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House of Representatives

The House met at 10:30 a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 519. An act to authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and for other purposes.

H.R. 788. An act to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

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

H.R. 733. An act to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 246. An act to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

S. 500. An act 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. 520. An act to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

S. 625. An act to authorize the Bureau of Reclamation to conduct certain feasibility studies in the Tualatin River Basin in Oregon, and for other purposes.

S. 635. An act to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes.

S. 1015. An act to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

ROADLESS RULE ROLLBACK

Mr. BLUMENAUER. Mr. Speaker, people who care about the environment were heartened 2 weeks ago when the administration declared that it would uphold the Roadless Area Conservation Rule. But alas, the other shoe dropped.

Last week, the administration proposed exempting Alaska's national forests from the roadless rule, reopening them to logging and roadbuilding. Even more troubling, the administration will also turn over significant authority over our Federal forests to the States, allowing governors to provide for exemptions.

Allowing States to exempt themselves from our national environmental laws is not a healthy precedent. States have a mixed record when it comes to environmental stewardship. They are too often overwhelmed by understandable local interest from snowmobiles to timber to water. We need a strong presence. These are, after all, our national forests.

Rather than the administration's vigorous enforcement of environmental laws, this is another example of a settlement to further erode, rather than strengthen and uphold. There are about 50 pending timber sales in roadless areas in Alaska currently protected under the roadless rule that are ready to go forward when the Tongass exemption is finalized.

Despite the assurances that 95 percent of the Alaska's forests will be protected, the remaining 5 percent allows hundreds of thousands of acres which are among the most valuable for both the timber companies and the environment. This roadless conservation rule was developed during the last 3 years of the Clinton administration. It was finalized after the most extensive public outreach process in history. Six hundred public hearings and more than 1.6 million official comments overwhelmingly in support of this initiative.

The rule protects 58½ million acres of pristine national forests in 39 States. In my State alone, in Oregon, 2 million acres would have been protected.

The independent editorial boards around the country have zeroed in. In The New York Times, it pointed out that this is part of a continued assault on environmental protections. From day one, the Bush administration has sought to unravel the intricate tapestry of rules and regulations that have shielded the national forests from excessive logging and other commercial activities.

In the last 6 months alone, the administration has finalized or proposed new rules that would short-circuit environmental reviews, restrict public participation in land-use decisions, and weaken safeguards for endangered species.

The administration's latest target is the roadless rule. The San Franciso Chronicle pointed out the administration's pattern of disingenuousness. The Bush administration's doublespeak about the environment reached a new level of shamelessness this week when

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it announced it was retaining the roadless rule and then an announcement that it would prohibit logging on 95 percent of Alaska's national forest. Let none be fooled. What the Bush administration did was carve out huge exceptions and loopholes through a thoroughly vetted and well-balanced, popularly-supported plan to protect the ever shrinking swath of untrampled national forests.

In the Boston Globe last week, National forests are called that because they belong to the Nation as a whole, not the governors, and certainly not to the administration in Washington, who has put a former timber lobbyist in charge of them.

The Minneapolis Star Tribune, the administration's version of the roadless rule for the National forests to be published later this month, is portrayed by its authors as a fine tuning of what was arguably the Clinton administration's most important wilderness initiative. Right. It strains credibility for Clinton's successors having relentlessly assailed the rule, to claim that they are now prepared to accept it with minor modifications. Indeed, there is nothing minor about the modifications the Interior Department outlined. Fine tuning with such changes is akin to edging a lawn with a chain saw. Edging a lawn with a chain saw. Not fine tuning.

Mr. Speaker, the American people and their forests deserve better.

REAL RESULTS FOR WORKING FAMILIES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Texas (Mr. DELAY) is recognized during morning hour debates for 1 minute.

Mr. DELAY. Mr. Speaker, the American people are responding to the Republican party's economic agenda and we are responding to their needs. Our majority were elected in part to get the economy moving again, and the early evidence suggests we are delivering results for working families.

On March 11, when the Committee on Ways and Means held its first hearing on the President's Job and Growth Package, the Standard and Poor's 500 Index stood at just above 800. Yesterday it closed above 1,000, a 25 percent increase in the stock market in just 3 months.

The long suffering NASDAQ Composite Index has risen almost 10 percent just since the President signed the Jobs and Growth Package a few weeks ago. All totalled, $1.9 trillion in equity value has been created by the American people in fewer than 100 days. That is college savings, pension funds and individual retirement accounts. That kind of wealth creation leads to more investment, which leads to job creation and, ultimately, leads to economic growths. It may be too soon to call this a bull market, Mr. Speaker, but it is starting to move.

And in the face of this positive response from the American people, we are going to keep moving our agenda of job creation, growth and economic opportunity to help our citizens fulfill America's promise.

Last week we extended the life of the $1,000 child tax credit, extending its benefits to millions of working and middle class families. We took millions off the Federal tax rolls all together, and got rid of the child tax credit's marriage penalty.

Our commitment to a family-friendly Tax Code will not stop there, because this week the House will consider legislation to make the 2001 repeal of the death tax permanent. After all, if we have the right to pass on a family business or farm to our spouse and children, why should our children and grandchildren not have that same right? Of course they have should, because economic security does not come with an expiration date.

Mr. Speaker, the Republican agenda for economic growth and opportunity will create new jobs and improve current jobs. That is what the American people expect and it is exactly what we are delivering.

ALASKAN EXEMPTION FROM ROADLESS AREAS CONSERVATION RULE

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

Mr. CROWLEY. Mr. Speaker, earlier this week the Bush administration revised the Roadless Area Conservation Rule and exempted millions of acres of forests throughout our country. Included in these revisions are areas I recently had the pleasure of visiting, including the Tongass and the Chugach National Forests in Alaska, which are now set to be turned into the horror of the ''10-Year Tongass Timber Project'' which I believe is truly a disaster.

As a firsthand witness, I have experienced the beauty and the natural wonders of these two forests in Alaska. The Tongass and Chugach Forests boast the world's most intact rain forests with centuries-old trees providing critical habitat for wolves, grizzly bears, wild salmon, bald eagles, and other wildlife that have disappeared from many other parts of our country.

In 2001, the roadless rule was drafted and implemented to balance the interests of environmental and local labor groups so that a small number of timber projects already in progress at that time could be completed. Furthermore, at the time the maintenance and reconstruction of existing roads was strictly limited to cases of public safety and habitat improvement for wildlife, which meant common sense environmental regulations were put in place to ensure the health and safety of the residences of these areas where they were tended to as well as the economic well-being of those individuals.

Those common sense regulations did not shut down Alaska. They protected the lands and the people from mining and timber interests that looked to pillage and use the lands for their and not America's own needs. However, until now, large scale timber projects, the cutting sale and removal of timber from the Tongass Forest has been prohibited.

This Roadless Area Conservation Rule was created with the tremendous outpouring of public support, demonstrated in over 600 public hearings that were held around the Nation and with more than 1.6 million comments on this rule alone, more than any other rule in the history of our Nation.

Today, in 2003, without public support or comment, the President has revised the roadless rule with an unbalanced approach that favors the logging and timber interests over America's interests and swings the door wide open for commercial logging, roadbuilding, and development on 58.5 million acres of unroaded national forests nationwide, one quarter of which are located in the Tongass and Chugach National Forests.

This is being done without any public comment, but, again, when has the will of the majority of the American people mattered to this administration?

By lifting the roadless rule in these areas, the Bush administration will destroy the Tongass and Chugach, the Nation's two largest National forests totalling 22 million acres and deprive generations of young Americans from their national inheritance of the world's last remaining old-growth temperate rainforest.

Essentially, these two forests are the Amazon of North America. They are the last vestiges of pristine wildness. They are treasures that require vigilant protection by all Americans. They are the best of what we have in Alaska. And yet, the Forest Service has already scheduled approximately 50 timber projects in the roadless areas of the Tongass National Forest and is set to sell Tongass timber as soon as these revisions are finalized.

To make the situation worse, according to the GAO, these timber sales have been subsidized with hundreds of millions of taxpayer dollars. I believe that maintaining the roadless rule will protect not only these forests in Alaska, but also Federal lands and forests in every State in our union.

As a New Yorker, I fear that the slippery slope will soon lead to logging and road construction in the forests of New York State, including the wooded areas surrounding the Finger Lakes region.

By opening the road to timber and logging, the President is sending a message that every protected wildness and forest in America is vulnerable to attack by profit-hungry interest groups. From Alaska to New York, this effort must be blocked.

Environmental policy has a lasting effect on succeeding generations. The risk of causing irreparable damage is high. These policies must be developed with the goal of balancing the interests of labor, industry, and the environment, not with the goal of increasing timber sales.

It is amazing that the greatest conservation President in the history of our country was a Republican, President Theodore Roosevelt, while we are now seeing the greatest anti-environmental President in another Republican, George Bush.

Mr. Speaker, the former poet laureate of Colorado and singer/songwriter John Denver said, ''To the mountains I confess there; to the rivers I will be strong; to the forests, I find peace there; to the wild country I belong.''

NO ACCOUNTING FOR WASTE, FRAUD, AND ABUSE IN GOVERNMENT

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

Mr. STEARNS. Mr. Speaker, as we begin our debate in our committees on reforming Medicare, one of the issues that will be highlighted is the waste, fraud and abuse that has plagued this program for decades. But this Federally-mandated managed program is not the only source of wasteful spending in waste, fraud and abuse. Frankly, the entire government endures this rampant problem also.

In March of this year, GAO submitted its report on the United States government's consolidated financial statement for fiscal year 2001 and 2002. Not surprisingly, GAO could not express its opinion on these statements due to ''material weaknesses in internal control and in accounting and reporting.''

It is the accounting and reporting that particularly appalls me. In the past 2 years, we have seen what happens with poor accounting and reporting in the corporate world, but it appears that the accounting irregularities continue to run rampant in the Federal Government as well. These irregularities and lack of internal controls result in ''hampering the Federal Government's ability to accurately report assets, liabilities and costs.''

In addition, such problems prevent accurate reporting of the cost and performance of certain Federal programs. That is, we cannot even determine what our government owns, what it accurately spends each year. GAO goes so far as to state that as a result of these material deficiencies, that the amounts reported in the consolidate financial statements ''may not be reliable.''

So if a person wanted to see what the consolidated financial statements of a particular agency that reported, they might as well take a scientific wild guess, because the agency charged with examining the accounting statements of the Federal Government cannot even express an opinion because record-keeping and controls are so shoddy. Yet, we ask the private sector to keep accurate records, and if they do not, they are held accountable.

Mr. Speaker, we cannot even accurately state how much waste, fraud and abuse occurs in this Federal Government. Conservative estimates range at 20 billion plus. The government penalizes private companies for poor accounting, but when a Federal agency cannot account for billions that it has spent, what do we do? We give them an increased appropriations for the following year. We should not do this without strict accounting of these Federal agencies.

The President issued his Management Agenda designed to emphasize that clean financial records are key to a ''well managed organization.'' I applaud the President's efforts in this area as it is a daunting task to reform such a bureaucratic beast. The government requires its citizens every year to pay an ever-increasing burden in Federal taxes and users fees for expanding Federal programs. The least we could do is to accurately report how the money is spent.

We must do this in Congress, put in place accounting procedures so we can determine what the government owns, what it spends; and then and only then can we determine where the waste, fraud and abuse is and save, ultimately, the hard-earned money of the taxpayers.

AMERICA IS WAITING FOR AN ANSWER

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

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to enter into the record a letter by the gentleman from California (Mr. WAXMAN) to Condoleezza Rice, the Security Advisor to the President, because it contains some questions I think are important.

The other night I was on Crossfire, and Robert Novak asked me whether I thought it would be a good thing or a bad thing if weapons of mass destruction were found in Iraq. The show moved on before I could answer, but it was an interesting question. I think what he was getting at is whether I would feel better if I knew the President were right all along and that there were huge stockpiles of anthrax and nerve gas and missiles armed with bioweapons ready to be launched 45 minutes and a latterday Manhattan Project hidden under a stadium somewhere.

He was really asking if I would feel better knowing that I had not been misled or if I were rather nothing were found so I could gloat over having been right when I said in September that I thought indeed the President would mislead the American people on the way to Iraq.

Of course, the answer is that I hope that no weapons are there to be found. I hope we are never in danger and that we were not in danger and that our troops were never in danger, and that Saddam Hussein, despite his aspirations, was not on his way of becoming the Saladin of the 21st century. Who would not prefer a world with fewer weapons in the hands of dictators? And if there were weapons, all Americans want them found and destroyed.

The President himself seems to have retreated from the claim that the U.S. was in imminent danger from the Iraqi weapons of mass destruction. Now he is speaking of existence of a weapons program, not of armed missiles and gallons of nerve gas.

Mr. Speaker, 11 young Americans have died in Iraq in the past 15 days. Fifty have died since the President declared the war over. A total of 180 Americans and 45 coalition troops have died. What does it mean that 180 young Americans have died in Iraq? Did they die to bring democracy to someone else's country or to stop Saddam Hussein's terrible human rights abuses?

Mr. Speaker, I am glad that Hussein is gone, and I believe that nearly all Iraqis are glad that he's gone. But I do not think that the young Americans who died in Iraq signed up to fight against tyranny in general. They signed up to protect this country and our country, their own country.

In light of this where do we go? If this were still the Clinton administration, there would be a highly publicized investigation coming out of every committee in this House, including Small Business and Agriculture. There would be calls for special prosecutors, for resignation, for impeachment.

President Bush puts great store in personal responsibility, and I believe the time is long past for the President to take responsibility and level with the American people. Did the President believe that Iraq was so likely to pose a danger in the future that it was okay to play fast and loose with the Congress, the U.N. and the American people to get approval to go to war?

Was the President misled by bad intelligence? Was he misled by advisors who had prejudged the facts, or was there solid, credible intelligence that just unaccountably turned up to be accurate? We need to know.

