY 2004:
BA 23.927
OT 22.805
FY 2005:
BA 24.433
OT 23.862
FY 2006:
BA 25.217
OT 24.485
FY 2007:
BA 26.055
OT 25.221
FY 2008:
BA 26.832
OT 25.948
FY 2009:
BA 27.462
OT 26.639
FY 2010:
BA 28.121
OT 27.296
FY 2011:
BA 28.805
OT 27.963
FY 2012:
BA 29.492
OT 28.639
FY 2013:
BA 30.185
OT 29.319

(5) Natural Resources and Environment (300)

FY 2003:
BA 30.954
OT 29.000
FY 2004:
BA 31.623
OT 30.856
FY 2005:
BA 32.504
OT 31.658
FY 2006:
BA 32.962
OT 32.830
FY 2007:
BA 33.386
OT 33.127
FY 2008:
BA 34.064
OT 33.527
FY 2009:
BA 35.183
OT 34.544
FY 2010:
BA 36.021
OT 35.360
FY 2011:
BA 36.829
OT 36.163
FY 2012:
BA 37.529
OT 36.836
FY 2013:
BA 38.214
OT 37.600

(6) Agriculture (350)

FY 2003:
BA 24.597
OT 23.441
FY 2004:
BA 24.583
OT 23.718
FY 2005:
BA 27.003
OT 25.780
FY 2006:
BA 26.828
OT 25.616
FY 2007:
BA 26.299
OT 25.107
FY 2008:
BA 25.507
OT 24.381
FY 2009:
BA 26.092
OT 25.128
FY 2010:
BA 25.545
OT 24.716
FY 2011:
BA 24.991
OT 24.180
FY 2012:
BA 24.573
OT 23.778
FY 2013:
BA 24.297
OT 23.498

(8) Transportation (400)

FY 2003:
BA 67.975
OT 70.884
FY 2004:
BA 69.586
OT 70.715
FY 2005:
BA 70.649
OT 69.666
FY 2006:
BA 72.676
OT 70.388
FY 2007:
BA 75.390
OT 71.898
FY 2008:
BA 77.011
OT 73.743
FY 2009:
BA 78.928
OT 75.682
FY 2010:
BA 77.775
OT 77.261
FY 2011
BA 78.642
OT 78.309
FY 2012
BA 79.543
OT 79.333
FY 2013:
BA 80.476
OT 80.356

(9) Community and Regional Development (450)

FY 2003:
BA 12.351
OT 16.014
FY 2004:
BA 14.063
OT 15.883
FY 2005:
BA 14.138
OT 15.891
FY 2006:
BA 14.321
OT 14.962
FY 2007:
BA 14.536
OT 14.664
FY 2008:
BA 14.745
OT 14.123
FY 2009:
BA 14.980
OT 14.298
FY 2010:
BA 15.233
OT 14.501
FY 2011:
BA 15.492
OT 14.750
FY 2012:
BA 15.755
OT 14.992
FY 2013
BA 16.023
OT 15.259

(10) Education, Training, Employment, and Social Services (500)

FY 2003:
BA 82.830
OT 81.581
FY 2004:
BA 90.170
OT 84.344
FY 2005:
BA 91.457
OT 87.036
FY 2006:
BA 93.428
OT 90.541
FY 2007:
BA 95.569
OT 92.986
FY 2008:
BA 97.925
OT 95.118
FY 2009:
BA 99.813
OT 97.440
FY 2010:
BA 101.551
OT 99.289
FY 2011:
BA 103.529
OT 101.117
FY 2012:
BA 105.790
OT 102.985
FY 2013:
BA 107.265
OT 104.934

(11) Health (550)

FY 2003:
BA 223.071
OT 217.922
FY 2004:
BA 240.554
OT 238.871
FY 2005:
BA 259.701
OT 259.428
FY 2006:
BA 279.236
OT 279.028
FY 2007:
BA 299.614
OT 298.683
FY 2008:
BA 322.061
OT 320.731
FY 2009:
BA 345.548
OT 344.059
FY 2010:
BA 370.626
OT 369.097
FY 2011:
BA 396.818
OT 395.280
FY 2012:
BA 415.790
OT 414.384
FY 2013:
BA 445.484
OT 444.082

(13) Income Security (600)

FY 2003:
BA 326.395
OT 334.182
FY 2004:
BA 319.518

OT 324.840
FY 2005:
BA 333.821
OT 337.123
FY 2006:
BA 341.816
OT 344.292
FY 2007:
BA 349.199
OT 350.945
FY 2008:
BA 361.697
OT 362.808
FY 2009:
BA 373.372
OT 374.083
FY 2010:
BA 384.844
OT 385.347
FY 2011:
BA 400.266
OT 400.688
FY 2012:
OT 403.738
OT 404.146
FY 2013:
BA 418.672
OT 419.245

(15) Veterans Benefits and Services (700)

FY 2003:
BA 57.697
OT 57.524
FY 2004:
BA 63.779
OT 63.265
FY 2005:
BA 67.135
OT 66.558
FY 2006:
BA 65.397
OT 64.995
FY 2007:
BA 63.874
OT 63.442
FY 2008:
BA 67.666
OT 67.398
FY 2009:
BA 69.279
OT 68.924
FY 2010:
BA 70.992
OT 70.588
FY 2011:
BA 75.669
OT 75.249
FY 2012:
BA 72.618
OT 72.097
FY 2013:
BA 77.455
OT 76.989

(16) Administration of Justice (750)

FY 2003:
BA 41.976
OT 38.533
FY 2004:
BA 37.626
OT 42.480
FY 2005:
BA 37.946
OT 39.993
FY 2006:
BA 37.984
OT 38.450
FY 2007:
BA 38.461
OT 38.252
FY 2008:
BA 39.477
OT 39.128
FY 2009:
BA 40.497
OT 40.212
FY 2010:
BA 41.599
OT 41.299
FY 2011:
BA 42.889
OT 42.472
FY 2012:
BA 44.207
OT 43.760
FY 2013:
BA 45.576
OT 45.120

(17) General Government (800)

FY 2003:
BA 18.318
OT 18.133
FY 2004:
BA 20.202
OT 20.108
FY 2005:
BA 20.635
OT 20.751
FY 2006:
BA 20.656
OT 20.505
FY 2007:
BA 21.126
OT 20.888
FY 2008:
BA 21.236
OT 21.013
FY 2009:
BA 21.946
OT 21.504
FY 2010:
BA 22.695
OT 22.212
FY 2011:
BA 23.458
OT 22.946
FY 2012:
BA 24.255
OT 23.880
FY 2013:
BA 25.076
OT 24.520

(18) Net Interest (900)

FY 2003:
BA 240.203
OT 240,203
FY 2004:
BA 259.528
OT 259.528
FY 2005:
BA 310.822
OT 310.822
FY 2006:
BA 352.463
OT 352.463
FY 2007:
BA 380.846
OT 380.846
FY 2008:
BA 405.947
OT 405.947
FY 2009:
BA 429.867
OT 429.867
FY 2010:
BA 450.997
OT 450.997
FY 2011:
BA 473.746
OT 473.746
FY 2012:
BA 496.401
OT 496.401
FY 2013:
BA 514.926
OT 514.926

(19) Allowances (920)

FY 2003:
BA 0.000
OT 0.000
FY 2004:
BA ..... −7.621
OT ..... −4.671
FY 2005:
BA ..... −6.541
OT ..... −5.652
FY 2006:
BA ..... −7.331
OT ..... −7.407
FY 2007:
BA ..... −8.947
OT ..... −9,203
FY 2008:
BA ..... −9.959
OT ..... −10.111
FY 2009:
BA ..... −11.526
OT ..... −10.030
FY 2010:
BA ..... −12.888
OT ..... −10.923
FY 2011:
BA ..... −16.414
OT ..... −12.671
FY 2012:
BA ..... −21.460
OT ..... −15.707
FY 2013:
BA ..... −25.618
OT ..... −19.181

Concurrent Resolution on The Budget for Fiscal Year 2004—H. Con. Res. 95; Revisions to the Conference Agreement; Pursuant to Section 421

[In billions of dollars]

	2003
Paygo Scorecard	64.787

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

[Budget year total 2003; in millions of dollars]

Committee	Direct spending jurisdiction		Entitlement funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General purpose discretionary	843,550	808,891	0	0
Memo:				
on-budget	839,738	805,053	.....	.....
off-budget	3,812	3,838	.....	.....
Highways	0	31,264	0	0
Mass Transit	1,436	6,551	0	0
Mandatory	391,344	378,717	0	0
Total	1,236,330	1,225,423	0	0
Agriculture, Nutrition, and Forestry	19,359	14,964	52,763	40,712
Armed Services	73,996	73,473	275	233
Banking, Housing and Urban Affairs	12,558	1,599	118	16
Commerce, Science, and Transportation	10,590	7,255	885	814

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT—Continued

[Budget year total 2003; in millions of dollars]

Committee	Direct spending jurisdiction		Entitlement funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Energy and Natural Resources	2,879	2,539	48	63
Environment and Public Works	30,830	2,372	0	0
Finance	759,790	763,497	286,512	286,509
Foreign Relations	13,595	11,366	183	183
Governmental Affairs	66,931	65,426	16,564	16,564
Judiciary	6,509	6,441	534	527
Health, Education, Labor, and Pensions	5,328	4,805	2,814	2,801
Rules and Administration	82	85	104	103
Intelligence	0	0	223	223
Veterans' Affairs	1,171	1,109	30,321	29,969
Indian Affairs	456	444	0	0
Small Business	864	769	0	0
Unassigned to Committee	(371,644)	(358,647)	0	0
Total	1,869,624	1,822,920	391,344	378,717

Revisions Pursuant to Section 421 of the Concurrent Resolution on the Budget for Fiscal Year 2004—H. Con. Res. 95.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

[Budget year total 2004; in millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations:				
General purpose discretionary	783,214	822,895	0	0
Memo:				
on-budget	778,957	818,688		
off-budget	4,257	4,207		
Highways	0	31,555	0	0
Mass Transit	1,461	6,634	0	0
Mandatory	426,949	410,619	0	0
Total	1,211,624	1,271,703	0	0
Agriculture, Nutrition, and Forestry	20,801	16,826	55,536	39,472
Armed Services	77,560	77,326	375	376
Banking, Housing and Urban Affairs	13,946	2,251	120	12
Commerce, Science, and Transportation	10,908	6,518	827	843
Energy and Natural Resources	2,669	2,390	64	70
Environment and Public Works	35,654	2,312	0	0
Finance	757,720	761,042	315,856	315,780
Foreign Relations	9,787	11,689	179	179
Governmental Affairs	68,533	67,000	17,362	17,362
Judiciary	7,883	7,230	511	523
Health, Education, Labor, and Pensions	5,232	4,439	2,888	2,872
Rules and Administration	82	246	109	109
Intelligence	0	0	226	226
Veterans' Affairs	1,311	1,260	32,914	32,795
Indian Affairs	475	472	0	0
Small Business	3	(23)	0	0
Unassigned to Committee	(371,280)	(355,315)	0	0
Total	1,852,908	1,877,366	426,949	410,619

Revisions Pursuant to Section 421 of the Concurrent Resolution on the Budget for Fiscal Year 2004—H. Con. Res. 95.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

[5-year total: 2004–2008; in millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	109,330	91,951	288,857	206,256
Armed Services	417,330	416,461	2,992	3,047
Banking, Housing and Urban Affairs	71,267	7,231	626	(104)
Commerce, Science, and Transportation	60,492	38,575	4,538	4,541
Energy and Natural Resources	11,991	10,905	320	333
Environment and Public Works	190,317	10,561	0	0
Finance	4,502,612	4,511,696	1,824,189	1,823,275
Foreign Relations	59,034	55,412	876	876
Governmental Affairs	372,971	365,695	93,701	93,701
Judiciary	25,585	25,756	2,629	2,640
Health, Education, Labor, and Pensions	32,738	29,056	15,226	15,126
Rules and Administration	408	574	588	588
Intelligence	0	0	1,230	1,230
Veteran's Affairs	6,561	6,382	176,815	176,196
Indian Affairs	2,587	2,569	0	0
Small Business	6	(59)	0	0

Revisions Pursuant to Section 421 of the Concurrent Resolution on the Budget for Fiscal Year 2004—H. Con. Res. 95.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

[10-year total: 2004–2013; in millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	209,130	178,892	600,618	446,118
Armed Services	910,879	909,159	7,129	7,273
Banking, Housing and Urban Affairs	141,433	1,859	1,318	(176)
Commerce, Science, and Transportation	113,446	69,687	10,252	10,232
Energy and Natural Resources	22,263	20,458	640	653
Environment and Public Works	393,698	19,403	0	0
Finance	10,596,016	10,611,144	4,487,111	4,485,223
Foreign Relations	127,160	116,399	1,733	1,733
Governmental Affairs	833,756	819,817	206,453	206,453
Judiciary	42,068	41,692	5,459	5,455

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT—Continued

[10-year total: 2004–2013; in millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations acts	
	Budget authority	Outlays	Budget authority	Outlays
Health, Education, Labor, and Pensions	71,126	64,104	32,601	32,468
Rules and Administration	803	1,025	1,309	1,309
Intelligence	0	0	2,648	2,648
Veteran's Affairs	12,781	12,501	373,770	372,651
Indian Affairs	5,805	5,765	0	0
Small Business	6	(76)	0	0

Revisions Pursuant to Section 421 of the Concurrent Resolution on the Budget for Fiscal Year 2004—H. Con. Res. 95.

TRIBUTE TO WESTERN KENTUCKY UNIVERSITY'S WILLIAM E. BIVIN FORENSIC SOCIETY

Mr. MCCONNELL. Mr. President, I rise today to express congratulations to all the team members and coaches of Western Kentucky University's William E. Bivin Forensic Society. The group recently was named world champions at the International Forensic Association Championship in Vancouver, BC.

It is my understanding that this is just one of the many titles the team has claimed over the last year. The team won the 2003 Delta Sigma Rho-Tau Kappa Alpha National Championship. They defeated 87 other universities to win the 2003 American Forensic Association National Championship. And most recently they captured the National Forensic Association Individual Events Championship. This is an impressive list of victories and a tribute to their hard work and dedication.

I wish to acknowledge each of the winning students: Corey Alderdice, Drew Allen, Elizabeth Au, Margaret Au, Stacy Bernaugh, Chris Blackford, Keith Blaser, Chris Brasfield, Grace Bruenderman, David Burns, Jenny Corum, Ashley Courtney, Justin Cress, Tony Damico, Nicole Estenfelder, Raegan Gibson, Nicole Hawk, Adam Henze, Kate Hertweck, Ryan Howell, Lindsey Nave, Jacob Peregoy, Jennifer Purcell, Hanna Reliford, Alex Rogers, Nick Romerhausen, Evelio Silvera, Rebecca Simms, Courtney Smith, Joel Smith, Jen Taylor, Katie Tyree, Jordon Wadlington, Caleb Williams, Jeff Woods, and Courtney Wright.

I would also like to recognize and thank their outstanding coaches, Judy Woodring, Jace Lux, Bonnie McDonald, Greg Robertson, Matt Gerbig, Doug Mory, Chris Grove, and Joe Day, who provided leadership to this winning team.

Mr. President, Western Kentucky University's William E. Bivin Forensic Society has both national and international successes to be proud of. On behalf of myself and my colleagues in the Senate, I congratulate them on their significant achievements.

THE CRACKDOWN AGAINST PRO-DEMOCRACY DISSIDENTS IN CUBA

Mr LEAHY. Mr. President, I come to the floor today to denounce, in the strongest terms, the recent deplorable actions by the regime of President Fidel Castro.

While the world focuses on the aftermath of the war in Iraq and the enormity of Saddam Hussein's atrocities are revealed, we must not ignore egregious violations of human rights taking place much closer to home.

I have long believed that the way to encourage democratic reform and respect for human rights in Cuba is not through isolation of this tiny island nation, but through the normalization of our relationship. I totally oppose the restrictions on the right of Americans to travel to Cuba.

But the recent crackdown against pro-democracy dissidents in Cuba is not only a reprehensible affront to human decency, it has threatened already strained relations between Cuba and the United States and between Cuba and the rest of the world.

My visit to Cuba in March 1999 reinforced my belief in the folly of our antiquated policy. I met with President Castro and a number of political activists. I saw firsthand the need for ending not only the embargo—which simply compounds the misery of Cuba's people and provides President Castro with a convenient excuse, but the repression and pervasive climate of fear perpetrated by that government.

On March 18, the Cuban government suddenly launched an attack against its political opponents. After storming their houses, seizing their computers, typewriters, fax machines and books, the government arrested 79 people, accusing them of subverting Cuba's government by conspiring with James Cason, the head of the U.S. Interests Section in Havana. They were charged with the vague crime of ''collaborating with a foreign power against their homeland.''

Less than 3 weeks later, the Cuban courts had tried, convicted and sentenced at least 75 of these people in a whirlwind process of closed-door trials lasting less than one day in improvised courts where undercover security agents who had infiltrated dissident groups surfaced as witnesses.

The punishments for conduct, that in most countries would not even be criminal, ranged from 6 to 28 years in prison.

Those arrested in this crackdown include leaders of independent labor unions and opposition political parties, independent journalists, librarians, and pro-democracy activists. More than half of the arrests were local organizers of the Varela Project reform effort.

The Varela Project collected more signatures than the constitutionally required 10,000 for a national referendum calling for electoral reforms, freedom of association, and amnesty for nonviolent political prisoners.

The Cuban government responded with a counter petition, decreeing the Cuban socialist system to be untouchable. While local organizers received some of the heavier sentences, Osvaldo Paya, head of the Varela Project, was not arrested. Mr. Paya said that the crackdown is ''an attempt to kill the chances of peaceful change in Cuba, but [dissidents] will continue seeking peaceful reforms.''

At a meeting this month of the U.N. Commission on Human Rights in Geneva, the Swedish foreign minister warned that the crackdown in Cuba could harm its prospects for cooperation with the European Union.

On March 10, the European Commission opened its first diplomatic office in Havana. Cuba is applying for membership in the Cotonou Agreement—the economic assistance pact between the EU and African, Caribbean, and Pacific nations. Cubans would benefit significantly from the Cotonou Agreement, but Cuba's entry is now in jeopardy.

The U.N. Commission on Human Rights also adopted a resolution to send a U.N. envoy to Cuba to investigate human rights abuses, but Cuban officials have apparently rejected this.

The Bush administration is reportedly considering punitive measures to restrict the flow of American dollars to Cuba by further limiting the number of Americans who may travel to Cuba on charter flights, and by reducing the monetary remittances that Cubans in the United States send back to their families in Cuba. Unfortunately, such measures would only hurt the wrong people.

If this were not bad enough, earlier this month, Cuban authorities detained three men who had hijacked a ferry crossing the Florida Straits on its way to the United States. Less than 24 hours later, these men were summarily executed by a firing squad. No one supports the act of hijacking, and people of good conscience disagree about the death penalty. But such an outrageous denial of due process should be universally condemned.

As one who strongly opposes the policy of the Bush administration and previous U.S. administrations of isolating Cuba, a policy which for more than 40 years has failed to achieve any of its goals. I want to add my voice to those who have denounced these recent events.

Human rights are universal. They are every much the rights of the Cuban people as they are the rights of people everywhere. When they are denied, we are all diminished. The United States cannot prevent the wholesale violation of human rights by the Cuban government or any government. But we can speak up.

We can say to them that this is unacceptable.

We can say do not trouble us with your farcial explanations and excuses.

And we can say, with confidence, that those whose rights are so blatantly denied today will one day show their oppressors the real meaning of ''revolution''—one that is based on the rights of man, not the brutality of one man.

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 crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred November 3, 2001 in Los Angeles, CA. An Afghani-American woman was physically assaulted and harassed by her two male neighbors as she walked from her car to her house. When the police arrived to take a report, the two men told the officers that the woman had been making terrorist threats.

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.

TRIBUTE TO DR. BETSY ROGERS OF LEEDS, AL, AS NATIONAL TEACHER OF THE YEAR

Mr. SHELBY. Mr. President, I rise today in honor of Dr. Betsy (Dawson) Rogers, a teacher from Leeds, AL. On April 30, 2003, in the Rose Garden at the White House, President George W. Bush presented Dr. Rogers with the esteemed National Teacher of the Year award. Dr. Rogers was selected for this honor from among the best teachers in the Nation based on her compassion for the children she teaches.

Dr. Rogers, a teacher of first and second grade students at Leeds Elementary School, began teaching in 1985. She was compelled by the needs of many of her students, some from less fortunate families just needing someone to encourage them to strive to their greatest potential. Dr. Rogers invests her time and energy in everyone of her students. Day in and day out, she goes above and beyond the call of duty, because for her students to achieve their greatest potential, some may need individual attention starting from long before the school day begins and lasting until hours after the last bell rings.

Dr. Rogers has had many opportunities to teach at most any school of her choice. Yet, she has humbly chosen to stay at Leeds Elementary School, knowing that her compassion is best put to use by these children who need it the most.

She loves everything about teaching, because Dr. Rogers is shaping the future for each child who comes into her classroom. She doesn't take this responsibility lightly, and for that she is to be commended. I am grateful to Dr. Rogers and teachers all over Alabama and the Nation just like her, who understand the immense responsibility they have as educators.

Dr. Rogers is blessed with an incredibly supportive family. Her parents, Elenor and Dick Dawson, are friends of mine from Birmingham, and I know they are very proud of their daughter's fine accomplishment. Her two sons, Rick and Alan, have benefitted tremendously from her gifted ability to teach. And her brothers, Richard and Eric, are close to her and celebrate with her on this important award.

Alabama is honored to be home to Dr. Rogers, and I hope that when my grandchildren enter elementary school they will have the fortunate experience to have a teacher just like her.

WEST VIRGINIA MILITARY SERVICE

Mr. ROCKEFELLER. Mr. President, I rise today to honor all West Virginians who have served our country in the military, especially those currently overseas. Former Senator Daniel Webster once said, ''God grants liberty only to those who love it and are always ready to defend it.'' West Virginians are known for their dedication to military service and patriotism, and to this day West Virginians continue their proud tradition of military service. Our soldiers are committed to our Nation's principles, and they are tireless in their efforts to preserve liberty. I rise today to honor these intrepid men and women whose military service and commitment is unmatched—they make me extremely proud to be a West Virginian.

Only 3 States had a higher service rate than West Virginia during World War II. Thirty-six percent of West Virginia's male population—more than one out of every three men—served during that war. Nearly 4,700 West Virginians died fighting for our freedom in that war.

West Virginia had the highest service rate during the Korean War, with 16.2 percent of our men participating. During that war, tragically West Virginia also suffered the highest death rate, with about 40 war-related deaths for every 100,000 citizens, a total of over 800 deaths.

West Virginia had the second-highest service in the Vietnam War, with 20.3 percent of our men serving. During that war, again West Virginia had the highest casualty rate in the Nation. More than 700 citizens from our State died in battle.

Now we are engaged in a war on terror—a war that our troops are fighting heroically. Thousands of West Virginia military personnel are taking part in the war effort, from active duty troops, to brave citizens in the National Guard, to Reservists. Not long ago, the world saw a symbolic climax of this war as the imposing symbol of Saddam Hussein's dictatorship was toppled. This moment could not have happened without the bravery and sacrifice of American forces and these forces would not be complete without the long-standing dedication of West Virginians.

We must not forget those men and women who protected our freedom. In 1940, pilot V.A. Rosewarne remarked, ''The universe is so vast and so ageless that the life of one [person] can only be justified by the measure of his [or her] sacrifice.'' West Virginia has lost proud soldiers in Afghanistan and also in the recent war in Iraq. In any war, there are those who make the ultimate sacrifice by giving their lives, and we must honor them. Let me take this opportunity to mention the sense of honor that runs so deep in a representative sample of these West Virginians.

Second Lieutenant Therrel ''Shane'' Childers was born into a proud military family near West Hamlin, WV, and he always dreamed of a military career. On March 21, at 30 years of age, he became the first U.S. soldier killed in action in Operation Iraqi Freedom. His devout determination led a childhood friend of his to say, ''I can feel deep in my heart that he was doing what he was meant to do,'' and his mother to say, ''He died doing what he loved best, and that was being a Marine.''

There are countless examples of such heroes. Kenny Shadrick, from the mining town of Skin Fork, WV, was the first recorded American death in the Korean War. On July 5, 1950, he gave his life in the fight against tyranny. While it was July 5 in Korea, it was still Independence Day in the United States, and I am sure Kenny understood what he was fighting for as he bravely shot bazooka rounds at the approaching enemy tanks until his life was tragically cut short. President Truman articulated Kenny's sacrifice well when he wrote: ''He stands in the unbroken line of patriots who dared to die that freedom might live.'' West Virginia will never forget the service of people like Kenny.

More recently, the world has heard the heroic story of Private Jessica Lynch, the teenager from Palestine, WV, whose rescue as a prisoner of war from Iraq was universally celebrated. As a matter of fact, approximately 400 West Virginians are surviving former

prisoners of war, a further testament to the courage and patriotism present in West Virginia. Still today, Jessica is being treated for an injury to her spine and fractures to her right arm, both legs, and her right foot and ankle. She has endured so much pain, and yet her family tells me she has remained cheerful since her rescue. So much courage in such a young soldier as Jessica inspires us all, and underscores how proud I am to represent my fellow West Virginians.

We all owe these soldiers and so many more from all over West Virginia and across the country, past and present, an enormous debt of gratitude. For the dead: we celebrate and remember their lives, mourn their deaths, and thank God that such people served.

For the living, we must fight for them, who have fought so bravely for us. We cannot forget to honor our veterans. I will continue to fight for them as well—for the nearly 25,000 West Virginia veterans of the Persian Gulf, for the 65,000 surviving West Virginia veterans from the Vietnam era, for the more than 30,000 surviving West Virginia veterans of the Korean War, for the 36,000 aging veterans of World War II, and for the next generation of veterans coming home from the Middle East. So today, with my sincerest gratitude and pride for the services of these men and women, I pledge to always honor their sacrifices, because all West Virginians understand the sacrifices they have made and the respect they have earned.

West Virginians have always felt a sense of duty toward America, and we have always answered the call for military service. West Virginians understand the importance of living in a free society, and we also understand the patriotic duty and sacrifice required to do so. West Virginia soldiers have always reminded me of General MacArthur's description of the American soldier: ''Possessed of enduring fortitude, patriotic self-denial, invincible determination . . . giving his youth and strength, love and loyalty . . . one of the world's noblest figures.'' I am honored to say that the good people of West Virginia, in particular, exemplify noble military service and proud patriotism.

THE CIVILIAN VICTIMS OF COALITION BOMBING ATTACKS IN AFGHANISTAN

Mr. DODD. Mr. President, I rise today to speak about the innocent victims of coalition bombing raids in Afghanistan, and to submit for the record, an article regarding this situation from the Washington Post. I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DODD. After many years of armed conflict and internal unrest, Afghans are currently in the process of rebuilding their nation. And, now that the majority of military action in that country is complete, it is clear that many innocent Afghans lost their lives, homes, or family members as a result of coalition attacks. Certainly, I have no doubt that throughout our military actions in Afghanistan, our troops acted with the highest possible level of precision and professionalism in order to avoid civilian injuries or deaths. I applaud their valiant efforts and their excellent performance. We all do. However, in all armed conflicts there are mistakes made, and in this conflict, several hundred Afghans died as a result.

The village of Madoo is a chilling example of this loss of life. An estimated 150 people were killed in this village, which was bombed by coalition forces, along with other villages located near Osama bin Laden's former lair in the mountains at Tora Bora. And, the magnitude of this loss of life is highlighted exponentially when one considers that Madoo was home to only 300 people. In these raids, not only was Madoo reduced to ruins, but half of its population died; half of all its inhabitants lost their lives. These were innocent people, and the ones who remain—like so many others in Afghanistan—are destitute. They did not only lose their friends and family; they lost their homes, possessions, and their livelihoods.

Sadly, it has now been over a year since much of this damage was inflicted, and while some have begun to receive this aid, those injured by coalition bomb attacks are still in desperate need of assistance. With each passing day, there is growing doubt amongst many of the victims as to whether or not American aid will ever arrive. This is a troubling situation, and I hope my colleagues will join me in calling on the administration to ensure that these funds quickly reach all of those in need.

Indeed, Congress has already appropriated funds to assist humanitarian and reconstruction efforts in Afghanistan. Unfortunately, the disbursement of these funds to victims of coalition attacks has been hindered for a number of reasons. Ongoing military skirmishes in Southeastern Afghanistan have in many cases prevented aid workers from safely reaching the most war-torn villages. In addition, widespread destruction caused by decades of conflict has spurred some Afghans to falsely attribute their suffering with coalition attacks. Moreover, local rivalries between clans and villages require the United States and the international community to distribute aid equitably, so that no particular group will feel a sense of inequity in the distribution of American aid, which would only serve to heighten tensions.

I also understand the concerns expressed by some members of the administration regarding the complicated policy implications that providing monetary compensation for victims of coalition bombing raids could create. Certainly, the security interests of the United States are in the forefront of the minds of every member of this chamber. However, with our vast resources, as well as American ingenuity and creativity, we should work to develop innovative approaches that will ensure American aid reaches all of those in need, while also protecting regional and global American interests.

I am heartened by recent developments that will allow the United States Agency for International Development, USAID, to begin distributing aid to war-affected communities in Afghanistan. The $1.25 million obligation for this effort is a good start. However, while there are many reasons for the slow distribution of American aid, the reality is that the victims of these attacks are still in great need of assistance.

It is absolutely imperative that the administration now acts with the same swiftness and clarity witnessed in the fight against the Taliban to aid these innocent men, women, and children. We must remind them that our quarrel was not with the Afghan people, but rather the Taliban. Now that we have freed them from the oppressive hand of that brutal regime, we must not leave them alone.

The needs of the Afghan people are immediate. They cannot wait. Indeed, they have already waited too long. If we continue to sit idly by; if we do not help alleviate the suffering that was unintentionally inflicted upon them, then we will be creating an incubator for the same type of anti-American sentiment on which the Taliban and Osama bin Laden thrived. We will be laying the foundations for the very mentality that we are trying to uproot. We will be serving to destroy all that we have worked to achieve.

EXHIBIT 1

[From the Washington Post, Apr. 28, 2003]

AFTER THE AIRSTRIKES, JUST SILENCE; NO COMPENSATION, LITTLE AID FOR AFGHAN VICTIMS OF U.S. RAIDS

(By April Witt)

MADOO, Afghanistan.—There are more graves than houses in Madoo.

The mosque and many of the roughly 35 homes that once made up this hamlet in the White Mountains of eastern Afghanistan lie in rubble. At least 55 men, women and children—or pieces of them—are buried here, their graves marked by flags that are whipped by the wind.

Seventeen months after U.S. warplanes bombed this village and others in the vicinity of Osama bin Laden's cave complex at Toro Bora, Madoo's survivors say they can tell civilian victims of U.S. bombing in Iraq what to expect in the way of help from Washington: nothing.

''Our houses were destroyed,'' said Niaz Mohammad Khan, 30. ''We want to rebuild, but we don't have the money. . . . We need water for our land. We need everything. People come and ask us questions, then go away. No one has helped.''

Madoo is one of several enclaves in the region that the U.S. military bombed over several days in December 2001, killing an estimated 150 civilians. Once home to 300 people,

Madoo has lost roughly half its population, villagers say. In addition to the dozens killed by U.S. airstrikes, many others lost their homes and moved away. The people who remain are destitute. They live crowded in the few stone and timber homes they've managed to rebuild on their own. They subsist on bread and the vegetables they grow. Several children looks slight and frail.

Half of world away in Washington, finding ways to help people in such desperate need became an immediate priority for some policymakers and a dangerous precedent to others.

Congress directed that an unspecified amount of money be spent to assist innocent victims of U.S. bombing in Afghanistan, just as it recently called on the Bush administration to identify and provide ''appropriate assistance'' to civilian victims in Iraq. But the money has not yet reached any of the intended recipients, U.S. officials acknowledged.

''The money is there,'' said Tim Rieser, an aide to Sen. Patrick J. Leahy (D–Vt.). ''Mistakes were made. Mistakes are made in wars. We all know that. But we have yet to see the administration take action to carry out the law in Afghanistan.''

The U.S. Agency for International Development, for example, had $1.25 million in last year's budget to help Afghan civilians who suffered losses as a result of U.S. military action, according to the U.S. Embassy in Kabul. But the agency has not spent any of that money helping Afghans who had their relatives killed, their children maimed, their homes leveled or their livestock and livelihoods destroyed by American bombing, several U.S. officials in Afghanistan conceded this week.

The biggest obstacle to delivery of the aid, officials say, has been a prolonged debate over how to assist bombing victims without compensating them. To policymakers, the distinction between easing the plight of suffering innocents and compensating the victims of war is more than semantic. Both the U.S. military and the State Department are leery of setting legal precedents for compensation and have declined to establish programs that either systematically document civilian losses or give Afghans any opportunity to apply for reparations.

Short of that, military civil-affairs units in Afghanistan have, in isolated instances, provided general humanitarian assistance to communities that happen to have suffered as a result of U.S. bombing. They are, for example, helping rebuild Bamian University—but only, officials insist, because Bamian needs a new university, not because U.S. bombs destroyed the old one.

''Claims have never been processed for combat losses,'' said Col. Roger King, U.S. military spokesman at Bagram air base near Kabul, the Afghan capital.

The policy debate has gone on too long, Rieser said. ''It's tricky,'' he said. ''We don't imagine going around handing out dollar bills to people. We are sensitive to the issues. If we were to announce some kind of a claims program, every single person in Afghanistan would sign up. It's just not feasible.

''But we do know about a lot of these bombing incidents. We know there is a real need there. Why not start doing something about it in the context of our overall aid program? All Congress is saying is, don't leave out the people who suffered serious losses on account of our mistakes. It should have happened already.''

There are no official estimates of how many Afghan civilians have been killed by U.S. bombs. A survey published last year by the human rights group Global Exchange estimated the number at more than 800.

A year and a half after the U.S.-led coalition ousted the Taliban and al Qaeda, bombs are still falling on Afghan civilians as U.S. forces combat a resurgence of terrorism aimed at destabilizing the government of President Hamid Karzai. In eastern Afghanistan this month, a U.S. warplane mistakenly killed 11 members of one family when a 1,000-pound laser-guided bomb missed its intended target and landed on a house.

And Madoo still lies in ruins.

The village, 25 miles south of Jalalabad, is not accessible by road. It is a short but arduous hike through mountain gorges from the Pakistan border. On the horizon jut the black peaks of Tora Bora, home of the cave complex where an estimated 1,000 of bin Laden's fighters are believed to have gathered after the defeat of the Taliban last fall.

It was late afternoon on Dec. 1, 2001, when U.S. warplanes appeared over Madoo. The people of Madoo were observing Ramadan, the Muslim holy month of fasting.

''It was the time of breaking fast, and we were just sitting together to have dinner,'' Munir, 12, recalled. ''We heard the voice of the planes, and we went out to see what was happening. A bomb landed on our home. There weren't any Taliban or Arabs with us. For nothing they dropped bombs here.''

After the first bombers left, Munir's mother and 8-year-old sister were dead. His infant brother, Abdul Haq, was buried alive. Relatives spied the boy's foot sticking out of a mound of dirt and dug him out.

The bombers returned three times, villagers said. In all, the people of Madoo say they buried at least 55 loved ones.

Many bodies were too damaged to identify. Some of the dozens of mounds in Madoo's hillside burial ground are marked with two and three pieces of wood, signifying that the remains of more than one person are interred there.

The people of Madoo remain puzzled by Americans. A retired Ohio lawyer, who read about one Madoo boy injured in the bombings, was so moved that he visited and gave each survivor about $300. People bought tents and clothes and wheat seeds to plant. But Madoo's losses outstripped one man's largess.

Munir's youngest brother, now a toddler, coughs frequently and swipes at his runny nose. His family, whose home and meager possessions were destroyed in the bombing, lives with relatives.

''Before, it was good here,'' Munir said. ''The people and my father worked on the land. Life was better than it is now. We have lost everything.''

Munir's father, Shingul, 55, who is raising his four surviving children alone, tried to talk about his late wife and daughter but could only turn away and weep.

''If we were doing something wrong, I could understand this,'' he said when he regained his voice. ''But it was Ramadan and we were breaking the fast. The main problem we have now is that we have nothing. We would really appreciate it if someone could help.''

SCHOOL VOUCHERS

Mr. KENNEDY. Mr. President, I believe all of our colleagues in the Senate will be interested in an article from today's New York Times entitled ''What Some Much-Noted Data Really Showed About Vouchers'' by Michael Winerip, pointing out the shocking flaws in a widely cited study released in 2000 by Paul E. Peterson on the benefits of private school voucher programs.

It is clear that no research on vouchers has conclusively shown that private school students outperform public school students. Private school vouchers are not proven to work and should not be supported by Congress. Public funds should be used for public schools, not on dubious experiments to pay for a small number of students to attend private schools.