If the President's information was bad, we need to know what steps are being taken to dismiss those who provided and vouched for it. If the President decided that future dangers were so great that misleading us about the present danger was warranted, we need him to take responsibility for that decision. We need the President to explain to us and to the world why 180 young Americans are dead and why U.S. credibility is eroding all over the

world. I am waiting to hear from the President, the Congress is waiting, and 180 American families are waiting to hear.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, June 10, 2003.

Hon. CONDOLEEZA RICE,
Assistant to the President for National Security Affairs, the White House, Washington, DC.

DEAR DR. RICE: Since March 17, 2003, I have been trying without success to get a direct answer to one simple question: Why did President Bush cite forged evidence about Iraq's nuclear capabilities in his State of the Union address?

Although you addressed this issue on Sunday on both Meet the Press and This Week with George Stephanopoulos, your comments did nothing to clarify this issue. In fact, your responses contradicted other known facts and raised a host of new questions.

During your interviews, you said the Bush Administration, welcomes inquiries into this matter. Yesterday, the Washington Post also reported that Director of Central Intelligence George Tenet has agreed to provide ''full documentation'' of the intelligence information ''in regards to Secretary Powell's comments, the president's comments and anybody else's comments.'' Consistent with these sentiments, I am writing to seek further information about this important matter.

The forged documents in question describe efforts by Iraq to obtain uranium from an African country, Niger. During your interviews over the weekend, you asserted that no doubts or suspicions about these efforts or the underlying documents were communicated to senior officials in the Bush Administration before the President's State of the Union address. For example, when you were asked about this issue on Meet the Press, you made the following statement:

''We did not know at the time—no one knew at the time, in our circles—maybe someone knew down in the bowels of the agency, but no one in our circles knew that there were doubts and suspicions that this might be a forgery. Of course, it was information that was mistaken.''

Similarly, when you appeared on This Week, you repeated this statement, claiming that you made multiple inquiries of the intelligence agencies regarding the allegation that Iraq sought to obtain uranium from an African country. You stated:

''George, somebody, somebody down may have known. But I will tell you that when this issue was raised with the intelligence community . . . the intelligence community did not know at that time, or at levels that got to us, that this, that there were serious questions about this report.''

Your claims, however, are directly contradicted by other evidence. Contrary to your assertion, senior Administration officials had serious doubts about the forged evidence well before the President's State of the Union address. For example, Greg Thielmann, Director of the Office of Strategic, Proliferation, and Military Issues in the State Department, told Newsweek last week that the State Department's Bureau of Intelligence and Research (INR) had concluded the documents were ''garbage.'' As you surely know, INR is part of what you call ''the intelligence community.'' It is headed by an Assistant Secretary of State, Carl Ford; it reports directly to the Secretary of State; and it was a full participant in the debate over Iraq's nuclear capabilities. According to Newsweek.

''What I saw that, it really blew me away,'' Thielmann told Newsweek. Thielmann knew about the source of the allegation. The CIA had come up with some documents purporting to show Saddam had attempted to buy up to 500 tons of uranium oxide from the African country of Niger. INR had concluded that the purchases were implausible—and made that point clear to Powell's office. As Thielmann read that the president had relied on these documents to report to the nation, he thought, ''Not that stupid piece of garbage. My thought was, how did that get into the speech?''

Moreover, New York Times columnist Nicholas D. Kristof has reported that the Vice President's office was aware of the fraudulent nature of the evidence as early as February 2002—nearly a year before the President gave his State of the Union address. In his column, Mr. Kristof reported:

''I'm told by a person involved in the Niger caper that more than a year ago the vice president's office asked for an investigation of the uranium deal, so a former U.S. ambassador to Africa was dispatched to Niger. In February 2002, according to someone present at the meetings, that envoy reported to the C.I.A. and State Department that the information was unequivocally wrong and that the documents had been forged. The envoy reported, for example, that a Niger minister whose signature was on one of the documents had in fact been out of office for more than a decade. . . . The envoy's debunking of the forgery was passed around the administration and seemed to be accepted—except that President Bush and the State Department kept citing it anyway. ''It's disingenuous for the State Department people to say they were bamboozled because they knew about this for a year,'' one insider said.''

When you were asked about Mr. Kristof's account, you did not deny his reporting. Instead, you conceded that ''the Vice President's office may have asked for that report.''

It is also clear that CIA officials doubted the evidence. The Washington Post reported on March 22 that CIA officials ''communicated significant doubts to the administration about the evidence.'' The Los Angeles Times reported on March 15 that ''the CIA first heard allegations that Iraq was seeking uranium from Niger in late 2001,'' when ''the existence of the documents was reported to [the CIA] second- or third-hand.'' The Los Angeles Times quoted a CIA official as saying: ''We included that in some of our reporting, although it was all caveated because we had concerns about the accuracy of that information.''

With all respect, this is not a situation like the pre-9/11 evidence that al-Qaeda was planning to hijack planes and crash them into buildings. When you were asked about his on May 17, 2002, you said:

''As you might imagine . . . a lot of things are prepared within agencies. They're distributed internally, they're worked internally. It's unusual that anything like that would get to the president. He doesn't recall seeing anything. I don't recall seeing anything of this kind.''

That answer may be given more deference when the evidence in question is known only by a field agent in an FBI bureau in Phoenix, Arizona, whose suspicions are not adequately understood by officials in Washington. But it is simply not credible here. Contrary to your public statements, senior officials in the intelligence community in Washington knew the forged evidence was unreliable before the President used the evidence in the State of the Union address.

In addition to denying that senior officials were aware that the President was citing forged evidence, you also claimed (1) ''there were also other sources that said that there were, the Iraqis were seeking yellowcake—uranium oxide—from Africa'' and (2) ''there were other attempts to get yellowcake from Africa.''

This answer does not explain the President's statement in the State of the Union address. In his State of the Union address, the President referred specifically to the evidence from the British. He stated: ''The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.'' Presumably, the President would use the best available evidence in his State of the Union address to Congress and the nation. It would make no sense for him to cite forged evidence obtained from the British if, in fact, the United States had other reliable evidence that he could have cited.

Moreover, contrary to your assertion, there does not appear to be any other specific and credible evidence that Iraq sought to obtain uranium from an African country. The Administration has not provided any such evidence to me or my staff despite our repeated requests. To the contrary, the State Department wrote me that the ''other source'' of this claim was another Western European ally. But as the State Department acknowledged in its letter, ''the second Western European government had based its assessment on the evidence already available to the U.S. that was subsequently discredited.''

The International Atomic Energy Agency (IAEA) also found no other evidence indicating that Iraq sought to obtain uranium from Niger. The evidence in U.S. possession that Iraq had sought to obtain uranium from Niger was transmitted to the IAEA. After reviewing all the evidence provided by the United States, the IAEA reported: ''We have to date found no evidence or plausible indication of the revival of a nuclear weapons programme in Iraq.'' Ultimately, the IAEA concluded: ''These specific allegations are unfounded.''

As the discussion above indicates, your answers on the Sunday talk shows conflict with other reports and raise many new issues. To help address these issues, I request answers to the following questions:

1. On Meet the Press, you said that ''maybe someone knew down in the bowels of the agency'' that the evidence cited by the President about Iraq's attempts to obtain uranium from Africa was suspect. Please identify the individual or individuals in the Administration who, prior to the President's State of the Union address, had expressed doubts about the validity of the evidence or the credibility of the claim.

2. Please identify any individuals in the Administration who, prior to the President's State of the Union address, were briefed or otherwise made aware that an individual or individuals in the Administration had expressed doubts about the validity of the evidence or the credibility of the claim.

3. On This Week, you said there was other evidence besides the forged evidence that Iraq was trying to obtain uranium from Africa. Please provide this other evidence.

4. When you were asked about reports that Vice President Cheney sent a former ambassador to Niger to investigate the evidence, you stated ''the Vice President's office may have asked for that report.'' In light of this comment, please address: (a) Whether Vice President Cheney or his office requested an investigation into claims that Iraq may have attempted to obtain nuclear material from Africa, and when any such request was made; (b) Whether a current or former U.S. ambassador to Africa, or any other current or former government official or agent, traveled to Niger or otherwise investigated claims that Iraq may have attempted to obtain nuclear material from Niger; and (c) What conclusions or findings, if any, were reported to the Vice President, his office, or

other U.S. officials as a result of the investigation, and when any such conclusions or findings were reported.

On Sunday, you stated that ''there is now a lot of revisionism that says, there was disagreement on this data point, or disagreement on that data point.'' I disagree strongly with this characterization. I am not raising questions about the validity of an isolated ''data point,'' and the issue is not whether the war in Iraq was justified or not.

What I want to know is the answer to a simple question: Why did the President use forged evidence in the State of the Union address? This is a question that bears directly on the credibility of the United States, and it should be answered in a prompt and forthright manner, with full disclosure of all the relevant facts.

Thank you for your assistance in this matter.

Sincerely,

HENRY A. WAXMAN,
Ranking Minority Member.

MEDICARE REFORM

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

Mrs. CAPITO. Mr. Speaker, both houses of Congress are continuing the difficult task of drafting comprehensive Medicare reform legislation this week.

I urge my colleagues on both sides of the aisle to keep moving forward in the spirit of compromise on this extremely important issue.

Mr. Speaker, as time passes, the expectations of our constituencies continue to grow. We cannot return to our respective districts on the Fourth of July without some news of progress in the halls of Congress on a prescription drug plan for our seniors through Medicare.

Our colleagues in the other body have set the goal of reaching an agreement by the next recess, and I strongly urge my colleagues in this body to work on a bipartisan basis in order to reach a compromise.

Mr. Speaker, this is not a partisan issue and we can not allow it to fail because of partisan differences.

Mr. Speaker, I yield to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Speaker, I rise today to honor the Lincoln Echo Newspaper for 10 years of service to Fort Smith, Arkansas.

Last week, the Lincoln Echo celebrated its 10-year anniversary. It began with the mission of unifying Fort Smith's African-American community. When the paper was sold in 2001, its mission statement changed to reflect the changes in Fort Smith. Their new aim became to unify Fort Smith's diverse communities.

Their work has been noticed not only in Fort Smith but around the country, reaching over 25,000 readers in 29 different States. This paper has preached the importance of unity in our neighborhoods and continuously relays a positive message to all of its readers.

Mr. Speaker, I want to commend Napoleon Black, Allen Black, Jr., Cecil Greene, Jr., and everyone involved in the Echo's success. I look forward to many more years of success for the Lincoln Echo.

Mrs. CAPITO. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, the capital markets do not much care for indecision. When a company or industry is in regulatory flux, the industry is basically forced to be at a standstill. That is what is happening today with the telecommunications industry.

The Federal Communications Commission voted on February 20, 2003 to make changes to the way it regulates telecommunications carriers. Many of the changes were very significant, but the FCC is dragging its feet. These decisions will drive the short and long term future of the telecom industry. The industry, however, is stymied because the FCC, while having voted on the issue, has yet to issue the rules. This is quite unusual as texts of orders are issued usually within weeks or even days of the date that the item is voted on.

Here we are, almost 4 months later, and we still have no rules issued. It takes less time for a pig from time of conception to time of birth than it has taken the FCC to give birth to the written words embodying the agreements voted on in February.

The FCC needs to stop this nonsensical delay and issue its orders so the industry can get back to the business of building infrastructure and serving the telecommunications users of this Nation.

SAVE OUR FORESTS

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

Mr. DEFAZIO. Mr. Speaker, the Bush administration is about to open up our national forests to a new phase of road building. Now, in preparation for commenting on this, I had my staff check because the last time I had checked with the Forest Service, they had an 8 billion, not million, $8 billion backlog on maintenance on Federal forest roads. Hundreds of thousands of miles of road, crisscrossing the United States, the West, and yet they have an $8 billion backlog.

Now, the Forest Service said yesterday said, no, no, no, the Congressman is wrong. It is not 8 billion. We just recalculated it. And I thought, well, this will be good news. It is $10.5 billion. The Forest Service has a $10.5 billion backlog on Forest Service roads. Of the 382,000 miles of roads, only 21 percent meet their maintenance standards; 50 percent are declared unsafe for driving; and 50,000 miles of roads are missing from the data. They are unclassified. They might be there. They might not. They might be passable; they might not. They have not had a chance to go out and look lately. Yet they are proposing under the Bush administration to begin a new phase of road building. Well, how is that?

Well, we heard a couple of weeks ago they will uphold the Clinton Roadless Rule. And I had some folks in Oregon say to me, We cannot believe that the Bush administration will uphold the Clinton roadless rule. And I said, Well, there were an incredible number of comments on that rule, over 2.2 million, over 600 public meetings. It was hard fought, well constructed, well thought out, and it was very popular among most folks in the western United States. And yet, I said, it does seem unusual.

Well, it turns out, no, they are not really going to uphold the roadless rule. They will immediately put in place exceptions for the Chugach and the Tongass Forests in Alaska, 300,000 acres. Except 300,000 acres of timber harvest with roads in the Tongass Forest will affect well over a million acres of land with fragmentation and eroding and other problems, perhaps even more. And, of course, there is the expense that comes with that. And then in the Lower 48 they will have a national policy, sort of, except they will develop an exception process where Governors can ask for exceptions on Federal lands for the roadless rule.

What kind of national policy is this?

At the same time they are staring in the face of an over $10 billion backlog, which they have no intention of dealing with because, of course, there is no money to deal with thinning or fire protection or even fighting forest fires, and particularly low on the totem pole is road construction. Every year the road maintenance unanimous money is stolen and used to fight fires, and they do not put the money back, and they never get around to it; and the backlog has grown by $2 billion since this President has been in office.