The No Child Left Behind Act—passed last year with the strong support of President Bush and strong bipartisan support in Congress—is the best hope for improving elementary and secondary education. Its reforms ask more of schools, teachers, and students in communities across the country. Schools need as much funding and support as possible to ensure that no child is left behind. Every dollar in public funds that goes to private schools is a dollar less for public schools.

Congress should support public schools, not abandon them. Proven effective reforms should be made—not just in a few schools, but in all schools; not just for a few students, but for all students. I urge my colleagues in Congress to reject voucher proposals and grant increased funds for public schools, and I ask unanimous consent that the New York Times article be printed in the RECORD.

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

[From The New York Times, May 7, 2003]

WHAT SOME MUCH-NOTED DATA REALLY SHOWED ABOUT VOUCHERS

(By Michael Winerip)

In August of 2000, in the midst of the Bush-Gore presidential race, a Harvard professor, Paul E. Peterson, released a study saying that school vouchers significantly improved test scores of black children. Professor Peterson had conducted the most ambitious randomized experiment on vouchers to date, and his results—showing that blacks using vouchers to attend private schools had scored six percentile points higher than a control group of blacks in public schools—became big news.

The Harvard professor appeared on CNN and ''The NewsHour With Jim Lehrer.'' Conservative editorial writers and columnists, including William Safire of The Times, cited the Peterson study as proof that vouchers were the answer for poor blacks, that Al Gore (a voucher opponent) was out of touch with his black Democratic constituency and that George W. Bush had it right.

''The facts are clear and persuasive: school vouchers work,'' The Boston Herald editorialized on Aug. 30, 2000. ''If candidates looked at facts, this one would be a no-brainer for Gore.''

Then, three weeks later, professor Peterson's partner in the study, Mathematica, a Princeton-based research firm, issued a sharp dissent. Mathematica's report emphasized that all the gains in Professor Peterson's experiment, conducted in New York City, had come in just one of the five grades studied, the sixth, and that the rest of the black pupils, as well as Latinos and whites of all grades who used vouchers, had shown no gains. Since there was no logical explanation for this, Mathematica noted the chance of a statistical fluke. ''Because gains are so concentrated in this single group, one needs to be very cautious,'' it said.

Several newspapers wrote about Mathematica's report, but, coming three

weeks after the first round of articles, these did not have the same impact.

And Professor Peterson, a big voucher supporter, continued, undaunted. His 2002 book, ''The Education Gap,'' largely ignored Mathematica's concerns and ballyhooed voucher gains for blacks. ''The switch to a private school had significantly positive impacts on the test scores of African-American students,'' he wrote.

While he still couldn't explain why only blacks had gained, he offered theories. Perhaps heavily black public schools were even worse than urban Latino or white schools. Or, since most vouchers in New York were used in Catholic schools, perhaps a religious ''missionary commitment is required to create a positive educational environment'' for blacks.

David Myers, the lead researcher for Mathematica, is hesitant to criticize Professor Peterson. (''I'm going to be purposely vague on that,'' he said in an interview.) But he did something much more decent and important. After many requests from skeptical academics, he agreed to make the entire database for the New York voucher study available to independent researchers.

A Princeton economist, Alan B. Krueger, took the offer, and after two years recently concluded that Professor Peterson had it all wrong—that no even black students using vouchers had made any test gains. And Mr. Myers, Professor Peterson's former research partner, agrees, calling Professor Krueger's work ''a fine interpretation of the results.''

What makes this a cautionary tale for political leaders seeking to draft public policy from supposedly scientific research is the mundane nature of the apparent miscalculations. Professor Krueger concluded that the original study had failed to count 292 black students whose test scores should have been included. And once they are added—making the sample larger and statistically more reliable—vouchers appear to have made no difference for any group.

Some background. In 1997, 20,000 New York City students each applied for a $1,400 voucher to private school through a project financed by several foundations. A total of 1,300 were selected by lottery to get a voucher, and 1,300 others—the controls, who had wanted a voucher but were not selected—were tracked in public schools. When the first test results came back, the vouchers made no difference in test scores for the 2,600 students as a whole. So the original researchers tried breaking the group down by ethnicity and race, and that's when they noted the sixth-grade test gains for the black voucher group.

But there was a problem. The original researchers had never planned to break out students by race. As a result, their definition of race was not well thought out: it depended solely on the mother. In their data, a child with a black mother and a white father was counted as black; a child with a white mother and a black father was counted as white.

When the father's race is considered, 78 more blacks are added to the sample. Professor Krueger also found that 214 blacks had been unnecessarily eliminated from the results because of incomplete background data. These corrections by Professor Krueger expanded the total number of blacks in the sample by 292, to 811 from 519.

In recent weeks, Mr. Myers, of Mathematica, has reviewed Professor Krueger's critique and found it impressive. Mr. Myers has now concluded that Professor Krueger's adjustments mean that ''the impact of a voucher offer is not statistically significant.''

It is scary how many prominent thinkers in this nation of 290 million were ready to make new policy from a single study that appears to have gone from meaningful to meaningless based on whether 292 children's test scores are discounted or included. ''It's not a study I'd want to use to make public policy,'' Mr. Myers said. ''I see this and go 'whoa.'''

Professor Krueger of Princeton (who also writes a monthly business column in The Times) said, ''This appeared to be high-quality work, but it teaches you not to believe anything until the data are made available.''

As for Professor Peterson of Harvard, the star of newspapers and TV news in 2000 remains curiously mum these days. In a brief interview, he decline to comment on Professor Krueger's or Mathematica's criticisms. He said he stood by his conclusion that vouchers lifted black scores, and would ''eventually'' respond in a ''technical paper.'' But he said he would not discuss these matters with a reporter.

''It's not appropriate,'' he said, ''to talk about complex, methodologies in the news media.''

TRIBUTE TO DR. ROBERT C. ATKINS

Mr. HARKIN. Mr. President, today I come to the floor to pay tribute to a great person, a long-time friend and a true pioneer, Dr. Robert C. Atkins. Dr. Atkins, cardiologist, physician, and author, among many other endeavors, passed away tragically on April 17 from injuries suffered in a fall in New York City.

A leader in both natural medicine and nutritional pharmacology, Dr. Atkins majored in pre-med at the University of Michigan and then went on to receive his medical degree from the Cornell University Medical School in 1955. He was the founder of The Atkins Center for Complementary Medicine, Atkins Nutritionals, Inc, and cofounder and past president of the Foundation for the Advancement of Innovative Medicine. But as accomplished as he was a physician and researcher, Dr. Atkins was best known for his controlled carbohydrate approach to weight management known as the ''Atkins Diet.''

In addition to researching and developing what has become one of the leading weight control methods, Dr. Atkins also wrote 13 books, including ''Dr. Atkins' New Diet Revolution'' and ''Atkins for Life,'' both of which have been and remain on The New York Times bestseller list. His commitment to revolutionizing medicine and nutrition and determination to stand by his research led People magazine to name him one of the ''25 Most Intriguing People,'' and Time magazine to add him to their list of ''People Who Matter''.

Dr. Atkins invested millions of his own money in the Dr. Robert C. Atkins Foundation, endowing institutions with the necessary funding for research and education.

I knew Bob Atkins for many years. He was a good friend and we saw eye to eye on many important issues including dietary supplements, alternative medicine, and medical research. As the lead proponent in the formation the National Center for Complementary and Alternative Medicine, I was always grateful with Dr. Atkins tireless effort to educate law and policymakers. Dr. Atkins helped to bring national attention and credibility to complementary medicine as a serious and effective medical approach.

Dr. Atkins will always be remembered for having the courage and foresight to challenge conventional wisdom on nutrition. His tireless efforts to point out ways to lose weight and prevent and manage diabetes and heart disease in ways conventional medicine had ignored or were unaware are irreplaceable and have forever changed how Americans, and the world, view nutrition, weight loss and diet. During his life he treated thousands of patients, including Members of Congress and their families.

My condolences go out to his wife Veronica and mother Norma, and all the people who had the pleasure to work for and with him. His legacy and lifetime achievements will continue to guide policy makers and doctors around the world. Bob Atkins not only left a legacy of nutrition and health, but set an example for everyone to believe in themselves and to question establishment policies.

Bob, we thank you and we miss you.

ADDITIONAL STATEMENTS

THE 2003 UNITED NATIONS POPULATION AWARD

● Mrs. MURRAY. Mr. President, I would like to call the attention of my colleagues to the fact that an American activist has been chosen as the recipient of the 2003 United Nations Population Award for only the second time in the history of the honor. This year's beneficiary, Werner Fornos, president of the Washington, DC-based Population Institute, is a well-known figure on Capitol Hill and a long-time advocate for international access to voluntary methods of family planning.

I ask that the following press release honoring Mr. Fornos' receipt of this prestigious award be printed in the RECORD.

The press release follows.

WERNER FORNOS WINS 2003 UNITED NATIONS POPULATION AWARD

Werner Fornos, a longtime Washington, D.C. resident and special advisor to former U.S. House of Representatives Speaker John W. McCormack, has been named the winner of the 2003 United Nations Population Award in the individual category.

''The selection is in recognition of your outstanding contribution to the awareness of population growth,'' Thoraya Ahmed Obaid, secretary of the award committee and executive director of the U.N. Population Fund, wrote to Fornos informing him of his selection.

The Family Planning Association of Kenya will receive the award in the institutional category. Founded in 1962 as a volunteer-based nongovernmental organization, it has pioneered the family planning movement in Kenya, promoting the provision of sexual and reproductive health services within the

context of reproductive rights and the empowerment of young people.

Under the chairmanship of Jean-Claude Alexandre, Haiti's Ambassador to the United Nations, the award committee also consists of representatives of Burundi, Cape Verde, the Kyrgyz Republic, Lesotho, the Republic of Moldova, and the Netherlands, together with a representative of the U.N. Secretary-General and Mrs. Obaid.

The citation is the only regular United Nations award of its kind and consists of a medal, a diploma and a monetary prize of $12,500 to each of the winners. The committee selected the Family Planning Association of Kenya as the 2003 laureate in the institutional category.

The award ceremony and reception is tentatively scheduled for June 18 at United Nations Headquarters in New York.

Born in Leipzig, Germany, in November 1933, Fornos was separated from his family when the apartment building in which they were living was destroyed in an allied bombing raid.

He later became the ''mascot'' of the 29th Infantry Division of the United States Army, and stowed away four times on troop ships and airplanes in efforts to emigrate to the United States before he was adopted by Mr. and Mrs. Jaime Fornos of Newton, Massachusetts.

A 1965 graduate of the University of Maryland University College, which recently named him Alumnus of the Year, with a degree in government and politics, Fornos has served in the Maryland state legislature and as the state's Assistant Secretary of Human Resources and Manpower Administrator. He also served as a special assistant to U.S. Assistant Secretary of Labor for labor-management relations and Deputy Assistant Manpower Administrator.

Prior to being named as president of the Population Institute, Fornos was executive director of the Population Action Council; executive director of Planned Parenthood of Washington, D.C.; and assistant professor at George Washington University, where he headed its Population Information Program.

Fornos has been a management consultant in family planning implementation and effectiveness to the U.S. Agency for International Development, the American Public Health Association, and Westinghouse Health Services. He has worked on population and family planning projects for Tunisia, Pakistan, Bangladesh, Turkey, Mexico, the Philippines, China, Indonesia, Sri Lanka, and Kenya.

He has addressed plenary sessions of virtually every major international population meeting since the 1974 World Population Conference in Bucharest, Romania, including the 1984 International Population Conference in Mexico City, and the 1994 International Conference on Population and Development in Cairo, Egypt. Fornos has been named Humanist of the Year by the American Humanist Association and he is a recipient of Germany's Order of Merit, the highest distinction granted by the German government to a non-German citizen in recognition of humanitarian efforts.

He is an honorary professor of international relations at Szechuan University in China; a member of the board of directors of the United Nations Association of the United States; an elected member of the International Union for the Scientific Study of Population; and he is the recipient of several Paul Harris Fellowships from Rotary International.●

HONORING DANIEL LEE SILVERNAIL

● Mr. JOHNSON. Mr. President, I am saddened to report the passing of one of South Dakota's heroic firefighters, Daniel Lee Silvernail.

After a lengthy battle with diabetes, Dan passed away on May 4, 2003. Born in Sturgis, SD, October 9, 1982, to Dennis and Sherry Silvernail, Dan attended Lead-Deadwood Schools and was a volunteer counselor at the Diabetes Incorporated Camp for kids. Responding to the call to serve his State early, Dan was a team leader for the Junior Lead-Deadwood Fire Department before becoming an active member of the Lead-Deadwood Fire Department.

Dan Silvernail was a highly respected firefighter and his help in last year's Colorado's wild fires, countless hours on the Grizzly Gulch Fire in South Dakota, and most recently in Texas to help with the cleanup from the Space Shuttle Columbia disaster will serve as a reminder of his profound desire to serve his State and Nation. He was greatly admired by his peers for his dedication to his community and local concerns and his love for helping others is what set him apart from other outstanding South Dakotans.

A native of South Dakota, Dan is survived by his father, Dennis Silvernail; stepmother, Kelly Silvernail; mother, Sherry Silvernail; sister, LeAnn Silvernail; brother, Casey Kendall; grandparents, Art and George Ann Silvernail, and Jim and Marlys Eggleston; step-grandparents, Keith and Marilyn Harrison; friends LeRoy and Roy; aunts, uncles, cousins and fellow firefighters.

Through his outstanding community involvement and activism, the lives of countless South Dakotans were enormously enhanced. His work will continue to be an inspiration to his fellow members of the Lead Fire Department, and also to all those who knew him. Our Nation and South Dakota are far better places because of his life, and while we miss him very much, the best way to honor his life is to emulate his commitment to public service and to his community.●

ON THE 10TH ANNIVERSARY OF THE LOS ANGELES REVLON RUN/WALK

● Mrs. BOXER. Mr. President, I rise today to recognize the 10th anniversary of the Los Angeles Revlon Run/Walk, which will occur on May 10, 2003. For the past decade, the Revlon Run/Walk has been taking place in New York and Los Angeles, raising millions of dollars to fight women's cancers.

I am told that the Revlon Run/Walk was launched when a group of people came together with a common vision. The vision was to ''accelerate the research process and honor the courageous spirits that continue to fight this extraordinary fight.'' Now, a decade later, the Run/Walk has raised more than $27 million. This vision has truly become a reality.

Proceeds from the Revlon Run/Walks have helped fund cutting-edge research and assisted organizations in providing education, advocacy and outreach services to those affected by cancer. The organizations benefitting from the Run/Walk include the Revlon/UCLA Women's Cancer Research Program, National Women's Cancer Research Alliance, the Wellness Community, WIN Against Breast Cancer, the Los Angeles Breast Cancer Alliance, the Women of Color Breast Cancer Survivors Support Project, and the Gilda Radner Ovarian and Breast Cancer Detection Program at Cedars Sinai Medical Center.

Each year, the Run/Walk draws thousands of people motivated to participate in support of this cause. The participants include adults and children. These people personify the gracious, generous spirit of the American people—a diverse group united in support of one worthwhile cause.

The Entertainment Industry Foundation, the founders of the Run/Walk, and all those who make this event possible every year deserve to be recognized and commended. They have been extremely successful in the past, and I am confident that with their dedication, leadership, and ability to pull the community together, they will continue to succeed in turning their vision into reality.

I congratulate them on their 10th anniversary.●

TRIBUTE TO MARTHA WRIGHT GRIFFITHS

● Ms. STABENOW. Mr. President, I rise today to celebrate the life and mourn the passing of a friend, a mentor, and a personal hero: Martha Wright Griffiths, who dedicated more than 40 years of her life in public service to her State and her Nation.

But her death last month at 91 does not mean the loss of a flame. Rather it is the passing of a torch, for her causes continue.

Isaac Newton was once asked to explain the inspiration behind his many scientific discoveries that advanced our understanding of the world. He said: ''If I have been able to see further, it is because I stood on the shoulders of giants.''

As I stand here today and speak as a proud member of the United States Senate, I understand Newton's humility. I know I stand on the shoulders of giants who advanced our understanding of what our world can be.

Martha Wright Griffiths—Michigan's first woman Lieutenant Governor—is one of those giants in the cause of equal rights and social justice in our Nation.

Consider her remarkable career. When Martha was born in 1912, women didn't even have the right to vote, let alone have the chance to serve their country as legislators, judges or elected executive officials.

A generation of women fought to change that and women like Martha stepped up and accepted the new leadership responsibilities that came with their new duties.

Martha's public service career began in 1948 with two terms in the Michigan Legislature. From there she went on to become the first woman judge in Detroit's old criminal court system.

In 1954, she became the second woman elected to the United States House of Representatives from Michigan, and began a distinguished 20-year career as a legislator.

In the House, Martha became an advocate for reviving our cities, increasing aid to education, promoting tax relief for struggling families and making sure that every man, woman and child in America had access to health care.

But Martha was best known for her work in civil rights and the rights of women. She was not only an early and avid supporter of the 1964 Civil Rights Act, but she got Congress to approve an amendment she authored to include women in the bill by shaming the men in the House Chambers into voting for it.

''A vote against this amendment today by a man is a vote against his wife or his widow or his daughter or his sister,'' she told them.

In 1970, Martha gathered the 218 signatures needed for a rare discharge petition that forced the Equal Rights Amendment to the floor of the House after it had languished in committee for nearly 50 years.

Martha left the House in 1974, and joined several corporate boards including the former Chrysler Corporation and Consumers Power Company—companies that had never had women on their boards before.

In 1982, Martha began her final tour of public service when she was sworn in as Michigan's first woman Lieutenant Governor. I had the pleasure of working with her as a member of the Michigan House of Representatives through much of her tenure.

And the day she was sworn in as lieutenant governor, Martha also became the first woman in Michigan's history to serve in all three branches of government.

Giants such as Martha Wright Griffiths moved us closer to realizing our Nation's promise of equal justice and opportunity for each and every citizen.

Her passing reminds us that it is now our turn to square our shoulders and stand tall for the generations of Americans to come.●

TRIBUTE TO BERT SANDBERG

● Mr. COLEMAN. Mr. President, I ask unanimous consent that the following two tributes honoring the life of the late Bert Sandberg—steadfast businessman, World War II veteran, and longtime friend of the city of St. Paul—be printed in the RECORD.

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

[From the Star Tribune, Apr. 29, 2003]

TRIBUTE TO BERT SANDBERG

(By Tony Kennedy)

He claimed to have eaten the first steak served at Mancini's Char House and in 1977 he received and award for ridding St. Paul streets of Dutch Elm diseases.

A building contractor with major credits in downtown St. Paul, Bert Sandberg also was known for his labor on the basketball court, playing tenaciously at the St. Paul Athletic Club and other gyms until he was 75 years old.

The decorated World War II veteran and acclaimed prep athlete from Mechanic Arts High School died Sunday of liver cancer. He was 77. Although he was not in the public spotlight, Sandberg was politically well-connected and kept a running friendship with the city's mayors, occasionally offering them advice on how to improve the Capital City.

''There's no such thing as having just a moment with Bert,'' St. Paul Deputy Mayor Dennis Flaherty said last week. ''He loves to tell stories.

Flaherty said Sandberg never asked the city for anything, but often was ''below the radar'' helping private citizens and supporting various city initiatives. Among other things, he was a supporter of the St. Paul Winter Carnival.

Sandberg's Swedish immigrant parents raised him in a house on the corner of 9th and Wacouta Sts. in an area of downtown St. Paul now known as Lowertown. He married Carol Ziniel of St. Paul in 1952 and moved to Mendota Heights, where they raised one boy and two girls. But Sandberg never sold the lot where he grew up.

''He's a guy who sincerely loves St. Paul,'' Flaherty said.

Sandberg's daughter, Leslie a press secretary for state Attorney General Mike Hatch, said her dad was appropriately featured in a history of Minnesota members of the so-called Greatest Generation that came of age during the 1930s and '40s, survived the Great Depression and World War II and build the foundation for modern-day America.

After graduating from Mechanic Arts High School in 1943, he enlisted in the Navy and served three years in the South Pacific during World War II. Sandberg worked on a Landing Ship Tank, or LST boat, that was used to deploy troops and equipment on foreign shores. He was awarded a Silver Star and five Bronze Stars, his daughter said.

Sandberg had finished near the bottom of his class at Mechanic Arts, but when he returned from war he wiggled his way in to Augsburg College. He not only graduated, but he later returned to serve on the school's Board of Regents from 1968–1980.

''His focus was to encourage the college to take a chance on students who otherwise might not make it in,'' Leslie Sandberg said.

Her father was drafted after college to play football for the Philadelphia Eagles, but he waived the opportunity and instead joined his father's business, St. Paul-based N.H. Sandberg Erection Co. Sandberg started at the firm as an ironworker, but he eventually took over the company and expanded it to include worldwide crane and heavy equipment rentals.

''My dad traveled all over the world and he'd say, 'St. Paul is the best city. Why would you want to live anywhere else?'' Leslie Sandberg said.

The firm's downtown St. Paul building credits include the federal courthouse, the St. Paul Hilton Hotel (now the Radisson Riverfront), the Osborn Building, the Northwestern Bell Telephone Building and many skyways.

When George Latimer was mayor, Sandberg was given an award for quickly and efficiently removing diseased elm trees from all over the city. And in 1999, when the St. Paul City Conference celebrated its centennial as a high school athletic conference, Sandberg was chosen as the best athlete from 1943. At Mechanic Arts he was a baseball player, a speedster in track and a standout in basketball and football.

Leslie Sandberg said her father's list of achievements wouldn't be complete without a mention of his part as an extra in the movie ''Might Ducks III.'' He is pictured in the movie as a counter patron at Mickey's Diner.

''He just loved that,'' his daughter Leslie said. ''He never cashed his paycheck.''

Sandberg, who was born in St. Paul on July 28, 1925, is survived by his wife, Carol; daughters Leslie of Mendota Heights and Susan of Los Angeles; and son Nels of Philadelphia. Services are pending.

[From the Pioneer Press, Apr. 30, 2003]

Bert Sandberg, who helped build much of the modern skyline of St. Paul and was one of the city's biggest boosters, died Sunday of liver cancer at his home in Mendota Heights. He was 77.

Sandberg was owner of Sandberg Erection Co., which built the steel foundation for the federal courts building, the Marshall Field's store, the St. Paul Radisson Riverfront Hotel, the Ecolab Building, a Qwest Building, the First National Bank Building, the former West Publishing Building and most of the city's skyways.

''He and his company were involved in probably all of the major buildings in downtown St. Paul,'' said Dennis Flaherty, deputy mayor. ''He was full of energy and excitement for St. Paul. Every time he'd see me, he'd offer a new suggestion.''

One of Sandberg's daughters, Leslie, said her father loved to take the family on a drive when the children were young. He would point at various buildings and say, ''You know what? We built that.''

Sandberg was a friend of many St. Paul mayors over the years, including George Latimer, Norm Coleman and Randy Kelly.

''My father was a character,'' Leslie Sandberg said. ''He knew everybody.''

Sandberg got a role as an extra in the ''Mighty Ducks III'' movie when the director, Steven Brill, spotted Sandberg golfing at the Town and Country Club and the two men began a conversation. Brill recognized a good character and told Sandberg not to shave, and Sandberg portrayed a local at a scene in Mickey's Diner.

In 1990, Gov. Rudy Perpich appointed Sandberg as a representative of the city of St. Paul to meet with Mikhail Gorbachev, then president of the Soviet Union, who was visiting Minnesota.

Sandberg was a member of the Board of Regents at Augsburg College in Minneapolis from 1968 to 1980 and was a longtime member of the St. Paul Athletic Club.

An outstanding athlete, he once had an offer to play professional football but decided he was too small. He played basketball twice a week until he was 75.

''He had a great set shot,'' Leslie Sandberg said.

He used cranes and chain saws to remove dying elm trees on Summit Avenue, and Mayor Latimer presented him with an award in 1977 for helping battle the scourge of Dutch elm disease.

He served with the Navy in the South Pacific during World War II.

In addition to daughter Leslie, Sandberg is survived by his wife, Carol, Mendota Heights; daughter Susan, Los Angeles, and son Nels, Philadelphia.

Visitation is from 1 to 5 p.m. Sunday at O'Halloran and Murphy Funeral Home in St. Paul. The funeral is at 10:30 a.m. Monday at Salem Lutheran Church in West St. Paul with burial at Sunset Memorial Cemetery in Minneapolis.●

HONORING JIMMY WILLIAMS

● Mr. BUNNING. Mr. President, I have the privilege and honor of rising today to recognize Jimmy Williams of Lexington, KY. Jimmy was selected as a member of the 2003 Youth Leadership Team by the National Campaign to Prevent Teen Pregnancy.

Jimmy is a unique teen with an important message and opportunity to share his story with thousands of people. He works diligently to educate his peers on the ramifications of sexual activity in an attempt to halt America's teen pregnancy rate.

Currently attending Bryan Station High School, Jimmy is an active Teen Leader of the Postponing Sexual Involvement, PSI, program and was once a training session panelist for the Kentucky Coalition. Teen Leaders, such as Jimmy, must complete a minium of 20 training hours before talking directly to middle school students about sexual peer pressure and health concerns.

His dedication to delivering this message caught the eye of the National Campaign to Prevent Teen Pregnancy. Jimmy's strong work ethic made him the a perfect candidate for the Youth Leadership Team. He writes letters in support of the National Day to Prevent Teen Pregnancy to schools, students, teachers, media sources, and political leaders. Even on his off time, Jimmy can be found at local baseball games handing out flyers promoting abstinence.

I'm pleased that Jimmy cares so much for the health and well-being of his peers. Please join me in congratulating Jimmy Williams and wishing him the best of luck in his new position as a member of the Youth Leadership Team.●

HONORING SOUTH DAKOTA VOLUNTEERS

● Mr. JOHNSON. Mr. President, on May 4, 2003, Rachel Petersen and Elizabeth Volzke were honored for their outstanding volunteer service at the Eighth Annual Prudential Spirit of Community Awards. The two State honorees for South Dakota received a $1,000 award in addition to an engraved silver medallion and an all-expense-paid trip with a parent or guardian to Washington, DC.

Petersen, 18, of Rapid City, is a senior at Stevens High School. In addition to being named a State honoree, Petersen was named South Dakota's top high school youth volunteer and Rapid City's Citizen of the Month. Petersen earned this prestigious honor by initiating and leading a group of teen volunteers who prepare and serve hot lunches every Sunday to homeless and disadvantaged people in her community. When Rachel learned that hungry people were turned away from the community's food program for breaking program rules or other reasons, she decided to help. ''It still seemed like a terrible tragedy that good people with a few problems had nowhere to eat,'' she said. Rachel first arranged for a steady source of donated food, then began recruiting reliable student volunteers to help. Each week, Rachel picks up the donated ingredients, and then prepares her menu—usually a 5-gallon pot of soup, with bread, a side dish, and a drink. Volunteers help set up a feeding station in a city park, where they stay each Sunday for 2 or 3 hours, serving 40 to 50 hungry people. Rachel is training other teen volunteers to take over when she leaves for college next year. ''The eradication of world hunger will happen one meal at a time,'' Rachel said.

Elizabeth Volzke, 11, a member of the Girl Scouts of Nyoda Council in Huron and a fifth-grader at Eureka Public School, received this award as recognition of her work at a local assisted living center, daycare center, and church services, among other events. Elizabeth began her volunteerism by vowing to perform 100 hours of community service to commemorate the 100th anniversary of the 4–H program. Beginning with visits to residents of the assisted living center where her mother works and playing games with them, Elizabeth and her sister also made cookies, door and table decorations, party favors, and tray liners for holiday celebrations, paying for supplies with money earned from recycling aluminum. Elizabeth was soon visiting and playing piano at other nursing homes, as well. She then expanded her volunteering to a children's daycare center because, as Elizabeth said, ''I love babies and young children.'' She plans to continue her volunteer efforts, adding, ''What a wonderful feeling it is to help others.''

The Prudential Spirit of Community Awards recognizes students in middle and high school grades who have demonstrated exemplary community service. For their commendable and inspiring efforts to aid those afflicted by illness, poverty, and other difficult circumstances, 10 students are chosen as America's top volunteers, in addition to 104 individual State honorees. State honorees, such as Rachel and Elizabeth, are chosen by their outstanding dedication to community from a pool of more than 24,000 applications. Carried out in a joint venture with the National Association of Secondary School Principals, the Prudential Spirit of Community Awards were originally created to encourage and reward youth volunteerism and young role models.

People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Rachel and Elizabeth are examples to all of us. These two South Dakotans are extraordinary individuals who richly deserve this distinguished recognition. I strongly commend their hard work and dedication, and I am very pleased that their efforts are being publicly honored and celebrated. It is with great honor that I share their impressive accomplishments with my colleagues.●

TRIBUTE TO WILLIAM BIVIN FORENSIC SOCIETY

● Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to the William E. Bivin Forensic Society at Western Kentucky University in Bowling Green, KY. The Western Kentucky University Forensic Team recently defeated forensic teams from all over the world to claim the 2003 International Forensic Association, IFA, Championship in Vancouver, BC.

Led by Director of Forensics Judy Woodring, the team of 36 students and eight coaches defeated 87 other universities to win the 2003 American Forensic Association, AFA, National Championship and the Delta Sigma Rho-Tau Kappa Alpha, DSR-TKA, National Championship earlier this year. The Western Kentucky Forensic Team has a long tradition of honors and distinctions. Over the program's storied history, it has won four IFA International Championships, one AFA National Championship, five DSR–TKA National Championships, and thirteen Kentucky State Forensic Association Championships.

I ask my colleagues in the Senate to pay tribute to the Western Kentucky University Forensic Team of Corey Alderdice, Drew Allen, Elizabeth Au, Margaret Au, Stacy Bernaugh, Chris Blackford, Keith Blaser, Chris Brasfield, Grace Bruenderman, David Burns, Jenny Corum, Ashley Courtney, Justin Cress, Tony Damico, Nicole Estenfelder, Reagan Gibson, Nicole Hawk, Adam Henze, Kate Hertweck, Ryan Howell, Lindsey Nave, Jacob Peregoy, Jennifer Purcell, Hanna Reliford, Alex Rogers, Nick Romerhausen, Evelio Silvera, Rebecca Simms, Courtney Smith, Joel Smith, Jen Taylor, Katie Tyree, Jordon Wadlington, Caleb Williams, Jeff Woods, Courtney Wright and led by Coaches Judy Woodring, Jace Lux, Bonnie McDonald, Greg Robertson, Matt Gerbig, Doug Mory, Chris Grove, and Joe Day. I am proud of their achievements and admirable representation of Western Kentucky University and the Commonwealth of Kentucky.●

TRIBUTE TO RICHARD W. VOLLMER, JR.

● Mr. SESSIONS. Mr. President, the death of United States District Judge Judge Richard W. Vollmer, Jr. was a great loss to our country, the American legal system, his friends, and especially his wonderful family. Judge Vollmer was born March 7, 1926, in St. Louis, MO, and moved to Mobile, AL, in 1941 where he attended McGill Institute. After graduation he enrolled in the U.S. Navy and served until 1946 in the South Pacific. He returned to Mobile where he graduated from Springhill College in 1949. He began attending the University of Alabama

School of Law from 1950–52 aboard the aircraft carrier USS *Saipan*. He returned to the University of Alabama School of Law where he served as a member of the Board of Editors of the Alabama Law Review and graduated in 1953.

He married Marilyn Jean Stikes in 1949 and they have five children and nine grandchildren. Two of his sons, Rick and Jim, are following in their father's footsteps as practicing lawyers in the Mobile area.

After law school, Judge Vollmer worked several years for State Farm Insurance Company prior to joining the law firm of Pillans, Reams, Tappan, Wood and Roberts in 1956. He engaged in an active practice in State and Federal courts where he won the respect of his fellow lawyers and jurists before whom he appeared.

He was a charter member of the American Board of Trial Advocates, serving as president of the Alabama Chapter in 1984–85, and was serving as president of the Mobile Bar Association at the time of his appointment to the Federal bench.

In 1990, President George H.W. Bush nominated him to the district bench for the Southern District of Alabama, where he began his career on June 18, 1990, taking senior status on December 31, 2000. He had a strong work ethic and he demanded the same of the lawyers who appeared before him. He never failed to offer his assistance with a congested court docket during times when the Southern District of Alabama did not have its full complement of active judges. Even upon taking senior status, and with failing health, he was always available if the workload demanded it.

Judge Vollmer was not just somebody who worked in the courthouse. Although he loved the law, he knew the love of family came before work, and was deeply concerned about the personal well-being of all the courthouse family with whom he worked, often going out of his way to inquire into their well-being. As U.S. District Judge William Steele has noted, he had a bright and warm presence with a quick smile and laugh. His positive spirit has made the U.S. Courthouse in Mobile a wonderful place to work.

Widely esteemed as a jurist, respected by all who appeared before him, he brought to the bench a sincere quality of humility, love of the law, patience, personal integrity and genuine faith. As was said in the opening prayer at his investiture ceremony, ''Justice and justice alone shall be your aim.'' It can now be said with certitude that Judge Vollmer spent his career dispensing justice fairly and impartially. I had the honor of practicing before Judge Vollmer and to get a direct view of his noble character and humanity. He cared deeply for the unfortunate, was pained to see young people be sentenced to long jail terms though he did his duty. In addition, he was a generous affirmer and true mentor for many. I vividly remember him calling me into his office and encouraging me to consider a race for attorney general of Alabama. I knew his judgment and insight was good and that he had a valuable perspective. That advice meant a great deal to me. I respected his judgment and knew his comments were given with my interests in mind. Such human touches have meant much to many others.

Judge Vollmer served in an exceptional court. The U.S. District Court for the Southern District of Alabama has a great record of integrity, industry, legal skill and collegiality. He received an illustrious tradition and passed it on even brighter.

Judge Vollmer died at his home in Mobile on March 20, 2003. He leaves a legacy of always seeking to do what is just and fair and right.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT THAT TERMINATES THE NATIONAL EMERGENCY DESCRIBED AND DECLARED IN EXECUTIVE ORDER 12865 OF SEPTEMBER 26, 1993, WITH RESPECT TO THE ACTIONS AND POLICIES OF THE NATIONAL UNION FOR TOTAL INDEPENDENCE OF ANGOLA (UNITA) AND REVOKES THAT ORDER, EXECUTIVE ORDER 13069 OF DECEMBER 12, 1997, AND EXECUTIVE ORDER 13098 OF AUGUST 18, 1998—PM 31

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to section 202 of the International Emergency Economic Powers Act, 50 U.S.C. 1622, I hereby report that I have issued an Executive Order (the ''Order''), that terminates the national emergency described and declared in Executive Order 12865 of September 26, 1993, with respect to the actions and policies of the National Union for the Total Independence of Angola (UNITA) and revokes that order, Executive Order 13069 of December 12, 1997, and Executive Order 13098 of August 18, 1998.

The Order will have the effect of lifting the sanctions imposed on UNITA in Executive Orders 12865, 13069, and 13098. These trade and financial sanctions were imposed to support international efforts to force UNITA to abandon armed conflict and return to the peace process outlined in the Lusaka Protocol, as reflected in United Nations Security Council Resolutions 864 (1993), 1127 (1997), and 1173 (1998).

The death of UNITA leaders Jonas Savimbi in February 2002 enabled the Angolan government and UNITA to sign the Luena Memorandum of Understanding on April 4, 2002. This agreement established an immediate ceasefire and called for UNITA's return to the peace process laid out in the 1994 Lusaka Protocol. In accordance therewith, UNITA quartered all its military personnel in established reception areas and handed its remaining arms over to the Angolan government. In September 2002, the Angolan government and UNITA reestablished the Lusaka Protocol's Joint Commission to resolve outstanding political issues. On November 21, 2002, the Angolan government and UNITA declared the provisions of the Lusaka Protocol fully implemented and called for the lifting of sanctions on UNITA imposed by the United Nations Security Council.

With the successful implementation of the Lusaka Protocol and the demilitarization of UNITA, the circumstances that led to the declaration of a national emergency on September 26, 1993, have been resolved. The actions and policies of UNITA no longer pose an unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolution 1448 (2002) lifted the measures imposed pursuant to prior U.N. Security Council resolutions related to UNITA. The continuation of sanctions imposed by Executive Orders 12865, 13069, and 13098 would have a prejudicial effect on the development of UNITA as an opposition political party, and therefore, on democratization in Angola. For these reasons, I have determined that it is necessary to terminate the national emergency with respect to UNITA and to lift the sanctions that have been used to apply economic pressure on UNITA.

I am enclosing a copy of the Executive Order I have issued. This Order is effective at 12:01 a.m. eastern daylight time on May 7, 2003.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 6, 2003.*

MESSAGE FROM THE HOUSE

At 1:28 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1596. An act to designate the facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the ''Timothy Michael Gaffney Post Office

Building''; to the Committee on Governmental Affairs.

H.R. 1625. An act to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the ''Robert P. Hammer Post Office Building''; to the Committee on Governmental Affairs.

H.R. 1740. An act to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the ''Dr. Caesar A.W. Clark, Sr. Post Office Building''; to the Committee on Governmental Affairs.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 138. Concurrent resolution authorizing the printing of the Biographical Directory of the United States Congress, 1774–2005.

H. Con. Res. 139. Concurrent resolution authorizing the printing of the brochures entitled ''How Our Laws Are Made'' and ''Our American Flag'', the document-sized annotated version of the United States Constitution, and the pocket version of the United States Constitution.

MEASURES REFERRED

The following bills were read the first time and the second times by unanimous consent, and referred as indicated:

H.R. 1596. An act to designate the facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the ''Timothy Michael Gaffney Post Office Building''; to the Committee on Governmental Affairs.

H.R. 1625. An act to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the ''Robert P. Hammer Post Office Building''; to the Committee on Governmental Affairs.

H.R. 1740. An act to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the ''Dr. Caesar A.W. Clark, Sr. Post Office Building''; to the Committee on Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1009. A bill to amend the Foreign Assistance Act of 1961 and the State Department Basic Authorities Act of 1956 to increase assistance to foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. 1019. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2183. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Kentucky Regulatory Program (KY–241–FOR)'' received on May 1, 2003; to the Committee on Energy and Natural Resources.

EC–2184. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Wyoming Regulatory Program (WY–030–FOR)'' received on May 1, 2003; to the Committee on Energy and Natural Resources.

EC–2185. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program (WV–092–FOR)'' received on May 1, 2003; to the Committee on Energy and Natural Resources.

EC–2186. A communication from the Assistant General Counsel, Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Test Procedures for Refrigerators and Refrigerator-Freezers (1904–AB12)'' received on April 28, 2003; to the Committee on Energy and Natural Resources.

EC–2187. A communication from the Secretary of Energy, transmitting, pursuant to law, the Annual Report to Congress on Federal Government Energy Management and Conservation Program, Fiscal Year 2002'' received on April 30, 2003; to the Committee on Energy and Natural Resources.

EC–2188. A communication from the Secretary of Energy, transmitting, pursuant to law, the report relative to the construction of a geologist repository for spent nuclear fuel and high level radioactive waste at Yucca Mountain; to the Committee on Energy and Natural Resources.

EC–2189. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''16 CFR Part 305—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ('Appliance Labeling Rule') (2003 Energy Costs) (RIN 3084–AA74)'' received on April 30, 2003; to the Committee on Energy and Natural Resources.

EC–2190. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, pursuant to law, the report of a rule entitled ''Receipt of Multiple Notices With Respect to Incorrect Taxpayer Identification Numbers (RIN 1545–BA18)''; to the Committee on Finance.

EC–2191. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, pursuant to law, the report of a rule entitled ''Receipt of Multiple Notices With Respect to Incorrect Taxpayer Identification Numbers (RIN1545–BA18)'' received on May 1, 2003; to the Committee on Finance.

EC–2192. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, pursuant to law, the report of a rule entitled ''TD: Disclosure of Returns and Return Information to Designee of Taxpayer (1545–AX85)'' received on April 30, 2003; to the Committee on Finance.

EC–2193. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule ''Special Benefits for Certain World War II Veterans (RIN 0960–AF61)'' received on April 30, 2003; to the Committee on Finance.

EC–2194. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Grants to States for Operation of Qualified High Risk Pools (0938–AM42)'' received on April 30, 2003; to the Committee on Finance.

EC–2195. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Secretary of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC–2196. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Deputy Secretary of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC–2197. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Under Secretary (Enforcement) of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC–2198. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary (Treasury) of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC–2199. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a discontinuation of service in an acting role for the position of Treasury Inspector General for Tax Administration, Department of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC–2200. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Member, IRS oversight board, Department of the Treasury, received on April 30, 2003; to the Committee on Finance.

EC–2201. A communication from the Chief, Regulations and Administrative Law, United States Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: (Including 7 Regulations) [CGD05–03–043] [COTP Mobile 03–009] [COTP San Diego 03–017] [COTP San Diego 03–018] [CGD13–03–014] [CGD13–03–012] (1625–AA00)'' received on May 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2202. A communication from the Chief, Regulations and Administrative Law, United States Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Fire-Suppression Systems and Voyage Planning for Towing Vessels [USCG–2000–69311] (1625–AA60) (2003–0001)'' received on May 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2203. A communication from the Chief, Regulations and Administrative Law, United States Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: (Including 2 Regulations) [COTP Houston-Galveston 02–009] [COTP San Diego 03–010] (1625–AA00)'' received on May 5, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2204. A communication from the Attorney, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Material: Enhancing Hazardous Material Transportation Security (RIN 2137–AD79)'' received on May 2, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2205. A communication from the Assistant Administrator, Fisheries, National Marine Fisheries Service, National Oceanographic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered Fish and Wildlife; Notice of Technical Revision to Right Whale Nomenclature and Taxonomy Under the U.S. Endangered Species Act (0648–AQ74)'' received

on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2206. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Dean John A. Knauss Marine Policy Fellowship, National Sea Grant College Program'' received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2207. A communication from the Attorney-Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Transportation Policy, received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2208. A communication from the Attorney/Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Sections 309(j) and 337 of the Communication Act of 1934 as Amended and Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies (WT Docket No. 99–87) (FCC 03–34)'' received on May 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2209. A communication from the Attorney, Office of Chief Counsel, Transportation Secretary Administration, transmitting, pursuant to law, the report of a rule entitled ''Security Threat Assessment for Individuals Applying for a hazardous Material Endorsement for a Commercial Driver's License (1652–AA17)'' received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2210. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure; Prohibiting fishing for pollock in Statistical Area 620 of the Gulf of Alaska (GOA), ending on August 25, 2003 (0679)'' received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2211. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Opening and closing dates of the first and second directed fisheries for Atka mackerel within the harvest limit area (HLA) in Statistical Areas 542 and 543'' received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2212. A communication from the Assistant Administrator, Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Shipment by Government Bills of Lading (48 CFR Parts 1847 and 1852)'' received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2213. A communication from the Assistant Administrator, Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA Grant and Cooperative Agreement Handbook—Approvals and Reviews (14 CFR 1260 and 1274)'' received on April 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2214. A communication from the Directors, FinCEN, Securities and Exchange Commission, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Customer Identification for Broker-Dealers (1506–AA32)'' received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2215. A communication from the Directors, FinCEN, Securities and Exchange Commission, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Customer Identification Programs for Banks, Savings Associations, Credit Unions and Certain Non-Federally Regulated Banks'' received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2216. A communication from the Directors, FinCEN, Securities and Exchange Commission, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Customer Identification Programs for Mutual Funds (1506–AA33)'' received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2217. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Customer Identification Programs for Mutual Funds (1506–AA33)'' received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2218. A communication from the Acting General Counsel, Office of the General Counsel, Department of Homeland Security, FEMA, transmitting, pursuant to law, the report of a rule entitled ''National Flood Insurance Program; Increased Rates for Flood Coverage 68 FR 15666 (1660–AA25)'' received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2219. A communication from the Chairman, Federal Financial Institutions, Examination Council, transmitting, pursuant to law, the report entitled ''Examinations Council's 2002 Annual Report to Congress'' received on April 30, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2220. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report entitled ''Federal Reserve Board's 89th Annual Report'' received on May 2, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2221. A communication from the Acting General Counsel, Office of the General Counsel, Department of Homeland Security, FEMA, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility 68 FR 15967 (Doc. No. FEMA–7805)'' received on April 30, 2003; to the Committee on Environment and Public Works.

EC–2222. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''The Superfund Innovative Technology Evaluation Program: Annual Report to Congress FY 2001'' received on April 30, 2003; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–81. A resolution adopted by the City Commission of the City of Key West, Florida relative to children's programs; to the Committee on Health, Education, Labor, and Pensions.

POM–82. A joint resolution adopted by the Legislature of the State of Maine relative to the funding of special education and ending unfunded mandates; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

Whereas, the Congress of the United States has found that all children deserve a quality education, including children with disabilities; and

Whereas, the Individuals with Disabilities Education Act, 20 United States Code, Section 1400, et seq., provides that the Federal Government and state and local governments are to share in the expense of education for children with disabilities and commits the Federal Government to provide funds to assist with the excess of expenses of education for children with disabilities; and

Whereas, the Congress of the United States has committed to contribute up to 40% of the average per-pupil expenditure of educating children with disabilities and the Federal Government has failed to meet this commitment to assist the states; and

Whereas, the Federal Government has never contributed more than 13% to 20% of the national average per-pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act; and

Whereas, this failure of the Federal Government to meet its commitment to assist with the excess expenses of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a quality education; and

Whereas, the imposition of unfunded mandates by the Federal Government on state governments interferes with the separation of powers between the 2 levels of government and the ability of each state to determine the issues and concerns of the State and what resources should be directed to address these issues and concerns; and

Whereas, the Federal Government recognized the inequalities of unfunded mandates on state governments 8 years ago when it passed the Unfunded Mandates Reform Act of 1995; and

Whereas, since the passage of the Unfunded Mandates Reform Act of 1995, however, the Federal Government continues to impose unfunded mandates on state governments, including in areas such as special education requirements: Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States either provide 40% of the national average per pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow the states more flexibility in implementing its mandates; and be it further

Resolved, That We, your Memorialists, respectfully urge and request that the Congress of the United States revisit and reconfirm the Unfunded Mandate Reform Act of 1995 and put the intent and purpose of the Act into practice by ending the imposition of unfunded federal mandates on state governments; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

POM–83. A resolution adopted by the Senate of the Legislature of the State of Wisconsin relative to Community Services Block Grants; to the Committee on Health, Education, Labor, and Pensions.

ENGRROSSED RESOLUTION NO. 4

Whereas, Wisconsin's 16 community action agencies have been working in our communities to improve the lives and well-being of all of our citizens for over 35 years; and

Whereas, our community action agencies have delivered a comprehensive array of opportunities to assist those citizens who reside at the lowest levels of the economic ladder to advance economically and socially; and

Whereas, our community action agencies have developed innovative and effective strategies to promote affordable housing and homeownership, microenterprise development, youth development, crime prevention, access to food and nutrition, Head Start expansion, community-based economic development, housing rehabilitation, and other initiatives to promote the development of our human potential; and

Whereas, in 2001 our community action agencies assisted over 380,000 of our citizens and provided volunteers who contributed more than 600,000 hours of service to our communities; and

Whereas, in 2001 our 16 community action agencies received $7,000,000 of Community Service Block Grant funds and used these funds to leverage more than $135,000,000 of additional funds, including $25,000,000 of private funds with which to benefit Wisconsin's communities; and

Whereas, the federal Community Services Black Grant provides the core funding for our community action agencies and is scheduled for reauthorization in the upcoming session of Congress: Now, therefore, be it

Resolved by the Senate, That the Wisconsin state urges President George W. Bush and the Wisconsin congressional delegation to support the reauthorization of the existing Community Services Block Grant and its funding to community action agencies; and, be it further

Resolved, That The Senate chief clerk shall provide a copy of the resolution to President George W. Bush, to the president and secretary of the U.S. Senate, to the speaker and clerk of the U.S. House of Representatives, and to each member of the congressional delegation from this state, attesting the adoption of this resolution by the 2003 senate of the State of Wisconsin.

POM–84. A resolution from the Police Jury of the Parish of Avoyelles State of Louisiana relative to the Parish's support of the President of the United States and the U.S. Armed Forces; to the Committee on Armed Services.

POM–85. A resolution from the House of the legislature of the State of Kansas relative to funding for the Department of Veterans Affairs; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 6019

Whereas, as a result of having served in Operation Desert Storm in the Arabian Peninsula 11 years ago, 16% of the 700,000 troops who were stationed there have been awarded disability benefits by the Department of Veterans Affairs—and these injuries resulted from hostilities that lasted only 100 hours; and

Whereas, the state of Kansas recently released the results of a health study of over 2,000 Kansas veterans who served during the first Gulf War. The study identified clear links between Gulf veterans' health problems and the time and places in which they served. Overall, 34% of Kansas veterans who served in Desert Shield or Desert Storm had symptoms of Gulf War illness; and

Whereas, subsequently, the Congress enacted Public Law 105–85 which requires the development and implementation of a medical tracking system for service members deployed overseas. Such requirements include an assessment of mental health and the drawing of blood to accurately record any changes in their medical condition during the course of their deployment; and

Whereas, as reported in an article by David Goldstein in the Kansas City Star on March 5, 2003, many of our troops currently in the Middle East have not received the testing required under Public Law 105–85; and

Whereas, the House of Representatives is concerned with the possibility that Kansas military personnel involved with Operation Iraqi Freedom could return home with similar illnesses as those of Desert Storm: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas: That the House urges the United States government to begin preparing now to address the health needs of veterans of Operation Iraqi Freedom, including the administration of tests required under Public Law 105–85; and be it further

Resolved: That we believe it is the obligation of our national government to provide all necessary medical care and support for those injured or inflicted with illnesses in the defense of our nation and, anticipating additional costs associated with Operation Iraqi Freedom, urge the Congress of the United States to provide adequate funding for the Department of Veterans Affairs; and be it further

Resolved: That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to each member of the Kansas Congressional Delegation and to the Kansas Commission on Veterans Affairs, Kansas Disabled Veterans, Kansas Veterans of Foreign Wars and Kansas American Legion.

POM–86. A resolution from the House of the Representative of the State of Michigan relative to expressing support for U.S. Troops; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 31

Whereas, as the United States military faces several difficult situations around the globe, Michigan is joining this effort to protect our liberties from a wide range of threats. Numerous National Guard units in Michigan have been called to active duty. Many of these personnel are going to replace other units that have been on duty throughout the country, and several are active in the work of providing homeland security; and

Whereas, while preserving our liberties in a troubled world always demands great vigilance and the sacrifice of our men and women in uniform, the current situation is demonstrating the debt we owe to our fellow citizens in the military. Even though the threats facing us are in many ways different than those that have challenged previous generations, the role of courage and commitment in securing our freedoms remains as clear as ever; and

Whereas, success in dealing with the crisis in Iraq and the continuing demands of the war on terrorism in countless locales requires not only the commitment of our troops, but also great sacrifices by the families of these brave Americans. These men, women, and children face difficulties in many ways, and the uncertain duration of the separation for many of them makes the situation even worse. Support for our troops is incomplete without support for them as well; and

Whereas, in the weeks and months that lie before us, there is no telling what will be asked of our country. We can, however, promise that the people of Michigan stand ready to express our support for our troops with public policy decisions that will advance the Nation's efforts in the work before us: Now, therefore, be it

Resolved, by the House of Representatives, That we express support for our troops and pledge our commitment to public policies that will advance the Nation's efforts against terrorism and threats to liberty; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Military and Veterans Affairs, the United States Department of Defense, the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Michigan congressional delegation, the Office of the President of the United States, and appropriate local military service organizations throughout Michigan.

POM–87. A resolution adopted by the Board of Supervisors of the County of Los Angeles of the State of California relative to expressing support for the President of the United States and the Armed Forces; to the Committee on Armed Services.

POM–88. A resolution adopted by the City Council of Michigan City of the State of Indiana relative to expressing support for the Armed Forces; to the Committee on Armed Services.

POM–89. A resolution adopted by the Hennepin County Board of Commissioners of the State of Minnesota relative to expressing support for the Armed Forces; to the Committee on Armed Services.

POM–90. A resolution of the Senate of the Legislature of the State of New Jersey relative to noise reduction of air traffic patterns; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 71

Whereas, residents of New Jersey suffer from extreme and unwarranted levels of intrusive aircraft noise; and

Whereas, aircraft noise deprives residents of the full use and benefit of their homes and living areas; and

Whereas, aircraft noise contributes to the substantial lowering of property values on residences owned by New Jersey residents; and

Whereas, the Federal Aviation Administration, hereafter the ''FAA,'' is currently undertaking a major redesign of the aircraft traffic patterns over New Jersey; and

Whereas, the FAA's stated goals for the redesign include only reducing delays affecting airline schedules, and reducing pilot and air traffic controller workloads, while enhancing safety; and

Whereas, the FAA, despite repeated public promises to substantially reduce aircraft noise as part of the redesign, has refused to include such noise reduction as a primary goal of the redesign: Now, therefore, be it

Resolved by the Senate of the State of New Jersey, That the President and the Congress of the United States are respectfully memorialized to direct the Federal Aviation Administration to include the reduction of aircraft noise as a major goal in the redesign of aircraft traffic patterns over New Jersey; and be it further

Resolved, That duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the President and the Vice President of the United States, the Speaker of the United States House of Representatives, every member of Congress elected from this State, the Secretary of the United States Department of Transportation, and the Administrator of the Federal Aviation Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. CAMPBELL:

S. 1008. A bill to provide for the establishment of summer health career introductory programs for middle and high school students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. KERRY, and Mr. DASCHLE):

S. 1009. A bill to amend the Foreign Assistance Act of 1961 and the State Department Basic Authorities Act of 1956 to increase assistance to foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria, and for other purposes; read the first time.

By Mr. HARKIN (for himself, Mr. SPECTER, and Mr. KENNEDY):

S. 1010. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. SARBANES, and Mr. REED):

S. 1011. A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds $2,000 and to provide for a graduated implementation of such provision on amounts above such $2,000 amount; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. KERRY, Mr. LAUTENBERG, Mr. DAYTON, and Mr. JOHNSON):

S. 1012. A bill to amend title XIX of the Social Security Act to provide fiscal relief and program simplification to States, to improve coverage and services to medicaid beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1013. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

By Mr. CORZINE (for himself and Mrs. CLINTON):

S. 1014. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category; to the Committee on Veterans' Affairs.

By Mr. GREGG (for himself, Mr. BREAUX, Ms. LANDRIEU, Mr. ALEXANDER, Mrs. LINCOLN, Mr. ROBERTS, Mrs. CLINTON, Mr. WARNER, and Mr. DEWINE):

S. 1015. A bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI:

S. 1016. A bill to amend title 10, United States Code, to provide entitlement to health care for reserve officers of the Armed Forces pending orders to initial active duty following commissioning; to the Committee on Armed Services.

By Mr. CONRAD (for himself, Mr. BINGAMAN, Mr. LEVIN, Ms. LANDRIEU, and Mr. JOHNSON):

S. 1017. A bill to amend title XVIII of the Social Security Act to accelerate the reduction in the amount of beneficiary copayment liability for medicare outpatient services; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. ROCKEFELLER, Ms. MIKULSKI, Mrs. CLINTON, and Mr. SARBANES):

S. 1018. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the refundable tax credit for health insurance costs of eligible individuals and to extend the steel import licensing and monitoring program; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. GRAHAM of South Carolina, Mr. HATCH, Mr. BROWNBACK, Mr. SANTORUM, Mr. BUNNING, Mr. CHAMBLISS, Mr. COLEMAN, Mr. ENSIGN, Mr. ENZI, Mr. FITZGERALD, Mr. GRASSLEY, Mr. INHOFE, Mr. KYL, Mr. MCCAIN, Mr. NICKLES, Mr. SHELBY, Mr. TALENT, and Mr. VOINOVICH):

S. 1019. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; read the first time.

By Mr. KOHL:

S. 1020. A bill to amend the Child Nutrition Act of 1966 and the Richard B. Russell National School Lunch Act to improve the school breakfast program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KOHL:

S. 1021. A bill to amend the Richard B. Russell National School Lunch Act to improve the summer food service program for children; to the Committee on Agriculture, Nutrition, and Forestry .

By Mr. KOHL:

S. 1022. A bill to amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. CORNYN, Mr. KENNEDY, Mr. ALEXANDER, Mr. CHAMBLISS, Mr. DURBIN, and Ms. COLLINS):

S. 1023. A bill to increase the annual salaries of justices and judges of the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. DASCHLE, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 16, a bill to protect the civil rights of all Americans, and for other purposes.

S. 146

At the request of Mr. DEWINE, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 146, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 171

At the request of Mr. DAYTON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 171, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 224

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 224, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 253

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 316

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 316, a bill to amend part A of title IV of the Social Security Act to include efforts to address barriers to employment as a work activity under the temporary assistance to needy families program, and for other purposes.

S. 338

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 338, a bill to protect the flying public's safety and security by requiring that the air traffic control system remain a Government function.

S. 393

At the request of Mr. ALLEN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S . 393, a bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserve components and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 470

At the request of Mr. SARBANES, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 470, a bill to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 489

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 489, a bill to expand certain preferential trade treatment for Haiti.

S. 557

At the request of Ms. COLLINS, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Hawaii (Mr. AKAKA), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 557, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 557

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 557, supra.

S. 569

At the request of Mr. ENSIGN, the names of the Senator from Utah (Mr.

BENNETT), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 583

At the request of Mrs. HUTCHISON, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Ohio (Mr. DEWINE), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 583, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such disease.

S. 589

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 589, a bill to strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

S. 617

At the request of Mr. LIEBERMAN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 617, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 646

At the request of Mr. CORZINE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 646, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 661

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 678

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 684

At the request of Mr. SMITH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 684, a bill to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence.

S. 792

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 792, a bill to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940.

S. 796

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 796, a bill to provide for the appointment of a Director of State and Local Government Coordination within the Department of Homeland Security and to transfer the Office for Domestic Preparedness to the Office of the Secretary of Homeland Security.

S. 818

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 852

At the request of Mr. DEWINE, the names of the Senator from Montana (Mr. BURNS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 881

At the request of Mr. BINGAMAN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 881, 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. 893

At the request of Mr. SANTORUM, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 893, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 899

At the request of Mrs. HUTCHISON, the names of the Senator from Maine (Ms. COLLINS), the Senator from New York (Mr. SCHUMER) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 899, a bill to amend title XVIII of the Social Security Act to restore the full market basket percentage increase applied to payments to hospitals for inpatient hospital services furnished to medicare beneficiaries, and for other purposes.

S. 959

At the request of Mr. INHOFE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 959, a bill to limit the age restrictions imposed by the Administrator of the Federal Aviation Administration for the issuance or renewal of certain airman certificates, and for other purposes.

S. 982

At the request of Mrs. MURRAY, her name was added as a cosponsor of 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 for other purposes.

S. 983

At the request of Mr. CHAFEE, the names of the Senator from New York (Mr. SCHUMER), the Senator from Wisconsin (Mr. KOHL), the Senator from Nebraska (Mr. NELSON), the Senator from Iowa (Mr. HARKIN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1001

At the request of Mr. BIDEN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1001, a bill to make the protection of women and children who are affected by a complex humanitarian emergency a priority of the United States Government, and for other purposes.

S. CON. RES. 14

At the request of Mr. SMITH, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution expressing the sense of Congress regarding the education curriculum in the Kingdom of Saudi Arabia.

S. RES. 130

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 130, a resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 1008. A bill to provide for the establishment of summer health career introductory programs for middle and high school students; to the Committee on Health, Education, Labor, and Pensions.

Mr. CAMPBELL. Mr. President, today I am introducing legislation aimed at addressing the long term shortage of workers in our health care system.

In recent months, America's health care workforce shortage has made headline news. While most of the stories have focused on the lack of nurses, the shortage of health care professionals also includes radiology technicians, respiratory therapists, clinical laboratory scientists, imaging technologists, rehabilitation professionals, pharmacists and others.

This shortage is different than the one hospitals have experienced in the past because it is only the prelude to a long-term shortage of crisis proportions. The demand for health care is increasing as Americans are living longer than previous generations, and advances in medicine have let more people live with chronic and age-related diseases. With the demand for hospital services increasing because of a growing and aging population, the workforce shortages present our Nation with a potential health care crisis. I believe we must do something to change this disturbing trend.

In my State of Colorado, a task force made up of community colleges, universities, corporations, hospitals, social services and interested community activists has been convened to actively find solutions for the workforce shortages. One of the proposals would be to hold a health career summer youth camp under the title, Gee Whiz Jobs, where young people would be introduced to a full range of career possibilities in the health care field. I believe this idea and their program can become a model for other such programs throughout the country.

The legislation I am introducing today attempts to build on the career camp idea. It authorizes the Secretary of Health and Human Services to make demonstration grants to accredited universities and/or community colleges to establish summer health career introductory programs for middle school and high school students.

Many students are not prepared in the necessary levels of math, science and reading to enter health education programs directly out of high school. Many others have never been exposed to health careers and do not even consider them as a possibility. And, a significant number have little knowledge of the range of career possibilities or what the working environments may be like. Summer school exposure to health careers which allows young people to visit hospitals, doctors' offices, emergency rooms, and community health clinics and witness professionals at work in providing health care services may be just what they need to guide them into a health career.

I believe that we must broaden the base of health care workers by designing strategies that attract and retain a diverse workforce. We must collaborate with others—hospitals, health care and professional associations, educational institutions, corporations, philanthropic organizations, and government to attract new entrants to the health professions. And, we must begin these efforts early in the lives of our young people.

It is going to take all of us—educators, government and community officials, hospital leaders, health care workers, and the public—working together to meet the challenge facing our health care system today. That is why I urge my colleagues to act quickly on this legislation. Let's begin to aggressively address the health care worker shortage in a way that will carry us into the future.

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. 1008

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

SECTION 1. SUMMER HEALTH CAREER INTRODUCTORY PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) the success of the health care system is dependent on qualified personnel;

(2) hospitals and health facilities across the United States have been deeply impacted by declines among nurses, pharmacists, radiology and laboratory technicians, and other workers;

(3) the health care workforce shortage is not a short term problem and such workforce shortages can be expected for many years; and

(4) most States are looking for ways to address such shortages.

(b) GRANTS.—The Secretary of Health and Human Services, acting through the Bureau of Health Professions of the Health Resources and Services Administration, may award not to exceed 5 grants for the establishment of summer health career introductory programs for middle and high school students.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b) an entity shall—

(1) be an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); and

(2) prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(d) DURATION.—The term of a grant under subsection (b) shall not exceed 4 years.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2004 through 2007.

By Mr. HARKIN (for himself, Mr. SPECTER, and Mr. KENNEDY):

S. 1010. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am pleased to be joined by Senators SPECTER and KENNEDY today in re-introducing legislation that will give new hope to Americans with paralysis.

Recent news reports about the medical miracle Christopher Reeve has experienced over the two past years is an inspiration for every American living with paralysis as a result of a spinal cord injury. When it was announced that, for the first time since his accident in 1995, Chris regained sensation and movement in parts of his body, providing inspiration for some of the two million Americans with paralysis. Most recently, Chris has started weaning himself from a ventilator, breathing on his own for the first time since his accident.

Today, through the Christopher Reeve Paralysis Act of 2003, we seek to achieve two primary goals. First, to further advance the science needed to promote spinal regeneration. And second, to build quality of life programs throughout the country that will further advance full participation, independent living, self-sufficiency and equality of opportunity for individuals with paralysis and other physical disabilities.

Chris' recovery and recent scientific evidence show that progress is possible. At research centers in the United States, Europe and Japan, techniques of rigorous exercise have helped numerous persons with paraplegia with limited sensations in their lower bodies walk for short distances, unassisted or using walkers.

While the results of these new methods are quite promising, the limits of what physical exercise can do for patients remains grossly understudied. While each person and each injury is unique, and some people recover spontaneously, an estimated 250,000 Americans are living with spinal cord injuries that have not improved. Which therapy or combination of therapies will work for each person is unknown. Today two million Americans are living with paralysis, including spinal cord injury, stroke, cerebral palsy, multiple sclerosis, ALS and spina bifida. We need research to see how these new interventions work on the entire population of individuals with paralysis.

What we do know is the ordinary repetitive motions used in most rehabilitation centers, like squeezing a ball, are almost certainly not enough to appropriately address neurological injuries.

Patients are usually told that after one year, two at the most, they will never make further progress in their abilities to move or feel sensation. Yet eight years after his accident, through a rigorous exercise plan, Chris is finally seeing results.

Due to efforts led by the National Institutes of Health and the Christopher Reeve Paralysis Foundation, our Nation stands on the brink of amazing

breakthroughs in science for those with paralysis. However, the biotech and pharmaceutical industries have not invested in paralysis research because they believe the market does not support the private investment. There is an urgent need for the Federal Government to further step up its commitment in this area. The Christopher Reeve Paralysis Act would do just that.

By establishing Paralysis Research Consortia at the National Institute of Neurological Disorders and Stroke, we can substantially increase our ability to capitalize on research advances in paralysis. These consortia would be formed to explore unique scientific expertise and focus across the existing research centers at NINDS in an effort to further advance treatments, therapies and developments on one or more forms of paralysis that result from central nervous system trauma and stroke.

Additional breakthroughs are underway in rehabilitation research on paralysis. Federal funding for rehabilitation research at the National Center for Medical Rehabilitation Research at NIH is showing real potential to improve functional mobility; prevent secondary complications like bladder and urinary tract infections and ulcers; and to develop improved assistive technology. These rehabilitation interventions have the potential to greatly reduce pain and other complications for people with neurological disorders and stroke and, at the same time, save millions in health care costs.

Over the past 20 years, overall days in the hospital and rehabilitation center for those with paralysis have been cut in half. Those with paralysis face astronomical medical costs, and our best estimates tell us that only one-third of those individuals remain employed after paralysis. At least one-third of those with paralysis have incomes of $15,000 or less.

To date, there are no State-based programs at CDC that address paralysis and other physical disability with the goal of improving health outcomes and prevent secondary complications. This bill will, for the first time, ensure that individuals with paralysis get the information they need; have access to public health programs; and support in their communities to navigate services. Ultimately these programs will help remove the barriers to community participation and help improve quality of life. The bill also establishes hospital-based registries on paralysis to collect needed data on the true numbers of individuals with these conditions, and it invests in population-based research to see how various therapies impact different people.

We are on the brink of major breakthroughs for individuals with neurological disorders and stroke that result in paralysis. This bill will ensure that the federal government does its part to help more than 2 million Americans.

When Christopher Reeve was injured, he put a face on an issue that has been neglected for too long. Since then, his tireless efforts to walk again, coupled with his passion and commitment to improve quality of life for others with paralysis, make him an inspiration to all Americans.

It is a pleasure and an honor to lead a bipartisan group of Senators, along with the support of a number of disability groups, including the American Stroke Association, the American Heart Association, the Christopher Reeve Paralysis Foundation, the National Family Caregivers Association, the National Spinal Cord Injury Association, Paralyzed Veterans of America and Easter Paralyzed Veterans, in introducing this bill.

By Mr. BINGAMAN (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. KERRY, Mr. LAUTENBERG, Mr. DAYTON, and Mr. JOHNSON):

S. 1012. A bill to amend title XIX of the Social Security Act to provide fiscal relief and program simplification to States, to improve coverage and services to medicaid beneficiaries, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, our Nation's States and health safety net are simultaneously facing a crisis. According to State budget officers, the states are facing a nearly $30 billion budget shortfall this year and an $80 billion gap in fiscal year 2004 due to the economic recession. At the same time, it is estimated that the number of uninsured increased from 41 to 45 million this past year. And, due to the State budget shortfalls, the numbers of uninsured may increase even further.

In fact, the lead paragraph in the New York Times in an article entitled ''Cutbacks Imperil Health Coverage for States' Poor'' on April 28, 2003, reads, ''Millions of low-income Americans face the loss of health insurance or sharp cuts in benefits, like coverage for prescription drugs and dental care, under proposals now moving through state legislatures around the country.''

The article continues, ''State officials and health policy experts say the cuts will increase the number of uninsured, threaten recent progress in covering children and impose severe strains on hospitals, doctors and nursing homes.''

As a result, I believe the Federal Government should take immediate steps to fundamentally reassert and reassert its role in helping the States with this fiscal crisis and rising Medicaid costs, lowering the number of uninsured, and finally, confronting infant and maternal mortality and morbidity statistics that are unworthy of our great Nation.

To address these issues, today and tomorrow, I will be introducing three relevant bills. The first addresses the fiscal crisis confronting States and the Medicaid program entitled ''Strengthening Our States,'' or the ''SOS Act.''

The second addresses our Nation's long-standing and growing crisis of the uninsured that is entitled the ''Health Coverage, Affordability, Responsibility, and Equity Act'' or the ''Health CARE Act.''

The final bill takes on our Nation's high infant and mortality rates and is called the ''Start Healthy, Stay Health Act.''

First things first. In any campaign—whether in sports, business, or politics—you have to have both offensive and defensive strategies. In trying to reduce the number of uninsured in our country, we must first, as an emergency room doctor would, stop the bleeding. Therefore, our first priority should be to support and strengthen the Medicaid program.

Unfortunately, the Center on Budget and Policy Priorities estimated in March that as many as 1.7 million Americans could lose coverage altogether under proposals advanced by governors or adopted by State legislative committees this year.

Therefore, I am introducing today with Senators CORZINE, CLINTON, KERRY, LAUTENBERG, DAYTON, and JOHNSON legislation entitled the ''Strengthening Our States Act of 2003.'' This bill is a companion bill to that being introduced by Representative DINGELL, BROWN of Ohio, WAXMAN, and others and is aimed at improving Medicaid and providing support to States to enhance their ability to provide coverage to their uninsured residents in these difficult times.

The SOS Act uses a combination of approaches which: first, provide additional Federal fiscal relief to States; second, provide additional flexibility to States in administering and improving the Medicaid program; and third, provide incentives and assistance to stave off cuts to existing coverage, and facilitate coverage expansions in the future.

The legislation will simplify Medicaid and enable States to strengthen the program and stands in sharp contrast to the President's proposal to convert Medicaid into a block grant that would erode health insurance coverage.

In fact, the Administration's prescription is the wrong medicine for the wrong ailment. The Federal Government should be stepping up its commitment to seniors, people with disabilities, and low-income children rather than stepping away and leaving States holding the bag.

First and foremost, our legislation acknowledges and reflects on the important role that Medicaid plays in our entire health care system. As Diane Rowland and Jim Tallon of the Kaiser Commission on Medicaid and the Uninsured have noted: ''. . . it is hard to envision our health system and society without a program like Medicaid. Medicaid is the glue that helps hold our health system together and takes on the highest-risk, sickest, and most expensive populations from private insurance and Medicare. For low-income Medicare beneficiaries, Medicaid picks

up Medicare premiums and some cost sharing as well as filling the gaps in coverage for long-term care services, prescription drugs, and vision and dental care.''

Medicaid addresses the failure of the marketplace to deliver affordable health coverage to our Nation's most fragile and vulnerable citizens. However, there is no reason why it should also have to play the role of picking up the slack of the Medicare program. A central tenet of our SOS proposal is for the Federal Government to begin taking the steps to assume 100 percent of the costs associated with care and services in Medicaid for Medicare beneficiaries, also known as dual eligibles.

This, I would add, is in keeping with long-standing policy of the National Governors' Association, or NGA, and is in sharp contrast to the Administration's proposal to maintain the current Medicaid financing system for mandatory populations and services while block granting care of optional populations and services to States. Who are these optional populations? They are largely the elderly and people with disabilities, many of whom are dually eligible for Medicare and Medicaid.

According to the Kaiser Commission on Medicaid and the Uninsured, 83 percent of all Medicaid spending on the elderly is for either optional populations or services, such as prescription drugs and long-term care. In fact, according to Cindy Mann of Georgetown University and a former Medicaid director under the Clinton Administration, an estimated 35 percent of all State Medicaid costs are for so-called ''dual eligibles.''

Therefore, rather than stepping up to the plate, the Administration is instead stepping away from its commitment to the elderly and disabled, which should be our responsibility at the Federal level, by moving these groups and their health care services into a block grant. Groups representing the elderly and disabled communities have already spoken out against this.

As AARP Executive Director and CEO Bill Novelli says, ''This [Administration's block grant] proposal handcuffs states because it leaves people more vulnerable in future years as States struggle to meet increased needs with decreased dollars.''

The Consortium for Citizens with Disabilities adds, ''The Bush Administration proposal fails people with disabilities and dishonors the Nation's commitment to its residents—it is not in the national interest. . . . What the Medicaid program calls 'optional' services are, in reality, mandatory disability services for the children and adults who need them. These services often are not only life-saving, but also the key to a positive quality of life—something everyone in our nation deserves.''

Again, the Federal Government should be stepping up its commitment to seniors and people with disabilities rather than stepping away, as the President's proposal does.

With respect to the fiscal crisis facing states, the Administration has long opposed fiscal relief to States as part of its economic stimulus package. Instead, the Administration points out that its Medicaid block grant proposal provides more funding up front to States, in the amount of $3.5 billion over one year and $12.7 billion over the first seven years to help States. But the proposal has strong elements of a typical bait and switch by yanking every dime of that money away starting in 2011. Secretary Thompson noted at the press conference that he would not be around at the time of the $12.7 billion in reductions eight years from now and the plan clearly counts on the fact that most of this crop of governors would not be either.

However, that is exactly when our Nation's baby boomers hit retirement age in rapidly increasing numbers and the long term care costs within Medicaid will significantly increase.

In sharp contrast, the SOS Act includes a temporary increase in the Federal matching assistance percentage, or FMAP, to state Medicaid programs in the amount of $15 billion and another $15 billion in additional aid to States—far more than the temporary $3 billion offered by the Administration.

Also, unlike a block grant, the current Medicaid matching rate is responsive to States in times of recessions by providing Federal matching funds to States for each additional person who becomes eligible for Medicaid. Moreover, our SOS Act recognizes the formula can be even more responsive by preserving coverage during difficult times and includes a General Accounting Office study of ways to make the formula more responsive to fiscal distress during either a national or State recession.