The roads are unsafe. They are crumbling. They are causing all sorts of problems with erosion into pristine streams. They need culvert work. They will erode worse without the culvert work. And yet this administration wants to go on another road-building binge to fragment up the little bit of remaining roadless area in the United States. Just like Gale Norton recently said that all of the wilderness areas under study by the BLM would no longer be studied for wilderness value. The Forest Service, under the direction of this administration, wants to make certain they put in enough roads before this President leaves office, to fragment that up so those areas can never again be considered for roadless or wildness designation.

This is wrong-headed policy at the wrong time. This administration should do what it said it was going to do, uphold the roadless rule in all of

the States, and then it should begin to deal with the very real needs of the Forest Service, to deal with its maintenance backlog. Some of these roads need dramatic amounts of work in the short term. I have some in my district that have been promised for several years that roads, washed out in flood 5 years ago would be rebuilt; and yet the money, as I say, each summer has been taken away and spent on fighting forest fires because there is not enough money in the budget to fight forest fires because, of course, the administration has no money because they have given it away in tax cuts to all the rich people. So this is a pretty strange way to run a country and make a policy on Federal lands that are so precious to the heritage and to the environmental future of our Nation.

ROADLESS AREA CONSERVATION ACT OF 2003

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

Mr. INSLEE. Mr. Speaker, as I fly across America, which I do every Monday and Friday from Seattle to Dulles Airport, every time I fly I realize what a beautiful country we have, truly the most beautiful one both for our democracy and in our beautiful lands. And those lands now are still at risk because the current administration, as the gentleman from Oregon (Mr. DEFAZIO) so well laid out, threatens to violate the roadless area rule and violate the very clear desires of Americans to protect the last remaining pristine areas in our national forests.

Now, we have an opportunity to stop this administration from gutting the roadless area rule. And I hope that my colleagues will join the gentleman from New York (Mr. BOEHLERT) and myself in co-sponsoring the Roadless Area Conservation Act of 2003.

This bill will simply incorporate the existing rule that protects the last remaining one-third of our national forests that truly are the crown jewels of our national forest system. And it will protect by preventing future road building, road building that has already covered 360,000 miles of roads in our national forests already, most of which are built for timber harvest, much of which is no longer usable. At least 60,000 of those miles of road are no longer usable by anyone, even though they were used and built with taxpayer money. That is enough road to go around the world 16 times already in our national forests.

Now, in response to that, Americans came out in droves over the last 3 years at over 600 public meetings held by the Federal Government to ask Americans what they wanted to do with their national forests. At those over-600 meetings of 2 million Americans, both in person and by e-mail letter, responded with the very clear and dramatic message, preserve these last remaining virgin pristine areas. Over 96 percent of Americans who addressed this issue had a single message for the President of the United States: keep the clear-cutting and the bulldozers out of these remaining forests. And we got some good news rhetorically from the administration because rhetorically the administration said that they are going to keep the roadless area rule. But, it is one of those big ''buts'' that you hear so much of in life; they were going to slash and burn by exempting Alaska. And they were going to slash and burn by exempting other States, as long as in some process, it remains uncertain, the Governor of that State wanted to exempt that particular State.

In fact, some of the biggest tracts, in fact, the biggest tracts, the most biologically intact tracts of land in the world for temperate forests are in the Tongass and Chugach National Forests which are right now protected by the roadless area rule, which if the President has his way will no longer be protected. These are the most biologically productive rain forests in the world that the administration wants to now open up to clear-cutting and road building, to strip away the protection that over 2 million Americans spoke so loudly to keep, and that is just wrong. It is wrong because Americans do not want it, and it is wrong because it violates the whole spirit of the roadless area rule.

You cannot say you are going to uphold the roadless area rule and then strip out the largest forests in the United States from its protection. It is kind of like the President saying, We will have the No Child Left Behind Act, but we will exempt the children in Alaska because they are some kind of lesser Americans, and then we will also exempt the States where Governors say we do not want to have this protection of No Child Left Behind.

We believe that all American forests, including Alaska, including all 50 States, are entitled to the roadless area rule.

Now, in my State of Washington, we are kind of proud of our forests too. We have three very beautiful roadless area rules that we want to see statutorily protected, protected by a law passed by Congress so that no President of either party in the future can cave in to special interests to allow clear-cutting in these forests. These are in the Colville National Forest, they are in the Dark Divide area in the Gifford Pinchot National Forest, and my personal favorite, the Olympic National Forest close to where I live in Kitsap County, Washington.

In that forest there are two trees at the end of a trail in this roadless area, two beautiful Douglas firs. They are about maybe 8 feet in diameter. Incredible trees. We call them Theodore and Franklin after the Roosevelts who were so responsible for protecting these areas that are now subject to the roadless area rule.

Our message from Washington State is, Theodore and Franklin deserve protection, and their cousins in Alaska deserve protection, and every tree in these protected roadless areas deserve protection. I hope my colleagues will join me in co-sponsoring this bill and send a message to the administration, we want the roadless area, not just pieces.

RECESS

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

Accordingly (at 11 o'clock and 10 minutes a.m.), the House stood in recess until noon today.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at noon.

PRAYER

Dr. David Halpern, Rabbi, Flatbush Park Jewish Center, Brooklyn, New York, offered the following prayer:

Our Father, Sovereign of the world, we stand in the House of freely elected representatives of all the American people. These men and women, dedicated and strong, have accepted the awesome burden of promulgating the laws by which our free society lives and shall live. They wear this mantel of leadership in profoundly perilous times.

The threat to human security wears many faces: Tyranny, terror, religious oppression, racial tension, disease, hunger and despair. We seek the solution to these problems. We search diligently for the road to peace, for the path to harmonious living, for the means to achieve human dignity for us all created in Thine image.

May we always remember that to safeguard our own freedom, we must speak out against oppression, and, where warranted, even take up arms against it. To enjoy the blessings of our own wealth, we must also provide for the underprivileged and the needy. To be truly strong requires more than strength of arms, it requires strength of spirit.

Almost six decades have passed since the age of the Nazi death camps, the places where 6 million Jewish men, women and children had their lives cruelly and brutally ended, their only sin that they were born Jewish. The world has watched helplessly as in the last decade hundreds of thousands of different nationalities and ethnic groups have been slaughtered. We pray that the destruction of man by his fellow because of religious beliefs or racial origins will be known no more;

that people of different religious paths may learn to live side-by-side in peace and in harmony.

We ask Thy blessing upon these members of our Congress, the spiritual heirs of those who were so instrumental in bestowing upon the seed of Israel the restoration of their homeland. We pray that our President will succeed in his determined mission of building peace with security and of shining the bright light of freedom upon that benighted part of the world.

Grant that our President and Vice President and all our elected leaders will be blessed with clear vision to see and understand the future, and the courage and heart to make it a blessed and beautiful reality.

We pray in the words of Isaiah: May the spirit of the Lord rest upon us, the spirit of wisdom and understanding, the spirit of counsel and strength, the spirit of knowledge and fear of the Lord. Amen.

THE JOURNAL

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

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

Mr. KLINE. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

Mr. KLINE. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. LANTOS 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.

WELCOMING DR. DAVID HALPERN, RABBI, FLATBUSH PARK JEWISH CENTER, BROOKLYN, NEW YORK

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

Mr. LANTOS. Madam Speaker, I am pleased to welcome to the Chamber Rabbi David Halpern, who offered our opening prayer. I thank him for his thoughtful invocation.

Madam Speaker, Rabbi Halpern's accomplishments in his community of Flatbush, Brooklyn, have touched many lives across the Nation, and his work merits national recognition.

He leads the Flatbush Park Jewish Center. He is the Principal of the religious school there, which he helped found in 1952. He sought to create a place where religiously observant and religiously curious alike can feel comfortable; to advance the goal of Jewish learning; and to support Jewish causes around our country and around the globe. He also served as a Chaplain in the 71st Infantry of the 42nd Division of the National Guard for 10 years, and he sits on the New York board of Rabbis.

Madam Speaker, the esteem in which the Flatbush Park Jewish Center is held indicates that Rabbi Halpern's efforts have been an unqualified success. In recognition of his sense of compassion and leadership, he was chosen to speak on behalf of the community of Flatbush in the wake of the 9/11 tragedy.

Madam Speaker, I am delighted that he was able to share some of his wisdom and grace with us today. We admire his commitment to his faith and to his community.

MODERNIZING MEDICARE

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

Mr. GINGREY. Madam Speaker, I rise today to address the House in support of the Medicare Modernization and Prescription Drug Act, which will be marked up in the Committee on Ways and Means and the Committee on Energy and Commerce this morning.

Modernizing Medicare with a prescription drug benefit puts a down payment on a healthy future for Americans. The House has an historic opportunity to bring up to date our health care system for millions of seniors.

The bill that will soon be before this House reflects the compassionate conservatism of my party. It is compassionate because it is providing much needed prescription drug coverage to Americans on a fixed income. It is conservative because prescription drugs often provide the ounce of prevention that beats the pound of cure. It is conservative because this legislation will serve the people today without breaking the bank tomorrow. It makes no financial sense to cover astronomically expensive surgery and not cover drugs that could have prevented that surgery.

We have promised a benefit to our seniors for years. This year, this year, Madam Speaker, it is time to deliver.

WELCOMING DR. DAVID HALPERN, RABBI, FLATBUSH PARK JEWISH CENTER, BROOKLYN, NEW YORK

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

Mr. WEINER. Madam Speaker, it is not usual that a relatively young man like myself can say that I have known someone well for nearly 20 years, but it is in that spirit that I welcome Rabbi David Halpern here this morning and thank him for his thoughtful words.

Brooklyn is full of distinguished spiritual leaders, and Rabbi Halpern stands out as a giant among them. Rabbi Halpern is a past President of the Rabbinical Board of Flatbush, where he served as Chairman of the Board's Membership Committee for 13 years. He is also a prominent member of other Rabbinical organizations and the Rabbinical Council of the United States.

He is widely respected and recognized for his intellect and wisdom, but, if there is one thing that distinguishes Rabbi Halpern, it is dedication not only to his faith, but in particular to his congregants and his community. More than 50 years ago, Rabbi Halpern became the first Rabbi of the Flatbush Park Jewish Center. And more than 50 years later, Rabbi Halpern is still there, and the community is stronger than ever.

Under his leadership, Flatbush Park has grown from a gathering of only 65 families in a rented store into a Modern Orthodox congregation of more than 500 family members. Today, there are thousands of people in Brooklyn and beyond whose spiritual lives were shaped by Rabbi Halpern.

As hard as I try to express what Rabbi Halpern means to this community, the ultimate testament is how many people joined him on his journey to Washington today. Dozens from his community, as well as distinguished Rabbis, are here in his honor, and it is my particular pleasure to welcome Rabbi Halpern's wife Sheila, his son Neil, his daughters Risa and Beth, his son-in-law Dennis and his granddaughter Lauren who are in Washington on this most important occasion.

In closing, on behalf of the United States House of Representatives and our grateful community, I would like to thank Rabbi Halpern for his eloquent words this morning and for his service to our whole country.

HONORING JACKSON TOBISKA, 2003 PRESIDENTIAL SCHOLAR

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

Mr. LORETTA SANCHEZ of California. Madam Speaker, I rise today to honor Jackson Tobiska, a senior at Orange County's High School of the Arts, for being selected as a 2003 Presidential Scholar.

Jackson is one of 137 winners of this very prestigious award, selected nationally by a 32 member commission. It is comprised of leaders in education, medicine, law, social services and government, and they select the scholars. The scholars are selected based on their academic skills, on their community service, and, of course on their leadership skills.

In a time when there are budget cuts that are cutting across our education system and when our schools, especially in my home State, are suffering, it is refreshing to see that both students and teachers are dedicated to academic excellence.

I am very proud of Jackson for his hard work and for being selected as a Presidential Scholar for 2003. He reminds us that with determination and with dedication, anything is possible.

INVESTIGATING REASONS FOR GOING TO WAR

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

Mr. KUCINICH. Madam Speaker, the Committee on International Relations is at this very moment reviewing a resolution of inquiry submitted by me and cosponsored by 36 Members of the House of Representatives asking for the administration to provide whatever evidence to this Congress that caused them to send this country on a path towards war against Iraq.

The American people have a right to know why their sons and daughters were sent to war. They have a right to know whether or not this administration provided the American public with information that was false.

We need to know on what basis did the American people learn from this administration that there was an imminent threat, and, in fact, was there an imminent threat coming from Iraq, did Iraq have weapons of mass destruction that posed an imminent threat.

It is up to the Committee on International Relations of the House to provide the American people with an opportunity to get that information from this administration. This Congress exists to provide a balance to administrative power, and it is time that this Congress stood up to its responsibility. The people have a right to know, was there an imminent threat and where are the weapons of mass destruction.

□ 1215

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). 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.

Any record vote on postponed questions will be taken later today.

COMMENDING THE UNIVERSITY OF MINNESOTA DULUTH BULLDOGS FOR WINNING THE NCAA 2003 NATIONAL COLLEGIATE WOMEN'S ICE HOCKEY CHAMPIONSHIP

Mr. KLINE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 171) commending the University of Minnesota Duluth Bulldogs for winning the NCAA 2003 National Collegiate Women's Ice Hockey Championship.

The Clerk read as follows:

H. RES. 171

Whereas on Sunday, March 23, 2003, the two-time defending NCAA National Collegiate Women's Ice Hockey champion, the University of Minnesota Duluth Bulldogs, won the National Championship for the third straight year;

Whereas Minnesota Duluth defeated Harvard University in double overtime of the championship game by the score of 4–3, having defeated Dartmouth College 5–2 in the semifinal;

Whereas sophomore Nora Tallus scored the game-winning goal in the second overtime, assisted by Erika Holst and Joanne Eustace;

Whereas during the 2002–2003 season, the Bulldogs won an impressive 31 games, while losing only 3 and tying 2;

Whereas forwards Jenny Potter, Hanne Sikio, and Caroline Ouellette were selected to the 2003 All-Tournament team and Caroline Ouellette was named the tournament's Most Outstanding Player;

Whereas the Bulldogs are the only team in the country to earn a berth in the women's national championship tournament in each year of its existence;

Whereas junior forward Jenny Potter was one of three finalists for the Patty Kazmaier Memorial Award, given annually to the most outstanding player in women's collegiate varsity ice hockey and was named to the Jofa Women's University Division Ice Hockey All-American First Team;

Whereas senior forward Maria Rooth, for the fourth time, was one of ten finalists for the Patty Kazmaier Memorial Award, and was named to the Jofa Women's University Division Ice Hockey All-American Second Team;

Whereas Minnesota Duluth Head Coach Shannon Miller, after winning the National Championship in three consecutive years, has been named a finalist for the American Hockey Coaches Association 2002–2003 University Division Women's Ice Hockey Coach of the Year Award; and

Whereas all of the team's players showed tremendous dedication throughout the season toward the goal of winning the National Championship: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Minnesota Duluth women's hockey team for winning the NCAA 2003 National Collegiate Women's Ice Hockey Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the achievements of the University of Minnesota Duluth women's hockey team and invite them to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the University of Minnesota Duluth for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the NCAA 2003 National Collegiate Women's Ice Hockey Championship team.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. KLINE) and the gentlewoman from Minnesota (Ms. MCCOLLUM) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

GENERAL LEAVE

Mr. KLINE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 171.

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

There was no objection.

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

Madam Speaker, I rise today in support of House Resolution 171; and I would like to thank my colleague, the gentleman from Minnesota (Mr. OBERSTAR), for bringing this resolution forward.

Madam Speaker, this resolution recognizes the achievement of the University of Minnesota Duluth women's hockey team, the Bulldogs, for their NCAA National Collegiate championship. This victory marks the third consecutive national championship for the Bulldogs.

The national champion Bulldogs deserve recognition for their double overtime victory against a talented Harvard University team. In addition to the inspiring team victory, four individuals distinguished themselves from the field: three young women from the University of Minnesota of Duluth were named to the All-Tournament team, and Coach Shannon Miller was named the 2003 AHCA Women's Division Coach of the Year. The distinction earned by these individuals and the remarkable repeat victories of the team reflect the dedication of each player, the leadership of Coach Shannon Miller, and the support of family, friends, and fans.

I extend my congratulations to each of the hard-working players on the successful Bulldog team, to Coach Miller, and to the University of Minnesota Duluth. I am happy to join my colleagues in honoring the accomplishment of this team and wish them continued success. I ask my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. MCCOLLUM. Madam Speaker, I yield myself such time as I may consume.

I am pleased to support House Resolution 171, commending the University of Minnesota Duluth women's hockey team for winning the NCAA 2003 National Collegiate Women's Ice Hockey Championship.

I also too want to congratulate Bulldog Coach Shannon Miller for being

named the 2003 American Hockey Coach's Association Women's University Division Coach of the Year. We are all proud of the extraordinary accomplishment of these women.

The March 23 triumph of the UMD Bulldogs over Harvard has been referred to as the greatest game in the history of college women's hockey, played before a record-breaking crowd of over 5,000, double overtime, 4 to 3, in order to defeat the Harvard team. This gave the Bulldogs their third consecutive national championship. In only the fourth season of their existence, the Bulldogs have brought the sport of women's hockey to a new and exciting level.

The success that this team has achieved over the past few years has helped to fuel a women's hockey explosion in Minnesota and across the country. Twenty-nine colleges now sponsor Division I teams, and the NCAA is considering expanding its field in 2005. In Minnesota, the number of high school women's hockey teams has rocketed from 24 in 1995 to 128 today. Nationwide, the number of girls and women playing ice hockey has increased more than four-fold in this last decade, with more than 39,000 registered females playing hockey today.

The success of the Bulldogs and the ever-growing opportunities for women in sports remind us of the importance of title IX, the landmark legislation that banned sex discrimination in schools. It passed over 30 years ago. Title IX has kicked open the door for women and girls in athletics and education, and since the passage of title IX, girls and women have gone from hoping for a team to hoping to make the team.

Unfortunately, there are still some who would like to turn back the clock and see this law weakened. But as women continue to make strides towards equal opportunity, title IX must remain strong. We must uphold the progress we have made and continue to expand the opportunities for our daughters, granddaughters, and nieces for the next generation and beyond. Every girl and young woman must be given a chance to one day become a national champion.

Once again, I congratulate the UMD Lady Bulldogs on their remarkable achievements.

Madam Speaker, I reserve the balance of my time.

Mr. KLINE. Madam Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Madam Speaker, I thank my friend, the gentleman from Minnesota (Mr. KLINE), for yielding me this time to speak about the University of Minnesota Duluth's women's hockey team. I do not know if people realize how important hockey is to us in Minnesota. It is a great sport. The people of particularly northern Minnesota have a proud tradition of hockey from the youth on up, and this is an example of how they are continuing that tradition.

Madam Speaker, this is the third consecutive championship, as we have spoken about several times. But how often does that happen? And that speaks to the great program that they have up there. It has already been talked about, the dramatic win, defeating Harvard 4 to 3 in double overtime. Any opportunity a team from Minnesota has to beat Harvard is a great opportunity, and it shows the competitiveness there is across the country.

The three Bulldog players named to the All-Tournament team and Coach Shannon Miller being named the AHCA Coach of the Year also merits additional pride. The coach has the highest winning percentage among the NCAA women's coaches.

While the Bulldogs shine on the ice, I think it is important to point out that they also shine in the classroom. Seven of the players from the championship team were named to the WCHA All-Academic team, so we continue to value education as well in Minnesota.

Madam Speaker, this team embodies the spirit of student athletes and our great ambassadors for the importance of sports and education for the State of Minnesota. I am honored to join them today in congratulating them on continuing the proud tradition of Minnesota hockey.

Ms. MCCOLLUM. Madam Speaker, I yield myself such time as I may consume.

Once again, congratulations to the University of Minnesota Duluth Lady Bulldogs. I know the gentleman from Minnesota (Mr. SABO), the gentleman from Minnesota (Mr. PETERSON), and, of course, the gentleman from Minnesota (Mr. OBERSTAR), who represents the University of Duluth here in Washington, D.C., could not be more proud.

I have to say this was truly exciting to get to do this, Madam Speaker, because when I was a young girl trying to learn how to ice skate, hockey was not available for us; and it certainly was not available to participate on a team and even think about winning a championship. So congratulations, Lady Bulldogs.

Mr. KLINE. Madam Speaker, I yield myself such time as I may consume, just to associate myself with the remarks of my colleague, the gentlewoman from Minnesota (Ms. MCCOLLUM), in saying that the women in Minnesota have confirmed what we always knew, that Minnesota is the ice hockey headquarters of the world, and we are proud to associate ourselves with them and congratulate the team.

Ms. MCCOLLUM. Madam Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Madam Speaker, I thank the gentlewoman from yielding me this time.

Madam Speaker, the University of Minnesota—Duluth women's hockey team achieved something truly extraordinary in the history of collegiate athletics in winning the NCAA hockey championship for the third year consecutively. It is a great tribute to the skill and stamina and determination of the women who have devoted themselves to this team and to each other and displayed an extraordinary kind of cooperative spirit that is characteristic of college athletics. It is notable that the report in the Duluth News Tribune on the championship game was written by a female reporter, and I will include the report on the game, the championship game, for the RECORD at this time.

[From the Duluth (MN) News Tribune, Mar. 24, 2003]

BULLDOG WOMEN CLAIM THIRD TITLE

(By Christa Lawler)

The forgotten game puck was tucked in the back of the net while the Minnesota Duluth women's hockey team celebrated its third consecutive NCAA Frozen Four title.

While streamers and confetti dropped from the rafters of the Duluth Entertainment Convention Center, University of Minnesota Duluth goalie Shannon Kasparek crawled to the back of the goal to retrieve the pesky puck that, for one overtime and more than four minutes, refused to settle anywhere.

UMD beat Harvard 4–3 Sunday night when Bulldog sophomore forward Nora Tallus, wide open, took a few strides and sent the puck low past the Crimson's goalie Jessica Ruddock, who had skated out to meet her. The game lasted 84 minutes—the longest in the history of the women's NCAA-sanctioned event.

There were 5,167 fans at the game, largely pro-Bulldogs. There were quite a few Harvard supporters and some who said they just wanted to see a great game.

''It couldn't have been better for women's hockey,'' UMD fourth-year coach Shannon Miller said. ''I talked to (Harvard coach) Katey Stone before the game. I gave her a little hug and said 'Let's put on a show. Raise the bar for women's hockey.'''

The Bulldogs won the tournament in Durham, N.H., last year with a 3–2 win over Brown. The previous year, they beat St. Lawrence 4–2 in Minneapolis. No other team in the country has ever owned the NCAA women's Frozen Four title.

Tallus, a slight, Finnish player, was mobbed by her teammates, who created a mound of maroon on the ice on top of her. It was Tallus' eight goal of the season, and followed her game-high four penalties earlier in the game.

[From the Duluth News Tribune, Mar. 24, 2003]

BULLDOGS PREVAIL IN DOUBLE-OVERTIME OVER HARVARD, WIN THIRD STRAIGHT NCAA TITLE

(By Christa Lawler)

Nora Tallus repayed her debt to her teammates in full.

The Minnesota Duluth sophomore forward had all the time in the world when she skated off the boards in the second overtime of Sunday's national championship game. She took a few strides and sent the puck low, past Harvard goalie Jessica Ruddock and off the inside of the pipe, giving the Bulldogs their third consecutive NCAA Frozen Four title with a 4–3 victory.

Perhaps the greatest game in the history of women's college hockey came on the Bulldogs' home ice at the DECC in front of 5,167 fans—the largest attendance in three years of the NCAA-sanctioned event.

The game hung tied at 3–3 through one 20-minute overtime period. The ice was resurfaced and Tallus fired the game-winner at 4:19 of the second overtime to bring an end to

the longest game in the history of the women's Frozen Four.

Tallus, a small and seemingly shy player, earned four penalties—including two roughing calls—before she became the hero of the game. While Harvard did not capitalize on any of her two-minute hiatuses to the box, playing shorthanded was a dangerous proposition against the Crimson's 32.2 power-play percentage, the best in the nation.

Still, Tallus was not on her coach's bad side.

''She is a . . . angel,'' UMD fourth-year coach Shannon Miller said. ''You could never get mad at her. After she took three penalties, I leaned down, gave her a hug and I said, 'You now owe us a goal, you understand that?'''

Tallus must have understood. The goal was just her eighth of the season.

''Yeah, I owed that for the team,'' Tallus said ''Big Time.''

Even Harvard coach Katey Stone had kudos for the goal that closed the game.

''It was an absolutely perfect shot,'' she said.

Hanne Sikio scored two goals for the Bulldogs and Caroline Ouellette also scored. Senior goalie Patricia Sautter had 41 saves. Harvard's Jennifer Botterill, Lauren McCauliffe and Nicole Corriero scored consecutive second-period goals, and goalie Jessica Ruddock had 37 saves.

Ouellette, a sophomore forward, opened the game with a goal at 5:17 of the first peirod. Jenny Potter tipped the puck to the Canadian National Team player, who was coming in quickly on the other side of the ice. Ouellette nicked a piece of the puck, redirecting to score just seconds after Harvard had returned to equal strength.

Sikio gave the Bulldogs a 2-0 advantage at 12:30 when she broke away, wound up slowly and laid the puck in the back of the net.

Harvard responded with two goals in 23 seconds in the first minute of the second period.

Botterill skated in on Sautter's right side and scored at 21 seconds. McAuliffe backhanded the puck at 44 seconds to tie the game 2–2.

Corriero gave the Crimson a brief lead when she kicked the puck off her skates and to her stick, scoring at 14:46 of the second period.

Sikio tied the game from her knees, sliding the puck between Ruddock's leg and the right post at 17:84.

Harvard star defense man, junior Angela Ruggiero, received an interference penalty at 15:05 of the third period. She vocally contested the call, and a 10-minute misconduct was added. The USA National Team player spent the rest of the period, and much of the first overtime, in the penalty box.

She darted out of the box and onto the ice quickly when her sentence was filled and gestured to the crowd that she was fired up.

Neither team scored in the third period. Just 30 seconds into the second overtime, Botterill and freshman forward Julie Chu closed in on Sautter. The UMD goalie grabbed the puck and Chu tried to shake it from her grasp. It broke free and slid to the back of the net, but after the whistle. Referees reviewed the play and did not allow the goal.

Tallus closed the game minutes later, after hearing a prediction from UMD junior forward Tricia Guest.

''Before the overtime, I said, 'My money is on you,''' Guest said she told Tallus. Guest might be clairvoyant, based on her own success. She scored the game-winner last year, when the Bulldogs beat Brown 3–2 in the championship game. ''I just had a feeling. It's never been like the superstar person'' who scores winning goals in title games for UMD.

After the game, Guest went up to Tallus, one of her closest friends on the team, and said, ''It's an amazing feeling, isn't it?''

[From the Duluth News Tribune, Mar. 24, 2003]

AN AMAZING JOURNEY ENDS WITH AN AMAZING GAME

(By Mark Emmert)

Four years ago, Erika Holst, Maria Rooth and Hanne Sikio were just looking for somewhere to play hockey.

Each received a phone call from Shannon Miller, wondering if they'd be interested in attending the University of Minnesota Duluth, which was beginning a varsity program.

The trio of Scandinavians knew nothing about Duluth or U.S. college hockey, but they knew enough about Miller, the former coach of the Canadian Olympic team, to take a gamble.

On Sunday night at the DECC, their glorious careers culminated with a victory in the greatest college women's hockey game ever played. The double-overtime 4–3 defeat of Harvard, played before a raucous and appreciative NCAA Women's Frozen Four-record crowd of 5,167, gave UMD its third consecutive national championship.