In addition, the Strengthening Our States Act would increase Federal payments for certain services critical for special populations or federally-imposed services. It would provide enhanced Federal funding for urban Indian health services, translation services, outstationed workers, and reimbursement to health providers for emergency services delivered undocumented individuals who are otherwise eligible for Medicaid. Again, the Administration's proposal simply block grants funding for these services and steps away from its Federal responsibility.

For example, services delivered to Native Americans by Indian Health Service providers and health organizations are reimbursed at 100 percent federal match currently in recognition of the Federal responsibility and role in delivering services to Native Americans apart from States. Under a block grant, the Federal match is eliminated and the Federal role in providing care to Native Americans is abandoned. This is contrary to longstanding Federal policy and its relationship with tribes and tribal organizations and to policy by the National Governors' Association.

And finally, with respect to giving States flexibility and assistance to expand upon existing coverage options, the Strengthening Our States Act is far better and responsive to states than a block grant. Block grants do not adjust for population changes, recessions, or efforts to expand coverage by States. At its unveiling, Secretary Thompson spoke about the added options the block grants offer States to expand coverage. However, it does so with no new funding. This offer of flexibility is, therefore, illusory.

In fact, because Federal funding is capped for optional opulations by the Administration's block grant, states cannot draw down additional Federal support when it chooses to expand coverage. Under current law and the SOS Act, they can. Some of the more ground-breaking efforts by states such as those by Vermont, Washington, Minnesota, Rhode Island, Hawaii, and even Wisconsin, would have likely never come to pass without that added Federal support.

Therefore, the SOS Act continues and expands upon that Federal support by giving States additional coverage options, such as to set uniform eligibility levels for families rather than covering parents and children separately. The SOS Act also would make States eligible for enhanced matching funds to cover low-income working parents under Medicaid.

States should also beware of the Administration's promise of 9 percent growth rates for the next 10 years. Earlier this year, the House of Representatives passed a budget that would have reduced Medicaid spending by $92 billion over 10 years. While that was rejected in conference, such efforts become much easier under the rubric of a block grant. Again, recent history contains many such promises and examples.

For example, as the NGA policy on the Social Service Block Grant notes, during passage of TANF, ''Congress and the Administration made a commitment to Governors to fund SSBG at $2.38 billion each year through fiscal year 2002, with the funding increasing to $2.8 billion in fiscal 2003 and each year thereafter.'' The reality is that funding has been reduced to $1.7 billion in fiscal years 2002 and 2003, 65 percent below the promised funding levels.

There is an old saying, which goes, ''Fool me once, shame on you. Fool me twice, shame on me.'' When members of Congress and future Administrations see 9 percent growth rates in these Medicaid block grants and have a particular tax cut, Medicare change, transportation program, or whatever they wish to fund, you can already hear them saying, ''What if we just reduce the growth rates to 8 percent or 7 percent or 6 percent or 5 percent. . . .'' Well, we all can see where this rapidly heads and we have all been fooled once before.

Some governors, including Secretary Thompson, seem to have a short memory on these matters. On April 14, 1997, 41 Governors, including Secretary Thompson, Bush Administration Cabinet Members Tom Ridge, and Christine Todd Whitman, wrote President Clinton, and said: ''We adamantly oppose a cap on federal Medicaid spending in any form. Unilateral caps in federal Medicaid spending will result in cost shifts to states, enabling the federal government to balance its budget at the expense of the states.''

What was true then remains true 6 years later.

Moreover, on behalf of the NGA, Governors Bob Miller of Nevada and Mike Leavitt testified before the Senate Finance Committee and made the following statement: ''. . . caps could result in states becoming solely responsible for unexpected program costs, such as a loss in a lawsuit on reimbursement rates or the development of expensive new therapies that drive up treatment costs beyond the federal allowable rate.

They added: ''. . . the cost shift resulting from a unilateral cap would present states with a number of bad alternatives. States essentially would have to choose between cutting back on payment rates to providers, eliminating optional benefits provided to recipients, ending coverage for optional beneficiaries, or coming up with additional state funds to absorb 100 percent of the cost of services.''

I do not see why this needs to be an all-or-nothing proposition. Why do we have to throw out the entire Medicaid financing structure, which benefits States, beneficiaries, and providers, in order to grant States additional flexibility to their programs?

In 1997, we rejected the all-or-nothing proposal and worked with the States and gave them a package of added flexibility, including the ability to enroll much of their Medicaid population in managed care without the need for a waiver.

Secretary Thompson talks a great deal about the flexibility the block grant offers and cites the need to allow States the ability to move people out of institutional settings into more appropriate home- and community-based settings and is right. Under the block grant, States are only granted additional flexibility to do so if they accept a block grant. In contrast, the SOS Act provides States an enhanced Federal matching rate to provide home- and community-based services.

However, rather than saying to States that they can only do so through the acceptance of a block grant, why can't we provide them this option without the imposition of a Federal limit on funding? Both states and beneficiary groups are asking for it and we can and should act.

It is on this point that I must add that the Medicaid program was not created for Federal officials or governors. We all clearly need to be reminded that there are other stakeholders in the Medicaid program, including the 43 million people served by the program.

As Alan Weil of the Urban institute and the former Medicaid director of the State of Colorado wrote in a recent article published in Health Affairs: ''If money is at the heart of debates over Medicaid, the millions of indigent people whose varied and complex medical needs are met by the program are its sole. The amount of human suffering the program alleviates is immense.''

As the Administration attempts to proceed on negotiations with the governors on a deal on block grants, let's not forget the children, mothers, seniors, and people with disabilities served by Medicaid. The SOS Act provides a far better alternative.

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. 1012

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 ''Strengthening Our States Act of 2003'' or the ''SOS Act of 2003''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—STRENGTHENING FEDERAL RESPONSIBILITY FOR MEDICARE BENEFICIARIES

SEC. 101. ASSUMING FEDERAL RESPONSIBILITY FOR ALL MEDICARE COST-SHARING.

(a) IN GENERAL.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking ''and'' before ''(4)''; and

(2) by inserting before the period the following: '', and (5) the Federal medical assistance percentage shall be 100 percent with respect to medical assistance provided with costs described in section 1905(p)(3)''.

(b) CONFORMING AMENDMENT.—Section 1902 of such Act (42 U.S.C. 1396a) is amended by striking subsection (n).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for medicare cost-sharing for months beginning with July 2003.

SEC. 102. EXPANDED PROTECTIONS FOR LOW INCOME MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) is amended—

(1) by adding ''and'' at the end of clause (ii);

(2) in clause (iii), by striking ''110 percent in 1993 and 1994, and 120 percent in 1995 and years'' and inserting ''135 percent''; and

(3) by striking clause (iv).

(b) CONFORMING AMENDMENT.—Section 1933 of such Act (42 U.S.C. 1396v) is repealed.

(c) EFFECTIVE DATE.—The amendments made by subsection (a), and the repeal made by subsection (b), shall apply to months after September 2003.

TITLE II—PROVIDING STATES FISCAL RELIEF

SEC. 201. TEMPORARY INCREASE OF MEDICAID FMAP.

(a) PERMITTING MAINTENANCE OF FISCAL YEAR 2002 FMAP FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2003.—Notwithstanding any other provision of law, but subject to subsection (e), if the FMAP determined without regard to this section for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2002, the FMAP for the State for fiscal year 2002 shall be substituted for the State's FMAP for the third and fourth calendar quarters of fiscal year 2003, before the application of this section.

(b) PERMITTING MAINTENANCE OF FISCAL YEAR 2003 FMAP FOR FISCAL YEAR 2004.—

Notwithstanding any other provision of law, but subject to subsection (e), if the FMAP determined without regard to this section for a State for fiscal year 2004 is less than the FMAP as so determined for fiscal year 2003, the FMAP for the State for fiscal year 2003 shall be substituted for the State's FMAP for each calendar quarter of fiscal year 2004, before the application of this section.

(c) GENERAL 3.73 PERCENTAGE POINTS INCREASE FOR LAST 2 CALENDAR QUARTERS OF FISCAL YEAR 2003 AND FISCAL YEAR 2004.—Notwithstanding any other provision of law, but subject to subsections (e) and (f), for each State for the third and fourth calendar quarters of fiscal year 2003 and each calendar quarter of fiscal year 2004, the FMAP (taking into account the application of subsections (a) and (b)) shall be increased by 3.73 percentage points.

(d) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Notwithstanding any other provision of law, but subject to subsection (f), with respect to the third and fourth calendar quarters of fiscal year 2003 and each calendar quarter of fiscal year 2004, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 7.46 percent of such amounts.

(e) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4); or

(2) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

(f) STATE ELIGIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), a State is eligible for an increase in its FMAP under subsection (c) or an increase in a cap amount under subsection (d) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.

(2) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after September 2, 2003, but prior to the date of enactment of this Act is eligible for an increase in its FMAP under subsection (c) or an increase in a cap amount under subsection (d) in the first calendar quarter (and subsequent calendar quarters) in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on September 2, 2003.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or (2) shall be construed as affecting a State's flexibility with respect to benefits offered under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(g) DEFINITIONS.—In this section:

(1) FMAP.—The term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) STATE.—The term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(h) REPEAL.—Effective as of October 1, 2004, this section is repealed.

SEC. 202. TEMPORARY GRANTS FOR STATE FISCAL RELIEF.

(a) IN GENERAL.—Title XX of the Social Security Act (42 U.S.C. 1397–1397f) is amended by adding at the end the following:

''SEC. 2008. ADDITIONAL TEMPORARY GRANTS FOR STATE FISCAL RELIEF.

''(a) IN GENERAL.—For the purpose of providing State fiscal relief allotments to States under this section, there are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, $15,000,000,000. Such funds shall be available for obligation by the State through June 30, 2005, and for expenditure by the State through September 30, 2005. This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to States of amounts provided under this section.

''(b) ALLOTMENT.—Funds appropriated under subsection (a) shall be allotted by the Secretary among the States in accordance with the following table:

''State	Allotment (in dollars)
Alabama	$170,940,139
Alaska	$42,076,374
Amer. Samoa	$414,007
Arizona	$261,264,449
Arkansas	$133,398,723
California	$1,583,851,051
Colorado	$143,030,332
Connecticut	$207,204,156
Delaware	$38,537,434
District of Columbia	$65,034,813
Florida	$624,655,953
Georgia	$368,582,068
Guam	$669,845
Hawaii	$46,337,939
Idaho	$48,659,904
Illinois	$543,631,283
Indiana	$271,629,605
Iowa	$130,309,854
Kansas	$94,370,028
Kentucky	$212,122,967
Louisiana	$239,827,085
Maine	$92,781,591
Maryland	$236,000,265
Massachusetts	$472,765,757
Michigan	$435,451,207
Minnesota	$302,429,550
Mississippi	$176,956,163
Missouri	$302,534,081
Montana	$36,437,168
Nebraska	$79,550,313
Nevada	$52,331,624
New Hampshire	$54,101,351
New Jersey	$411,954,920
New Mexico	$112,850,197
New York	$2,383,327,447
North Carolina	$439,742,488
North Dakota	$27,253,781
N. Mariana Islands	$233,880
Ohio	$616,448,513
Oklahoma	$146,240,811
Oregon	$167,002,460
Pennsylvania	$745,862,667
Puerto Rico	$18,916,230
Rhode Island	$80,098,624
South Carolina	$184,217,430
South Dakota	$30,302,145
Tennessee	$350,273,887
Texas	$814,722,031
Utah	$63,422,131
Vermont	$40,549,714
Virgin Islands	$624,499
Virginia	$215,155,129
Washington	$298,697,312
West Virginia	$95,818,709
Wisconsin	$270,901,128
Wyoming	$17,496,788
Total	**$15,000,000,000**

''(c) USE OF FUNDS.—Funds appropriated under this section may be used by a State for services directed at the goals set forth in section 2001, subject to the requirements of this title.

''(d) PAYMENT TO STATES.—Not later than 30 days after amounts are appropriated under subsection (a), in addition to any payment made under section 2002 or 2007, the Secretary shall make a lump sum payment to a State of the total amount of the allotment for the State as specified in subsection (b).

''(e) DEFINITION.—For purposes of this section, the term 'State' means the 50 States, the District of Columbia, and the territories contained in the list under subsection (b).''.

(b) REPEAL.—Effective as of October 1, 2005, section 2008 of the Social Security Act, as added by subsection (a), is repealed.

(c) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine an appropriate index that could be used to temporarily adjust the Federal medical assistance percentage for purposes of programs authorized under the Social Security Act either with respect to all States during a period of national recession or with respect to a specific State when the State's economy takes a significant turn for the worse.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the study conducted under paragraph (1).

SEC. 203. INCREASING MEDICAID DSH ALLOTMENTS.

(a) CONTINUATION OF MEDICAID DSH ALLOTMENT ADJUSTMENTS UNDER BIPA 2000.—

(1) IN GENERAL.—Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f))—

(A) in paragraph (2)—

(i) in the heading, by striking ''THROUGH 2002'' and inserting ''THROUGH 2000'';

(ii) by striking ''ending with fiscal year 2002'' and inserting ''ending with fiscal year 2000''; and

(iii) in the table in such paragraph, by striking the columns labeled ''FY 01'' and ''FY02'';

(B) in paragraph (3)(A), by striking ''paragraph (2)'' and inserting ''paragraph (4)''; and

(C) in paragraph (4), as added by section 701(a)(1) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554)—

(i) by striking ''FOR FISCAL YEARS 2001 AND 2002'' in the heading;

(ii) in subparagraph (A), by striking ''Notwithstanding paragraph (2), the'' and inserting ''The'';

(iii) in subparagraph (C)—

(I) by striking ''NO APPLICATION'' and inserting ''APPLICATION''; and

(II) by striking ''without regard to'' and inserting ''taking into account''.

(2) INCREASE IN MEDICAID DSH ALLOTMENT FOR THE DISTRICT OF COLUMBIA.—

(A) IN GENERAL.—Effective for DSH allotments beginning with fiscal year 2003, the item in the table contained in section 1923(f)(2) of the Social Security Act (42 U.S.C. 1396r–4(f)(2)) for the District of Columbia for the DSH allotment for FY 00 (fiscal year 2000) is amended by striking ''32'' and inserting ''49''.

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as preventing the application of section 1923(f)(4) of the Social Security Act (as amended by subsection (a)) to the District of Columbia for fiscal year 2003 and subsequent fiscal years.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to DSH allotments for fiscal years beginning with fiscal year 2003.

(b) INCREASE IN FLOOR FOR TREATMENT AS AN EXTREMELY LOW DSH STATE TO 3 PERCENT IN FISCAL YEAR 2003.—

(1) INCREASE IN DSH FLOOR.—Section 1923(f)(5) of the Social Security Act (42 U.S.C. 1396r–4(f)(5)) is amended—

(A) by striking ''fiscal year 1999'' and inserting ''fiscal year 2001'';

(B) by striking ''August 31, 2000'' and inserting ''August 31, 2002'';

(C) by striking ''1 percent'' each place it appears and inserting ''3 percent''; and

(D) by striking ''fiscal year 2001'' and inserting ''fiscal year 2003''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect as if enacted on October 1, 2002, and apply to DSH allotments under title XIX of the Social Security Act for fiscal year 2003 and each fiscal year thereafter.

SEC. 204. INCREASED STATE ACCESS TO UNSPENT SCHIP FUNDS.

(a) RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEARS 1998 AND 1999.—Paragraphs (2)(A)(i) and (2)(A)(ii) of section 2104(g) of the Social Security Act (42 U.S.C. 1397dd(g)) are each amended by striking ''fiscal year 2002'' and inserting ''fiscal year 2004''.

(b) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2000.—

(1) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2000 ALLOTMENT.—Paragraph (2) of such section 2104(g) is amended—

(A) in the heading, by striking ''AND 1999'' and inserting ''THROUGH 2000''; and

(B) by adding at the end of subparagraph (A) the following:

''(iii) FISCAL YEAR 2000 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2000 that were not expended by the State by the end of fiscal year 2002, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2004.''.

(2) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g) is amended—

(A) in subparagraph (A), by inserting ''or for fiscal year 2000 by the end of fiscal year 2002,'' after ''fiscal year 2001,'';

(B) in subparagraph (A), by striking ''1998 or 1999'' and inserting ''1998, 1999, or 2000'';

(C) in subparagraph (A)(i)—

(i) by striking ''or'' at the end of subclause (I),

(ii) by striking the period at the end of subclause (II) and inserting ''; or''; and

(iii) by adding at the end the following new subclause:

''(III) the fiscal year 2000 allotment, the amount specified in subparagraph (C)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (C)(ii) for the State to the amount specified in subparagraph (C)(iii).'';

(D) in subparagraph (A)(ii), by striking ''or 1999'' and inserting '', 1999, or 2000'';

(E) in subparagraph (B), by striking ''with respect to fiscal year 1998 or 1999'';

(F) in subparagraph (B)(ii)—

(i) by inserting ''with respect to fiscal year 1998, 1999, or 2000,'' after ''subsection (e),''; and

(ii) by striking ''2002'' and inserting ''2004''; and

(G) by adding at the end the following new subparagraph:

''(C) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2000.—For purposes of subparagraph (A)(i)(III)—

''(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2000, less the total amount remaining available pursuant to paragraph (2)(A)(iii);

''(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2000, 2001, and 2002 exceed the State's allotment for fiscal year 2000 under subsection (b); and

''(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2000, of the amounts specified in clause (ii).''.

(3) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(A) in its heading, by striking ''AND 1999'' and inserting '', 1999, AND 2000''; and

(B) in paragraph (3)—

(i) by striking ''or fiscal year 1999'' and inserting '', fiscal year 1999, or fiscal year 2000''; and

(ii) by striking ''or November 30, 2001'' and inserting ''November 30, 2001, or November 30, 2002'', respectively.

(c) EXTENSION AND REVISION OF RETAINED AND REDISTRIBUTED ALLOTMENTS FOR FISCAL YEAR 2001.—

(1) PERMITTING AND EXTENDING RETENTION OF PORTION OF FISCAL YEAR 2001 ALLOTMENT.—Paragraph (2) of such section 2104(g), as amended in subsection (b)(1)(B), is further amended—

(A) in the heading, by striking ''2000'' and inserting ''2001''; and

(B) by adding at the end of subparagraph (A) the following:

''(iv) FISCAL YEAR 2001 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 2001 that were not expended by the State by the end of fiscal year 2003, 50 percent of that amount shall remain available for expenditure by the State through the end of fiscal year 2005.''.

(2) REDISTRIBUTED ALLOTMENTS.—Paragraph (1) of such section 2104(g), as amended in subsection (b)(2), is further amended—

(A) in subparagraph (A), by inserting ''or for fiscal year 2001 by the end of fiscal year 2003,'' after ''fiscal year 2002,'';

(B) in subparagraph (A), by striking ''1999, or 2000'' and inserting ''1999, 2000, or 2001'';

(C) in subparagraph (A)(i)—

(i) by striking ''or'' at the end of subclause (II),

(ii) by striking the period at the end of subclause (III) and inserting ''; or''; and

(iii) by adding at the end the following new subclause:

''(IV) the fiscal year 2001 allotment, the amount specified in subparagraph (D)(i) (less the total of the amounts under clause (ii) for such fiscal year), multiplied by the ratio of the amount specified in subparagraph (D)(ii) for the State to the amount specified in subparagraph (D)(iii).'';

(D) in subparagraph (A)(ii), by striking ''or 2000'' and inserting ''2000, or 2001'';

(E) in subparagraph (B)—

(i) by striking ''and'' at the end of clause (ii);

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting after clause (ii) the following new clause:

''(iii) notwithstanding subsection (e), with respect to fiscal year 2001, shall remain available for expenditure by the State through the end of fiscal year 2005; and''; and

(F) by adding at the end the following new subparagraph:

''(D) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2001.—For purposes of subparagraph (A)(i)(IV)—

''(i) the amount specified in this clause is the amount specified in paragraph (2)(B)(i)(I) for fiscal year 2001, less the total amount remaining available pursuant to paragraph (2)(A)(iv);

''(ii) the amount specified in this clause for a State is the amount by which the State's expenditures under this title in fiscal years 2001, 2002, and 2003 exceed the State's allotment for fiscal year 2001 under subsection (b); and

''(iii) the amount specified in this clause is the sum, for all States entitled to a redistribution under subparagraph (A) from the allotments for fiscal year 2001, of the amounts specified in clause (ii).''.

(3) CONFORMING AMENDMENTS.—Such section 2104(g) is further amended—

(A) in its heading, by striking ''AND 2000'' and inserting ''2000, AND 2001''; and

(B) in paragraph (3)—

(i) by striking ''or fiscal year 2000'' and inserting ''fiscal year 2000, or fiscal year 2001''; and

(ii) by striking ''or November 30, 2002,'' and inserting ''November 30, 2002, or November 30, 2003,'', respectively.

(d) AUTHORITY FOR QUALIFYING STATES TO USE PORTION OF SCHIP FUNDS FOR MEDICAID EXPENDITURES.—Section 2105 of the Social Security Act (42 U.S.C. 1397ee) is amended by adding at the end the following:

''(g) AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—

''(1) STATE OPTION.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, with respect to allotments for fiscal years 1998, 1999, 2000, 2001, for fiscal years in which such allotments are available under subsections (e) and (g) of section 2104, a qualifying State (as defined in paragraph (2)) may elect to use not more than 20 percent of such allotments (instead of for expenditures under this title) for payments for such fiscal year under title XIX in accordance with subparagraph (B).

''(B) PAYMENTS TO STATES.—

''(i) IN GENERAL.—In the case of a qualifying State that has elected the option described in subparagraph (A), subject to the total amount of funds described with respect to the State in subparagraph (A), the Secretary shall pay the State an amount each quarter equal to the additional amount that would have been paid to the State under title XIX for expenditures of the State for the fiscal year described in clause (ii) if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)) of such expenditures.

''(ii) EXPENDITURES DESCRIBED.—For purposes of clause (i), the expenditures described in this clause are expenditures for such fiscal years for providing medical assistance under title XIX to individuals who have not attained age 19 and whose family income exceeds 150 percent of the poverty line.

''(iii) NO IMPACT ON DETERMINATION OF BUDGET NEUTRALITY FOR WAIVERS.—In the case of a qualifying State that uses amounts paid under this subsection for expenditures described in clause (ii) that are incurred under a waiver approved for the State, any budget neutrality determinations with respect to such waiver shall be determined without regard to such amounts paid.

''(2) QUALIFYING STATE.—In this subsection, the term 'qualifying State' means a State that—

''(A) as of April 15, 1997, has an income eligibility standard with respect to any 1 or more categories of children (other than infants) who are eligible for medical assistance under section 1902(a)(10)(A) or under a waiver under section 1115 implemented on January 1, 1994, that is up to 185 percent of the poverty line or above; and

''(B) satisfies the requirements described in paragraph (3).

''(3) REQUIREMENTS.—The requirements described in this paragraph are the following:

''(A) SCHIP INCOME ELIGIBILITY.—The State has a State child health plan that (whether implemented under title XIX or this title)—

''(i) as of January 1, 2001, has an income eligibility standard that is at least 200 percent of the poverty line or has an income eligibility standard that exceeds 200 percent of the poverty line under a waiver under section 1115 that is based on a child's lack of health insurance;

''(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

''(iii) provides benefits to all children in the State who apply for and meet eligibility standards on a statewide basis.

''(B) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

''(C) ADDITIONAL REQUIREMENTS.—The State has implemented at least 3 of the following policies and procedures (relating to coverage of children under title XIX and this title):

''(i) UNIFORM, SIMPLIFIED APPLICATION FORM.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State uses the same uniform, simplified application form (including, if applicable, permitting application other than in person) for purposes of establishing eligibility for benefits under title XIX and this title.

''(ii) ELIMINATION OF ASSET TEST.—The State does not apply any asset test for eligibility under section 1902(l) or this title with respect to children.

''(iii) ADOPTION OF 12-MONTH CONTINUOUS ENROLLMENT.—The State provides that eligibility shall not be regularly redetermined more often than once every year under this title or for children described in section 1902(a)(10)(A).

''(iv) SAME VERIFICATION AND REDETERMINATION POLICIES; AUTOMATIC REASSESSMENT OF ELIGIBILITY.—With respect to children who are eligible for medical assistance under section 1902(a)(10)(A), the State provides for initial eligibility determinations and redeterminations of eligibility using the same verification policies (including with respect to face-to-face interviews), forms, and frequency as the State uses for such purposes under this title, and, as part of such redeterminations, provides for the automatic reassessment of the eligibility of such children for assistance under title XIX and this title.

''(v) OUTSTATIONING ENROLLMENT STAFF.—The State provides for the receipt and initial processing of applications for benefits under this title and for children under title XIX at facilities defined as disproportionate share hospitals under section 1923(a)(1)(A) and Federally-qualified health centers described in section 1905(l)(2)(B) consistent with section 1902(a)(55).''.

(e) EFFECTIVE DATE.—Subsections (a) through (c), and the amendments made by such subsections, shall be effective as if this section had been enacted on September 30, 2002, and amounts under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) from allotments for fiscal years 1998 through 2000 are available for expenditure on and after October 1, 2002, under the amendments made by such subsections as if this section had been enacted on September 30, 2002.

SEC. 205. FEDERAL RESPONSIBILITY FOR EMERGENCY CARE FOR ILLEGAL IMMIGRANTS.

(a) IN GENERAL.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) is amended—

(1) in subparagraph (D), by striking ''plus'' at the end and inserting ''and''; and

(2) by adding at the end the following:

''(E) 100 percent of the sums expended with respect to costs incurred during such quarter as are attributable to the provision of care and services that are furnished to an alien described in subsection (v)(1) that are necessary for the treatment of an emergency medical condition, as defined in subsection (v)(3); and''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2003.

SEC. 206. INCREASED FEDERAL RESPONSIBILITY FOR TRANSLATION SERVICES.

(a) IN GENERAL.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)), as amended by section 205(a), is amended by adding at the end the following:

''(F) 90 percent of the sums expended with respect to costs incurred during such quarter as are attributable to the provision of language services, including oral interpretation, translations of written materials, and other language services, for individuals with limited English proficiency who apply for, or receive, medical assistance under the State plan; and''.

(b) SCHIP.—Section 2105(A)(1) of the Social Security Act (42 U.S.C.1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''section 1905(b))'' and inserting ''section 1905(b)) or, in the case of expenditures described in subparagraph (D)(iv), 90 percent''; and

(2) in subparagraph (D)—

(A) in clause (iii), by striking ''and'' at the end;

(B) by redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following:

''(D) for expenditures attributable to the provision of language services, including oral interpretation, translations of written materials, and other language services, for individuals with limited English proficiency who apply for, or receive, child health assistance under the plan; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2003.

SEC. 207. INCREASED FEDERAL MATCHING RATES FOR CERTAIN SERVICES.

(a) OUTSTATIONED WORKERS.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)), as amended by sections 205(a) and 206(a), is amended by adding at the end the following:

''(G) 90 percent of the sums expended with respect to costs incurred during such quarter as are attributable to providing for the receipt and initial processing of applications of children and pregnant women for medical assistance consistent with the requirements of section 1902(a)(55); plus''.

(b) 100 PERCENT MATCHING RATE FOR URBAN INDIAN HEALTH SERVICES.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by inserting ''or program'' after ''facility'';

(2) by striking ''or by'' and inserting '', by''; and

(3) by inserting '', or by an urban Indian organization pursuant to a grant or contract with the Indian Health Service under title V of the Indian Health Care Improvement Act'' before the period.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2003.

TITLE III—STRENGTHENING STATE AND FEDERAL COMMITMENT TO THE ELDERLY AND PERSONS WITH DISABILITIES; FAMILY OPPORTUNITY ACT

Subtitle A—Elderly and Persons with Disabilities

SEC. 301. FULL ACCOUNTING OF SAVINGS IN DETERMINING COST-EFFECTIVENESS.

(a) IN GENERAL.—Section 1915(c)(2)(D) of the Social Security Act (42 U.S.C. 1396n(c)(2)(D)) is amended by inserting ''(reduced by average per capita reductions in spending under other Federal mandatory spending programs resulting from operation of the waiver)'' after ''with respect to such individuals''.

(b) EFFECTIVE DATE.—The amendment made by subsection shall take effect on the date of the enactment of this Act.

SEC. 302. EXTENSION OF MEDICAID COVERAGE UNDER THE TICKET TO WORK PROGRAM TO COVER SPOUSES.

(a) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(1) in clause (i)(II), by inserting before the comma at the end the following: '', and at the option of a State, any individual who is the spouse of such an individual'';

(2) in clause (ii)(XIII), by inserting before the semicolon at the end the following: '', and at the option of a State, any individual who is the spouse of such an individual'';

(3) in subclause (XV), by inserting before the semicolon at the end the following: '', and at the option of a State, any individual who is the spouse of such an individual''; and

(4) in subclause (XVI), by inserting before the semicolon at the end the following: '', and at the option of a State, any individual who is the spouse of such an individual''.

(b) CONFORMING AMENDMENT.—Section 1905(a)(xii) of such Act (42 U.S.C. 1396d(a)(xii)) is amended by inserting ''and spouses described in clauses (i)(II), (ii)(XIII), (ii)(XV), and (ii)(XVI) of section 1902(a)(10)(A)'' after ''subsection (v))''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003, whether or not regulations implementing such amendments have been issued.

SEC. 303. ENCOURAGING TRANSITION TO HOME AND COMMUNITY CARE.

(a) IN GENERAL.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as amended by section 101(a), is amended—

(1) by striking ''and'' before ''(5)''; and

(2) by inserting before the period the following: '', and (6) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance provided under a waiver under section 1915(c)''.

(b) CONFORMING AMENDMENT.—Section 1915(c) of such Act (42 U.S.C. 1396n(c)) is amended by adding at the end the following new paragraph:

''(11) For purposes of determining the amount of expenditures under this section or a State plan for purposes of applying any test of cost-effectiveness or similar test in carrying out this subsection, the provisions of section 1905(b)(6) shall not be taken into account.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after July 1, 2003, regardless of whether the waiver under which such assistance is provided was approved before, on, or after the date of the enactment of this Act.

SEC. 304. ENHANCED MATCHING RATE FOR DISABLED INDIVIDUALS AWAITING MEDICARE ELIGIBILITY.

(a) IN GENERAL.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as

amended by sections 101(a) and 303(a), is amended—

(1) by striking ''and'' before ''(6)''; and

(2) by inserting before the period the following: '', and (7) the Federal medical assistance percentage shall be equal to 100 percent with respect to medical assistance provided to individuals who are not entitled to benefits under part A of title XVIII pursuant to section 226(b) but who would be entitled to such benefits pursuant to such section but for the application of a 24-month waiting period under such section''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after October 1, 2003.

SEC. 305. PROVIDING INITIAL TERM OF 5 YEARS FOR SECTION 1915 WAIVERS.

(a) IN GENERAL.—Subsections (d)(3) and (e)(3) of section 1915 of the Social Security Act (42 U.S.C. 1396n) are each amended by striking ''3 years'' and inserting ''5 years''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to waivers granted on or after the date of the enactment of this Act.

SEC. 306. OPTIONAL COVERAGE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS UNDER THE MEDICAID PROGRAM.

(a) OPTIONAL COVERAGE.—Section 1902(a)(10)(D) of the Social Security Act (42 U.S.C. 1396a(a)(10)(D)) is amended—

(1) by inserting ''(i)'' after '(D)'';

(2) by adding ''and'' after the semicolon; and

(3) by adding at the end the following new clause:

''(ii) at the option of the State and subject to section 1935, for the inclusion of community-based attendant services and supports for any individual who—

''(I) is eligible for medical assistance under the State plan;

''(II) with respect to whom there has been a determination that the individual requires the level of care provided in a nursing facility or an intermediate care facility for the mentally retarded (whether or not coverage of such intermediate care facility is provided under the State plan); and

''(III) who chooses to receive such services and supports;

insofar as such services are appropriate for the individual's condition according to the individual's plan of care;''.

(b) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS OPTION.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(A) by redesignating section 1935 as section 1936; and

(B) by inserting after section 1934 the following:

''COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS

''SEC. 1935. (a) COVERAGE.—

''(1) IN GENERAL.—A State may provide through a plan amendment for the inclusion of community-based attendant services and supports (as defined in subsection (g)(1)) for individuals described in section 1902(a)(10)(D)(ii) in accordance with this section.

''(2) ENHANCED FMAP FOR COVERAGE.—Notwithstanding section 1905(b), in the case of a State with an approved plan amendment under this section during that period that also satisfies the requirements of subsection (c) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance in the form of community-based attendant services and supports provided to individuals described in section 1902(a)(10)(D)(ii) in accordance with this section.

''(b) DEVELOPMENT AND IMPLEMENTATION OF BENEFIT.—In order for a State plan amendment to be approved under this section, a State shall develop and implement the proposal through a public process which includes individuals with disabilities, elderly individuals, their representatives, and providers, and include in that proposed plan amendment—

''(1) a State process to notify and inform individuals (including individuals who live in nursing facilities, individuals who live in intermediate care facilities for the mentally retarded, and individuals who live in the community and who have an unmet need for such services) of the availability of such services and supports under the this title, and of other items and services that may be provided to the individual under this title or title XVIII; and

''(2) a quality assurance program that will maximize consumer independence and consumer control and will —

''(A) train consumers to appropriately manage their own attendant;

''(B) provide a quality review process; and

''(C) provide for investigation and resolution of allegations of neglect, abuse, or exploitation in connection with the provision of such services and supports.

''(c) NO EFFECT ON ABILITY TO PROVIDE COVERAGE UNDER A WAIVER.—

''(1) IN GENERAL.—Nothing in this section shall be construed as affecting the ability of a State to provide coverage 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.

''(2) 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 section 1935 for the enhanced FMAP for the provision of such coverage under this unless the State submits a plan amendment to the Secretary that meets the requirements of this section.

''(d) DEFINITIONS.—In this title:

''(1) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—

''(A) IN GENERAL.—The term 'community-based attendant services and supports' may include one or more of the following: 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;

''(ii) 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;

''(iii) under an agency-provider model or other model (as defined in paragraph (2)(C)); and

''(iv) 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 may include one or more of the following:

''(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 skills necessary for the individual to accomplish activities of daily living, instrumental activities of daily living, and health-related functions.

''(iii) Backup systems or mechanisms (such as the use of beepers), as defined by the State according to the client's needs, to ensure continuity of services and supports.

''(iv) Voluntary training on how to select, manage, and dismiss attendants.

''(C) EXCLUDED SERVICES AND SUPPORTS.—Subject to subparagraph (D), such term does not include—

''(i) the provision of room and board for the individual;

''(ii) special education and related services provided under the Individuals with Disabilities Education Act and vocational rehabilitation services provided under the Rehabilitation Act of 1973;

''(iii) assistive technology devices and assistive technology services;

''(iv) durable medical equipment; or

''(v) home modifications.

''(D) FLEXIBILITY IN TRANSITION TO COMMUNITY-BASED HOME SETTING.—Such term may include expenditures for transitional costs required for an individual to make the transition from a nursing facility or intermediate care facility for the mentally retarded to a community-based home setting where the individual resides.

''(E) CLARIFICATION OF PERMITTING PAYMENT OF RELATIVES FOR PROVIDING SERVICES AND SUPPORTS.—Nothing in this section shall be construed as preventing community-based attendant services and supports from being furnished to an individual by others who are related to that individual and for such others being paid for so furnishing such services and supports.

''(2) ADDITIONAL DEFINITIONS.—

''(A) ACTIVITIES OF DAILY LIVING.—The term 'activities of daily living' includes eating, toileting, grooming, dressing, bathing, and transferring.

''(B) CONSUMER CONTROLLED.—The term 'consumer controlled' 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.

''(C) DELIVERY MODELS.—

''(i) AGENCY-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 models may include 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 essential items, performing essential household chores, communicating by phone and other media, and other activities needed to participate in the community, as appropriate.

''(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) INVESTIGATION BY STATE .—Section 1903(q)(4)(A)(i) of such Act (42 U.S.C. 1396b(q)(4)(A)(i)) is amended by inserting ''and for investigation and resolution of allegations of neglect, abuse, or exploitation in connection with the provision of community-based attendant services and supports under section 1935(b)(2)(C)'' before the semicolon.

(d) EFFECTIVE DATE.—The amendments made by this section 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.

Subtitle B—Family Opportunity Act

SEC. 311. SHORT TITLE.

This subtitle may be cited as the ''Family Opportunity Act of 2003'' or the ''Dylan Lee James Act''.

SEC. 312. OPPORTUNITY FOR FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.

(a) STATE OPTION TO ALLOW FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.—

(1) IN GENERAL.—Section 1902 (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10)(A)(ii)—

(i) by striking ''or'' at the end of subclause (XVII);

(ii) by adding ''or'' at the end of subclause (XVIII); and

(iii) by adding at the end the following new subclause:

''(XIX) who are disabled children described in subsection (cc)(1);''; and

(B) by adding at the end the following new subsection:

''(cc)(1) Individuals described in this paragraph are individuals—

''(A) who have not attained 18 years of age;

''(B) who would be considered disabled under section 1614(a)(3)(C) (determined without regard to the reference to age in that section) but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits; and

''(C) whose family income does not exceed such income level as the State establishes and does not exceed—

''(i) 300 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; or

''(ii) such higher percent of such poverty line as a State may establish, except that no Federal financial participation shall be provided under section 1903(a) for any medical assistance provided to an individual who would not be described in this subsection but for this clause.''.