Holst and Rooth, from Sweden, and Sikio, from Finland, have been the backbone of the dynasty. After the most grueling game of their career, each said their four years in Duluth have been magical, but none were quite ready to accept that they're over.

''It really hit me when we played Bemidji and we had senior night,'' Holst said of her final regular-season game at the DECC on Feb. 23. ''Then I tried to park it. When I do decide to think about it, it's going to be a toughy.''

Miller had instructed her initial senior class—which also includes Jenny Hempel, Joanne Eustace, Navada Russell and Michelle McAteer—not to think about the impending end of their careers. The subject was too emotional, she said, and would only distract from the team's preparations to defend its title.

On Sunday, Miller said, ''They're an incredible group, as people and as talented players. You can't replace these people.''

The Scandinavian players each said they felt an immediate bond to Duluth and its people, easing their worries about missing their families back home.

''I fit in right away,'' said Rooth, UMD's career scoring leader with 231 points. ''Everyone here seems to care for us.''

''I really liked the lake,'' Sikio said of her first glimpse of her new hometown. ''Minnesota is a lot like Finland. But the language was hard to understand. People here, they speak pretty fast and we were like, 'Slow down.'''

Sikio had two goals Sunday in perhaps her finest game as a Bulldog. Like her classmates, she hopes to continue playing hockey somewhere, perhaps in Canada, but she does intend to come back to UMD in the fall to finish earning her international studies degree.

''I was really surprised by how many Scandinavians are here, and the people are so nice,'' said Holst, whose only frustration in Duluth was not being able to find Swedish meatballs as good as the ones she was used to. ''They just don't taste the same over here,'' she lamented.

Rooth's parents were at the DECC on Sunday to witness their daughter's final game. So was Holst's father.

''He was really happy and proud,'' Holst said of her postgame embrace with her father. ''He doesn't usually show his emotions too much.''

''They were more nervous than anyone else,'' Rooth said of her parents, who were wearing Swedish national jerseys with her name and number on them.

Holst, Rooth and Sikio's final collegiate game may become the one that people point to years from now as the impetus for a burst in popularity for women's hockey, much as the 1958 NFL title game, in which the Baltimore Colts registered a dramatic overtime victory over the New York Giants, put pro football on a new plane in this country.

Harvard coach Katey Stone, gracious in defeat, hinted as much, calling Sunday's game, broadcast nationally on cable TV, ''one of the greatest sporting events I've been a part of.''

''It was a tremendous tribute to how hard these student-athletes work and what a great product they can provide for the fans,'' she said.

It certainly was.

And, even if UMD's Nordic trio aren't around to benefit from a higher profile for women's hockey in America, Sunday's game certainly validates their blind decision of four years ago, when they hopped on a plane and helped make sports history at a small university in a small city they'd never heard of but were bound to become embraced by.

Madam Speaker, I would also like to point out, while we are discussing these great achievements on the ice, that the University of Minnesota, Duluth women's and men's theater troupe has five times in the last 17 years won national honors at the Kennedy Center American College Theatre Festival for performances at the collegiate level. Under the masterful leadership of Chancellor Kathryn Martin, we have a very well-rounded academic program at the University of Minnesota Duluth which includes academics, the arts, as well as athletics.

Madam Speaker, it is appropriate that we take this time here today to salute the women of the University of Minnesota, Duluth NCAA championship hockey team and all of those who participate in collegiate athletics.

Ms. MCCOLLUM. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Madam Speaker, I rise in support of this resolution.

Madam Speaker, I rise today to congratulate the University of Minnesota Duluth Bulldogs, the NCAA 2003 National Collegiate Women's Ice Hockey Champions. I thank the Gentleman from Minnesota, Mr. OBERSTAR, for allowing the House this opportunity to congratulate and recognize the Bulldogs on winning their third straight championship. During the championship game against Harvard University, the Bulldogs showed tremendous strength and ability, going into double overtime, finally winning with a score of 4–3. This season, they won an impressive 31 games, while only losing 3 and tying 2. And as we prepare to celebrate the upcoming thirty-first anniversary of Title IX, this team serves to be a prime example that Title IX is working. And since it is working, to weaken or water down Title IX in any way would be detrimental to the future of events like these and to teams like the Bulldogs.

I happen to be one who believes that there ought to be absolute equality in all endeavors

in all walks of life. I am amazed, as a matter of fact, sometimes when I recall even the Preamble to our Constitution, when we say, ''We hold these truths to be self-evident, that all men are created equal,''; and at the same time, we left out women. Some people would suggest that when they said ''men'' they meant women as well, but I am not always sure of that.

As a matter of fact, we can look at what the experiences have been. Even though we have Title IX, only 42 percent of college athletes are female and female athletes receive $133 million fewer scholarship dollars per year than their male counterparts. This proves that, if anything, Title IX needs to be strengthened as we still face inequities in athletics today.

We have to keep Title IX alive; we have to make sure that it is strong; and we have to keep working so that there is in fact equality across the board without regard to race, gender, ethnicity, or any other form of origin.

America is a great Nation. We have made lots of progress and we have come a long way, but we still have much further to go. I do not believe we will ever get where we need to be unless we reinforce all of those processes that we have used to get us where we are. Keeping Title IX will continue the successes that we have seen with teams like the Bulldogs and with other athletic teams in the future.

Ms. MCCOLLUM. Madam Speaker, I am pleased to support H. Res. 171, commending the University of Minnesota Duluth women's hockey team for winning the NCAA 2003 National Collegiate Women's Ice Hockey Championship. I also want to congratulate Bulldogs Coach Shannon Miller on being named the 2003 American Hockey Coaches Association Women's University Division Coach of the Year. We are all proud of the extraordinary accomplishments of these women.

The March 23 triumph of the UMD Bulldogs over Harvard has been referred to as the greatest game in the history of college women's hockey. Played before a record-breaking crowd of over 5,000, the double-overtime 4 to 3 defeat of Harvard gave the Bulldogs their third consecutive national championship. In only the fourth season of their existence, the Bulldogs have brought the sport of women's hockey to a new and exciting level.

The success that this team has achieved over the past few years has helped to fuel a women's hockey explosion in Minnesota and across the country. Twenty-nine colleges now sponsor Division I teams, and the NCAA is considering expanding its field in 2005. In Minnesota, the number of high school women's hockey teams has rocketed from 24 in 1995 to 128 today. Nationwide, the number of girls and women playing ice hockey has increased more than four-fold in the last decade, with more than 39,000 registered females playing today.

The success of the Bulldogs and the ever-growing opportunities for women in sports remind us of the importance of Title IX—the landmark legislation that banned sex discrimination in schools. Over the past 30 years, Title IX has kicked open the door for women and girls in athletics and education. Since the passage of Title IX, girls have gone from hoping for a team to hoping to make the team.

Unfortunately, there are some who would like to turn back the clock and see this law weakened. But as women continue to make strides toward equal opportunity, Title IX must remain strong. We must uphold the progress that we have made and continue to expand opportunities for our daughters, granddaughters and generations beyond. Every girl must be given the chance to one day become a national champion.

Once again, I congratulate the UMB Bulldogs on their achievements.

Ms. MCCOLLUM. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. KLINE) that the House suspend the rules and agree to the resolution, H. Res. 171.

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. KLINE. Madam 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.

ACCOUNTANT, COMPLIANCE, AND ENFORCEMENT STAFFING ACT OF 2003

Mr. BAKER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 658) to provide for the protection of investors, increase confidence in the capital markets system, and fully implement the Sarbanes-Oxley Act of 2003 by streamlining the hiring process for certain employment positions in the Securities and Exchange Commission, as amended.

The Clerk read as follows:

H.R. 658

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 ''Accountant, Compliance, and Enforcement Staffing Act of 2003''.

SEC. 2. APPOINTMENT OF ACCOUNTANTS, ECONOMISTS, AND EXAMINERS BY THE SECURITIES AND EXCHANGE COMMISSION.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 5, United States Code, is amended by adding at the end the following:

''§ 3114. Appointment of accountants, economists, and examiners by the Securities and Exchange Commission

''(a) APPLICABILITY.—This section applies with respect to any position of accountant, economist, and securities compliance examiner at the Commission that is in the competitive service.

''(b) APPOINTMENT AUTHORITY.—

''(1) IN GENERAL.—The Commission may appoint candidates to any position described in subsection (a)—

''(A) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

''(B) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.

''(2) RULE OF CONSTRUCTION.—The appointment of a candidate to a position under authority of this subsection shall not be considered to cause such position to be converted from the competitive service to the excepted service.

''(c) REPORTS.—No later than 90 days after the end of fiscal year 2003 (for fiscal year 2003) and 90 days after the end of fiscal year 2005 (for fiscal years 2004 and 2005), the Commission shall submit a report with respect to its exercise of the authority granted by subsection (b) during such fiscal years to the Committee on Government Reform and the Committee on Financial Services of the House of Representatives and the Committee on Governmental Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate. Such reports shall describe the changes in the hiring process authorized by such subsection, including relevant information related to—

''(1) the quality of candidates;

''(2) the procedures used by the Commission to select candidates through the streamlined hiring process;

''(3) the numbers, types, and grades of employees hired under the authority;

''(4) any benefits or shortcomings associated with the use of the authority;

''(5) the effect of the exercise of the authority on the hiring of veterans and other demographic groups; and

''(6) the way in which managers were trained in the administration of the streamlined hiring system.

''(d) COMMISSION DEFINED.—For purposes of this section, the term 'Commission' means the Securities and Exchange Commission.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 5, United States Code, is amended by inserting after the item relating to section 3113 the following:

''3114. Appointment of accountants, economists, and examiners by the Securities and Exchange Commission.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BAKER) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BAKER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

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

It is not long ago that the revolutions of corporate misgovernance became apparent to not only those within the corporate world, but to investors around the country. The resulting consequences led many hard-working families who had planned on retirements to reconsider those plans, as the value of the 401(k)s and pensions and savings plans eroded, literally overnight.

In addition to those concerns, it was revealed to the American people that there were corporate executives who

had abused their privileges as the leader of an important national corporation and taken resources inappropriately, illegally, and used them for their own personal gain.

In light of these revelations, the SEC came to this Congress and first asked for additional funding to enhance their regulatory and enforcement capabilities, and this Congress responded. Unfortunately, because of the rules in which the Securities and Exchange Commission is constrained, the ability to utilize that $300 million was greatly inhibited.

□ 1230

In fact, there is a provision within the securities and exchange civil service law which provides for expedited hiring of legal counsel. This particular provision is very narrow in scope but has been utilized successfully over the years to enable the SEC to acquire those legal services as it deems necessary. This provision is known as the excepted service. It is the purpose of this resolution to expand the scope of the excepted service to enable the SEC to further respond to identified problems in the area of accountancy, examination and economics.

If passed, this resolution would enable the Commission to move in an expedited manner to hire the needed accountants, examiners and economists in order to fulfill the mission described for them by this Congress. It solves these problems in a proficient and expedited manner and is important that the SEC have these authorities as stipulated to restore confidence to the investing public.

This is achieved without, I am aware, any opposition to the manner in which the bill is currently constructed. In fact, the union that represents the affected class of employees has now endorsed the legislation in its current form. I am not aware of any pending objection. I am aware of broad-based support, bipartisan support, and the legislation was reported out of committee without objection.

Madam Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

I am glad to join in urging support for this bill. I want to recognize the good work done by the gentleman from Pennsylvania (Mr. KANJORSKI) who is the ranking Democrat on this subcommittee, who could not be here with us today, but he spent a lot of time on it, and we have a very useful compromise.

Essentially, we had this situation where we all agreed there was a need to expand the Securities and Exchange Commission. We responded more slowly than it would have liked, but we responded by increasing the budget to the Securities and Exchange Commission.

Essentially, what happened is the legislation passed last year to improve the regulation of the corporate sector authorized increased spending for the SEC. The Congress was slow in living up to that promise, but finally, by early this year, we did it, but then the question was having voted on the additional money, in their case overwhelmingly for staff, how quickly could we hire people because under the normal rules the Federal Government is not expeditious in hiring people, and that is reasonable. There is often not an emergency, and we want to make sure we do it right.

In this case, we wanted to see that hiring was done more quickly. There was an original proposal that came that would have allowed people to be hired very quickly and, once hired, to remain in a somewhat separate status from other employees.

I want to acknowledge the very responsive attitude of the union that represents employees at the SEC, the National Treasury Employees Union. I met and talked with them, as did the gentleman from Pennsylvania whom I have mentioned, and we found them to be, not surprisingly, as they usually are, in a very cooperative mood, and they understood that there were two important issues. One was to enhance the ability of the SEC to hire people quickly so we could put the regulatory structure in place, but also to make sure that employees hired had the protections that any employee is entitled to have against political abuse, against arbitrary mistreatment, et cetera.

So what this legislation embodies is a very sensible compromise. The SEC will be given under this bill the ability to hire quickly. It will be able to hire without some of the normal rules that would slow them down, but once the people are hired, they will then have all the rights and all of the protections that any other employee would have had. It meets the need and sometimes what we do in government is kind of overdo or underdo.

The need here was to hire quickly. There was not the need, we felt, to totally revamp the employee procedures of the SEC. This bill is carefully tailored to do exactly what was needed and no more. It allows the SEC to hire quickly, to take full advantage of the additional funds. My understanding is that over 500 people will be hired under this, accountants and economists and others, but once they are hired, they will not be different than the other employees. We will not have this problem of two classes of employees, some with this set of rights, some with that set of rights. They will be fully integrated into the SEC's workforce.

It is a workforce which does very good work, which has been overstressed because we gave them a lot more to do and did not immediately give them the resources. This is a case where taking the appropriation bill, together with this bill, we will have given the SEC, whose new chairman, I must say Mr. Donaldson seems to be performing admirably, and I think we are all encouraged that he has done so well, and I think that contributes to the enthusiasm with which we support this legislation. There is a great deal of confidence that he will use this authority in a very appropriate way.