(2) INTERACTION WITH EMPLOYER-SPONSORED FAMILY COVERAGE.—Section 1902(cc) (42 U.S.C. 1396a(cc)), as added by paragraph (1), is amended by adding at the end the following new paragraph:

''(2)(A) If an employer of a parent of an individual described in paragraph (1) offers family coverage under a group health plan (as defined in section 2791(a) of the Public Health Service Act), the State may—

''(i) require such parent to apply for, enroll in, and pay premiums for, such coverage as a condition of such parent's child being or remaining eligible for medical assistance under subsection (a)(10)(A)(ii)(XIX) if the parent is determined eligible for such coverage and the employer contributes at least 50 percent of the total cost of annual premiums for such coverage; and

''(ii) if such coverage is obtained—

''(I) subject to paragraph (2) of section 1916(h), reduce the premium imposed by the State under that section (if any) in an amount that reasonably reflects the premium contribution made by the parent for private coverage on behalf of a child with a disability; and

''(II) treat such coverage as a third party liability under subsection (a)(25).

''(B) In the case of a parent to which subparagraph (A) applies, if the family income of such parent does not exceed 300 percent of the income official poverty line (referred to in paragraph (1)(C)(i)), a State may provide for payment of any portion of the annual premium for such family coverage that the parent is required to pay. Any payments made by the State under this subparagraph shall be considered, for purposes of section 1903(a), to be payments for medical assistance.''.

(b) STATE OPTION TO IMPOSE INCOME-RELATED PREMIUMS.—Section 1916 (42 U.S.C. 1396o) is amended—

(1) in subsection (a), by striking ''subsection (g)'' and inserting ''subsections (g) and (h)''; and

(2) by adding at the end the following new subsection:

''(h)(1) With respect to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX), subject to paragraph (2), a State may (in a uniform manner for such children) require the families of such children to pay monthly premiums set on a sliding scale based on family income.

''(2) A premium requirement imposed under paragraph (1) may only apply to the extent that—

''(A) the aggregate amount of such premium and any premium that the parent is required to pay for family coverage under section 1902(cc)(2)(A)(i) does not exceed 5 percent of the family's income; and

''(B) the requirement is imposed consistent with section 1902(cc)(2)(A)(ii)(I).

''(3) A State shall not require prepayment of a premium imposed pursuant to paragraph (1) and shall not terminate eligibility of a child under section 1902(a)(10)(A)(ii)(XIX) for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of not less than 60 days from the date on which the premium became past due. The State may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.''.

(c) CONFORMING AMENDMENT.—Section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A) by inserting ''1902(a)(10)(A)(ii)(XIX),'' after ''1902(a)(10)(A)(ii)(XVIII),''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after January 1, 2004.

SEC. 313. TREATMENT OF INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR INDIVIDUALS UNDER AGE 21 IN HOME OR COMMUNITY-BASED SERVICES WAIVERS.

(a) IN GENERAL.—Section 1915(c) (42 U.S.C. 1396n(c)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting '', or inpatient psychiatric hospital services for individuals under age 21,'' after ''intermediate care facility for the mentally retarded''; and

(B) in the second sentence, by inserting '', or inpatient psychiatric hospital services for individuals under age 21'' before the period;

(2) in paragraph (2)(B), by striking ''or services in an intermediate care facility for the mentally retarded'' each place it appears and inserting '', services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21'';

(3) by striking paragraph (2)(C) and inserting the following:

''(C) such individuals who are determined to be likely to require the level of care provided in a hospital, nursing facility, or intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21, are informed of the feasible alternatives, if available under the waiver, at the choice of such individuals, to the provision of inpatient hospital services, nursing facility services, services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21;''; and

(4) in paragraph (7)(A)—

(A) by inserting '', or inpatient psychiatric hospital services for individuals under age 21,'' after ''intermediate care facility for the mentally retarded''; and

(B) by inserting '', or who would require inpatient psychiatric hospital services for individuals under age 21'' before the period.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to medical assistance provided on or after January 1, 2003.

SEC. 314. DEMONSTRATION OF COVERAGE UNDER THE MEDICAID PROGRAM OF CHILDREN WITH POTENTIALLY SEVERE DISABILITIES.

(a) STATE APPLICATION.—A State may apply to the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') for approval of a demonstration project (in this section referred to as a ''demonstration project'') under which up to a specified maximum number of children with a potentially severe disability (as defined in subsection (b)) are provided medical assistance under the State medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(b) CHILD WITH A POTENTIALLY SEVERE DISABILITY DEFINED.—

(1) IN GENERAL.—In this section, the term ''child with a potentially severe disability'' means, with respect to a demonstration project, an individual who—

(A) has not attained 21 years of age;

(B) has a physical or mental condition, disease, disorder (including a congenital birth defect or a metabolic condition), injury, or developmental disability that was incurred before the individual attained such age; and

(C) is reasonably expected, but for the receipt of medical assistance under the State medicaid plan, to reach the level of disability defined under section 1614(a)(3) of the Social Security Act (42 U.S.C. 1382c(a)(3)), (determined without regard to the reference to age in subparagraph (C) of that section).

(2) EXCEPTION.—Such term does not include an individual who would be considered disabled under section 1614(a)(3)(C) of the Social Security Act (42 U.S.C. 1382c(a)(3)(C)) (determined without regard to the reference to age in that section).

(c) APPROVAL OF DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall approve applications under subsection (a) that meet the requirements of paragraph (2) and such additional terms and conditions as the Secretary may require. The Secretary may waive the requirement of section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations.

(2) TERMS AND CONDITIONS OF DEMONSTRATION PROJECTS.—The Secretary may not approve a demonstration project under this section unless the State provides assurances satisfactory to the Secretary that the following conditions are or will be met:

(A) INDEPENDENT EVALUATION.—The State provides for an independent evaluation of the project to be conducted during fiscal year 2006.

(B) CONSULTATION FOR DEVELOPMENT OF CRITERIA.—The State consults with appropriate pediatric health professionals in establishing the criteria for determining whether a child has a potentially severe disability.

(C) ANNUAL REPORT.—The State submits an annual report to the Secretary (in a uniform form and manner established by the Secretary) on the use of funds provided under the grant that includes the following:

(i) Enrollment and financial statistics on—

(I) the total number of children with a potentially severe disability enrolled in the demonstration project, disaggregated by disability;

(II) the services provided by category or code and the cost of each service so categorized or coded; and

(III) the number of children enrolled in the demonstration project who also receive services through private insurance.

(ii) With respect to the report submitted for fiscal year 2006, the results of the independent evaluation conducted under subparagraph (A).

(iii) Such additional information as the Secretary may require.

(3) LIMITATIONS ON FEDERAL FUNDING.—

(A) APPROPRIATION.—

(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section—

(I) $16,666,000 for each of fiscal years 2002 and 2003; and

(II) $16,667,000 for each of fiscal years 2004 through 2007.

(ii) BUDGET AUTHORITY.—Clause (i) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under clause (i).

(B) LIMITATION ON PAYMENTS.—In no case may—

(i) the aggregate amount of payments made by the Secretary to States under this section exceed $100,000,000;

(ii) the aggregate amount of payments made by the Secretary to States for administrative expenses relating to the evaluations and annual reports required under subparagraphs (A) and (C) of paragraph (2) exceed $2,000,000 of such $100,000,000; or

(iii) payments be provided by the Secretary for a fiscal year after fiscal year 2010.

(C) FUNDS ALLOCATED TO STATES.—

(i) IN GENERAL.—The Secretary shall allocate funds to States based on their applications and the availability of funds. In making such allocations, the Secretary shall ensure an equitable distribution of funds among States with large populations and States with small populations.

(ii) AVAILABILITY.—Funds allocated to a State under a grant made under this section for a fiscal year shall remain available until expended.

(D) FUNDS NOT ALLOCATED TO STATES.—Funds not allocated to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for allocation by the Secretary using the allocation formula established under this section.

(E) PAYMENTS TO STATES.—The Secretary shall pay to each State with a demonstration project approved under this section, from its allocation under subparagraph (C), an amount for each quarter equal to the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b))) of expenditures in the quarter for medical assistance provided to children with a potentially severe disability.

(d) RECOMMENDATION.—Not later than October 1, 2005, the Secretary shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the demonstration project established under this section should be continued after fiscal year 2007.

(e) STATE DEFINED.—In this section, the term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SEC. 315. DEVELOPMENT AND SUPPORT OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501 (42 U.S.C. 701) is amended by adding at the end the following new subsection:

''(c)(1) In addition to amounts appropriated under subsection (a) and retained under section 502(a)(1) for the purpose of carrying out activities described in subsection (a)(2), there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, for the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for special projects of regional and national significance for the development and support of family-to-family health information centers described in paragraph (2), $10,000,000 for each of fiscal years 2002 through 2007. Funds appropriated under this paragraph shall remain available until expended.

''(2) The family-to-family health information centers described in this paragraph are centers that—

''(A) assist families of children with disabilities or special health care needs to make informed choices about health care in order to promote good treatment decisions, cost-effectiveness, and improved health outcomes for such children;

''(B) provide information regarding the health care needs of, and resources available for, children with disabilities or special health care needs;

''(C) identify successful health delivery models for such children;

''(D) develop with representatives of health care providers, managed care organizations, health care purchasers, and appropriate State agencies a model for collaboration between families of such children and health professionals;

''(E) provide training and guidance regarding caring for such children;

''(F) conduct outreach activities to the families of such children, health professionals, schools, and other appropriate entities and individuals; and

''(G) are staffed by families of children with disabilities or special health care needs who have expertise in Federal and State public and private health care systems and health professionals.

''(3) The provisions of this title that are applicable to the funds made available to the Secretary under section 502(a)(1) apply in the same manner to funds made available to the Secretary under paragraph (1).''.

SEC. 316. RESTORATION OF MEDICAID ELIGIBILITY FOR CERTAIN SSI BENEFICIARIES.

(a) IN GENERAL.—Section 1902(a)(10)(A)(i)(II) (42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended—

(1) by inserting ''(aa)'' after ''(II)'';

(2) by striking ''or who are'' and inserting '', (bb) who are''; and

(3) by inserting before the comma at the end the following: '', or (cc) who are under 21 years of age and with respect to whom supplemental security income benefits would be paid under title XVI if subparagraphs (A) and (B) of section 1611(c)(7) were applied without regard to the phrase 'the first day of the month following' ''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to medical assistance for items and services furnished on or after the first day of the first calendar quarter that begins after the date of enactment of this Act.

TITLE IV—FACILITATING PROGRAM ADMINISTRATION AND PRESERVING COVERAGE

SEC. 401. ALLOWING UNIFORM COVERAGE OF ALL LOW INCOME AMERICANS.

(a) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(1) by striking ''or'' at the end of subclause (XVII);

(2) by adding ''or'' at the end of subclause (XVIII); and

(3) by adding at the end the following the following new subclause:

''(XIX) any individual age 21 through 64 whose family income does not exceed 200 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved;''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended, in the matter before paragraph (1)—

(A) by striking ''or'' at the end of clause (xii);

(B) by adding ''or'' at the end of clause (xiii); and

(C) by inserting after clause (xiii) the following new clause:

''(xii) individuals described in section 1902(a)(10)(A)(ii)(XIX),''.

(2) Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)) is amended by inserting ''1902(a)(10)(A)(ii)(XIX),'' after ''1902(a)(10)(A)(ii)(XVIII),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003.

SEC. 402. FACILITATING COVERAGE OF FAMILIES.

(a) IN GENERAL.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as amended by sections 101(a), 303(a), and 304(a), is amended—

(1) by striking ''and'' before ''(7)''; and

(2) by inserting before the period the following: '', and (8) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance provided for individuals who are covered under section 1925 or section 1931 by virtue of being a parent or other caretaker relative (as defined for purposes of such section) of a child and whose income does not exceed the percentage of the income official poverty line applicable under section 1902(l)(2)(C) to children who are eligible for medical assistance under section 1902(l)(1)(D)''.

(b) CONSTRUCTION.—Nothing in section 1905(b)(8) of the Social Security Act, as added by subsection (a)(2), shall be construed as preventing a State from providing medicaid benefits for individuals whose income exceeds 100 percent of the Federal poverty line at the regular FMAP.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after July 1, 2003.

SEC. 403. ASSISTANCE WITH COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)''; and

(2) by adding at the end the following new paragraph:

''(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

''(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

''(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

''(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.''.

(b) SCHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)) is amended by redesignating subparagraphs (C) and (D) as subparagraph (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

''(C) Section 1903(v)(4) (relating to optional coverage of categories of permanent resident alien children), but only if the State has elected to apply such section to the category of children under title XIX.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003, and apply to medical assistance and child health assistance furnished on or after such date.

SEC. 404. FLEXIBILITY IN ELIGIBILITY DETERMINATIONS.

(a) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

''(13)(A) Subject to the requirements of this paragraph, at the option of the State, the plan may provide that financial eligibility requirements for medical assistance are met for an individual under 19 years of age (or such higher age as determined by the State) by using a determination (made within a reasonable period, as found by the State, before its use for this purpose) of the individual's family or household income and resources, notwithstanding any differences in budget unit, disregards, deeming, or other methodology, by a Federal or State agency (or a public or private entity making such determination on behalf of such agency) specified by the plan, provided that such agency has fiscal liabilities or responsibilities affected or potentially affected by such determinations, provided that all information furnished by such agency pursuant to this subparagraph is used solely for purposes of determining eligibility for medical assistance under the State plan approved under this title or for child health assistance under a State plan approved under title XXI.

''(B) Any State electing the option under subparagraph (A) shall—

''(i) ensure that if an individual is determined under such subparagraph to be not eligible for medical assistance under the State plan approved under this title or for child health assistance under a State plan under title XXI, the State must subsequently determine if such individual is eligible for such assistance using the methodology that would otherwise be applicable in determining eligibility for such an individual; and

''(ii) ensure that any information furnished by an agency specified in such subparagraph shall be furnished with reasonable promptness to the agency determining eligibility for medical assistance under the State plan approved under this title or for child health assistance under a State plan approved under Title XXI.

''(C) Nothing in subparagraph (A) shall be construed to restrict the ability of an individual under 19 years of age (or such higher age as specified by the State) to apply for medical assistance under a State plan approved under this title or for child health assistance under a State plan approved under title XXI under the methodology that would otherwise be applicable in determining eligibility for such an individual.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2003.

Mr. JOHNSON. Mr. President, I rise today with my colleagues, Senators BINGAMAN, CORZINE, LAUTENBERG, CLINTON, KERRY and DAYTON, to introduce the ''Strengthening Our States Act of 2003.'' I thank my colleagues for joining me in introducing this legislation that marks a first step in helping States being to deal with the fiscal crisis many are now facing.

These challenging economic times have forced many States to make tough decisions. Among areas affected, some States have had to start cutting benefits in their Medicaid programs in order to make ends meet. The result is less access to care and poorer health for our most vulnerable populations including: low-income, minorities and the elderly. Many States are also struggling to meet the needs of a growing uninsured population which continues to worsen as more people lose their jobs.

So far, my home State of South Dakota has been one of the lucky ones. We have not had to cut Medicaid program benefits to date and our fiscal health overall looks fairly good. I do not however have unrealistic expectations that South Dakota is protected from the current economic downturn and recognize that it is only a matter of time before my State experiences the burden of our neighbors.

The Strengthening Our States Act or SOS Act provides several strategies to address these issues by increasing coverage to the uninsured, providing flexibility in existing State Medicaid program and providing States with assistance to avoid cuts to existing Medicaid coverage. Our proposal will improve the Medicaid program without shifting costs to States as does the Bush Medicaid proposal which block grants the program. I find it particularly troubling that in times when State governments across the country are being forced to reduce or eliminate Medicaid services in order to save money, the Administration would propose to limit the Federal Government's long-term responsibility for the only kind of health program many Americans can afford.

This bill will provide temporary fiscal relief to States through a $30 billion increase in the Federal share of Medicaid payments or FMAP. Unlike the block grant program the Administration has proposed, our bill is responsive to the immediate State needs for financial support and will keep these important programs going. Other important bill provisions include assistance with the costs of care of the elderly and people with disabilities through 100 percent Federal financing of Medicare premiums and cost-sharing for low-income groups. The bill provides States with new flexibility in administering Medicaid and will increase access to care for many uninsured groups. It will also close several loopholes in existing law that prevent the disabled from accessing health care services while waiting to qualify for Medicare coverage. Finally, it will provide increased access to home and community based services for people with disabilities through mandatory waivers for this type of care.

States are at their wits end trying to juggle new health care priorities. Between smallpox vaccination requirements, Severe Acute Respiratory Syndrome surveillance and increased numbers of uninsured individuals, States are in great need of every bit of help we can provide. Senator DASCHLE and other colleagues in the Senate just rolled out a tax cut proposal that recognizes the current fiscal situation experienced in our States and this will provide important relief during these challenging times.

The Strengthening Our States Act is a first step in supporting our states and I hope additional steps will follow. By providing immediate Medicaid relief, we can ease some of the burden currently faced by many State governments and will hopefully prevent crises from erupting in others that are working hard to just keep afloat. I urge the Senate to support this important legislation.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1013. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the Outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

Mr. CORZINE. Mr. President, today, along with Senator LAUTENBERG, I am introducing legislation, the Clean Ocean and Safe Tourism, COAST, Anti-Drilling Act, to ban oil and gas drilling off the Mid-Atlantic and Northern Atlantic coast.

The people of New Jersey, and other residents of States along the Atlantic Coast, do not want oil or gas rigs anywhere near their treasured beaches and fishing grounds. Such drilling poses serious threats not to our environment, but to our economy, which depends heavily on tourism along our shore.

Until the Bush Administration came into office, there was no reason to suspect that drilling was even a remote

possibility. Since 1982, a statutory moratorium on leasing activities in most Outer Continental Shelf, OCS, areas has been included annually in Interior Appropriations acts. In addition, President George H.W. Bush declared a leasing moratorium on many OCS areas on June 26, 1990 under section 12 of the OCS Lands Act. On June 12, 1998, President Clinton used the same authority to issue a memorandum to the Secretary of the Interior that extended the moratorium through 2012 and included additional OCS areas.

Given the long-standing consensus against drilling in these areas, I was deeply disturbed to discover that on May 31, 2001, the Minerals Management Service released a request for proposals, RFP, to conduct a study of the environmental impacts of drilling in the Mid- and North-Atlantic. The RFP noted that ''there are areas with some reservoir potential, for example off the coast of New Jersey.'' In addition, the RFP explained that the study would be conducted ''in anticipation of managing the exploitation of potential and proven reserves.'' I believe that the RFP was not only inappropriate, but probably illegal, and I was pleased when at my urging, the Administration rescinded.

But the Administration is at it again in the energy bill now before the Senate. The bill contains provisions that direct the Department of Interior to inventory all potential oil and natural gas resources in the entire Outer Continental Shelf, including areas off of the New Jersey coast. The bill would allow the use of seismic surveys, dart core sampling, and other exploration technologies, which could negatively impact coastal and marine areas.

These provisions run directly counter to language that Congress has included annually in appropriations bills to prevent leasing, pre-leasing, and related activities in most areas of the Outer Continental Shelf, including areas off the New Jersey coast.

In my view, it is time for Congress to act to resolve this question once and for all. That is why I am introducing the COAST Anti-Drilling Act. This bill would permanently ban drilling for oil, gas and other minerals in the Mid- and North-Atlantic.

I look forward to working with my colleagues to enact this important legislation. Doing so would ensure the people of New Jersey and neighboring States that they need not fear the specter of oil rigs off their beaches. I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 1013

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 ''Clean Ocean and Safe Tourism Anti-Drilling Act'' or the ''COAST Anti-Drilling Act''.

SEC. 2. PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(p) PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—Notwithstanding any other provision of this section or any other law, the Secretary of the Interior shall not issue a lease for the exploration, development, or production of oil, natural gas, or any other mineral in—

''(1) the Mid-Atlantic planning area; or

''(2) the North Atlantic planning area.''.

By Mr. CORZINE (for himself and Mrs. CLINTON):

S. 1014. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs in the management of health care services for veterans to place certain low-income veterans in a higher health-care priority category; to the Committee on Veterans' Affairs.

Mr. CORZINE. Mr. President, I rise today along with Senator HILLARY RODHAM CLINTON to change the way the Veterans' Administration defines low-income veterans by taking into account variations in the cost of living in different parts of the country. The Corzine-Clinton legislation would make the Veterans Equitable Resource Allocation just that: Equitable.

More specifically, this bill would replace the national income threshold for consideration in Priority Group 5—currently $24,000 for all parts of the country—with regional thresholds defined by the Department of Housing and Urban Development. This simple but far-reaching proposal would help low-income veterans across the country afford quality health care and ensure that Veterans Integrated Service Networks or VISNs receive adequate funding to care for their distinct veteran populations.

Our Nation's veterans have made great sacrifics in defense of American freedom and values, and we owe them a tremendous debt of gratitude. The United States Congress must ensure that all American veterans—veterans who have sweated in the trenches to defend liberty—have access to quality health care.

In 1997, Congress implemented the Veterans Equitable Resource Allocation system, or VERA, to distribute medical care funding provided by the VA. The funding formula was established to better take into account the costs associated with various veteran populations. Unfortunately, the VERA formula that was created fails to take into account regional differences in the cost of living, a significant metric in determining veteran healthcare costs. This oversight in the VERA formula dangerously shortchanges veterans living in regions with high costs of living and elevated healthcare expenses.

To allocate money to the Veterans Integrated Service Networks, VISNs, VERA divides veterans into eight priority groups. Veterans who have no service-connected disability and whose incomes fall below $24,000 are considered low income and placed in Priority Group 5, while veterans whose incomes exceed this national threshold and qualify for no other special priorities are placed in either Priority Group 7c or Priority Group 8. VERA only reimburses the treating Medical Care facility for the care that they provided to veterans in priority groups 1–5 and does not provide any Federal reimbursement for the care provided to priority group 7 and 8 veterans.

Using a national threshold for determining eligibility as a low-income veteran puts veterans living in high cost areas at a decided disadvantage. In New Jersey, HUD's fiscal year 2002 standards for classification as ''low-income'' exceed $24,000 per year in every single county. And some areas exceed the VA baseline by more than 50 percent. Similarly, HUD's ''low-income'' classification for New York City is set at $35,150, and for Nassau and Suffolk Counties, at $40,150.

As a result, regions that have a high cost of living, like VISN 3, which encompasses substantial portions of New Jersey and New York, tend to have a reduced population of Priority Group 5 veterans and an inflated population of Priority Group 7c and 8 veterans.

The fundamental inequity of the VERA formula is apparent when you consider the VERA allocations do not take into account the number of veterans classified in Priority Groups 7c and 8. Because of the costs associated with these Priority Groups 7c and 8 veterans are not considered as part of the VERA allocation, and because high cost of living areas have large populations of Priority Group 7c and 8 veterans, high cost regions must provide care to thousands of veterans without adequate funding.

This additional financial burden on VISNs with large populations of non-reimbursable veterans in Priority Group 7c and 8 has had a tremendous impact on VISN 3. Since FY 1996, VISN 3 has experienced a decline in revenue of 10 percent. As a result of the tremendous shortfall in the VISN 3 budget, the VA cannot move forward with plans to open clinics in various locations, including prospective clinics in Monmouth and Passaic Counties. Consequently, veterans in VISN 3 are forced to wait for unreasonably long periods to receive medical care and travel long distances to existing clinics, and those veterans who are able to access care are being treated in facilities operating under tremendous financial difficulty.

Furthermore, miscategorizing which vets quality as Priority Group 5 unjustifiably reduces access to medical care for thousands of veterans. Under existing rules, veterans placed in Priority and Groups 7c and 8 must provide a copayment to receive medical care at a VA medical facility; Veterans placed in Priority Group 5 receive medical care free of charge. Under the existing

framework, low-income vets in high cost areas are often inappropriately placed in Priority Groups 7c and 8, and are forced to provide a copayment.

Recent studies by both the RAND Institute and the General Accounting Office identify this flaw in the VERA formula and recommend a geographic means test like the one provided in our legislation to improve the allocation of resources under VERA. Such a test would ensure that the VERA formula allocation better reflects the true costs of VA healthcare in the various VISNs in the United States.

Our legislation would make a simple adjustment to the VERA formula to account for variations in the cost of living in different regions. The bill would help veterans in high cost areas afford VA health care and guarantee that VISNs across the country receive adequate compensation for the care they provide.

I hope my colleagues will join Senator CLINTON and me in supporting this important bill, and I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 1014

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

SECTION 1. DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PRIORITY FOR CERTAIN LOW-INCOME VETERANS BASED UPON REGIONAL INCOME THRESHOLDS.

(a) CHANGE IN PRIORITY CATEGORY.—Section 1705(a) of title 38, United States Code, is amended—

(1) in paragraph (5)—

(A) by inserting ''(A) who are'' after ''Veterans'';

(B) by inserting ''and'' after ''through (4)''; and

(C) by inserting before the period at the end the following: '', or (B) who are described in section 1710(a)(3) of this title and are eligible for treatment as a low-income family under section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) for the area in which such veterans reside, regardless of whether such veterans are treated as single person families under paragraph (3)(A) of such section 3(b) or as families under paragraph (3)(B) of such section 3(b)'';

(2) by striking paragraph (7); and

(3) by redesignating paragraph (8) as paragraph (7) and in that paragraph by striking ''paragraph (7)'' and inserting ''paragraph (5)(B)''.

(b) CONFORMING AMENDMENT.—Section 1710(f)(4) of such title is amended by striking ''section 1705(a)(7)'' and inserting ''section 1705(a)(5)(B)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 2, 2002.

By Mr. DOMENICI:

S. 1016. A bill to amend title 10, United States Code, to provide entitlement to health care for reserve officers of the Armed Forces pending orders to initial active duty following commissioning; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to offer legislation entitled the ''Jesse Spiri Military Medical Coverage Act of 2003.'' The purpose of this legislation is to close a gap in medical coverage that leaves a certain group of military officers without health care benefits. Named in honor of a young New Mexican who fell victim to this gap, this bill would extend coverage to commissioned officers who are awaiting active duty status.

Jesse Spiri grew up in the heart of southwestern New Mexico where his family instilled in him both a sense of patriotism and an appreciation for higher education. Following his graduation from high school, he enrolled at Western New Mexico University where he served in the United States Marine Corps Reserves. His dedication to each of these endeavors culminated on May 11, 2001 when he received both his bachelors degree and his commission as a 2nd Lieutenant. Clearly, Jesse had laid a solid foundation for success in his life and, naturally, his family was extremely proud. Unfortunately, the pride and all the hopes that accompany such a crowning moment were short-lived, because one day after his graduation Jesse was diagnosed with brain cancer.

Under any circumstances, such a prognosis is demoralizing, but Jesse's situation was even more grave because receiving his commission had the effect of triggering his military status to that of ''inactive reservist.'' Jesse was not scheduled to gain ''active duty'' status until he began basic officer training in November, and since TRICARE does not fully cover reservists, his family was left with the burden of enormous medical bills—a burden they simply could not meet.

Despite the heroic efforts of the Spiri family, inquiries by my staff and others in the New Mexico congressional delegation, as well as efforts by Marine Corps lawyers to find a legal solution to the problem, Jesse Spiri, an officer of the United States Marine Corps, went without health care coverage and, hence, without proper treatment. He lost his battle with cancer in July of 2001.

It is inconceivable to me, as I am sure it is for all Americans, that because of a legislative quirk, an officer of the United States armed forces could be left completely exposed to a dread disease without even the hope of receiving available treatments. But Jesse's battle is proof that if we do not, through legislative enactment, extend full medical coverage to commissioned reservists, another promising life may be lost in similar fashion.

I know that Jim Spiri, Jesse's dad, has vowed to dedicate his life to ensuring that no family has to face what his experienced. This goal, however, should not take a lifetime to achieve. By passing the ''Jesse Spiri Military Medical Coverage Act of 2003,'' we can help give Jim and the entire Spiri family peace in knowing that others will have hope where Jesse did not.

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. 1016

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

SECTION 1. ELIGIBILITY OF RESERVE OFFICERS FOR HEALTH CARE PENDING ORDERS TO ACTIVE DUTY FOLLOWING COMMISSIONING.

Section 1074(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''who is on active duty'' and inserting ''described in paragraph (2)''; and

(3) by adding at the end the following new paragraph:

''(2) Members of the uniformed services referred to in paragraph (1) are as follows:

''(A) A member of a uniformed service on active duty.

''(B) A member of a reserve component of a uniformed service who has been commissioned as an officer if—

''(i) the member has requested orders to active duty for the member's initial period of active duty following the commissioning of the member as an officer;

''(ii) the request for orders has been approved;

''(iii) the orders are to be issued but have not been issued; and

''(iv) the member does not have health care insurance and is not covered by any other health benefits plan.''.

By Mr. DEWINE (for himself, Mr. GRAHAM of South Carolina, Mr. HATCH, Mr. BROWNBACK, Mr. SANTORUM, Mr. BUNNING, Mr. CHAMBLISS, Mr. COLEMAN, Mr. ENSIGN, Mr. ENZI, Mr. FITZGERALD, Mr. GRASSLEY, Mr. INHOFE, Mr. KYL, Mr. MCCAIN, Mr. NICKLES, Mr. SHELBY, Mr. TALENT, and Mr. VOINOVICH):

S. 1019. A bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence; read the first time.

Mr. DEWINE. Mr. President, the recent nationwide publicity surrounding the murder of 27-year-old Laci Peterson and her unborn son, Conner, has renewed public concern about violence against the unborn—and rightfully so.

Not long ago, the bodies of Laci—who was eight months pregnant at the time she disappeared—and Conner were discovered on a rocky shoreline of the San Francisco Bay. Baby Conner was found near his mother with his umbilical cord still attached.

Under California State law, intentionally killing a fetus is murder, and California prosecutors are seeking to bring separate murder charges in the deaths of Laci Peterson and her unborn son. But, I want make it very clear to my colleagues here in the Senate that the murder charge that California prosecutors will bring for the death of Laci's son would not be permitted if that crime were being prosecuted under current Federal law. And that—that is why we need to pass and get signed into law the Unborn Victims of Violence Act. Let me explain.

In about half the States today, 26, if you commit a crime of violence against a pregnant woman and her unborn baby dies, you can be punished for the violence against both the mother and the unborn child. But, tragically, if you commit a Federal crime of violence against a pregnant woman and her baby dies, the death of the unborn child could essentially go unpunished. Examples of such Federal crimes of violence would include kidnapping across State lines, drug-related drive-by shootings, or assaults on Federal property.

This gap in the law leads to glaring injustices. It is time that we close this gap once and for all and let justice wrap its arms around our society's most vulnerable members.

That is why, it is imperative that we pass the Unborn Victims of Violence Act—once and for all. Today, along with several of my distinguished colleagues—Senators GRAHAM of South Carolina, HATCH, BROWNBACK, SANTORUM, KYL, VOINOVICH, MCCAIN, ENSIGN, ENZI, INHOFE, NICKLES, BUNNING, COLEMAN, CHAMBLISS, GRASSLEY, FITZGERALD, SHELBY, and TALENT—we are re-introducing our legislation. This is the fourth time that I have introduced this bill—in fact, it was the first piece of legislation that I introduced at the start of the 108th Congress. This bill is strongly supported by President Bush, and a companion measure passed the House of Representatives in two previous Congresses. I intend to take procedural steps that would make this bill eligible to be taken up directly by the Senate, without further Committee action.

I thank my colleagues for their support of this effort, and would like to recognize especially Senator GRAHAM of South Carolina, who championed this issue on the House side before joining us in the Senate. He has worked tirelessly to see to it that the most vulnerable are protected. I also would like to thank our lead House sponsors—Congresswoman MELISSA HART from Pennsylvania and my friend and colleague from Ohio, Congressman STEVE CHABOT. They, too, are working tirelessly to get this bill passed by the other Chamber and signed into law.

Our bill would establish new criminal penalties for anyone injuring or killing a fetus while committing certain Federal offenses. Specifically, this bill would make any murder or injury of an unborn child during the commission of certain existing Federal crimes a separate crime under Federal law and the Uniform Code of Military Justice. Twenty-six, 26, States already have criminalized the killing or injuring of unborn victims during a crime.

We live in a violent world. And sadly, sometimes—perhaps more often than we realize—even unborn babies are the targets, intended or otherwise, of violent acts. We have to protect these innocent victims. I'd like to share some disturbing examples with my colleagues of situations where the deaths of unborn children would have gone unpunished but for the existence of State criminal laws. If these same crimes would have occurred in the 24 States today that don't have such State laws, justice would not have been served, because there is simply no Federal law in place to try these crimes.

First, let me talk about the example of Airman Gregory Robbins. In 1996, Airman Robbins and his family were stationed in my home State of Ohio at Wright-Patterson Air Force Base in Dayton. At that time, Mrs. Robbins was more than eight months pregnant with a daughter they named Jasmine. On September 12, 1996, in a fit of rage, Airman Robbins wrapped his fist in a T-shirt and savagely beat his wife by striking her repeatedly about the head and abdomen. Fortunately, Mrs. Robbins survived the violent assault. Tragically, however, her uterus ruptured during the attack, expelling the baby into her abdominal cavity, causing Jasmine's death.

Air Force prosecutors sought to prosecute Airman Robbins for Jasmine's death, but neither the Uniform Code of Military Justice nor the Federal code makes criminal such an act that results in the death or injury of an unborn child. The only available Federal offense was for the assault on the mother. This was a case in which the only available Federal penalty did not fit the crime. So prosecutors bootstrapped the Ohio unborn victims law to convict Airman Robbins of Jasmine's death. Fortunately, upon appeal, the court upheld the lower court's ruling.

If it hadn't been for the Ohio law that was already in place, there would have been no opportunity to prosecute and punish Airman Robbins for the assault against Baby Jasmine. That's why we need a Federal remedy to avoid having to bootstrap State laws to provide recourse when a violent act occurs during the commission of a Federal crime. A Federal remedy will ensure that crimes within Federal jurisdiction against unborn victims are punished.

Let me give you another example. In August 1999, Shiwona Pace of Little Rock, AK, was days away from giving birth. She was thrilled about her pregnancy. Her boyfriend, Eric Bullock, however, did not share her joy and enthusiasm. In fact, Eric wanted the baby to die. So, he hired three thugs to beat his girlfriend so badly that she lost the unborn baby. According to Shiwona, who testified at a Senate Judiciary hearing we held in Washington on February 23, 2000:

> I begged and pleaded for the life of my unborn child, but they showed me no mercy. In fact, one of them told me, ''Your baby is dying tonight.'' I was choked, hit in the face with a gun, slapped, punched, and kicked repeatedly in the stomach. One of them even put a gun in my mouth and threatened to shoot.

In this particular case, just a few short weeks before this vicious attack, Arkansas passed its ''Fetal Protection Act.'' Under the State law, Erik Bullock was convicted on February 9, 2001, of capital murder against Shiwona's unborn child and sentenced to life in prison without parole. He was also convicted of first-degree battery for harm against Shiwona.

In yet another example—this one in Columbus—16-year-old Sean Steele was found guilty of two counts of murder for the death of his girlfriend Barbara ''Bobbie'' Watkins, age 15, and her 22-week-old, unborn child. He was convicted under Ohio's unborn victims law, which represented the first murder conviction in Franklin County, OH, in which a victim was a fetus.

Ultimately, the fact is that it is just plain wrong that our Federal Government does absolutely nothing to criminalize violent acts against unborn children. We cannot allow criminals to get away with murder. We must close this loophole.

As a civilized society, we must take a stand against violent crimes against children—especially those waiting to be born. We must close this loophole.

We purposely drafted this legislation very narrowly. Because of that, our bill would not permit the prosecution for any abortion to which a woman consented. It would not permit the prosecution of a woman for any action, legal or illegal, in regard to her unborn child. Our legislation would not permit the prosecution for harm caused to the mother or unborn child in the course of medical treatment. And finally, our bill would not allow for the imposition of the death penalty under this Act.

This is about making sure justice is done when a pregnant woman is attacked. And ultimately, I think that everyone in this Chamber would agree that people who violently attack unborn babies should be punished. When acts of violence against unborn victims fall within federal jurisdiction, we must have a penalty. We have an obligation to our unborn children who cannot speak for themselves. I think Shiwona Pace said it best she testified at our hearing: ''The loss of any potential life should never be in vain.''

I strongly urge my colleagues to join in support of this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1019

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 ''Unborn Victims of Violence Act of 2003''.

SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

''CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

''Sec.
''1841. Causing death of or bodily injury to unborn child.

"§ 1841. Causing death of or bodily injury to unborn child

''(a)(1) Any person who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided for that conduct under Federal law had that injury or death occurred to the unborn child's mother.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

''(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall be punished as provided under section 1111, 1112, or 1113, as applicable, for intentionally killing or attempting to kill a human being, instead of the penalties that would otherwise apply under subparagraph (A).

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are the following:

''(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), 844(f), 844(h)(1), 844(i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952(a)(1)(B), 1952(a)(2)(B), 1952(a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

''(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

''(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

''(c) Subsection (a) does not permit prosecution—

''(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

''(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) In this section—

''(1) the terms 'child in utero' and 'child, who is in utero' mean a member of the species homo sapiens, at any stage of development, who is carried in the womb; and

''(2) the term 'unborn child' means a child in utero.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 90 the following:

"90A. Causing death of or bodily injury to unborn child ..... 1841".

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following:

"§ 919a. Art. 119a. Causing death of or bodily injury to unborn child

''(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment for that conduct under this chapter had that injury or death occurred to the unborn child's mother.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

''(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall be punished as provided under section 918, 919, or 880 of this title (article 118, 119, or 80), as applicable, for intentionally killing or attempting to kill a human being, instead of the penalties that would otherwise apply under subparagraph (A).

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 111, 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

''(c) Subsection (a) does not permit prosecution—

''(1) for conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law in a medical emergency;

''(2) for conduct relating to any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) In this section—

''(1) the terms 'child in utero' and 'child, who is in utero' mean a member of the species homo sapiens, at any stage of development, who is carried in the womb; and

''(2) the term 'unborn child' means a child in utero.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after the item relating to section 919 the following:

''919a. 119a. Causing death of or bodily injury to unborn child.''.

Mr. HATCH. Mr. President, I rise today to offer my support for the introduction of S. 119, the Unborn Victims of Violence Act of 2003. I applaud Senators DEWINE and LINDSEY GRAHAM for their longstanding and essential leadership on this issue in the Senate and the House. The importance of this issue is made tragically clear by the recent murder of Laci Peterson and her unborn son, Conner.

In my home State of Utah, if a criminal assaults or kills a woman who is pregnant and thereby causes death or injury to the unborn child, the criminal faces the possibility of being prosecuted for having taken or injured that unborn life. Twenty-five additional States have similar laws on the books. Eleven of those States recognize the unborn child as a victim throughout the entire period of prenatal development. This is only proper and, it seems to me, only just.

But under existing Federal criminal statutes, if a criminal assaults or kills a woman who is pregnant and thereby causes death or injury to that unborn child, the criminal faces no consequences in our Federal criminal justice system for taking or injuring that innocent, unborn life. This is wrong and it is not justified.

This bill fixes the gap in Federal law by making it a separate Federal offense to kill or injure an unborn child during the commission of certain already-defined Federal crimes committed against the unborn child's mother. This bill does not usurp jurisdiction over States that do not currently have laws that protect unborn victims of violence. It only applies to Federal crimes.

I cannot imagine why anyone would oppose this bill. The only reason for opposition that I can suppose is that some in the pro-choice movement believe that our bill draws attention to the effort to dehumanize, desensitize, and depersonalize the unborn child. Given the political and legal arguments of abortion supporters, it may be difficult for them to concede an unborn child is human and therefore a victim of a crime.

Nevertheless, it is not our intention in this bill to turn the debate into a battle on abortion. In no way does this bill interfere with the ability of a woman to have an abortion under current law. The bill specifically does not apply to a woman who engages in any action, legal or illegal, in regard to her unborn child. Therefore, it would not apply to any abortion to which a woman consents. In my view, we should all be able to support this modest effort to protect mothers and their unborn children.

Some will try to claim that this bill weakens domestic violence laws by diverting attention to the unborn. That is simply not true. I am a strong supporter of domestic violence laws in this Nation. I believe domestic violence is an evil plague that needs to be stopped.

For nearly 15 years, I have worked hard on the issue of domestic violence and violence against women. And when I stand here today before the entire United States Senate and offer my support for a bill, I certainly make sure that bill does not diminish in any way our capacity and will to curb domestic violence and protect women. This bill, in fact, strengthens domestic violence laws by making it a separate criminal offense under our Federal legal system to cause death or injury to an unborn child as a result of violence.

For several months now, the Nation has watched in the media the unfortunate and tragic story of Laci Peterson. She was an expectant mother from California who mysteriously vanished shortly before Christmas. In mid-April, her decomposing body and the body of her unborn child washed ashore at a San Francisco-area beach.

The Nation has witnessed a community in mourning over the disappearance and death of Laci Peterson and her unborn son, Conner. Laci Peterson was the truly tragic victim of violence that not only took her life but also the innocent life of her unborn son. This is a truly devastating story, especially for those who knew and loved Laci Peterson and eagerly awaited the birth of her son Conner. I want to do what I can to see that justice is served if there is ever a case similar to this that comes before our Federal judicial system, and that is why I support this measure.

A Fox News/Opinion Dynamics Poll conducted on April 22 and 23 indicated that of the 900 registered voters polled, 49 percent considered themselves pro-choice while only 41 percent said they are pro-life. But what is even more interesting is this same poll showed 84 percent believed Scott Peterson should be charged with two counts of homicide for murdering his wife and unborn son. California law permits criminals to be charged with murder for killing an unborn child when it has developed past the embryonic stage.

Now remember, the majority of those polled in this survey said they were pro-choice. But the tragic murder of an innocent, unborn child is shocking and twisted enough that, regardless of any stance on abortion, the vast majority of Americans strongly believe an unborn life taken in murder should result in murder charges brought against the perpetrator. It is only fair and just to ask for our Federal judicial system to incorporate such a strong desire of the American people.

Some will try to confuse the issue here. Let me be clear, the debate on this bill is not about abortion—far from it. It does not affect current law regarding abortion. This bill does not in any way interfere with or weaken domestic violence laws or laws intended to prevent violence against women. This is a simple remedy to a terrible crime. I hope that Congress will seriously consider this bill and promptly pass it.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. CORNYN, Mr. KENNEDY, Mr. ALEXANDER, Mr. CHAMBLISS, Mr. DURBIN, and Ms. COLLINS):

S. 1023. A bill to increase the annual salaries of justices and judges of the United States; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise to address the serious matter of the erosion of pay for the Federal judiciary. There is consensus among all who have seriously looked at this issue that the independence and quality of the judiciary is at risk because of the inadequacy of the current salaries of Federal judges.

The American Bar Association and Federal Bar Association issued a report on this issue in February 2001. That report documented the factors impacting erosion of judicial pay and the detrimental effects on the judiciary. Because of the withholding of cost-of-living adjustments, the impact of inflation, and the insufficient attempts to stabilize judicial pay, Federal judges are increasingly choosing to resign or retire. Furthermore, the report noted, the prospect of a declining salary in real terms also discourages potential candidates from seeking appointments to the bench.

In his 2002 Year-End Report, Supreme Court Chief Justice William Rehnquist identified the need to increase judicial pay as the most pressing issue facing the judiciary. He highlighted his concern that salaries of Federal judges have not kept pace with those of lawyers in private firms and in business. He observed, ''Inadequate compensation seriously compromises the judicial independence fostered by life tenure. That low salaries might force judges to return to the private sector rather than stay on the bench risks affecting judicial performance—instead of serving for life, those judges would serve the terms their finances would allow, and they would worry about what awaits them when they return to the private sector.''

In the Report of the National Commission on the Public Service, issued January 2003, the Chairman of the Commission, Paul Volker, made this observation: ''Judicial salaries are the most egregious example of the failure of Federal compensation policies. Federal judicial salaries have lost 24 percent of their purchasing power since 1969, which is arguably inconsistent with the Constitutional provision that judicial salaries may not be reduced by Congress. . . . The lag in judicial salaries has gone on too long, and the potential for diminished quality in American jurisprudence is now too large.'' Accordingly, the Commission made the recommendation that Congress should grant an immediate and significant increase in judicial, executive and legislative salaries to ensure a reasonable relationship to other professional opportunities.

Responding to this report and recommendation, the Judicial Conference, at its recent meeting, unanimously adopted a Resolution which contains in part the following:

''Whereas, the President at the request of the Chief Justice has agreed to support legislation that would increase judicial salaries by 16.5 percent, which will yield an average of $24,948, across all levels of judicial offices;

Now therefore, the Committee on the Judicial Branch recommends that the Judicial Conference endorse and vigorously seek legislation that would increase judicial salaries by 16.5 percent, which will yield an average of $24,948, across all levels of judicial offices.''

Today, Senator LEAHY and I, joined by Senator CORNYN, Senator KENNEDY, Senator ALEXANDER, Senator COLLINS, Senator DURBIN, and Senator CHAMBLISS are introducing a bill that will restore the lost cost-of-living adjustments which were denied to the judiciary and will help reduce the gap between Federal judicial salaries and private sector salaries which still remains.

This legislation enacts a 16.5 percent increase in the salaries of the justices of the Supreme Court and other Federal judges appointed under Article III of the Constitution, an average salary increase of about $25,000. It does so without altering the respective provisions of title 28, United States Code, which defines their salary rates. The pay adjustment would be effective with the first pay period beginning on or after January 1, 2004, and would be applied before any annual salary adjustment authorized under the Employment Cost Index approval mechanism provided by 28 U.S.C. § 461.

The judicial officers enumerated in this bill to receive the 16.5 percent pay increase are the Chief Justice of the United States, associate justices of the Supreme Court, United States circuit judges, United States district judges, and judges of the United States Court of International Trade. In addition, this legislation would have the effect of increasing salaries of the judges of the U.S. Court of Federal Claims, bankruptcy judges and full-time United States magistrate judges whose salaries are related to the rate of pay of United States district judges.

This legislation will do much to improve retention on the bench and will aid in the recruitment of outstanding judicial candidates. I urge my colleagues to join Senator LEAHY, Senator CORNYN, Senator KENNEDY, Senator ALEXANDER, Senator COLLINS, Senator DURBIN, Senator CHAMBLISS and me in this bipartisan measure.

I ask unanimous consent that the Judicial Conference Resolution, as well as the text of the legislation be printed in the RECORD.

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

JUDICIAL BRANCH COMMITTEE RESOLUTION

Whereas, in January 2003, the National Commission on the Public Service declared that ''Congress should grant an immediate and significant increase in judicial, executive, and legislative salaries to ensure a reasonable relationship to other professional opportunities;'' and

Whereas, the National Commission also declared that ''[j]udicial salaries are the most egregious example of the failure of federal compensation policies''; and

Whereas, the National Commission found that ''that the lag in judicial salaries has gone on too long, and the potential for the diminished quality in American jurisprudence is now too large''; and

Whereas, the National Commission recommended that Congress' and the President's ''first priority should . . . be an immediate and substantial increase in judicial salaries''; and

Whereas, the President at the request of the Chief Justice has agreed to support legislation that would increase judicial salaries by 16.5 percent, which will yield an average of $24,948 across all levels of judicial offices;

Now therefore, the Committee on the Judicial Branch recommends that the Judicial Conference endorse and vigorously seek legislation that would increase judicial salaries

by 16.5 percent, which will yield an average of $24,948, across all levels of judicial offices.

S. 1023

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

SECTION 1. JUDICIAL SALARY INCREASE.

The annual salaries of the Chief Justice of the United States, associate justices of the Supreme Court of the United States, United States circuit judges, United States district judges, judges of the United States Court of International Trade, and judges of the United States Court of Federal Claims are increased in the amount of 16.5 percent of their respective existing annual salary rates, rounded to the nearest $100 (or, if midway between multiples of $100, to the next higher multiple of $100).

SEC. 2. COORDINATION RULE.

If a pay adjustment under section 1 is to be made for an office or position as of the same date that any other pay adjustment would take effect for such office or position, the adjustment under this Act shall be made first.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2004.

AMENDMENTS SUBMITTED AND PROPOSED

SA 535. Mr. WARNER (for himself, Mr. LEVIN, Mr. ROBERTS, and Mr. SESSIONS) proposed an amendment to the resolution of ratification for Treaty Doc. 108–4, Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia. These protocols were opened for signature at Brussels on March 26, 2003, and signed that day on behalf of the United States and the other parties to the North Atlantic Treaty.

TEXT OF AMENDMENTS

SA 535. Mr. WARNER (for himself, Mr. LEVIN, Mr. ROBERTS, and Mr. SESSIONS) proposed an amendment to the resolution of ratification for Treaty Doc. 108–4, Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia. These protocols were opened for signature at Brussels on March 26, 2003, and signed that day on behalf of the United States and the other parties to the North Atlantic Treaty; as follows:

At the end of section 2, add the following new declaration:

(10) CONSIDERATION OF CERTAIN ISSUES WITH RESPECT TO NATO DECISION-MAKING AND MEMBERSHIP.—

(A) SENSE OF THE SENATE.—It is the sense of the Senate that, not later than the date that is eighteen months after the date of the adoption of this resolution, the President should place on the agenda for discussion at the North Atlantic Council—

(i) the NATO ''consensus rule''; and

(ii) the merits of establishing a process for suspending the membership in NATO of a member country that no longer complies with the NATO principles of democracy, individual liberty, and the rule of law set forth in the preamble to the North Atlantic Treaty.

(B) REPORT.—Not later than 60 days after the discussion at the North Atlantic Council of each of the issues described in clauses (i) and (ii) of subparagraph (A), the President shall submit to the appropriate congressional committees a report that describes—

(i) the steps the United States has taken to place these issues on the agenda for discussion at the North Atlantic Council;

(ii) the views of the United States on these issues as communicated to the North Atlantic Council by the representatives of the United States to the Council;

(iii) the discussions of these issues at the North Atlantic Council, including any decision that has been reached with respect to the issues;

(iv) methods to provide more flexibility to the Supreme Allied Commander Europe to plan potential contingency operations before the formal approval of such planning by the North Atlantic Council; and

(v) methods to streamline the process by which NATO makes decisions with respect to conducting military campaigns.

NOTICE OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on May 14, 2003 in SR–328A at 2:00 p.m. The purpose of this hearing will be to discuss the implementation of the 2002 Farm Bill.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 7, 2003 at 2:30 p.m. in closed session to mark up the Department of Defense Authorization Act for Fiscal Year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 7, 2003, at 10:00 a.m. to conduct an oversight hearing on ''The Impact of the Global Settlement.''

The Committee will also vote on S. 709, to award a Congressional Gold Medal to Prime Minister Tony Blair.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 7, 2003, at 9:30 a.m. on Climate Change in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 7, 2003 at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a Hearing on S. 550, the American Indian Probate Reform Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Wednesday, May 7, 2003, at 9:30 a.m., in the Dirksen Senate Office Building Room 226.

Panel II: Consuelo Maria Callahan to be United States Circuit Judge for the Ninth Circuit; Michael Chertoff to be United States Circuit Judge for the Third Circuit.

Panel III: L. Scott Coogler to be United States District Judge for the Northern District of Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 7, at 9 a.m., in closed session to mark up the Airland programs and provisions contained in the Department of Defense Authorization Act for Fiscal Year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on Wednesday, May 7, 2003, at 2:30 p.m., on Hydrogen in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 7, 2003, at 10 a.m., in closed session to mark up the Readiness and Management programs and provisions contained in the Department of Defense Authorization Act for Fiscal Year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 7, 2003, at 11:30 a.m., in closed session to mark up the Strategic Forces programs and provisions contained in the Department of Defense Authorization Act for Fiscal Year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BIDEN. Mr. President, I ask unanimous consent that Kate Byrnes, a State Department Pearson Fellow on the Senate Foreign Relations Committee, be granted privileges of the floor during consideration of the resolution of ratification of the protocols to the North Atlantic Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Madam President, I ask unanimous consent Paul Gallis of CRS be granted the privilege of the floor for the duration of the debate on NATO.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC SERVICE RECOGNITION WEEK

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. Res. 130 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 130) expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during ''Public Service Recognition Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 130) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 130), with its preamble, reads as follows:

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 abroad;

Whereas Federal, State, and local officials perform essential services the Nation relies upon every day;

Whereas the United States 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 those 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.

MEASURES READ THE FIRST TIME—S. 1009 and S. 1019

Mr. SESSIONS. Mr. President, I understand that S. 1009 introduced by Senator LUGAR earlier today is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1009) to amend the Foreign Assistance Act of 1961 and the State Department Basic Authorities Act of 1956, and for other purposes.

Mr. SESSIONS. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

Mr. SESSIONS. Mr. President, I understand that S. 1019 introduced today is at the desk, and I ask for its first reading.

The legislative clerk read as follows:

A bill (S. 1019) to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

Mr. SESSIONS. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will remain at the desk.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces on behalf of the Majority Leader, pursuant to the provisions of S. Res. 105. adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105–275. further amended by S. Res. 75, adopted March 25, 1999, and S. Res. 383, adopted October 27, 2000, the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 108th Congress: Senator BILL FRIST of Tennessee, Majority Leader; Senator TED STEVENS of Alaska, President Pro Tempore (Co-Chairman); Senator THAD COCHRAN of Mississippi (Majority Administrative Co-Chairman); Senator JON KYL of Arizona (Co-Chairman); Senator TRENT LOTT of Mississippi (Co-Chairman); Senator RICHARD LUGAR of Indiana; Senator JOHN WARNER of Virginia; Senator WAYNE ALLARD of Colorado; Senator JEFF SESSIONS of Alabama; and Senator DON NICKLES of Oklahoma.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1237(E) of Public Law 106–398 and upon the recommendation of the Majority Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals to the United States-China Economic Security Review Commission: Roger W. Robinson, Jr., of Maryland, for a term expiring Dec. 31, 2005; Robert F. Ellsworth of California, for a term expiring Dec. 31, 2004; and Michael A. Ledeen of Maryland, for a term expiring Dec. 31, 2003.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MAY 8, 2003

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, May 8. I further ask consent 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 proceed to executive session and there then be 2 minutes of debate equally divided between

the chairman and ranking member of the Foreign Relations Committee prior to a vote on the adoption of the resolution of ratification to the NATO expansion treaty, as provided under the previous order.

I further ask consent that following the vote, and notwithstanding rule XXII, the Senate then return to legislative session and resume the consideration of S. 14, the energy bill; provided further that at 12:15 p.m., on Thursday, the Senate proceed to the vote on invoking cloture on the nomination of Miguel Estrada; further, if cloture is not invoked, the Senate then proceed to the vote on invoking cloture on the nomination of Priscilla Owen. I further ask unanimous consent that if cloture is not invoked on the Owen nomination, then Senator DEWINE be recognized in morning business to speak for up to 15 minutes, to be followed by Senator DASCHLE or his designee for up to 15 minutes in morning business. I further ask consent that following those statements, the Senate proceed to the consideration of S. 113, the FISA legislation, as under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, on behalf of the majority leader, and for the information of all Senators, tomorrow morning the Senate will immediately vote on the resolution of ratification to the NATO expansion treaty. Senators are asked to be in their seats for this historic vote. Following that vote, the Senate will resume consideration of the energy bill. At 12:15 tomorrow, the Senate will return to executive session for the votes on invoking cloture on the Estrada and Owen nominations. In addition, tomorrow afternoon, the Senate will consider and complete action on the FISA bill. Also, as previously announced, tomorrow the Senate will consider the nomination of John Roberts to be a circuit court judge for the DC Circuit.

Therefore, Members should anticipate rollcall votes throughout the afternoon, with the first vote of the day occurring at 9:30 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:53 p.m., adjourned until Thursday, May 8, 2003, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate May 7, 2003:

DEPARTMENT OF STATE

RICHARD W. ERDMAN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA.

EXTENSIONS OF REMARKS

MR. CHRISTEPHER ROMERO, A PRUDENTIAL SPIRIT OF COMMUNITY AWARD WINNER

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. PASTOR. Mr. Speaker, I would like to congratulate and honor a young Arizona student from my district who has achieved national recognition for outstanding volunteer service in his community. Mr. Christepher Romero of Phoenix has just been named one of my state's top honorees in the 2003 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Christepher, a junior at Sunnydale High School in Phoenix is being recognized for having developed a program to help keep at-risk teens in an inner-city neighborhood away from crime and drugs. Being raised by a mother who struggled with a drug and alcohol addiction, he was recruited by a neighborhood gang. He was later adopted and given the opportunity to turn his life around. As a way to honor his adoptive parents for helping him become a better person he decided to put together a program that would help at-risk teens. He approached a police officer working at his former school, and became a volunteer mentor. Christepher soon began to put together activities such as swimming and soccer, CPR and nutrition classes, and organizing neighborhood clean-ups. He also has encouraged kids to get involved in fundraising activities to help pay for annual theme park trips.

Christepher should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud him for his initiative in seeking to make a positive impact on the lives of others. He has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. His actions show that young Americans can play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. BOYD. Mr. Speaker, I was not recorded on rollcall votes 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 votes 146, 147, and 148.

AUTHORIZING PRINTING OF BROCHURES ENTITLED ''HOW OUR LAWS ARE MADE'' AND ''OUR AMERICAN GOVERNMENT,'' THE PUBLICATION ENTITLED ''OUR FLAG,'' THE DOCUMENT-SIZED ANNOTATED VERSION OF THE UNITED STATES CONSTITUTION, AND THE POCKET VERSION OF THE UNITED STATES CONSTITUTION

SPEECH OF

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2003

Mr. ORTIZ. Madam Speaker, I rise to thank Chairman NEY and Rep. LARSON for their appreciation of need to help Americans understand their most basic rights under this government.

One of the most popular House publications among my constituents is the pocket-size Constitution of the United States. Nothing is more important to this nation than the fundamental ideas set forth in this grand document that lays out our government, our rights and our responsibilities. Yet, time and time again, it appears that the citizens of this great nation are fundamentally unaware of those rights and responsibilities as established in the Constitution.

For instance, in May 2002, a Columbia Law School nationwide survey found that a shocking number of voting age Americans have serious misconceptions about the Constitution. The survey included a question revealing that two-thirds of Americans did not know that Karl Marx' foundation of Communism (''From each according to his ability, to each according to his needs.'') was NOT included in the United States Constitution.

This government has gone some distance in trying to teach young people the importance of education and civics as they relate to our history and our Constitution. Last year, President Bush launched ''We the People,'' an initiative to encourage the education of United States history. Last fall, the House of Representatives passed a resolution recognizing the importance of history and civics in a child's curriculum.

So far, however, the best instrument I have seen to teach children about the Constitution is a book called Constitution Translated for Kids. For those who want their children to understand our birthright as Americans—as laid out in the Constitution—this book is an excellent resource to see precisely what the Constitution says, at a fifth-grade level.

Constitution Translated for Kids features the actual 1787 text of the United States Constitution on the left-hand side of the page and the translation appears on the right side in the first ever side-by-side, simple translation of the short, yet most supreme, legal and political document of the United States. The book also offers historical context and student exercises that approximate the decisions made in the name of democracy.

Democracy demands that citizens be informed. Understanding our history will make tomorrow's citizens more aware of their government and their rights. I thank the House Administration Committee today for bringing this resolution to the floor; and I urge my colleagues to continue our outreach to young people in order to make them aware of what the Constitution says and what that means in our daily lives.

KAZAKHSTAN

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. FALEOMAVAEGA. Mr. Speaker, today, when our country faces unprecedented challenges, it is crucial that we have strong allies in the world. One such ally is Kazakhstan, a country that throughout its short history of independence has demonstrated a true commitment to our principles and ideals of building a safe and prosperous world.

Against the backdrop of modem threats of catastrophic terrorism with the use of weapons of mass destruction (WMD), Kazakhstan has voluntarily renounced the world's fourth largest nuclear arsenal it inherited from the former Soviet Union, has shut down the world's largest nuclear test site and has been actively working with the United States in the fight against international terrorism.

Kazakhstan's example can be used as a response to aspirations by rogue states to develop WMD to impose their interests in the world. This is why I believe we need to actively spread the story of Kazakhstan's responsible international conduct and its strong cooperation with the United States that is of exceptional significance to settle today's most critical international problems.

As a key state for our interests in the center of Eurasia, Kazakhstan was one of the first to support us in the tragic days after September 11 and is providing concrete assistance in the Operation Enduring Freedom in Afghanistan. Kazakhstan, sharing our interest in securing stability in Iraq and its surroundings after Operation Iraqi Freedom, is also sending its military medical personnel to join the International Coalition Stabilizing Force.

Now is the time, I believe, for us to develop multifaceted cooperation with Kazakhstan, a strategic partner of the United States in the fight against terrorism and proliferation of WMD. Now is the time to support this young and perspective country of pro-Western orientation in its serious efforts to build a developed and prosperous society. Such a course will undoubtedly meet the interests of our two nations.

On May 5, 2003, the Honorable Kanat Saudabayev, Ambassador of Kazakhstan, published an article in the Washington Times

entitled ''Kazakhstan's contribution'' in which he addressed these issues in a most persuasive manner. I call upon my colleagues to read this article and request your permission to include it in the U.S. CONGRESSIONAL RECORD.

KAZAKHSTAN'S CONTRIBUTION

U.S. SHOULD STRENGTHEN COOPERATION EFFORTS

(By Kanat Saudabayev)

Although the recent PBS screening of ''Avoiding Armageddon'' did mention Kazakhstan as a country that chose to rid itself of weapons of mass destruction (WMD), it was disappointing that Americans were not fully informed of what was behind that choice and what it means for global security.

Kazakhstan's ''notable example'' of disarmament, as the White House recently described it, could be used as a counterweight to aspirations of some countries to develop WMD as means to assert their interests in the world. I strongly believe that Kazakhstan's story of responsible international behavior and strong cooperation with the U.S. is of paramount importance, as it might lead to solutions to today's most acute international problems.

In 1991, having suffered through almost 500 Soviet nuclear tests that destroyed the lives of 1.5 million people, Kazakhstan voluntarily renounced what would have been the world's 4th nuclear arsenal and shut down the world's largest nuclear test site at Semipalatinsk. Together with the United States, we have since destroyed the remaining infrastructure of the loathsome legacy of the Cold War. Amongst the most graphic examples of our cooperation under the Nunn-Lugar program have been Project Sapphire, which shipped more than 1,300 pounds of weapons-grade uranium from Kazakhstan to the U.S., and the destruction of the world's largest anthrax production and weaponization facility at Stepnogorsk.

The path of history could have been different, however, had President Nursultan Nazarbayev chosen to go with the significant portion of Kazakhstan's elite that was in favor of keeping the nuclear weapons as means to ostensibly gain international respect.

To the contrary, it was Mr. Nazarbayev's unswerving commitment to disarmament during all these years that led Kazakhstan to renounce the nuclear weapons, becoming a strong disarmament advocate, and ultimately, gaining the recognition as a peace-loving nation.

Indeed, it is our policies that enabled Kazakhstan to launch a new security organization for Asia with the participation of the leaders of 16 nations. At its inaugural meeting in Almaty in June 2002, we hosted the presidents of China, Russia, Pakistan and Afghanistan, and the prime minister of India and others. At the height of a crisis between New Delhi and Islamabad, their leaders sat at one table and were able to directly listen to each other. This event became Kazakhstan's important contribution to the reduction of tensions between the two nuclear powers of the subcontinent.

''Countries like Kazakhstan that have renounced nuclear weapons for all time provide an example and can provide valuable leadership on these issues,'' former Sen. Sam Nunn said this month at a Washington conference. ''One of the things I hope we can do is pay some real attention, and put in a leadership role, to countries that have given up nuclear weapons.''

I couldn't agree more. We believe our example should become international public knowledge and a factor in dealing with threshold countries.

Though our disarmament might seem something of the distant past, it also relates directly to present challenges to global security.

We still need to take care of what Mr. Nunn calls the human factor. As we moved to disarm and destroy the military infrastructure, scores of experienced nuclear scientists and biological specialists and their families, were left lingering in ghost towns with neither proper jobs nor means to live. They can be instrumental in commercial projects of conversion in such areas as the peaceful use of atomic energy and biotechnologies. The help from the United States will not only give them an opportunity to peacefully apply their skills, but will also strengthen our joint counterproliferation efforts at a time when numerous countries and terrorist groups continue to seek WMD.

Our cooperation with the United States in nonproliferation and fighting terrorism has served as a strong foundation for our relations, dubbed ''strategic partnership'' by Presidents Nursultan Nazarbayev and George Bush.

The people of Kazakhstan were outraged by the horrific attacks of September 11, and we have worked closely with the United States in bringing peace and stability to Afghanistan. As of now, more than 1,000 coalition aircraft have flown over Kazakhstan as part of Operation Enduring Freedom. We have provided our major airport for the use by U.S. Air Force, and significantly expanded the cooperation between our armed forces and intelligence services.

We have supported the American-led efforts to disarm Saddam Hussein, who failed to present clear evidence of the disarmament of Iraq and hence bore the full responsibility for the military action. Today, we stand united in bringing stability to that country and the region.

It is crucial then that in this fragile time, policy-makers and people of both Kazakhstan and the United States make strong efforts to support our cooperation further. This will bode well with the long-term interests of both nations and will help us build a safer and more prosperous world.

PERSONAL EXPLANATION

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. OTTER. Mr. Chairman, unfortunately I missed the votes on H.R. 1596 the ''Timothy Michael Gaffney Post Office Building Designation Act,'' H.R. 1625 the ''Robert P. Hammer Post Office Building Designation Act,'' and H.R. 1740 the ''Dr. Caesar A.W. Clark, Sr. Post Office Building Designation Act.'' Had I been present, I would have voted for these bills.

TRIBUTE TO MR. WALLACE H. LEIPER

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Ms. DEGETTE. Mr. Speaker, I would like to pay tribute to Mr. Wallace H. Leiper and the United States Merchant Marines for their great services to this Nation.

Mr. Leiper donated his model of the Liberty ship SS *Zebulon Pike* to the United States Merchant Marine Academy at Kings Point, New York and sadly, he passed away the very day it arrived. He is a graduate of the Academy, the original ''Pike'' was his first ship and he served on several others in the Atlantic and Pacific oceans during World War II. The model is Mr. Leiper's labor of love and is intended to symbolize the contributions of all ships and seamen of the United States Merchant Marine as mandated by the Merchant Marine Act of 1936. It should also be noted that the Merchant Marines continue to deliver support to our Armed Forces for recovery efforts in Iraq as well as food for starving nations.

May 22nd is National Maritime Day and this year, two plaques honoring Mr. Leiper will be unveiled at the Academy.

Mr. Speaker, it is my pleasure today to honor Mr. Leiper and all the men and women of the United States Merchant Marine who serve our country both in peace and in war.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. BOYD. Mr. Speaker, I was not recorded on rollcall votes 155, 156, 157 and 158. I was unavoidably detained and was not present to vote. Had I been present, I would have voted ''yea'' on rollcall votes 155, 156, and 158. I would have voted ''nay'' on rollcall vote 157.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. ORTIZ. Mr. Speaker, due to business in my district, I was unable to vote during four rollcall votes. Had I been present I would have voted as follows: No. 155—''yes''; No. 156—''no''; No. 157—''yes''; and No. 185—''yes''.

FCC

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. GILLMOR. Mr. Speaker, I rise today concerning the Federal Communications Commission's, FCC, pending Triennial Review proceedings with respect to its potential effects on the health of the telecommunications industry.

There is no question that this sector is experiencing a decline in business and investment. Since the year 2000, more than 600,000 telecommunications-related jobs have been lost. Telephone companies have significantly reduced their capital spending. In fact, incumbent local telephone companies are hesitant to invest in broadband deployment due to regulatory uncertainty. With the lack of new infrastructure, equipment suppliers suffer, as do service providers and their employees, further stunting research and development. Ultimately, this slows consumer spending and demands for telecommunications services.

As we all are aware, there is a great deal of controversy with respect to the deployment of broadband services. This complex issue has divided Congress and the American people, as well as polarized segments of the telecommunications industry. However, we also know that broadband deployment is essential, especially in rural America. Communities in Ohio and the nation alike, equipped with broadband technology provide an environment encouraging economic growth by attracting new business, residents, knowledge, and jobs.

Mr. Speaker, as we in Congress continue to focus on spurring growth within the telecommunications sector, I thank the FCC for their efforts and ask that they create more certainty within the industry by moving expeditiously to complete action on the Triennial Review.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. HONDA. Mr. Speaker, on rollcall vote No. 157, I was unavoidably detained. Had I been present, I would have voted ''no'' on rollcall vote No. 157, the Pitts Amendment to H.R. 1298, a bill to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis and malaria.

INTERNATIONAL FORUM OF KOREAN YOUTH IN KAZAKHSTAN

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. BEAUPREZ. Mr. Speaker, I rise today to commend the Republic of Kazakhstan for their hospitality in hosting the first ever International Forum of Korean Youth Organizations. This forum has the goal of establishing an international framework for young Koreans throughout the world. These youth organizations are dedicated to the ideals of free markets and individual liberty. By hosting this democratic forum, Kazakhstan will further its growing international reputation as a free and democratic state.

The Republic of Kazakhstan is home to more than 14 million people and is the ninth largest nation in the world. It is an active member in the United Nations and the European Organization of Cooperation and Safety. After gaining their freedom on December 16, 1991, the emerging republic adopted a constitution on August 30, 1995.

Since 1998, the Korean Youth Movement in Kazakhstan, MDK, has been building relationships with different republic-minded organizations at home and abroad. By hosting the first international forum for Korean youth organizations around the world, the MDK is creating an environment to exchange experiences and build international cooperation throughout the Korean community.

Mr. Speaker, during this forum, young Korean leaders from around the world will be able to tour and sample the vibrant democracy that is flourishing in Kazakhstan. I ask that my colleagues join me in commending our friends in the Parliament of Kazakhstan for their assistance and vision with this great International Forum on behalf of Korean Youth worldwide, and wish them much success.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. BOYD. Mr. Speaker, I was unavoidably detained on Tuesday May 6, 2003 and missed rollcall votes 159, 160, and 161. Had I been present I would have voted ''yea'' on rollcall votes 159, 160, and 161.

TRIBUTE TO JERRY ''ACE'' MILLER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. DUNCAN. Mr. Speaker, I rise today to pay tribute to Jerry ''Ace'' Miller, the long-time supervisor of boxing for the City of Knoxville, Tennessee, in my District.

Ace Miller is one of the most respected people in East Tennessee. He is part of a very influential group in our area called the ''Burlington Boys,'' and we share many mutual friends.

Ace Miller has devoted his life to underprivileged young people by inspiring them to be the best that they can be no matter what they have to overcome in life. He has made a difference in the lives of many young men around the region.

Ace is widely regarded as a boxing expert all over the country and has made many friends around the Nation. He has long been associated with the Golden Gloves Charities and will continue to be the general manager of this great organization after his retirement.

Mr. Speaker, Jerry ''Ace'' Miller is a fine American who has touched the lives of countless young people. His dedication to the sport of boxing serves as an example for people all over our country. This Nation would be a much better place if there were more people here like Ace Miller.

I would like to congratulate Ace Miller on a tremendous career, and I urge all of my colleagues and other readers of the RECORD to read the fine article about him that was published in the Knoxville News-Sentinel.

[From the Knoxville News-Sentinel, Mar. 20, 2003]

ACE MILLER RETIRES AS KNOXVILLE'S SUPERVISOR OF BOXING

(By Chuck Cavalaris)

Ace Miller wanted to try and keep news of his retirement quiet.

You might as well ask someone to bang a drum softly—for 33 years.

It just isn't going to happen.

Miller retired as the City of Knoxville's supervisor of boxing, effective Feb. 27. He survived everything from three heart attacks in a matter of hours in April 1999 to floods and personal threat at the gym. Miller was hired in 1970 by former mayor Kyle Testerman and will continue to be the general manager of Golden Gloves Charities.

''This is just a particular time in my life when I am not so sure what the future holds,'' said Miller, who is known as ''The Colonel'' and will be 64 on March 31. ''We've had disasters galore, but the greatest tragedy is losing some of the great volunteers who have been a part of this program.''

It was a huge loss when his sister-in-law, Shirley Eckard, lost a battle with cancer in the 1980s. Bobby Mills died several years earlier. Cotton Jackson will never be replaced. Nor will Skinny Miller, Don Marshall or former State Rep. Ted Ray Miller, who was Ace's big brother. Others come to mind, such as Jim Brown, Norman Anderson and Raleigh Johnson.

On the other hand, someone like Stan Hamilton remains a vital part of a model program. He just happens to be one of the most-respected boxing referees in the world. Dr. Robert Whittle has been a Hall of Fame volunteer, working alongside Con Hunley, Gene Limbaugh, Glenn Allen, Max Witt and Joyce Spraker. Longtime City Council members Jack Sharpe and Larry Cox have provided advice, along with friendship.

''No one person could possibly accomplish what we have accomplished,'' said Miller, whose group raises almost $100,000 a year. ''It takes a team effort and I am fortunate to have a family who has been a big part of my passion for doing this.''

The team he was referring to includes assistant coach Steve Whitt, Regina Sams Odom, Tracy Miller Davis, Dusty Miller Graves, Jerry Miller, Ellen Luttrell and, of course, his wife Lady Di, or Dianna the Great.

''My time with the city has ended,'' Miller said, ''but my time in the gym is not over. The floor needs to be mopped. Then somebody has to sweep it.''