What we have done now is to structure things so the SEC will be able to take full advantage of the appropriation. They will be able to hire the people and the investing public and the American economy will get the protection they deserve.

Madam Speaker, I reserve the balance of my time.

Mr. BAKER. Madam Speaker, I yield myself such time as I may consume, for the purpose of just complimenting the gentleman on his statement and expressing my appreciation to him for the courtesies extended during the formulation of this legislation.

At the outset, there were modest differences. I think we were able to reach compromise, and I think not only for the SEC function but for taxpayers, shareholders as well, and I appreciate the courtesies extended.

Madam Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Madam Speaker, I rise in strong support of H.R. 658, the Accountant, Compliance and Enforcement Staffing Act of 2003. This legislation will help streamline the hiring process at the SEC, and it will allow the Commission to employ additional, much-needed securities industry accountants, compliance examiners and economists in an expedited manner. Believe me, they need it.

As we work to improve investor confidence, I think it is very important that we work to strengthen the SEC and send a clear message to the American people that we are not going to tolerate corporate misconduct.

Last year, Congress increased the funding for the SEC by more than $270 million. It was a 62 percent increase. We did that because we want to help America understand that we are not going to tolerate corporate misconduct. This monumental increase will help the SEC to enhance their overall operations which are crucial to implementing and enforcing new corporate governance requirements under the Sarbanes-Oxley bill, but the Commission is still severely hamstrung by current hiring practices. Now the need for this legislation is more urgent than ever.

With the hiring of accountant positions lagging far behind other professionals in the SEC, it is imperative that Congress give the Commission direct hiring authority for these critical positions. What we must do is enable the agency to fill them in a timely manner, the quicker the better, and that is what this legislation does.

I commend the gentleman from Louisiana (Mr. BAKER) for introducing this important legislation and the gentleman from Ohio (Mr. OXLEY) for moving it through the committee and

working with the House leadership to get it on the floor. They have continued to work tirelessly on these issue and they are to be commended.

Mr. Speaker, I urge my colleagues to support this legislation and help the SEC protect America's investors and restore integrity in the market.

Mr. FRANK of Massachusetts. Madam Speaker, I reserve the balance of my time.

Mr. BAKER. Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in support of H.R. 658, the Accountant, Compliance and Enforcement Staffing Act of 2003. This very critical legislation will allow the Securities and Exchange Commission to hire much-needed accountants, compliance examiners and economists outside of the bureaucratic and burdensome civil service hiring guidelines.

In fiscal year 2003, we increased the Securities and Exchange Commission's budget by 63 percent, largely to allow for an additional 800 professional staff members. On top of that, last year's supplemental appropriation bill provided $25 million to the SEC for the purpose of hiring 125 new accountants, examiners and economists. This increased funding was provided because the SEC desperately needs these professionals to enforce the Sarbanes-Oxley corporate accountability reforms, corporate accountability standards that were established by this body and standards that are very vital importance for investor protection. Yet, because of the bureaucratic civil service hiring guidelines, these positions have not yet been filled.

H.R. 658 does not set new precedent. Indeed, all FBI employees, as well as health care professionals at the Department of Defense, are exempt from civil service hiring standards. This is good, common sense legislation that will significantly help the Securities and Exchange Commission protect investors.

I commend the gentleman from Louisiana (Mr. BAKER) for crafting this important and very timely bipartisan bill, and I urge my colleagues to join me in support.

Mrs. KELLY. Madam Speaker, I ask unanimous consent that I be permitted to control the remainder of the time for consideration of H.R. 658.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. OXLEY. Madam Speaker, this no-cost, commonsense legislation will help the Securities and Exchange Commission carry out its critical mission of protecting investors and promoting capital formation and economic growth.

With the passage of last year's corporate accountability legislation and a substantial budgetary increase, this year the understaffed SEC must hire over 800 new professionals—accountants, securities compliance examiners, and economists—in order to fulfill its regulatory obligations.

In a troubling development, the Commission has had an extraordinarily difficult time hiring these accountants and other professionals responsible for monitoring compliance with the securities laws. Under current bureaucratic rules, it takes the Commission up to 6 months to hire a single accountant, examiner, or economist. Attorneys are classified as ''excepted service'' employees and thus fall outside these burdensome hiring requirements.

Quite simply, this legislation will make it easier for the SEC to hire these professionals in an expeditious manner. That is good news for investors, and will help restore public confidence in the markets. It is strongly supported by both the union and management at the Commission.

I want to commend Chairman BAKER for crafting an excellent bipartisan bill and urge all my colleagues to join me in support. I yield back.

Madam Speaker, I also want to thank the gentleman from Virginia (Mr. DAVIS), the chairman of the Committee on Government Reform, for his cooperation and assistance in moving this important measure forward. I am placing in the RECORD an exchange of correspondence regarding our committees' jurisdiction on this matter.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, June 16, 2003.

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

DEAR MR. OXLEY: Thank you for working with me in developing H.R. 658, ''Accountant, Compliance, and Enforcement Staffing Act of 2003.'' As you know, the Committee on Government Reform reported the bill, H.R. 1836, the Civil Service and National Security Personnel Improvement Act. Included in that Act was Title III, Subtitle A, Securities and Exchange Commission. It is my understanding that you intend to move H.R. 658 to the floor through the suspension process with an amendment that will be substantially the same as Title III, Subtitle A of H.R. 1836, as reported.

In the interests of moving this important legislation forward, I am supporting your request to move H.R. 658 through the suspension process with an amendment in the jurisdiction of the Committee on Government Reform. The Committee does hold an interest in preserving its future jurisdiction with respect to issues raised in the amendment, and its jurisdictional prerogatives should the provisions of this bill or any Senate amendments thereto be considered in a conference with the Senate. Therefore, I respectfully request your support for the appointment of an appropriate number of Members from our respective Committees should such a conference arise.

Finally, I would ask that you include a copy of our exchange of letters on this matter in the Congressional Record during floor consideration. Thank you for your assistance and cooperation in this matter.

Sincerely,

TOM DAVIS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, June 16, 2003.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN DAVIS: Thank you for your recent letter regarding your Committee's jurisdictional interest in H.R. 658, the Accountant, Compliance, and Enforcement Staffing Act of 2003. I appreciate all of your efforts to ensure that the Securities and Exchange Commission has the resources it needs to effectively carry out its responsibilities under the Sarbanes-Oxley Act.

Your understanding regarding the amendment to H.R. 658 to be considered under suspension of the rules is correct, and the text of the amendment will be substantially similar to title III, subtitle A of H.R. 1836, as reported.

I acknowledge your committee's jurisdictional interest in this legislation and appreciate your cooperation in allowing speedy consideration of the bill and amendment. I agree that your decision to forego further action on the bill will not prejudice the Committee on the Government Reform with respect to its jurisdictional prerogatives on this or similar legislation. I will support your request for an appropriate number of conferees should there be a House-Senate conference on this or similar legislation.

Finally, I will include a copy of your letter and this response in the Congressional Record when the legislation is considered by the House.

Thank you again for your assistance.

Sincerely,

MICHAEL G. OXLEY,
Chairman.

Mr. KANJORSKI. Madam Speaker, I rise to support H.R. 658, the Accountant, Compliance and Enforcement Staffing Act of 2003. Investor protection is one of my top priorities for my work on the House Financial Services Committee, and H.R. 658 will improve investor protection by allowing the Securities and Exchange Commission to accelerate the hiring process for hundreds of accountants, economists, and compliance examiners. As a result, I support this bill.

During the last year, Democrats led the efforts in Congress to significantly augment the resources available to the Securities and Exchange Commission, including increasing its annual budget by more than $270 million. We increased this funding to help the Commission to effectively implement the Sarbanes-Oxley Act, which we enacted in 2002 in response to a series of large-scale corporate scandals at companies like Enron, WorldCom, Tyco, Global Crossing, Adelphia, and Rite Aid.

The increased appropriations provided to the Commission have permitted the hiring of hundreds of new professionals to police the securities industry. The SEC estimates that the additional resources provided by the fiscal 2003 budget will result in the hiring of 200 lawyers, 250 accountants, 300 examiners, 10 economists, and some other specialists. This increase in the Commission's labor force comes on top of the additional 125 professionals that we allowed the agency to hire as a result of the fiscal 2002 supplemental appropriation law.

Unfortunately, as it has worked in implement the Sarbanes-Oxley Act and restore investor confidence in our capital markets, the Commission has encountered some difficulties in identifying and expeditiously hiring the best workers for many of these new positions. H.R. 658 seeks to address this problem by streamlining the hiring process at the Commission for a number of specialized professions. The Commission, like all other government agencies, already has similar authority for recruiting and hiring attorneys.

The legislative language contained in this bill resulted from negotiations between the

Commission's management and the National Treasury Employees Union's leaders. As a result, this legislation will accelerate the hiring of mission-critical workers at the Commission, it will protect the rights of these employees, and it will advance investor protection. I support each of these worthwhile goals, and congratulate the Commission and the National Treasury Employees Union for their good work. Their joint efforts help to demonstrate the effectiveness of labor-management cooperation in the federal workplace.

I am also pleased that the legislation we are considering today, unlike the introduced bill, will require the Commission to conduct two studies about the implementation of this special hiring authority. The inclusion of this study provision, which I requested, will provide the Congress with information on the use of the authority, including its impact on the hiring of veterans, minorities, and other demographic groups, that will be needed to evaluate the effects of this change in the law. It is my expectation that the Commission will use the expansion of its professional ranks as an opportunity to aggressively seek qualified veterans and minorities to serve at the Commission.

Although I support this bill, I differ with my colleagues on the other side of the aisle on one remaining issue: the length of time that the Commission should have this special hiring power. As currently drafted, H.R 658 would provide the SEC with the permanent authority to bypass civil service rules in order to accelerate the hiring process for accountants, economists, and compliance examiners. I believe that this special authority, requested by the Commission in a time of urgency, should sunset so that the Congress can evaluate the effectiveness of the program at an appropriate time. Because H.R 658 will make extraordinary changes in the normal hiring process and because this power has the potential to be abused, the prudent course of action would have been for the Congress to sunset the law on a date certain and determine at that time whether to continue it. In short, the Congress should jealously guard the special powers that it grants government agencies.

Accordingly, during the consideration of H.R 658 by the Financial Services Committee and the Government Reform Committee, I sought to make a good bill even better by offering an amendment to sunset the expedited hiring authority at the end of fiscal 2008. This amendment would have provided the Commission with sufficient time to meet its short-term staffing needs and preserved the ability of Congress to reevaluate this special power on a date certain. Although we did not include a sunset in this bill, H.R 658 is still pragmatic and desirable legislation.

In closing, Madam Speaker, H.R 658 will streamline the hiring process for hundreds of new professionals at the Commission, it will safeguard the civil service rights of these workers, and it will enhance investor protection. Notwithstanding my one reservation concerning a sunset, which I hope my colleagues in the Senate will fix during their consideration of this bill, I support H.R 658 and urge its adoption by the full House.

Mr. FRANK of Massachusetts. Madam Speaker, if the gentlewoman has no further requests for time, I congratulate the gentlewoman on being given the right to control nothing, and I yield back the balance of my time.

Mrs. KELLY. Madam Speaker, we have no further requests for time, and we yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BAKER) that the House suspend the rules and pass the bill, H.R. 658, 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.

Mrs. KELLY. 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.

SENSE OF CONGRESS THAT CONGRESS SHOULD PARTICIPATE IN AND SUPPORT ACTIVITIES TO PROVIDE DECENT HOMES FOR THE PEOPLE OF THE UNITED STATES

Mr. GARY G. MILLER of California. Madam Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 43) expressing the sense of Congress that Congress should participate in and support activities to provide decent homes for the people of the United States.

The Clerk read as follows:

S. CON. RES. 43

Whereas the United States promotes and encourages the creation and revitalization of sustainable and strong neighborhoods in partnership with States, cities, and local communities;

Whereas the United States promotes and encourages the creation and revitalization of sustainable and strong neighborhoods in partnership with States, cities, and local communities and in conjunction with the independent and collective actions of private citizens and organizations;

Whereas establishing a housing infrastructure strengthens neighborhoods and local economies and nurtures the families who reside in them;

Whereas an integral element of a strong community is a sufficient supply of affordable housing;

Whereas affordable housing may be provided in traditional and nontraditional forms, including apartment buildings, transitional and temporary homes, condominiums, cooperatives, and single family homes;

Whereas for many families a home is not merely shelter, but also provides an opportunity for growth, prosperity, and security;

Whereas homeownership is a cornerstone of the national economy because it spurs the production and sale of goods and services, generates new jobs, encourages savings and investment, promotes economic and civic responsibility, and enhances the financial security of all people in the United States;

Whereas although the United States is the first nation in the world to make owning a home a reality for a vast majority of its families, ⅓ of the families in the United States are not homeowners;

Whereas a disproportionate percentage of families in the United States that are not homeowners are low-income families;

Whereas 74.2 percent of Caucasian Americans own their own homes, only 47.1 percent of African Americans, 47.2 percent of Hispanic Americans, and 55.8 percent of Asian Americans and other races are homeowners;

Whereas the community building activities of neighborhood-based nonprofit organizations empower individuals to improve their lives and make communities safer and healthier for families;

Whereas one of the best known nonprofit housing organizations is Habitat for Humanity, which builds simple but adequate housing for less fortunate families and symbolizes the self-help approach to homeownership;

Whereas Habitat for Humanity is organized in all 50 States with 1,655 local affiliates and its own section 501(c)(3) Federal tax-exempt status and locally elected completely voluntary board of directors;

Whereas Habitat for Humanity has built nearly 150,000 houses worldwide and endeavors to complete another 50,000 homes by the year 2005;

Whereas Habitat for Humanity provides opportunities for people from every segment of society to volunteer to help make the American dream a reality for families who otherwise would not own a home; and

Whereas the month of June has been designated as ''National Homeownership Month'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) everyone in the United States should have a decent home in which to live;

(2) Members of the Senate and the House of Representatives should demonstrate the importance of volunteerism;

(3) during the years of the 108th and 109th sessions of Congress, Members of the Senate and the House of Representatives, Habitat for Humanity, and contributing organizations, should sponsor and construct 2 homes in the Washington, D.C., metro area each as part of the ''Congress Building America'' program;

(4) each Congress Building America house should be constructed primarily by Members of the Senate and the House of Representatives, their families and staffs, and the staffs of sponsoring organizations working with local volunteers involving and symbolizing the partnership of the public, private, and nonprofit sectors of society;

(5) each Congress Building America house should be constructed with the participation of the family that will own the home;

(6) in the future, Members of the Senate and the House of Representatives, their families, and their staff should participate in similar house building activities in their own States as part of National Homeownership Month; and

(7) these occasions should be used to emphasize and focus on the importance of providing decent homes for all of the people in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GARY G. MILLER) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GARY G. MILLER).

GENERAL LEAVE

Mr. GARY G. MILLER of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

Mr. GARY G. MILLER of California. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution expressing support for Congress Building America and for increased affordable home ownership opportunities.

This country is home to people of many different origins, but everyone seems to have the same dream, to own their own home. This dream means many things: Independence, financial security, geographic stability, the ability to accumulate personal wealth, a place to raise a family, or simply a place to go after a long day's work and find peace.

As a homebuilder for over 30 years, I enjoyed watching many people achieve this dream. One could always see the excitement and anticipation in the face of a home buyer. The Congress Building America program will offer every Member of Congress this opportunity to experience how the dream of homeownership builds hope in their communities and across the Nation.

I feel very strongly about this issue, because homeownership is the key to personal wealth in our country. When someone buys a home, they purchase an asset which will grow over time.

I started the Building a Better America Caucus, BABAC, when I arrived in Congress 4½ years ago, because I thought it was important to provide a forum for us to start addressing issues that impact homeownership. One of the objectives of BABAC is to help cultivate an environment where more Americans turn the dream of homeownership into reality.

When I first started my business, I had an old van that used more oil than gas and a cardboard box which held every tool I owned. I started small. Over 30 years, my business grew, but with each passing year, I saw the impact of government on the housing industry. With each year came government laws and regulations making it harder to build homes. The red tape kept increasing costs. In business, these costs are passed on to consumers. Homes kept getting more expensive.

It is very important that Congress start talking about how the government is impacting home prices. In some parts of the country, my district in southern California is one of them, the heavy burden of Federal, State and local mandates is creating a generation of people who cannot afford to live in the communities where they work and grew up. I call these people the new homeless.

Exactly who are these new homeless? In my district, it might be a couple. The husband is a firefighter and the wife is a teacher. They have a good job and they make a good living, but the combined income does not enable them to purchase a median priced home in southern California which costs over $300,000 today. This is a national problem, and Congress must work expeditiously to address it.

I encourage all my colleagues to become active members of BABAC so we can do something about the housing affordable crisis in this country.

BABAC provides Members a forum where we can discuss ways Congress can increase homeownership in America. The Congress Building America program provides Members the opportunity to personally help make homeownership a reality for a family in their district.

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The Congress Building America program will give every Member of Congress a chance to express their commitment to affordable homeownership by picking up a hammer and nails and building alongside Habitat for Humanity families to make the American Dream of homeownership a reality.

The goal of this resolution is to encourage Members of Congress to participate in Congress Building America events with Habitat homeowner families and local Habitat affiliates in their districts or States during the 108th and 109th Congress. This new initiative is a partnership program between Habitat for Humanity International, the United States Congress, the Department of Housing and Urban Development, and national corporate sponsors.

I urge each Member to support this resolution and to personally join with the Habitat for Humanity affiliates in their districts to help low-income families realize the American Dream of homeownership.

Madam Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this resolution is really record-setting. I have not in all my years here seen so much wind up and so little pitch. This goes on quite eloquently and quite accurately about the importance of homeownership, and it talks about the need for affordable housing. It says, ''Whereas an integral element of a strong community is a sufficient supply of affordable housing.'' It says, on the next page, ''Whereas affordable housing may be provided in traditional and nontraditional forms.'' It talks a very good game about the importance of housing, and particularly affordable housing; and it delivers virtually nothing.

I have been lamenting for some time the opposition of my Republican colleagues to a housing production program in this country. In many parts of this country you will not get affordable housing, as we define that, that is housing for lower-income working people, middle-income people in some areas, unless there is some element of subsidy. We are not talking about the Federal Government simply building the housing. We are talking about a whole range of cooperative programs, many of them private-public cooperations. But it is clearly the case that unless the Federal Government contributes something, you will not get affordable housing.

Now, my Republican colleagues have been strongly against most production programs, but I see now they have come up with one. It is in this resolution, which I am going to vote for, because I am all in favor of good wishes. I think we should all, at all times, be in favor of things that we should be in favor of. And this resolution is clearly in favor of a lot of things that we should be in favor of. It just does not do anything about them. Does not make them worse. And it does have a production program.

I call Members' attention to page 3, paragraph 3. It says, ''During the years of the 108th and 109th sessions of Congress, Members of the Senate and the House should sponsor and construct two homes in the Washington, D.C. metropolitan area.''

Now, the legislative draftsmanship is perhaps not perfect. I will read that as being two homes each. I assume this does not mean that we should all of us build two homes. And I hope not, because there are people here that I would not want to be near them when they had a hammer or a saw or a drill. So I would not want to have to be in a joint effort to build some of these homes.

So we are talking about two homes each for 4 years. Now, there are 535 Members of Congress. Two homes apiece would be 1,070 homes a year for 4 years. So we now have the affordable housing program of the Republican Party for production: 4,280 homes over the next 4 years in the metropolitan Washington area, D.C. and Fairfax County, although they probably would not get that many, Alexandria, Arlington, parts of Montgomery and maybe more in Prince George's.

Now, 4,280 houses is better than nothing, although I have to say I am willing to do my part; and I have to say this, we are not often sufficiently modest around here, and each of us is supposed to build two houses, but, Madam Speaker, I would not want to live in a house I built. There are some things I think I am good at, some things I am not so good at. The notion of all of us building houses is an interesting one.

Actually, this is motivated both by a desire to do affordable housing, but it also carries out the Republican approach to unions. Because their entire production program would be built by overwhelmingly nonunion labor. There are a couple of Members here who are members of unions, although it is rarely the building trades. My colleague from Boston, the gentleman from Massachusetts, was an iron worker; but he can only do so much. And I do not know how many of the houses would be made out of iron or structural steel or whatever anyway.

So here they have a housing production program, 4,280 houses for the entirety of America, built almost exclusively by nonunion labor, without a penny of Federal Government contribution. Unless we built them during work hours. I suppose if we built them during working hours, when we were getting paid, it would be some Federal contribution. I assume the position is that we do not.

Now, I guess I am a little ambivalent about the notion of unleashing every Member of the House and the Senate to build two houses. I know you cannot comment on Senators, I understand that, Madam Speaker; but I think you can comment on past Senators, and I guess I can say that I am pleased Strom Thurmond will no longer be covered by this. It is a lucky thing we did not pass this last year, because Strom Thurmond would have been charged with building two houses somewhere, and I would want to live in those even less than the ones I would build.

But the problem is not so much with what it says, but with what it does not say. We have not for some time had a program in this country to have Federal resources go for housing production. And in the absence of a housing production program, families will have a hard time getting affordable housing. We have some programs that help. We have the programs that help build housing for the elderly and for the disabled. We have the low-income tax credit, which does a good job; but it is limited. We have the section 8 voucher program which works well in a lot of areas, but the section 8 program does not contribute to production, particularly when we have rulings now that say you can only use a voucher 1 year at a time. No one can build a house on a year-by-year commitment.

So I am all in favor of the goals of this resolution. I just wish it did something other than asking this workforce to go out and build a couple of houses a year to carry it out. We have a terrible crisis in this country with regard to affordable housing. And let me just say, Madam Speaker, that one of the arguments we have when some of us talk about the need for the Federal Government to participate in doing things that are important for the quality of our lives, we are told we should not worry about it, the private economy will take care of it.

The private economy does a great deal. The private economy supplies many of our needs, and a private sector is something we should all work for. But there are some things it will not do. And with the very prosperity of the 1990s, which was so important in helping people achieve so many goals, for many people it made the housing situation worse. Because prosperity is obviously not uniformly distributed. Under the policies now in power, it is even less uniformly distributed than ever, as a conscious choice. But even at its best, prosperity will be uneven.

And many people in this country, in the greater Boston area, in the area around San Francisco, in Chicago, in many of our great metropolitan areas people whose incomes were somewhat fixed, many of them public employees, teachers, firefighters, police officers, and social workers, and public works people, people on relatively fixed incomes found themselves worse off in the housing market because prosperity drove up the value of many properties, and some people benefited enormously, and some were left behind.

We are told, well, a rising tide will lift all boats. But if you are too poor to afford a boat, the rising tide will go over your head and drown you. And that happened to many people. The very prosperity of the 1990s that were so welcome nationally exacerbated the housing crisis.

That does not mean the government building all the housing is the answer. It does mean that a sensible, well-funded production program, where the government contributes along with the private sector an element of subsidy so that new housing can be built in many parts of the country, is the only way this resolution will be more than just empty rhetoric.

So at this point we only have this resolution. But we will later in the year have a chance to address this, I hope. I hope the committee which brought this out, the Committee on Financial Services, which has jurisdiction over housing, will be allowed by the leadership of this House to formulate a sensible production program and bring it forward. And if we do, we may be able to rescue this resolution from the charge of being just empty rhetoric.

Madam Speaker, I reserve the balance of my time.

Mr. GARY G. MILLER of California. Madam Speaker, I yield 4 minutes to the gentleman from New York (Mr. WALSH), the author of this resolution.

Mr. WALSH. Madam Speaker, I thank the gentleman from California for yielding me this time, and I thank the House for considering Senate Concurrent Resolution 43.

Just to depart briefly from my prepared comments, I listened to the gentleman from Massachusetts rail against this legislation. It is just absolute proof that no good deed goes unpunished. This is a good idea. This is an idea that is very successful. It is an idea that gives individuals the opportunity to volunteer to help their neighbors to build a home. I suspect even if he may be a ham-handed carpenter that with a good foreman on the job he could learn how to pound nails.

But the point really is this is not about mass-production housing. It is about creating homeownership. Earlier this week, I had the privilege of joining a handful of my neighbors at the home of Nyoka Williams, a participant in the Syracuse Neighborhood Initiative. The Syracuse Neighborhood Initiative is a city-wide effort to expand homeownership opportunities and improve quality of life in Syracuse, my hometown.

We gathered to celebrate the success of the Mini-Grant program, which provides city families with grants and loans to improve their owner-occupied homes. At the ceremony, Ms. Williams reflected on her own hard-fought struggle to purchase a home. This program creates homeowners.

Now, not everybody in this country can afford to own a home, but we ought to be doing everything we can to make that possible, and this program goes a long way.

With Syracuse Neighborhood Initiative's assistance and her hard work, her previously vacant home is now a showcase on the block. And after years of renting substandard apartments, she is thrilled to be able to take care of her aging mother and entertain her multiple grandchildren in her very own home. Ms. Williams told me that homeownership has not only provided her with a quality place to live and to spend time with her family, but has given her a renewed sense of pride in herself and a new level of confidence that she can meet any challenge.

And I can tell you that Ms. Williams wears that sense of pride and accomplishment in a big beautiful smile whenever she talks about her good fortune and her very own home.

Madam Speaker, for many years now, Habitat for Humanity has been working to offer the same level of accomplishment and that sense of pride to thousands of families the world over. By making homeownership affordable and accessible, Habitat has coordinated the construction of thousands of new homes across the United States, relying upon a great deal of donated goods and utilizing a volunteer labor force.

Now, those volunteers can be labor union members or nonlabor union members. The good news is it does not matter. If they are willing to donate their time and hammer, or carry some lumber, or lay some concrete, God bless them. Nobody is going to tell them they cannot do it.

This program has made 50,000 Americans homeowners. I am proud to be a veteran of previous Habitat builds back home in Syracuse, in my home town and here in Washington, where I worked with Members of the House and Senate on two different houses in the Washington, D.C. area. Some of us were more handy than others, but the good news is we worked together. Even in Belfast, Northern Ireland, people of both communities came together, and the Habitat house build provided a vehicle to bring people together. And it does that here too.

It is our hope that every Member of Congress will build a house, all 535 of us, in their districts, through this program. Habitat for Humanity provides affordable quality homes for those currently struggling to achieve the dream of homeownership. There are millions of Americans who could become homeowners if we helped them through this program and the many other programs provided through the housing agency,

through HUD. They support renewed investment efforts in America's cities, and they allow for a better quality of life for all involved.

I urge my colleagues to support S. Con. Res. 43 and encourage their active involvement in the Congress Building America program in the 108th and 109th sessions of Congress. Prideful smiles like Ms. Williams demonstrate just how rewarding homeownership efforts like Habitat for Humanity really are.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself 30 seconds.

I notice on page 4 it says each Congress Building America house should be constructed primarily by Members of the Senate and House, their families and staff. Now, presumably, if we do this, it is voluntarily. But if we pass a bill like this and our staffs do it, it might not be voluntary. We might need an interpretation from you, Madam Speaker, under the bill you have been sponsoring. If our staffs show up to build housing and they have to work overtime, would we pay them overtime or would they get comp time?

So I think we will have to have further interpretation when our staffs report for home building, which some of them probably did not sign up for.