UNIVERSITY OF ILLINOIS AT CHAMPAIGN-URBANA MEN'S TENNIS TEAM CHAMPIONSHIP

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to pay tribute to the hard work, talent, and dedication of the University of Illinois at Champaign-Urbana Men's Tennis Team. Recently, the team won the Intercollegiate Tennis Association Men's Indoor Championship, a victory which demonstrated the team's tenacity and willingness to continue to strive for new feats of excellence, as well as why they are such a source of pride to their school and the Champaign-Urbana community.

The University of Illinois Tennis Team was the first team to win this tournament since 1983 that was not from the State of California, and, in addition, was the first Mid-Western team to come in first in the 31-year history of the competition.

True leadership is needed to allow any team to reach its full potential. Such leadership is exemplified by the work of Coach Craig Tiley and University of Illinois Athletic Director Ron Guenther. Their determination and vision have made the U of I Tennis Team a force to be reckoned with on the national level. Credit must also go to the student athletes themselves, who put forth and incredible amount of effort and sacrifice to meet the high standards set by their coaching staff.

Athletics often demonstrates how intelligence, physical ability, leadership, and teamwork allow men and women to overcome

great odds. The victory of the University of Illinois Men's Tennis Team at the ITA Championship is a terrific example of these attributes and I would like to extend to them my most sincere congratulations.

HONORING ALL LAW ENFORCEMENT OFFICERS KILLED IN LINE OF DUTY

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. MCKEON. Mr. Speaker, I want to take this opportunity during National Police Week to honor all those courageous men and women serving as law enforcement officers who have been killed in the line of duty. I appreciate their courage as well as the bravery of their families and loved ones, and hope that they know that they have our sympathies and are in our prayers.

In particular today, I want to pay my respects to David March, a Los Angeles County Deputy Sheriff, killed in the line of duty.

Last year, during a seemingly routine traffic stop, Deputy March, a 33 year-old husband and stepfather, was shot and killed. His suspected killer is an illegal immigrant who fled to Mexico to escape facing the bar of justice.

Mexican officials have refused to extradite his assailant, Garcia because he could face the death penalty or life in prison without possibility of parole. This is because the Mexican government usually refuses to extradite Mexican nationals who commit crimes in the United States and flee to Mexico, unless there are assurances that the death penalty and life imprisonment will not be sought.

We cannot allow such criminals to make a mockery of our justice system. In response to this barbaric act, I have introduced House Concurrent Resolution 93 to encourage President George W. Bush to work with the Mexican government to renegotiate our extradition treaty with Mexico so that other prospective killers may be thwarted and those cowardly hiding across the border may be brought to justice.

Family and friends will long remember the integrity of Deputy David March and together we will work to bring about this needed change in policy. As we engage in the endeavor, we will keep in the forefront of our minds the integrity and goodness of David March.

JOHN STEKETEE, PIONEER IN YOUTH LAW

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to regretfully announce the passing of a great jurist whose pioneering efforts in the field of juvenile law have changed much of the way we think about this complex and often controversial area of jurisprudence.

John Steketee was a third generation lawyer who spent over 30 years on the bench, mostly as presiding/chief judge of the Kent County Michigan Probate Court, Juvenile Division. I came to know Judge Steketee when he was the leader of the National Council of Juvenile and Family Court Judges and I was doing the research that would culminate in enactment of the P.L. 96–272, the national foster care and adoption reform law of 1980. Judge Steketee was one of the earliest jurists to focus on the importance of permanency planning for children who had entered into, and often became trapped within, the bureaucratic maze of the foster care system.

I frankly don't remember if I found him or he found me, but however it occurred, he played a hugely important role in shaping that legislation. Because of Judge Steketee's involvement, we were able to craft legislation that included case planning, periodic reviews of placement, and requirements for appropriateness of placements. He genuinely believed that the system had to be accountable to the child. The record of his achievements on the bench in Michigan, and his friendship with then-President Gerald Ford, helped many of those who might otherwise have been indifferent to recognize the workability and importance of the reforms we were proposing.

The first Children in Placement study was conducted in his court in 1971, which enabled him to discover lost children in the system and make sure that plans were being made for them. Through his association with them he was instrumental in successfully encouraging judges across the country to see permanency as an important issue for children and families, and that it was a duty for judges to hold all accountable for permanency to be achieved for all children. Judge Steketee was the first chair of the National Council's Permanency Planning Committee, and was the President of the Council 1984–1985. After retirement he continued to remain a strong advocate for permanency for the nation's children, and advocated for therapeutic juvenile and family drug courts.

I would like to extend my condolences and those of the House to his widow, Maribeth, his daughters Betsy Fenner and Martha Steketee, his three step-daughters, Erin Checchi, Leigh Baker, and Laurie Baker, and his seven grandchildren.

This is a man who made a great contribution to our nation and especially to its children and families, and I know the House joins me in paying respects to his memory. I would also like to include an article from the Grand Rapids Press on Judge Steketee.

[From the Grand Rapids Press, May 3, 2003]

JUDGE JOHN STEKETEE, A FORCE FOR CHILDREN, DIES AT 76

(By Doug Guthrie)

A voice for children in need was stilled Friday with the death of retired Kent County Probate Judge John Steketee.

Steketee, 76, died from heart failure at Spectrum Health Blodgett. He battled cancer since before his retirement in 2000, following 33 years on the bench.

''This is one of those people who may have been better known in the nation than you thought you knew him at home,'' said David Mitchell, executive director of the National Council of Juvenile and Family Court Judges.

With enthusiasm for openness and change, Steketee was a pioneer in efforts to move foster children more quickly into permanent homes. His reshaping of the juvenile welfare system in Kent County brought national attention.

Mitchell said word of Steketee's death triggered a stream of e-mails at his University of Nevada office in Reno.

''Without his example, leadership and vision, we would not have moved the judicial system to the rules and permanence for children that we have achieved,'' wrote Judge Richard Fitzgerald of Louisville, Ky.'' . . . His mentorship of all of us has helped us in building a just system.''

Said Mitchell, who served 18 years as a judge in Baltimore: ''He was a great man and mentor to so many of us. He taught men and women throughout this nation how to be judges and child advocates. He was loved.''

His closest friends and family were at a loss Friday to explain what in Steketee's life gave him the strength to walk alone so many years ago against the current of conventional bureaucratic wisdom.

''I'm not sure what it was,'' said his son, John Steketee. ''He loved his work and had a desire to help.''

Press columnist Arn Shackleford for 35 years has written weekly stories about local children in need of adoptive parents. She said it was Steketee who encouraged her to start.

''The first quote I ever used from him was, 'You can't replace parental neglect with governmental neglect.' He was just a truly good person who loved kids,'' Shackleford said.

Raised on Grand Rapids' Southeast Side, Steketee became the third generation of his family to practice law. After earning degrees from the University of Michigan and Wayne State University, he joined the family firm in 1956. He carried on another family tradition, serving as the Netherlands' vice-consul for Michigan.

Steketee was elected to Kent County's Probate Court in 1967, handling estates, juvenile issues, and mental health commitments. The part of the job he liked best was obvious, as the man with the snow-white beard became known as the ''Santa Claus Judge.''

His office in the Waalkes Juvenile Center on Cedar Street NE became decorated over the years with hundreds of snapshots taken at adoption ceremonies, where Steketee had everyone in every adopted family swear under oath to love one another.

Off the job, he loved to sail. He owned two sailboats in his lifetime, the Shields and Twin Wing, berthed in Holland. He never raced, only cruised and relaxed on the waves.

Despite already being diagnosed with lung cancer, it was state law that prohibited Steketee from seeking another six years in office because of his age.

Even undergoing chemotherapy and radiation treatments, Steketee remained active in his retirement.

Mitchell said he spoke with Steketee last week about plans to attend the council's annual national convention in July in San Antonio.

Until recently, Steketee also served as a visiting judge, filling in for others on the Kent County Circuit bench. He often stopped by the Kent County Courthouse to lobby for a new idea, visit his old staff or simply find a lunch partner.

''He was fighting the cancer and trying to live his life,'' his wife, Maribeth, said Friday.

Judge Patrick Hillary, who was elected to Steketee's seat, said Friday was a busy day in court, but one with many pauses to reflect. Hillary used to practice as domestic relations attorney in front of Steketee, and when elected, inherited his staff and caseload.

''People say, 'You replaced Judge Steketee.' I'm always real careful to say, 'I succeeded Judge Steketee,''' Hillary said. ''Nobody could replace him.''

TRIBUTE TO THE JAMES L. WEST ALZHEIMER'S CARE FACILITY IN FORT WORTH, TEXAS

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Ms. GRANGER. Mr. Speaker, I rise today to honor the tenth anniversary year of the James L. West Alzheimer's Care Facility in Fort Worth, Texas and to recognize the many accomplishments of its founding executive director, Moira A. Reinhardt, R.N.

The West Center, founded in 1993, was established in part by a major gift from the James and Eunice West Foundation and it continues to receive the support of many other generous North Texas foundations, individuals, corporations and organizations. The center was the Southwest's first free-standing facility devoted exclusively to the care of persons with Alzheimer's disease and related disorders and has been nationally recognized for its excellence of care and its commitment to helping its residents maintain a restraint-free life style.

Moira A. Reinhardt, nationally known as a pioneer in the establishment and management of centers for Alzheimer's care, was selected as the West Center's first executive director. A native of Scotland, Ms. Reinhardt was trained as a medical/surgical nurse in Britain. She first established a home care program for the elderly in Scotland and then, inspired by the example of Mother Theresa, served the poor in Guatemala as a nurse in the British Overseas Volunteer Program. Ms. Reinhardt became a U.S. citizen September 17, 1996.

Before coming to Fort Worth and the West Center, Ms. Reinhardt was the founding executive director of the Pikes Peak Hospice, Inc., and later became the founding administrator of Namaste Alzheimer's Center in Colorado Springs, Colorado.

She has lent her expertise to both state and national boards dealing with health care for the elderly and in 1989 served as chairperson for the National Hospice Organization. Recently the directors of the West Center honored her by establishing the Moira A. Reinhardt Continuing Education Scholarship Fund to further the education of the Center's nursing staff and the city of Fort Worth proclaimed April 2, 2003 Moira A. Reinhardt Day.

I ask that the House of Representatives join me in recognizing the important role the James L. West Alzheimer's Care Center plays in the care of the elderly of North Texas and honoring Moira A. Reinhardt for her lifelong commitment to compassionate health care.

TRIBUTE TO GENERAL ERIC K. SHINSEKI, 34TH CHIEF OF STAFF OF THE UNITED STATES ARMY

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. McHUGH. Mr. Speaker, Congressman CHET EDWARDS and I take this opportunity today to honor General Eric K. Shinseki, the 34th Chief of Staff of the United States Army. As co-chairs of the House Army Caucus, Congressman EDWARDS and I have had the privilege of working with General Shinseki as he advanced and shaped the greatest land force in the history of the world—the United States Army.

After more than 35 years service to the nation, General Shinseki will retire from the United States Army in June. Throughout his career, General Shinseki's actions have epitomized those of a soldier, leader, and consummate professional. Always mission-focused and soldier-centered, he upheld the Army's non-negotiable mission contract with the American people to fight and win the nation's wars, while never forgetting that it is the sacrifice and skill of the American soldier that makes those victories possible.

General Eric K. Shinseki began his Army career after graduating from the United States Military Academy in 1965. He served two combat tours in the Republic of Vietnam. Despite receiving severe injuries while serving in Vietnam, General Shinseki went back into battle. Although he could have left the Army for other pursuits, General Shinseki remained on active duty out of his utmost respect for the young American soldier he encountered in Vietnam. General Shinseki excelled in command and staff assignments both in the continental United States and overseas. He commanded the 1st Cavalry Division at Fort Hood, Texas, became Deputy Chief of Staff for Operations and Plans at Headquarters Department of the Army, served as the Commanding General, United States Army Europe, Commander Allied Land Forces Central Europe; and Commander, NATO Stabilization Force in Bosnia-Herzegovina. In 1998, he assumed the duties as the 28th Vice Chief of Staff of the United States Army.

On June 22, 1999, General Shinseki became the Chief of Staff of the United States Army. Since assuming that position, General Shinseki's commitment and leadership have contributed immeasurably to ensuring that America's Army is unmatched by any in our history in its skill and professionalism. Understanding the challenges posed by the 21st Century, General Shinseki began a transformation that will fundamentally reform the Army and position it for continuing excellence and achievement in the coming decades. Even while guiding the Army through this profound change, his leadership shaped this proud service's contributions and successes in the Global War on Terrorism, in Operation Noble Eagle—the defense of the American Homeland, in Operation Enduring Freedom—the attack on Al Qaeda's lair, and Operation Iraqi Freedom—the liberation of Iraq. He has melded one Army—active, National Guard and Reserve. Indeed, General Shinseki has successfully guided these monumental efforts and today leaves the Army, and the men and women who serve in it, in the very highest state of combat readiness.

Mr. Speaker, the freedoms we cherish come at a price. Our nation has been fortunate to have men and women willing to come forward at times of crisis and challenge to pay that price. Among that number must be counted General Eric K. Shinseki. Through the sacrifices and dedication of Americans like him, our nation is able to continue upon the path of democracy and to strive for the betterment of mankind across the globe. It is with profound admiration and deep appreciation that we pay tribute to General Shinseki for all that he has done for the United States Army and this country. On behalf of a grateful nation, we thank General Eric K. Shinseki, the 34th Chief of Staff of the United States Army.

RECOGNITION FOR KENNETH BANKS, JR.

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I rise to recognize Kenneth Banks, Jr. of North Hollywood, California for his service to the community and this nation. Ken is a long time member of Rotary International and is retiring from his post as a regional governor for Southern California.

Rotary International was founded on three key points: Provide humanitarian service, encourage high ethical standards and build goodwill and peace in the world. During his tenure as governor, Ken worked tirelessly to promote these principles and encouraged others in the community to join him. And he always followed the Rotary motto: Service Above Self.

Ken and his wife, Shirley, have three children and six grandchildren. He enjoys spending time with his family and makes that a priority even with his demanding schedule. He loves the community that he serves, and will continue to serve even in his retirement.

IN REMEMBRANCE OF DR. ROBERT C. ATKINS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. PALLONE. Mr. Speaker, last month, our nation lost an important healthcare advocate and physician, Robert C. Atkins M.D., who lived in New York City and touched the lives of millions of people with his innovative approaches to diet and lifestyle. I know this because many patients he worked with were from New Jersey and his books on diet and nutrition were purchased by millions of people worldwide.

I would like to note that I also knew of Dr. Atkins because of his steadfast support and belief in the use of dietary supplements as a key component to achieving and maintaining good health. He was one of the earliest supporters of the Dietary Supplement Health and Education Act, legislation that I supported as an original cosponsor, which was enacted into law almost ten years ago.

The Atkins Nutritional Approach has caused us to continually re-evaluate and consider how we can improve health and nutritional recommendations as a country. In addition, we cannot ignore its contribution as one of several methods for addressing the growing obesity, heart disease, and diabetes epidemic facing us. I know more research and work will continue on Dr. Atkins' findings and experience with diet and nutrition. As a member of the House Energy and Commerce Subcommittee on Health, I will continue to closely follow this work.

Dr. Atkins leaves behind a legacy that will endure. A memorial service is being held in New York City on May 9th and those of us in the House of Representatives who knew him and of his work join with all of those who mourn the loss of a great American.

HONORING JOSEPH THOMAS MURPHY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to Joseph Murphy, a retired major in the United States Marine Corps (USMC). Tomorrow he will be interred at Arlington National Cemetery with full military honors. Major Murphy led an admirable life, and he was an American hero.

Mr. Speaker, Major Murphy was the husband of Madonna (Hogan) Murphy, to whom he had been married 59 years. Born in Taunton, Massachusetts on May 9, 1918, he was the son of the late Michael and Catherine (McGuire) Murphy. Major Murphy was raised and educated in Taunton, and had resided in Attleboro, Massachusetts since 1965. He graduated from Taunton High School and earned a bachelor's degree in management from Bentley College.

Mr. Speaker, Major Murphy served for 17 years in the USMC from 1946 to 1963. He received many awards and commendations including the Distinguished Flying Cross, the Presidential Unit Citation, the Army Distinguished Unit Emblem, the American Campaign Medal, and the China Service Medal. Major Murphy was also awarded the Air Medal, the World War Two Victory Medal, the Navy Occupation Medal, the Korean Service Medal, the National Defense Service Medal, the United Nations Service Medal, and the Korean Presidential Unit Citation.

Mr. Speaker, Major Murphy and his wife Madonna raised a large family. He is survived by five children: one daughter and four sons. Additionally, Major Murphy was the grandfather to 12 grandchildren and a great-grandson.

Mr. Speaker, I am confident that the entire U.S. House of Representatives joins me in expressing gratitude to Major Murphy for his years of service to our nation. Moreover, I ask that my colleagues keep Mrs. Murphy and her family in their thoughts.

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

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes:

Mr. TIAHRT. Mr. Chairman, I rise today in support of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 and in support of amendments that would strengthen this bill in helping address the AIDS pandemic in Africa. The bill before the House today seeks to prevent 7 million new HIV/AIDS infections, provide care and support for 10 million HIV-infected people and provide antiretroviral therapy for millions of victims over the next 5 years.

Africa is a continent far removed from the everyday lives of most Americans, both in its geographic location and in its distinction among the other populations of the world. But it is a continent whose future has profound implications for the future of the United States.

Sub-Saharan Africa has approximately 10 percent of the world's population, a remarkable history and numerous natural resources. Unfortunately, it also is plagued with the pandemic known as HIV/AIDS that has caught the attention of the international community. In recent years, more than 21 million Africans have died of AIDS, including more than 2 million in 2001. AIDS has surpassed malaria as the leading cause of death and threatens to cripple and destroy African life. An alarming 70 percent of the world's AIDS victims live in Africa. With far more dying from AIDS in Africa than from all its wars and conflicts, we cannot ignore the perilous state of affairs faced by our fellow men.

Of particular concern to me is the fact that 58 percent of those infected with the virus are women who are passing this deadly disease to their children. More than 600,000 infants are HIV infected each year in Africa because of mother-to-child transmission. As one generation passes the deadly virus on to the next, we are witnessing a self-sustaining genocide.

The more than 11 million AIDS orphans living in Africa are crying out from malnutrition, and their chances of obtaining an education are severely reduced. These innocent little children are the product of a crisis that is bringing even more severe economic hardship to a land already stranded in poverty. Life expectancy in some African countries has dropped by decades, and agricultural production has declined as workers with AIDS die or become unable to perform their work.

With the leadership of President Bush, the United States is stepping up its efforts to deal with this problem. Not only are we reaching out because of moral principle and human compassion, but also because we recognize the national security implications of not engaging with the AIDS crisis in Africa.

With radical Islamic terrorist cells thriving in poverty-stricken countries, we must acknowledge and address the AIDS pandemic that can fuel desperation, and ultimately, hospitality toward violent groups that seek destruction of America. With an estimated 55 million Africans who will lose their lives to AIDS by 2020, the United States has both an opportunity and an obligation to help defeat AIDS in order to bring stability to these suffering countries. Already, African militaries are feeling the results of high infection rates among their soldiers. As countries lose their ability to maintain peace, anarchy will take over and deliver further havoc on society. If the problem is ignored, the ability of terrorists to recruit more sympathizers will only multiply. By helping prevent the further spread of this horrible disease, we can help ensure that terrorists are given no safe harbor in Africa.

As William J. Bennett and Charles Colson recently stated in the Washington Times, ''Al Qaeda networks operating in Africa remind us that, like it or not, no part of the world can any longer be isolated from any other part. If an entire continent sinks into despair and anarchy, the whole world will be affected.''

While I support H.R. 1298, I want to express my strong support for amended language that would designate funds for prevention and treatment programs that have an outstanding track record of drastically reducing the number of infected individuals. For example, the world has finally acknowledged how effective Uganda's ABC program has been in reducing the number of HIV/AIDS victims. H.R. 1298 is right to commend the ABC program along with the excellent leadership of President Yoweri Museveni.

Uganda's ABC program ''Abstain, Be faithful, use Condoms'', in order of priority, has dropped infection rates from 22 percent in 1992 to 7 percent in 2002. This remarkable, yet simple, program first promotes abstaining from sexual relationships until marriage. Rather than blindly pass out condoms, the ABC program promotes a lifestyle of abstinence that guarantees to protect individuals against sexually transmitting the HIV/AIDS virus.

Secondly, the Ugandan ABC program encourages partners to remain faithful to each other. In working to promote faithfulness between married couples, this low-cost program encourages fidelity as a means of reducing the spreading of the virus between multiple partners. With the percentage of sexually active youth falling significantly and the increasing number of Ugandans reporting none or one sexual partner in the past decade, the results speak for themselves.

Thirdly, use of condoms is encouraged as a means to help reduce the spread of HIV/AIDS for those who choose not to abstain.

Congressman JOE PITTS has offered an amendment to HR 1298 that will require 33 percent of AIDS prevention funds be directed to abstinence-until-marriage programs. I stand in full support of this amendment that is supported by both the White House and Chairman HYDE. By supporting pro-family, proven methods that prevent the spread of AIDS, we will most effectively bring an end to this crisis.

I also want to voice my support for the amendment offered today by Congressman CHRIS SMITH that would clarify the right of organizations having moral or religious objections to certain prevention methods to remain eligible for this funding. While there is language in H.R. 1298 to prevent such discrimination, the language is vague and might not offer sufficient protection from bias against these fine groups.

In Africa, there are organizations offering excellent programs to local communities to fight against the spread of AIDS but who have moral objections to condom promotion. It is important these groups are allowed to compete for funding and continue their successful programs. It is to the advantage of the African people that we have the largest pool from which to choose applicants.

As the House of Representatives moves forward with passage of this historic legislation to fight against the HIV/AIDS pandemic in Africa, let us remember the millions who have already lost their lives and the remaining tens of millions who are currently afflicted with this dreadful virus of death.

I hope and pray we can unite with our African neighbors to bring an end to the AIDS crisis. It is no longer just their problem—it is particularly ours as well.

THE ASTHMA OBESITY LINKAGE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. TOWNS. Mr. Speaker, in honor of National Asthma and Allergy Awareness Week, I am today introducing the ''Medicaid Obesity Treatment Act of 2003'' to elevate the visibility of a national health epidemic that is wreaking havoc upon our Nation. Scientific evidence demonstrates a strong correlation between obesity and asthma, particularly among children.

This bill, which is similar to legislation I introduced last year with Congressman JAMES GREENWOOD, will provide Medicaid coverage for medically necessary treatments for chronically obese beneficiaries. With this legislation, I hope to raise the level of attention to this devastating illness and to provide medically necessary treatments to millions of overweight children who suffer from obesity comorbidities such as asthma. If the Congress passes this legislation, The Medicaid Obesity Treatment Act will be the first legislation ever enacted to address the need to ensure access for all Americans to drug therapies designed to treat obesity and its related comorbidities, and I am proud to be its sponsor.

According to the Surgeon General, the prevalence of overweight and obesity has almost doubled among America's children and adolescents since 1980. It is estimated that one out of five children is obese. The epidemic growth in obesity acquired during childhood or adolescence is particularly threatening to the national health because it often persists into adulthood and increases the risk for some chronic diseases, such as asthma, later in life.

Obesity has truly become a national health care crisis. The National Center for Health Statistics reports that 60 percent of Americans over 20 years of age are overweight or clinically obese. Weight-related conditions represent the second leading cause of death in the United States, and result in approximately 300,000 preventable deaths each year.

Researchers from Cincinnati Children's Hospital recently discovered a new gene involved in asthma that may provide a link between the development of asthma and obesity. The study, released at the 60th anniversary meeting of the American Academy of Allergy, Asthma & Immunology, examined the gene which belongs to a family of similar proteins that have been found to cause insulin resistance and obesity in mice. Another recent study by the Harvard School of Medicine of 16,862 children, ages 9 to 14, found that those who were the most overweight were two to three times as likely to have asthma as the least overweight subjects.

Whether obesity is caused by genetics, environment, lifestyle, diet or a combination of these elements, its effect is devastating for all persons who suffer from it. However, science has made great strides in recent years to combat it. Several new drugs offer great promise in the fight to prevent and treat obesity and its related comorbidities.

My bill will revisit a thirteen year old provision that allows states to exclude Medicaid coverage for weight loss drugs, even in cases where these drugs have the potential to save obese patients' lives or to improve their related conditions like asthma. The notion that obesity is merely a lifestyle choice and not a disease is no longer valid scientifically, and must be stricken from the law. Medically necessary medicine for the treatment of chronic obesity and its related illnesses should be covered under Medicaid like any other medically necessary drug. This is the purpose and goal of my bill.

Although this expansion in Medicaid coverage might incur some marginal cost to the overall program, requiring states to cover proven obesity medication may actually reduce Medicaid expenditures as a result of decreases in the costs associated with treating asthma and other obesity-related comorbidities. Given the numerous benefits of reducing obesity, we should be providing access to life saving anti-obesity treatments, just as we provide medications for other life threatening diseases.

Obesity and asthma represent related growing health crises that must be addressed with more than just words. This bill offers an important first step towards eliminating obesity, and I encourage my colleagues to join me in supporting it.

HONORING DON HILL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Don Hill of La Junta, Colorado for his contributions to historical preservation and our National Park Service. Don is retiring, having served with the National Park Service in Colorado for thirty-three years, and today I would like to thank him for his service before this body of Congress and this nation.

After beginning a career with the National Park Service at Curecanti National Recreation Area and Black Canyon of the Gunnison and Colorado National Monuments, Don came to Bent's Old Fort National Historic Site in 1986 as the site's superintendent. Don has worked hard to make Bent's Fort an integral part of the Southeastern Colorado Community. He served as president of the Southeast Colorado Tourism Council, and in 1993 he coordinated the Santa Fe Trail Association's National Symposium, bringing over 500 tourists to the area. Additionally Don is an active member of the local Rotary Club and the La Junta Chamber of Commerce. Among other accomplishments, in 1993 Don worked with the Cheyenne and Arapahoe tribes of Oklahoma to repatriate Native American remains discovered during archeological work at the fort.

Mr. Speaker, Don Hill has served as a steward of this country's natural treasures for over thirty years and has played an integral role in the development of Bent's Old Fort National Historic Site. Today I stand before this body of Congress and this nation to recognize one of the National Park Service's best. Don's dedication is a credit to himself and to Colorado, and I thank him for his service.

HONORING ANN MILLER AND TED MALIARIS

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker. I would like to honor two great Americans, Ann Miller and Ted Maliaris, for their patriotic commitment to this nation.

Ann Miller has written ''A Tribute to America—A 21st Century Anthem,'' which highlights the greatness of America and its ability to overcome recent tragedies. Her son, Ted Maliaris, delivers this anthem with an unparalleled sense of patriotism.

America was founded on principles of freedom and democracy that stand as the very foundation of our society today. While our troops are abroad, we must never forget the importance of the very principles that make this nation great. ''A Tribute to America—A 21st Century Anthem'' clearly illustrates the power of freedom that America represents. Its patriotic message highlights the very strength that has served as the foundation of the American spirit since the tragedies of September 11.

I would like to thank Ann Miller and Ted Maliaris for their dedication to America and their commitment to spreading their important message across the Nation.

I proudly insert the following lyrics of ''A Tribute to America—A 21st Century Anthem'' in the RECORD:

Our tears may fall and our hearts may be shattered, but deep down in our souls we are strong, we are proud, we are bold.

We have freedom in our land, we will fight for our rights, we will stand up for the brotherhood of man. America America America America you're Grand.

We have strength, we have the power, no terrorist could ever withstand. We will not hide, we will not cower, we will stand up for the rights of our land.

We're America, America
Strong, Proud, Brave, Bold
We're America, America
Strong, Proud, Brave, Bold
America red, white, and blue
America, this song we sing for you.

In time of need, compassion fills our hearts, in times of dismay we are strong.

We're a land of freedom, a land of peace, and no one can take this away.

We're America, America
America you're Grand
No one can destroy us through thick or thin, we're a nation that was built to survive.

No terrorist's plight can destroy our sight or the strength of this motherland.

We're America, America, America
America you're Grand.

God extended his hand and has given us faith, for we will stand tall and proud.

We're a land of freedom, a land of peace, a land like no other land.

We're America, America
Strong, Proud, Brave, Bold
We're America, America
Strong, Proud, Brave, Bold
America, America you're Grand
America, America you're Grand
America!

TIME IS NOT ON OUR SIDE

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. BURR. Mr. Speaker, on February 20, 2003, the Federal Communications Commission agreed to change its rules to make it easier for telephone companies to deploy broadband facilities. It is now May, and the FCC has yet to issue the actual rules from that decision.

On February 20, Washington, DC was still digging out from a major snowstorm, and most area schools were still closed. By the time the FCC issues its order, Washington weather will probably be that lovely mix of high humidity and 90 degree heat. When the FCC voted on February 20, we were wearing our heavy winter coats and snow boots. By the time the order is issued, we will be wearing seersucker suits and white shoes.

On February 20, Major League Baseball players were just beginning to gather in Florida and Arizona for spring training. Since then, spring training has been completed, rosters have been finalized, and about 20 percent of the season has been played.

On February 20, U.S. forces were amassing in the Persian Gulf Region. Since then, our troops have rolled through Iraq and ousted Saddam. Clearly, it takes the U.S. military less time to dethrone a vicious dictator than it takes the FCC to write the rules for an order it already agreed upon.

How long do you think these past two-and-a-half months have been for those workers and families of workers laid off in the telecommunications industry? How many more workers lost their jobs in that time? How many who were laid off could have been put back to work?

One thing is clear, broadband deployment will not start in earnest until the FCC sets the right policy rules. That has to start now by issuing the rules agreed upon back in February.

TRIBUTE TO SHELBY CRAWFORD OF EUREKA SPRINGS

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. BOOZMAN. Mr. Speaker, I would like to congratulate and honor a young Arkansas student from my district who has achieved national recognition for exemplary volunteer service in her community. Shelby Crawford of Eureka Springs has just been named one of the top youth volunteers by The 2003 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Ms. Crawford is being recognized for organizing a petting zoo event that raised more than $1000 for a local horse rescue center.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Crawford are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention—The Prudential Spirit of Community Awards—was created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past eight years, the program has become the Nation's largest youth recognition effort based solely on community service, with nearly 150,000 youngsters participating since its inception.

Ms. Crawford should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Ms. Crawford for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

VETERANS COMPREHENSIVE HEALTH CARE AND ACCESS TO PRESCRIPTION DRUGS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I introduced legislation to address a major obstacle our nation's veterans face in obtaining comprehensive health care and access to prescription drugs.

According to the Inspector General of the Department of Veterans Affairs, the VA pharmacy benefit is the primary reason that veterans without service-connected disabilities use VA healthcare services. Nearly 90 percent of these veterans have access to private health care and private physicians, yet they wait in lengthy lines at the VA in order to be re-examined and re-tested so they can receive their prescription drugs through the VA. This causes veterans with a prescription already in hand to wait weeks, even months before it is filled and creates a backlog of veterans waiting for doctor appointments.

My legislation would ease the process by which veterans with private health insurance or Medicare coverage obtain prescription drugs through the VA healthcare system. Specifically, it would allow an eligible veteran, with a prescription written by a private physician, to fill that prescription at a VA pharmacy from the current VA formulary. My legislation differs from other prescription drug access proposals because it specifically limits the prescriptions to drugs listed under the VA formulary in order to limit the cost of implementation. Under current law, the VA does not have the authority to dispense prescriptions written by private sector physicians.

As chairman of the Ways & Means health subcommittee, I recognize the unique challenge that the VA faces in its mission to provide comprehensive quality health care service to veterans. However, strict adherence to that same mission has resulted in lengthy delays in the delivery of quality care to both veterans with private health coverage and those veterans that are entirely dependent on the VA as their healthcare provider.

In order to ensure timely delivery of health care, the VA must focus on the barriers veterans face in receiving care including streamlining access to prescription drugs.

PAYING TRIBUTE TO JOLENE HYATT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. McINNIS. Mr. Speaker, it is my great privilege today to recognize an outstanding educator from my district. Jolene Hyatt of La Junta, Colorado is my state's nominee for the 2003 National Education Association Foundation Award for Teaching Excellence. Her fellow teachers nominated her not only for her skill in the classroom but also for her professional leadership and involvement in the community.

Jolene has taught kindergarten in La Junta since 1975. She is a lifelong learner and advocate for education. Her dedication to her profession, her students, and her community is extraordinary. Jolene has served selflessly on a number of educational committees and organizations and is the past president of the La Junta Education Association. She currently contributes as a member of the La Junta Education Association's negotiations committee and is a member of the school improvement committee. She has been named to Who's Who Among American Teachers and is a recipient of the Heart of Learning Award, recognizing teachers who inspire students to learn and go the extra mile with students and parents after school hours.

Mr. Speaker, Jolene has inspired and gone the extra mile for two generations of students in my district and plans to continue her work as an advocate when she retires from teaching. While she is now a candidate for the National Teacher of the Year Award, she prefers to direct attention away from herself and onto the children she helps to educate. Jolene's achievement and team spirit serves as an inspiration to her students, her peers, and her community. Her tireless dedication beyond the call of duty—both in and out of the classroom—has made La Junta and all of Colorado proud. Congratulations Jolene, and good luck with your future endeavors.

MILITARY FAMILY PEACE OF MIND ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. JONES of North Carolina. Mr. Speaker, I rise today with my dear friend from California, Mr. GALLEGLY, to introduce the Military Family Peace of Mind Act. We believe this is simple, but important legislation for the loved ones of military personnel who have died in the service of our nation.

It goes without saying that the loss of a loved one is difficult no matter what the situation. Despite knowing the potential risks associated with the military service of their family member, the burden can be even more difficult when it occurs suddenly such as when our men and women are killed on the field of battle. Families need time to grieve for their loved ones and that need is particularly acute when the spouse or parent of one of our fallen heroes must tell dependent children of the loss. Unfortunately the process for providing notice to the media about military personnel killed allows for that critical time to grieve.

The current process for notifying next of kin about the loss of their cherished family member falls to the individual services. Once the casualty assistance officer of the respective service notifies the family members, the officer then forwards notice of the visit to the Office of Secretary of Defense for Public Affairs, who in turn promptly issues a release to the media identifying the individual. Although this is done with an eye towards providing full and open access to information about military operations as practical, we have heard from family members that this notification has actually resulted in swarms of media harassing family members trying to get a story. One spouse commented that she had had little time to grieve because her entire energies were being spent trying to fend off aggressive press inquiries. The need for open access to information aside, that is no way to respect a family who has just learned that their spouse, son, or daughter was killed while defending our country.

It is true the Department of Defense does not and cannot control the conduct of members of the media, but actions can be taken to help these grieving families. One specific step that can be taken is to implement a minimum 24-hour delay from the time a casualty assistance officer notifies the next of kin about their loss until the time that name is released to the media and the public. A 24-hour delay would not unreasonably impair the public's access to information about military activities, but could provide an immeasurable amount of relief to those who have endured the loss. That is what this bill seeks to do.

Mr. Speaker, these families have already paid the ultimate sacrifice for our country's freedom. A 24-hour waiting period prior to public notification is not too much for the families of our fallen heroes to ask of us.

100TH ANNIVERSARY OF THE SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION LOCAL UNION NO. 104

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I know that all Members of the House of Representatives will want to join me in saluting the Sheet Metal Workers' International Association, Local Union No. 104 on the 100th anniversary of its founding. Sheet Metal Workers' Local Union No. 104, through its many members over the last 100 years, has long played a vital role in protecting and organizing workers throughout Northern California.

The Sheet Metal Workers' International Association was first formed on January 25, 1888, in Toledo, Ohio. Since that day, local unions throughout the country have fought to protect the rights of workers in a wide variety of trades and job types; encompassing workers from tinsmiths to high tech specialists.

Sheet Metal Workers' Local Union No. 104 was formed on May 7, 1903, and is dedicated to the mission ''* * * to establish and maintain desirable working conditions and thus provide for themselves and their families that measure of comfort, happiness, and security to which every citizen is entitled in return for his labor, from a deep sense of pride in our trade, to give a fair day's work for a fair day's pay.''

Sheet Metal Workers' Local Union No. 104 membership includes individuals from the geographic regions of: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, Santa Clara, San Benito, San Francisco, San Mateo, Santa Cruz, Solano, Sonoma and Trinity Counties. Furthermore, Sheet Metal Workers' Local Union No. 104 currently represents more than 8,000 members local-wide, and is accredited with one of the most successful Organizing Programs in the country. The Union has organized approximately 50 new shops in that past two and a half years alone.

Sheet Metal Workers' Local Union No. 104's members are highly skilled craftspeople specializing in areas such as heating, air conditioning and ventilation, and architectural sheet metal. These members' work is attributed with achieving higher quality of air in homes, office buildings, medical facilities, schools and other official buildings, in addition to contributions to various architectural features such as copper roofs, stainless casing and bronze architecture which can be seen throughout many cities; an example of this work is the copper dome on San Francisco's City Hall.

Sheet Metal Workers' Local Union No. 104's efforts to raise the standard of living and protect individual rights for its membership, as well as other workers throughout the region, are deserving of our attention and admiration.

Mr. Speaker, I join Sheet Metal Workers' Local Union No. 104's officers and members in celebrating the 100th Anniversary of their founding, and I salute the work of the Sheet Metal Workers' International Association, Local Union No. 104. I encourage my colleagues to similarly respect the positive impacts the Sheet Metal Workers' International Association has had within their home districts and States, and I encourage them to express their support of this historic anniversary for the Sheet Metal Workers' Local Union No. 104.

TAKING STOCK IN ROMANIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to discuss the consolidation of democracy in Romania. As Co-Chairman of the Commission on Security and Cooperation in Europe—the Helsinki Commission—I have followed events in Romania for many years. The Romanian people have survived the repression of a brutal communist dictatorship and, in the years since the fall of that regime, have made great strides in building democratic institutions and the rule of law. However, much remains to be done to overcome the legacy of the past.

Romania is a good friend and strong ally of the United States. I appreciate and thank the Government of Romania for its steadfast support of Operation Enduring Freedom in Afghanistan, where a battalion serves on the ground, and for its support of the U.S.-led military action in Iraq. Romania has been offered the much sought after admission to NATO, and today the Senate began debate on the Protocols of Accession. Romania is also an accession candidate to the EU.

It is in the spirit of friendship that I continue to follow the human rights issues there, based on a belief that Romania will be a stronger democracy, and therefore a stronger partner, when respect for human rights is strengthened. Frankly, I am concerned that, following Romania's invitation to join NATO, the reform momentum in Bucharest may have dissipated.

Mr. Speaker, I believe that there is no greater barometer of democracy than free speech and freedom of the press. While there is no doubt that the Romanian people have access to a broad range of print and electronic media, 13 years after the fall of Ceausescu, Romanian law still includes communist-era criminal defamation provisions which impose prison terms for offenses such as ''insult'' or ''offense against authority.'' These laws cause a chilling effect on independent and investigative journalism and should be repealed.

Today, I received a letter from Foreign Minister Geoana, informing me that a new draft Penal Code would do exactly that. This is encouraging news, and I will follow this process closely with the hope that articles 205, 206, 236, 236(1), 238, and 239 of the Romanian Penal Code will actually be repealed and not just modified.

Mr. Speaker, there is no international requirement that countries must make property restitution or provide compensation for confiscated properties. However, if a legal process for property restitution or compensation is established, international law requires that it be nondiscriminatory and be implemented under the rule of law. Property restitution in Romania since the fall of communism has been slow and ineffective, and the laws—which the government has enacted to address the problem—lack transparency, are complex, and have not been effectively implemented.

Restitution of communal property—for example churches or synagogues—is especially

difficult. In 1948, Romania's communist government banned the Greek Catholic (Uniate) Church and ordered the incorporation of the Greek Catholic Church into the Orthodox Church. More than 2,500 churches and other buildings seized from the Uniates were given to Orthodox parishes. The government decree that dismantled the Greek Catholic Church was abrogated in 1989, however, of the thousands of properties confiscated from Greek Catholics, fewer than 200 have been returned nearly 15 years later. The status of thousands of properties belonging to the historic Hungarian faiths (Roman Catholic, Reformed, Lutheran and Unitarian), and the Jewish community, as well as other non-traditional religions has not been resolved, despite the enactment of a communal property restitution law in July of 2002.

The restitution of private property in Romania is equally as murky. In February 2001, the Romanian Parliament enacted Law 10/2001, the express purpose of which, according to Article 1 (1) of the Law, is to make restitution in-kind of nationalized real property and, whenever such in-kind restitution is not possible, to make restitution in an equivalent consisting of cash for residential properties and vouchers to be used in exchange for shares of state-owned companies or services. This clearly stated principle has been undermined by so many exceptions that it becomes virtually meaningless. Those claimants who have overcome the numerous exceptions contained in the law have then been stymied by government recalcitrance when they have attempted to obtain the necessary documentation to support their claims. Many title deeds were purposely destroyed by the former communist regime. State archives, having been deluged with a significant volume of requests, complicate the process with chronic bureaucratic delays in processing property records, and seeming indifference to the urgency of those requests. The Government of Romania cannot expect claimants to file within prescribed deadlines, and then not provide them with the means to obtain the proof of their claims from the government's own records.

Further, I am disappointed by the ineffective and inadequate attempts of the Romanian Government to register the Jehovah's Witnesses as an official religion. The inability of the government to make this happen is a serious concern, as it is more than an issue of legal personality, but also of rule of law, religious freedom and discrimination. In October 2001, I received personal assurances from Foreign Minister Geoana that this longstanding matter would be resolved; it has not despite a ruling by Romania's highest court dating back to 2000. The Ministry of Culture and Religious Affairs seemed to provide a fix in October of last year, but it proved faulty and failed to bring closure to this matter. Mr. Speaker, I urge the competent Romanian authorities to remove this issue from the agenda by facilitating the recognition of the Jehovah's Witnesses as an official religion without further delay.

Another matter which I hope the Government of Romania will bring to closure is the rehabilitation and honoring of World War II dictator, Marshall Ion Antonescu, Hitler ally and war criminal condemned for the mass murder of Jews. Last year government officials publicly condemned efforts to honor Antonescu and removed from public land three statues that had been erected in his honor. One statue remains on public land in Jilava, the site of Antonescu's execution, and important streets in the cities of Timisoara and Oradea continue to be named after him. I urge the Government of Romania to remove these remaining vestiges honoring the former dictator.

Finally, Mr. Speaker, I want to express my continuing concern about the Romani minority in Romania. I appreciate that Romania was the first country in Central Europe to adopt comprehensive anti-discrimination legislation. This was an extremely important and positive step. But there appears to be a rising tide of intolerance against Roma, manifested by scapegoating of Roma in the media and in the statements of some public officials. In all likelihood, this climate contributed to the tragic events in Buhusi last December, when a number of Roma were shot during a police raid, including a 14-year-old boy who was reportedly shot in the back. I hope the Romanian Government will play a leadership role in countering prejudice against Roma and will continue to implement programs to address discrimination against them.

Protection and promotion of fundamental freedoms and human rights, as well as commitment to the Helsinki Final Act and respect for Organization for Security and Cooperation in Europe norms and principles, are requirements for NATO membership. As a participating State of the OSCE, and as a candidate for admission to NATO, Romania has made that commitment. It is my hope, Mr. Speaker, that the Government of Romania will use this opportunity to strengthen its democracy, not retreat from it.

HONORING DORIS GREGORY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Doris Gregory for her contributions to the Ouray community. For the last twenty-five years Doris has been one of Ouray's most prolific historians, writing more than a dozen books about the community, its buildings and families. Today I would like to acknowledge her accomplishments before this body of Congress and this nation.

Doris was not always a historian. After she graduated from the University of Washington, Doris moved to Alaska with her new husband and ran a small newspaper. Later she earned a doctorate in education and embarked on a thirty-year career in teaching and administration in three different states, authoring textbooks and spending summer vacations in Ouray. By the time Doris retired in 1978, she and her husband owned a home in Ouray, and Doris began spending a lot of time in the county archives. Among her books, Doris has authored a two-volume comprehensive history of Ouray. As an important local authority, Doris has also volunteered countless hours at the Ouray County Historical Museum and given lectures.

Mr. Speaker, it is a great privilege to recognize Doris Gregory for her hard work and dedication to documenting the history of an important region of Colorado. Doris has almost single-handedly preserved the history of Ouray County for future generations, and I thank her for her efforts.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 8, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 9

9:30 a.m.
Armed Services
Closed business meeting to markup proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense.
SR–222

MAY 13

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings to examine media ownership.
SR–253

Judiciary
To hold hearings to examine Project Safe Neighborhoods, focusing on gun violence.
SD–226

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of Steven B. Nesmith, of Pennsylvania, to be an Assistant Secretary of Housing and Urban Development, Jose Teran, of Florida, James Broaddus, of Texas, Lane Carson, of Louisiana, and Paul Pate, of Iowa, each to be a Member of the Board of Directors of the National Institute of Building Sciences, Nicholas Gregory Mankiw, of Massachusetts, to be a Member of the Council of Economic Advisers.
SD–538

Appropriations
Homeland Security Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2004 for the Bureau of Customs and Border Protection, Transportation Security Administration, and Federal Law Enforcement Training Center.
SD–124

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 452, to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, S. 500, to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era, S. 601, to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, for inclusion in the Fort Vancouver National Historic Site, S. 612, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, H.R. 788, to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona, S. 630, to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and H.R. 519, to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed.
SD–366

2 p.m.
Finance
International Trade Subcommittee
To hold hearings to examine the status of the free trade area of the Americas, focusing on negotiations and preparations for the Miami Ministerial.
SD–215

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 520, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho, S. 625, to authorize the Bureau of Reclamation to conduct certain feasibility studies in the Tualatin River Basin in Oregon, S. 960, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii and to amend the Hawaii Water Resources Act of 2000 to modify the water resources study, S. 649, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and S. 993, to amend the Small Reclamation Projects Act of 1956.
SD–366

MAY 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the Columbia Space Shuttle investigation.
SR–253

Health, Education, Labor, and Pensions
Business meeting to consider S. 888, to reauthorize the Museum and Library Services Act, S. 686, to provide assistance for poison prevention and to stabilize the funding of regional poison control centers, S. 504, to establish academics for teachers and students of American history and civics and a national alliance of teachers of American history and civics, and S. 754, to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program.
SD–430

Indian Affairs
Business meeting to consider pending calendar business, to be immediately followed by oversight hearings to examine the role of funding of the Federal National Indian Gaming Commission.
SH–216

2 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the implementation of the 2002 Farm Bill.
SR–328A

2:15 p.m.
Judiciary
Terrorism, Technology and Homeland Security Subcommittee
To hold hearings to examine recruitment of terrorists in prison.
SD–226

MAY 15

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine Title XI Reform.
SR–253

Governmental Affairs
To hold hearings to examine the Department of Homeland Security, focusing on state and local governments.
SD–342

10 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the Fair Credit Reporting Act and issues presented by the Re-authorization of the Expiring Preemption Provisions.
SD–538

Indian Affairs
To hold hearings to examine S. 575, to amend the Native American Languages Act to provide for the support of Native American language survival schools.
SR–485

2 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine proposed budget estimate for fiscal year 2004 for foreign operations.
SD–138

Governmental Affairs
To hold hearings to examine the nominations of Susanne T. Marshall, of Virginia, to be Chairman of the Merit Systems Protection Board, Neil McPhie, of Virginia, to be a Member of the Merit Systems Protection Board, Terrence A. Duffy, of Illinois, to be a Member of the Federal Retirement Thrift Investment Board, and Thomas Waters Grant, of New York, to be a Director of the Securities Investor Protection Corporation.
SD–342

2:30 p.m.
Commerce, Science, and Transportation
Oceans, Fisheries and Coast Guard Subcommittee
To hold hearings to examine the Marine Mammal Protection Act.
SR–253

MAY 20

2:30 p.m.
Foreign Relations
To hold hearings to examine the future of U.S. economic relations in the Western Hemisphere.
SD–419

MAY 21

9:30 a.m.
Foreign Relations
Business meeting to consider an original bill to authorize foreign assistance for fiscal year 2004, to make technical and administrative changes to the Foreign Assistance and Arms Export Control Acts and to authorize a Millennium Challenge Account.
SD–419

10 a.m.
Indian Affairs
To hold oversight hearings to examine the proposed reorganization of the Bureau of Indian Affairs.
SR–485

MAY 22

10 a.m.
Indian Affairs
To hold oversight hearings to examine the status of telecommunications in Indian Country.
SR–485

JUNE 3

10 a.m.
Indian Affairs
To hold oversight hearings to examine the status of tribal fish and wildlife management programs.
SR–485

JUNE 4

10 a.m.
Indian Affairs
To hold hearings to examine S. 281, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, and S. 725, to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads.
SR–485

2 p.m.
Indian Affairs
To hold oversight hearings to examine the impacts on tribal fish and wildlife management programs in the Pacific Northwest.
SR–485

JUNE 11

10 a.m.
Indian Affairs
To hold hearings to examine the nomination of Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services.
SR–485

JUNE 18

10 a.m.
Indian Affairs
To hold oversight hearings to examine Native American sacred places.
SR–485

CANCELLATIONS

MAY 15

9:30 a.m.
Foreign Relations
To continue hearings to examine an original bill to authorize foreign assistance for fiscal year 2004, to make technical and administrative changes to the Foreign Assistance and Arms Export Control Acts and to authorize a Millennium Challenge Account.
SD–419

Daily Digest

HIGHLIGHTS

House Committees ordered reported 13 sundry measures.

The House passed H.R. 766, Nanotechnology Research and Development Act.

Senate

Chamber Action

Routine Proceedings, pages S5793–S5879

Measures Introduced: Sixteen bills were introduced, as follows: S. 1008–1023. **Pages S5858–59**

Measures Passed:

Public Service Recognition: Committee on Governmental Affairs was discharged from further consideration of S. Res. 130, expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, and the resolution was then agreed to. **Page S5878**

NATO Expansion Treaty: Senate began consideration of the resolution of ratification to the Protocols to North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia (Treaty Doc. 108–4), agreeing to the following amendment proposed thereto:

Pages S5805–28

Warner Amendment No. 535, to propose an additional declaration. **Pages S5818–24**

Pursuant to the orders of May 5 and 6, 2003, Senate will vote on the adoption of the resolution of ratification, at 9:30 a.m., on Thursday, May 8, 2003. **Pages S5878–79**

Increased Public Debt—Agreement: A unanimous-consent agreement was reached providing that at a time determined by the Majority Leader, after consultation with the Democratic Leader, Senate proceed to the consideration of H.J. Res. 51, increasing the statutory limit on the public debt; that first degree amendments be limited to 12 per side, with relevant second degree amendments in order; that no amendments relative to gun liability or hate crimes be in order on either side; that upon disposition of all amendments, the joint resolution, as amended, if amended, be read a third time, and the Senate then vote on passage of the joint resolution. **Page S5838**

Foreign Intelligence Surveillance Act—Agreement: A unanimous-consent agreement was reached providing that at a time determined by the Majority Leader, after consultation with the Democratic Leader, S. 113, to exclude United States persons from the definition of ''foreign power'' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism, be referred to the Select Committee on Intelligence and the committee be automatically discharged from its consideration; that the Senate then proceed to consideration of S. 113 and that there be 2 hours of debate equally divided between Senators Kyl and Schumer, or their designees; that the only amendments in order, other than the Committee-reported substitute, be a Feingold amendment relative to reporting, which shall be agreed to, and a Feinstein amendment relative to permissive presumption, which shall have 4 hours of debate equally divided; that following the disposition of these amendments, and the use or yielding back of time, the committee amendment be agreed to, the bill be read a third time, and the Senate then vote on the bill; further, that following passage of S. 113, the title amendment be agreed to. **Page S5838**

Energy Policy Act—Agreement: A unanimous-consent agreement was reached providing for further consideration of S. 14, to enhance the energy security of the United States, on Thursday, May 8, 2003. **Page S5879**

Nominations—Agreement: A unanimous-consent agreement was reached providing for further consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, with a vote on the sixth motion to invoke cloture on the nomination to occur at 12:15 p.m., following which, Senate will

then resume consideration of the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit, with a vote on the second motion to invoke cloture. **Page S5879**

Appointments:

Senate National Security Working Group: The Chair announced on behalf of the Majority Leader, pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105–275, further amended by S. Res. 75 (adopted March 25, 1999), and S. Res. 383 (adopted October 27, 2000), the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 108th Congress: Senators Frist, Majority Leader, Stevens, President Pro Tempore (Co-Chairman), Cochran (Majority Administrative Co-Chairman), Kyl (Co-Chairman), Lott (Co-Chairman), Lugar, Warner, Allard, Sessions, and Nickles. **Page S5878**

United States—China Economic Security Review Commission: The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1237(E) of Public Law 106–398, and upon the recommendation of the Majority Leader, in consultation with chairmen of the Senate Committee on Armed Service and the Senate Committee on Finance, appointed the following individuals to the United States—China Economic Security Review Commission: Roger W. Robinson, Jr., of Maryland, for a term expiring Dec. 31, 2005; Robert F. Ellsworth of California, for a term expiring Dec. 31, 2004; and Michael A. Ledeen of Maryland, for a term expiring Dec. 31, 2003. **Page S5878**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report that terminates the national emergency described and declared in Executive Order 12865 of September 26, 1993, with respect to the actions and policies of the National Union for Total Independence of Angola (UNITA) and revokes that order, Executive Order 13069 of December 12, 1997, and Executive Order 13098 of August 18, 1998; to the Committee on Banking, Housing, and Urban Affairs. (PM–31) **Page S5855**

Nominations Received: Senate received the following nomination:

Richard W. Erdman, of Maryland, to be Ambassador to the People's Democratic Republic of Algeria. **Page S5879**

Messages From the House: **Pages S5855–56**

Measures Referred: **Page S5856**

Measures Read First Time: **Page S5878**

Executive Communications: **Pages S5856–57**

Petitions and Memorials: **Pages S5857–58**

Additional Cosponsors: **Pages S5859–60**

Statements on Introduced Bills/Resolutions: **Pages S5860–77**

Additional Statements: **Pages S5851–55**

Amendments Submitted: **Page S5877**

Notices of Hearings/Meetings: **Page S5877**

Authority for Committees to Meet: **Page S5877**

Privilege of the Floor: **Page S5878**

Adjournment: Senate met at 10 a.m., and adjourned at 7:53 p.m., until 9:30 a.m., on Thursday, May 8, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5879.)

Committee Meetings

(Committees not listed did not meet)

NATIONAL GUARD AND RESERVE

Committee on Appropriations: Subcommittee on Defense concluded hearings to examine proposed budget estimates for fiscal year 2004 for National Guard and Reserve programs, after receiving testimony from Lt. Gen. H. Steven Blum, ARNG, Chief, National Guard Bureau; Lt. Gen. Roger C. Schultz, ARNG, Director, Army National Guard; Lt. Gen. Daniel James III, ANG, Director, Air National Guard; Lt. Gen. James R. Helmly, USAR, Chief of Army Reserve; VADM John B. Totushek, USNR, Chief of Naval Reserve; Lt. Gen. Dennis M. McCarthy, USMCR, Commander of Marine Forces Reserve; Lt. Gen. James E. Sherrard III, USAFR, Chief of Air Force Reserve.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Airland met in closed session and approved for full committee consideration, 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.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Readiness and Management Support met in closed session and approved for full committee consideration, 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.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Strategic Forces met in closed session and approved for full committee consideration, 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.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Committee met in closed session to mark up proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, but did not complete action thereon, and will meet again on tomorrow.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported S. 709, to award a congressional gold medal to Prime Minister Tony Blair.

GLOBAL SETTLEMENT

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine the effects of, and compliance with, the terms of the global research analyst settlement among the U.S. Securities and Exchange Commission, the New York Stock Exchange, National Association of Securities Dealers (NASD), the New York Attorney General, other state regulators and ten Wall Street firms, after receiving testimony from William H. Donaldson, Chairman, U.S. Securities and Exchange Commission; New York State Attorney General Eliot Spitzer, Richard A. Grasso, New York Stock Exchange, Inc., and Robert Glauber, National Association of Securities Dealers, all of New York, New York; and Christine A. Bruenn, Augusta, Maine, on behalf of the North American Securities Administrators Association, Inc.

INDIAN LANDS

Committee on Indian Affairs: Committee concluded hearings to examine S. 550, to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, after receiving testimony from Wayne Nordwall, Director, Western Region, Bureau of Indian Affairs, Department of the Interior; John Berrey, Quapaw Tribal Business Committee, Quapaw, Oklahoma; Ben O'Neal, Eastern Shoshone Tribe Business Council, Fort Washakie, Wyoming; Sally Willit, New Orleans, Louisiana, on behalf of the Indian Land Working Group; and Cris E. Stainbrook, Indian Land Tenure Foundation, Little Canada, Minnesota.

NOMINATIONS:

Committee on the Judiciary: Committee concluded hearings to examine the nominations of Consuelo Maria Callahan, of California, to be United States Circuit Judge for the Ninth Circuit, who was introduced by Senators Feinstein and Boxer, Michael Chertoff, of New Jersey, to be United States Circuit Judge for the Third Circuit, who was introduced by Senators Corzine and Lautenberg, and L. Scott Coogler, to be United States District Judge for the Northern District of Alabama, who was introduced by Senators Shelby and Sessions, after each nominee testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Measures Introduced: 31 public bills, H.R. 7, 1997–2026; 1 private bill, H.R. 2027; and 8 resolutions, H.J. Res. 55; H. Con. Res. 163–167, and H. Res. 222–223, were introduced. **Pages H3760–62**

Additional Cosponsors: **Pages H3762–63**

Reports Filed: Reports were filed today as follows:

H. Res. 221, providing for consideration of 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 (H. Rept. 108–92). **Page H3758**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Nethercutt to act as Speaker Pro Tempore for today. **Page H3685**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Riley P. Green III, Director of

Administration, Alabama Baptist Children's Homes & Family Ministries of Birmingham, Alabama.

Page H3685

Presidential Message—Lifting the Sanctions on the National Union for the Total Independence of Angola (UNITA): Read a message from the President wherein he announced that he has issued an Executive Order that terminates the national emergency with respect to the actions and policies of the National Union for the Total Independence of Angola (UNITA) and revokes Executive Order 12865 of September 26, 1983, Executive Order 13069 of December 12, 1997, and Executive Order 13098 of August 18, 1998. This will have the effect of lifting the sanctions imposed on UNITA in these executive orders—referred to the Committee on International Relations and ordered printed (H. Doc. 108–69). **Page H3708**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Admiral Donald Davis Post Office, Brookfield, Missouri: Debated on May 6, H.R. 1609, to redesignate the facility of the United States Postal Service located at 201 West Boston Street in Brookfield, Missouri, as the ''Admiral Donald Davis Post Office Building'' (agreed to by 2/3 yea and nay vote of 423 yeas with none voting ''nay'', Roll No. 162);

Page H3712

Servicemembers Civil Relief Act: H.R. 100, amended, to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940 (agreed to by 2/3 yea and nay vote of 425 yeas with none voting ''nay'', Roll No. 163); **Pages H3688–H3700, H3712–13**

National Peace Officers' Memorial Service: H. Con. Res. 96, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (agreed to by 2/3 yea and nay vote of 419 yeas with none voting ''nay'', Roll No. 164);

Pages H3701, H3713–14

Greater Washington Soap Box Derby: H. Con. Res. 53, amended, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (agreed to by 2/3 yea and nay vote of 422 yeas with none voting ''nay'', Roll No. 168);

Pages H3701–03, H3735–36

Wastewater Treatment Works Security Act: H.R. 866, to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works (agreed to by 2/3 yea and nay vote of 413 yeas to 2 nays, Roll No. 169);

Pages H3703–05, H3736

Nanotechnology Research and Development Act: The House passed H.R. 766, to provide for a National Nanotechnology Research and Development Program by yea and nay vote of 405 yeas to 19 nays, Roll No. 167. **Pages H3714–35**

Pursuant to the rule, the amendment in the nature of a substitute now printed in the bill (H. Rept. 108–89) was considered as an original bill for the purpose of amendment. **Pages H3722–24**

Agreed To:

Eddie Bernice Johnson of Texas amendment that ensures that public input and outreach are integrated into nanotechnology research on societal and ethical concerns by the convening of regular and ongoing public discussions through mechanisms such as citizen panels, consensus panels, and educational events, as appropriate. **Page H3730**

Rejected:

Bell amendment no. 1 printed in the Congressional Record of May 6 that sought to specify that program activities address toxicological studies and environmental impact studies as the technology is developed (rejected by recorded vote of 209 ayes to 214 noes, Roll No. 165); and **Pages H3724–25, H3733**

Bell amendment no. 2 printed in the Congressional Record of May 6 that sought to specify that program activities be designed to provide sustained support for nanotechnology research and development on the potential to produce or facilitate the production of clean, inexpensive energy (rejected by a recorded vote of 207 ayes to 217 noes, Roll No. 166). **Pages H3725–26, H3734**

Withdrawn:

Eddie Bernice Johnson of Texas amendment was offered but subsequently withdrawn that sought to establish citizen advisory panels, with membership composed of nonscientific and nontechnical experts from different geographic regions of the Nation, to consider societal and ethical concerns arising from the development and application of nanotechnology; and **Pages H3726–28**

Jackson-Lee of Texas amendment was offered but subsequently withdrawn that sought to establish a Center for Societal, Ethical, Educational, Environmental, Legal, and Workforce Issues Related to Nanotechnology to coordinate issues, conduct studies, and provide assistance to the Interagency Committee. **Pages H3730–32**

Agreed to H. Res. 219, the rule that provided for consideration of the bill by voice vote. **Page H3714**

Senate Messages: Messages received from the Senate today appear on page H3685 .

Referrals: S. Con. Res. 42 was referred to the Committee on International Relations. **Page H3759**

Quorum Calls—Votes: Six yea and nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H3712,

H3712–13, H3713–14, H3733, H3734, H3734–35, H3735–36, and H3736. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:05 p.m.

Committee Meetings

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing, and Related Programs held a hearing on Global Health Issues. Testimony was heard from Tommy Thompson, Secretary of Health and Human Services; David Gootnick, M.D., Director, International Affairs and Trade, GAO; Richard Feacham, M.D., Executive Director, Global Fund to Fight AIDS, Tuberculosis and Malaria.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Bureau of Customs and Border Protection. Testimony was heard from Robert C. Bonner, Commissioner, Customs and Border Protection, Department of Homeland Security.

LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies continued appropriation hearings. Testimony was heard from public witnesses.

TRANSPORTATION AND TREASURY, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation, and Treasury, and Related Agencies held a hearing on IRS Fiscal Year 2004 Compliance Proposals. Testimony was heard from the following officials of the IRS, Department of the Treasury: Mark Everson, Commissioner; and Nancy Killefer, Oversight Board Chair; Mike Brostek, Director, Tax Issues, GAO; and Bob Greenstein, Executive Director, Center on Budget and Policy Priorities.

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Armed Services: Subcommittee on Projection Forces approved for full Committee action, as amended, H.R. 1588, National Defense Authorization Act for Fiscal Year 2004.

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Armed Services: Subcommittee on Strategic Forces approved for full Committee action, as amended, H.R. 1588, National Defense Authorization Act for Fiscal Year 2004.

NATIONAL DEFENSE AUTHORIZATION ACT

Committee on Armed Services: Subcommittee on Total Force approved for full Committee action, as amended, H.R. 1588, National Defense Authorization Act for Fiscal Year 2004.

RUNAWAY, HOMELESS, AND MISSING CHILDREN PROTECTION ACT

Committee on Education and the Workforce: Subcommittee on Select Education approved for full Committee action, as amended, H.R. 1925, Runaway, Homeless, and Missing Children Protection Act.

SARS: ASSESSMENT, OUTLOOK, AND LESSONS LEARNED

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''SARS: Assessment, Outlook, and Lessons Learned.'' Testimony was heard from the following officials of the Department of Health and Human Services: Jerome M. Hauer, Acting Assistant Secretary, Public Health Emergency Preparedness; Julie L. Gerberding, M.D., Director, Centers for Disease Control and Prevention; Anthony S. Fauci, M.D., Director, National Institute of Allergy and Infectious Diseases, NIH; and Murray Lumpkin, M.D., Principal Associate Commissioner, FDA; Jan Heinrich, Director, Health Care and Public Health Issues, GAO; and public witnesses.

Prior to the hearing, the Subcommittee received a briefing on this subject. The Subcommittee received information from David L. Heymann, M.D., Executive Director, Communicable Diseases, World Health Organization.

MISCELLANEOUS MEASURES

Committee on Financial Services: Subcommittee on Housing and Community Opportunity approved for full Committee action, as amended, the following bills: H.R. 23, Tornado Shelters Act; H.R. 1276, American Dream Downpayment Act; and H.R. 1614, HOPE VI Program Reauthorization and Small Community Main Street Rejuvenation and Housing Act of 2003.

CIVIL SERVICE AND NATIONAL SECURITY PERSONNEL IMPROVEMENT ACT; SERVICES ACQUISITION REFORM ACT

Committee on Government Reform: Ordered reported, as amended, the following bills: H.R. 1836, Civil Service and National Security Personnel Improvement

Act; and H.R. 1837, Services Acquisition Reform Act of 2003.

U.N. SHOULD REMOVE ECONOMIC SANCTIONS AGAINST IRAQ; FOREIGN RELATIONS AUTHORIZATION ACT

Committee on International Relations: Favorably considered and adopted a motion urging the Chairman to request that the following measure be considered on the Suspension Calendar: H. Con. Res. 160, expressing the sense of Congress that the United Nations should remove the economic sanctions against Iraq completely and without condition.

The Committee also began markup of H.R. 1950, Foreign Relations Authorization Act, Fiscal Years 2004 and 2005.

Will continue tomorrow.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported 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. 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; 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 H.R. 1954, amended, Armed Forces Naturalization Act of 2003.

The Committee also approved Rules for consideration of Private Claims and Private Immigration bills.

FLAG PROTECTION CONSTITUTIONAL AMENDMENT

Committee on the Judiciary: Subcommittee on the Constitution approved for full Committee action 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.

Prior to this action, the Subcommittee held a hearing on H.J. Res. 4. Testimony was heard from Lt. Antonio J. Scannella, Police Department, Port Authority of New York; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 1497, amended, Sikes Act Reauthorization Act of 2003; H.R. 1835, amended, National Security Readiness Act of 2003; and H.R. 1189, to increase the waiver requirement for certain local matching requirements for grants provided to American Samoa, Guam, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands.

WORKFORCE INVESTMENT AND ADULT EDUCATION ACT

Committee on Rules: Granted, by voice vote, a structured rule providing 1 hour of general debate on H.R. 1261, Workforce Reinvestment and Adult Education Act of 2003. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Boehner and Representatives George Miller of California, Kildee, Tierney, Holt, Van Hollen, Ryan of Ohio, Kaptur, Faleomavaega, DeLauro, Edwards, Hastings of Florida, Millender-McDonald and Hooley of Oregon.

ARE BIG BUSINESSES BEING AWARDED CONTRACTS INTENDED FOR SMALL BUSINESSES?

Committee on Small Business: Held a hearing entitled ''Are Big Businesses Being Awarded Contracts Intended for Small Businesses?'' Testimony was heard from Angela Styles, Administrator, Office of Procurement Policy, OMB; Fred C. Armendariz, Associate Deputy Administrator, SBA; Felipe Mendoza, Associate Administrator, GSA; David E. Cooper, Contracting Issues Director, GAO; and public witnesses.

OVERSIGHT—HIGHWAY AND TRANSIT NEEDS

Committee on Transportation and Infrastructure: Subcommittee on Highways, Transit and Pipelines held an oversight hearing on Highway and Transit Needs: The State and Local Perspective. Testimony was heard from the following Governors: Paul E. Patton, Kentucky; Edward G. Rendell, Pennsylvania; and Jennifer M. Granholm, Michigan; the following Mayors, Victor Ashe, Knoxville, Tennessee; William Brooks, Belle Isle, Florida; Beverly O'Neill, Long Beach, California; Greg Nickells, Seattle, Washington; and Elizabeth G. Flores, Laredo, Texas; and Bill Hansell, Commissioner, Umatilla County, Oregon.

TWENTY-FIRST CENTURY WATER COMMISSION ACT

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on H.R. 135, Twenty-First Century Water Commission Act of 2003 Testimony was heard from Representative Linder; Lt. Gen. Robert B. Flowers, USA, Chief of Engineers, U.S. Army Corps of Engineers, Department of the Army; Kathryn J. Jackson, Executive Vice President, TVA; and public witnesses.

VETERANS LEGISLATION

Committee on Veterans' Affairs: Subcommittee on Benefits approved for full Committee action the following bills: H.R. 241, Veterans Beneficiary Fairness Act of 2003; H.R. 761, Disabled Servicemembers Adapted Housing Assistance Act of 2003; H.R. 1257, Selected Reserve Home Loan Equity Act; H.R. 1460, amended, Veterans Entrepreneurship Act of 2003; H.R. 1683, Veterans Compensation Cost-of-Living Adjustment Act of 2003; and H.R. 1949, Vendee Loan Restoration Act.

VA'S PROGRESS ON THIRD PARTY COLLECTIONS

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on VA's Progress on Third Party Collections. Testimony was heard from Leo S. Mackay, Deputy Secretary, Department of Veterans Affairs; Cynthia Bascetta, Director, Veterans' Health and Benefits Issues, GAO; representative of a veterans organization; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, MAY 8, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Agriculture, 9:30 a.m., SD–192.

Subcommittee on Transportation, Treasury and General Government, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Transportation, 10 a.m., SD–138.

Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Secretary of the Senate and the Architect of the Capitol, 1:30 p.m., SD–124.

Committee on Armed Services: closed business meeting to mark up proposed legislation authorizing appropriations for fiscal year 2004 for military activities of the Department of Defense, 9:45 a.m., SR–222.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nomination of Annette Sandberg, of Washington, to be Administrator of the Federal Motor Carrier Safety Administration, 9:30 a.m., SR–253.

Committee on Environment and Public Works: 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 Finance: to hold hearings to examine S. 2, to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth, 9:30 a.m., SH–216.

Committee on the Judiciary: business meeting to consider S. 878, to authorize an additional permanent judgeship in the district of Idaho, and the nominations of John G. Roberts, Jr., of Maryland, to be United States Circuit Judge for the District of Columbia Circuit, David G. Campbell, to be United States District Judge for the District of Arizona, S. Maurice Hicks, Jr., to be United States District Judge for the Western District of Louisiana, William Emil Moschella, of Virginia, to be an Assistant Attorney General, Carolyn B. Kuhl and Consuelo Maria Callahan, both of California, both to be United States Circuit Judge for the Ninth Circuit, Michael Chertoff, of New Jersey, to be United States Circuit Judge for the Third Circuit, and L. Scott Coogler, to be United States District Judge for the Northern District of Alabama, 9:30 a.m., SD–226.

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.

House

Committee on Agriculture, to consider the following: H.J. Res. 49, recognizing the important service to the Nation provided by the Foreign Agricultural Service of the Department of Agriculture on the occasion of its 50th anniversary; and H.R. 1904, Healthy Forests Restoration Act of 2003, 9 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to continue on public witnesses. 9:45 a.m., and 2 p.m., 2358 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 the Secretary of the Treasury, 2 p.m., 2358 Rayburn.

Committee on Energy and Commerce, to mark up the Project Bioshield Act of 2003, 9:30 a.m., 2123 Rayburn.

Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled ''Trade in Services and E-Commerce: The Significance of the Singapore and Chile Free Trade Agreements,'' 1 p.m., 2123 Rayburn.

Committee on Financial Services, 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.

Committee on Government Reform, hearing entitled ''Out of Many, One: Assessing Barriers to Information Sharing in the Department of Homeland Security,'' 10 a.m., 2154 Rayburn.

Subcommittee on Human Rights and Wellness, hearing on ''Consumer Choice and Implementing Full Disclosure in Dentistry,'' 2 p.m., 2154 Rayburn.

Committee on International Relations, to continue markup of H.R. 1950, Foreign Relations Authorization Act, Fiscal Years 2004 and 2005, 10 a.m., 2172 Rayburn.

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., 2172 Rayburn.

Committee on the Judiciary, oversight hearing on ''Direct Broadcasting Satellite Service in the Multichannel Video Distribution Market,'' 10 a.m., 2141 Rayburn.

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 Science, Subcommittee on Research, hearing on the National Earthquake Reduction Program: Past, Present, and Future, 2 p.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing on NASA's Integrated Space Transportation Plan and Orbital Space Plan Program, 10:30 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Tax, Finance, and Exports, hearing on Overcoming Obstacles Facing the Uninsured: How the Use of Medical Savings Accounts, Flexible Spending Accounts and Tax Credits Can Help, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on the Status of the Federal Flight Deck Officer Program, 10 a.m., 2167 Rayburn.

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, hearing on past and present efforts to identify and eliminate fraud, waste, abuse and mismanagement in programs administered by the Department of Veterans Affairs, 10:30 a.m., 334 Cannon.

Next Meeting of the SENATE

9:30 a.m., Thursday, May 8

Senate Chamber

Program for Thursday: Senate will continue consideration of the NATO Expansion Treaty (Treaty Doc. 108–4), with a vote on adoption of the resolution of ratification to occur at 9:30 a.m.; following which, Senate will resume consideration of S. 14, Energy Policy Act.

At 12:15 p.m., Senate will resume consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, with a vote on the sixth motion to close further debate on the nomination; if the motion to invoke cloture is not agreed to, Senate will then resume consideration of the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit, with a vote on the second motion to close further debate on the nomination; following which, Senate will begin a period of morning business, recognizing Senators DeWine and Daschle, or his designee for speeches; and then begin consideration of S. 113, Foreign Intelligence Surveillance Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 8

House Chamber

Program for Thursday: Consideration of H.R. 1261, Workforce Reinvestment and Adult Education Act of 2003 (structured rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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