Madam Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS), a very active leader in the fight for affordable housing in our committee.

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Mr. SANDERS. Madam Speaker, I thank the gentleman for yielding me this time and applaud the gentleman for all of the work he has done on affordable housing for this country.

Today we are considering legislation which encourages Members of Congress ''to participate in and support activities to provide decent homes for the people of the United States.''

I have no problem with this legislation. It would be very nice if Members of Congress worked together to build a few hundred units of affordable housing. The problem is that in the United States of America today, we have a housing crisis, and we do not need a few hundred units of new housing, we need hundreds of thousands of units of new housing. It is not acceptable for people to say it is so nice, we are volunteering our efforts.

Madam Speaker, we have children sleeping out in the street all over America. We have working families working 40 hours a week living in their cars, and Members of Congress building a few hundred housing units might make for good press releases and photos in newspapers, but it does nothing to address the housing crisis in this country.

While the affordable housing crisis in this country deepens, President Bush's proposed housing budget is 63 percent less than it was in 1976 during the last year of the Ford administration. While more than 3 million Americans will experience homelessness this year, including 1.3 million children, President Bush proposes to eliminate a $574 million a year program to revitalize public housing and recently refused to fully fund public housing operating expenses. While 4.9 million American families pay more than 50 percent of their limited incomes on housing, President Bush has proposed to block grant the Federal section 8 rental assistance program which would raise rents and jeopardize rental assistance for tens of thousands of families.

While President Bush says he supports expanding homeownership, the reality is that his initiatives have not produced a single home buyer in 2.5 years, and since the President took office, housing foreclosures have increased by 39 percent and home loan delinquencies have increased by 26 percent.

Last year the Bush administration care so much about affordable housing that they worked to defeat legislation that I introduced to provide the tools necessary to construct, rehabilitate and preserve at least 1.5 million affordable housing rental units over the last decade through a national affordable housing trust fund.

Madam Speaker, we are not going to give up. Just a few months ago, I reduced the National Affordable Housing Trust Fund, a proposal that would not only provide real solutions to the affordable housing crisis, but would also lead to the creation of some 1.8 million new jobs and nearly $50 billion in wages. This legislation currently has 200 tripartisan cosponsors, including 11 Republicans.

This bill currently has 200 tri-partisan cosponsors, including 11 Republicans, and has been endorsed by over 4,000 groups representing labor unions, business leaders, religious organizations, environmental groups, bankers and affordable housing advocates.

At a time when 4.9 million Americans families are paying more than 50 percent of their limited incomes on housing and at least 800,000 people, including 200,000 children, are homeless on any given night, the federal government has a responsibility to correct this crisis.

If the Republican leadership and the Bush Administration truly wanted to ''participate in and support activities to provide decent homes for the people of the United States'' they would join me in supporting a National Affordable Housing Trust Fund and get this bill signed into law as soon as possible.

Mr. GARY G. MILLER of California. Madam Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, I want to associate myself with the comments that the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Vermont (Mr. SANDERS) have made. While I stand in strong support of this resolution, and it is a great resolution, great ideas about what need to be done, but in reality, we need to get serious about the business of doing it.

The Congressional Black Caucus has a program called WOW, With Ownership Wealth, and in my congressional district, we have been going around promoting the purchase of homes by African Americans. We find that many people, once they reach the point where homeownership is in their mind, there is not the availability of homes that they can purchase. When we start talking about incomes of $25,000 and $30,000, people cannot purchase a $250,000 home. There must be affordable homes built.

Just recently a study was done that the gentlewoman from Illinois (Mrs. BIGGERT) is associated with the organization, pointed out there are 850,000 individuals at the Chicago metropolitan area who live at or near the level of poverty. If these individuals are going to be able to purchase a home, not only must there be mortgage money available, but there also has to be the affordability of a house that they can buy.

Madam Speaker, I support this resolution, strongly suggest that we find ways to implement the concepts of it and make real the idea that people can live in their house by the side of the road, and the only way we will do it is have affordable housing that they are able to purchase.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATERS) who is the ranking member of the Subcommittee on Housing and Community Opportunity of the Committee on Financial Services, and a great leader in this field.

Ms. WATERS. Mr. Speaker, I rise in respect for and in support of this resolution. Habitat for Humanity is a wonderful organization, with 1,655 affiliates in all 50 States. Habitat for Humanity has built nearly 150,000 houses worldwide, and it has an ambitious goal of building another 50,000 homes by 2005. So I certainly support their efforts, and I am pleased the House and Senate staff and Members will join Habitat for Humanity in building a couple of homes right here in Washington, D.C.

Yet, even as I congratulate Habitat for Humanity for all of its work, I believe that all of us need to take a broader look at the issues of affordable housing and housing policy generally. We are falling very short of where we need to be in order to make the goal of affordable housing a goal that is obtainable for all Americans. Much more work needs to be done.

The unfortunate reality is that the Bush administration's homeownership record is one of feel-good rhetoric and photo opportunities, not one of substance. When it comes to creating affordable housing and helping to revitalize sustainable community development, the Bush administration is simply missing in action. Only 47.1 percent of African American and Latino communities respectively are homeowners.

Where is the administration's plan to improve percentages to those of other populations?

We need to put a stop to predatory lending to vulnerable consumers. Where is the administration's plan to eliminate predatory lending to consumers who are new to the homeownership process? As Members know, predatory lending is the making of unethical and abusive mortgage loans that include excessive fees, inflated rates and such practices as making loans that the borrower cannot repay. The predatory lending industry has grown significantly over the past 10 years.

The Federal Government has a responsibility to protect homeowners who are subject to predatory practices. Predatory lending affects borrowers of all races and income levels, but such lenders often target elderly homeowners and people of color. For example, borrowers 65 and older are 3 times more likely to hold subprime mortgages than borrowers 35 years of age. Simply put, when it comes to housing, there is much more we need to be doing than just commending Habitat for Humanity for building some housing. For example, we need to adopt legislation that ensures that consumers will pay no penalties when prepaying all or part of a mortgage credit loan balance. We should be working to ensure that there is no financing of credit, life, disability or unemployment insurance on a single premium basis. We also need to protect anyone from knowingly engaging in the practice of flipping a mortgage loan or extension of credit.

We also need policies and practices that will nullify any mortgage or loan contract that does not contain all the written terms of the contract or has blank spaces for such terms to be filled in after the contract is signed.

Mr. Speaker, increasing the supply of affordable housing, protecting consumers from predatory lending and predatory mortgage servicing. This is the housing agenda we need to be pursuing. I urge the Bush administration to join us in this effort.

I commend Habitat for Humanity for its tremendous work and urge all my Colleagues to support this Resolution.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I thank the gentlemen for yielding me this time to give me an opportunity to express myself on this resolution.

We obviously are all supportive of the resolution dealing with Habitat for Humanity and encouraging our colleagues to participate in the effort here in the District of Columbia. We are supportive of anything that does decent and affordable housing for people in this country.

Mr. Speaker, it is for that reason that we are so perplexed by the President's decision not to go forward with the Hope VI project by zeroing out Hope VI and saying that Hope VI has apparently served its purpose in this country.

I just came from a meeting with a group of students, one of whom was Ms. Audrey Evans who is a student at North Carolina A&T State University, and without knowing I was coming here, she said I want to commend you on the Hope VI program. She said she was raised in public housing, and our commitment to Hope VI helped to change her life because putting public housing in communities and allowing her to be exposed to people around her who are interested in succeeding educationally and economically and personally is something that has meant so much to her.

Throughout America, we have heard these stories about how successful Hope VI has been. On a bipartisan basis in our committee, just like both of these gentlemen have yielded me time, we are perplexed as to why such a successful program, which coincidentally was a Republican program instituted by Secretary Kemp when he was Secretary of Housing and Urban Development, how could we terminate such a program as this?

We are supportive of this resolution, but we also want this administration to be committed to housing in general in this country.

Mr. GARY G. MILLER of California. Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LEE).

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

As I read this resolution, I really did think I was reading the fundamental arguments for the establishment of a national affordable housing trust fund which has been sponsored by over 200 members of this body. So I would like to read just a couple of whereas clauses which explain why I think this resolution sounds like the provisions of the National Housing Trust Fund.

Whereas establishing a housing infrastructure strengthens neighborhoods and local economies and nurtures the families who reside in them; whereas homeownership is a cornerstone of the national economy because it spurs the production and sale of goods and services, generates new jobs, encourages savings and investment, promotes economic and civic responsibility and enhances the financial security of all people in the United States.

That is some of what this resolution says. I fully support and appreciate the efforts of Habitat for Humanity and really agree that they should be applauded and supported. However, this resolution is just another vehicle for Republicans to talk about their nonexistent housing agenda. This Congress must allow us to debate and vote on significant housing legislation.

My frustration with my Republican colleagues for failing to bring significant housing legislation to the floor and for ignoring the dismal housing and economic outlook in this country is really only compounded by the Republican attempts to clock weak homeowner initiatives by pretending to support the American dream of homeownership.

While the nationwide homeownership rate is approaching 70 percent, the African American and Latino homeownership rate pale in comparison, to about 46 percent; and in the administration's Homeownership Downpayment Assistance Program, they would not even support foreclosure assistance to help these homeowners keep their homes and protect taxpayer investment.

Of the 3.9 million low-income households to be considered working poor, over two-thirds pay 30 percent or more of their income for housing costs, with one-quarter paying over half their incomes. In 39 States, 40 percent or more of renters cannot afford fair market for a 2-bedroom unit, and that is why creating more affordable housing and homeownership should be our focus.

□ 1315

Consistently since the Bush administration has drafted budgets, they seem to negate the promise of homeownership, community investment, and fair, quality housing. This administration continues to cut the HUD budget and fight successful programs such as HOPE VI, section 8, the public housing drug elimination program and the creation of a national affordable housing production program.

I will vote for this resolution, I support it; but I encourage the other side to bring some real housing bills to the floor very soon.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

I enjoyed the one comment: ''This resolution is here so Republicans can just talk about affordable housing.'' The gentleman from Massachusetts and I, we do agree on one major issue: there is a huge shortage of affordable housing in this country. I believe we both have a passion in common to try to resolve this problem. Earlier this year, I brought a bill up before our committee on brownfields. Brownfields are contaminated sites within inner cities where the infrastructure is in place and the need for affordable housing is there. The gentleman from Massachusetts has worked hand in hand with me to bring this to the floor; but because of a lack of agreement on his side of the aisle, none to his blame, we are unable to do that because one Member wants to define brownfields using an EPA definition. The gentleman from Massachusetts and I realize that if you do that you eliminate petroleum sites which are 50 percent of the half million sites in this country. So he and I have worked to resolve something and others are giving lip service to this issue.

There has been much talk about subsidies. We deal with section 8 housing and the need for section 8 housing. We come to an agreement that there is a need for that. But in Los Angeles County, we had the housing authority here, I asked them the question of what is your occupancy rate in California, in L.A. County? They said, we are 97 percent occupied. That means 3 percent of the units that are not occupied are under renovation. Basically, they are 100 percent full. They have no available section 8 housing for people to go to. We can increase section 8 vouchers causing more money to chase no product, and all it does is increase the cost of the product.

But there have been things that have been said here today. We need subsidies which we do provide some. The President has come up with a great idea. He said, let us allow people to take section 8 vouchers, up to 12, and apply them as a down payment to buy a home. That is a great idea. I hope the appropriators this year will fund that program. What we are saying is people who have been locked into section 8 housing can now take the money they would have received in 12 months and put it as a down payment to buy a home, so 10 years, 15 or 20 years from now their payment is the same as it is today, not rising as it does in rental housing. We need to create homeownership rather than just create renters in this country.

There has been a comment made about we need a housing production program. We have that in this program. It is called the Building Industry Association. But government does everything it can to stop builders from providing affordable homes in this country. We have so many mandates on builders. I remember 30 years ago when I entered the industry, you could go out within a matter of 2 months and make application on a tract map to build a tract of homes, whether it be five, 10 or 15; and in 60 days you had entitlements, yes or no. They had to do it because on day 59 you were approved by law. I talk to builders today that have been 3, 4, 5, 8, 10 years processing subdivisions trying to provide affordable housing for the people of this country and they cannot get through the process.

I spend more time helping builders with Fish and Wildlife and Army Corps of Engineers issues. One thing I wish the other side of the aisle would agree to do and that is reform the Endangered Species Act. In Colton, California, there is one project that has 3,000 homes on 3,000 acres. They are only wanting to develop about 300-and-something of those acres, but they happen to have a rat on that property. It is called the San Bernardino kangaroo rat. It is becoming extinct. People who love rats want to set aside habitat for these rats, but they always want to set the habitat aside on privately owned property. That means somebody who owns a piece of land, all of a sudden the government determines that they own habitat that this rat should live on. The problem with the San Bernardino kangaroo rat is it only lives in washes, which means every time it rains during the winter, the little critters drown and the reason they are becoming extinct is the little critters are too stupid to get out of the wash that they are drowning in and go somewhere else. So no matter what we do, those little critters year after year after year are going to continue to be less in population than they are today because they are too stupid to move out of a wash.

There is another great one in California called the Delhi sand-loving fly. I remember years ago when our parents ran this country, we used to swat flies and poison rats. Now we set aside habitat for them on privately owned property. Something is wrong with this country. I think it is incumbent upon us to change it. It is nice to give lip service about affordable housing, and I believe many of my colleagues who spoke today are genuine about a passion; but this resolution allows Members of Congress to actually do something besides give lip service, lean over and pound some nails, finish some concrete, hang some dry wall, put some roofing material on, put some plumbing in, run finish on electrical, paint, hang doors, run casing and base.

We can actually do something besides talk about it. Yes, it is a small gesture; but if you look at the problems we have caused because of the stupid laws and regulations we have placed on the building industry today, anything we do, even if it is small, will help. If we are really talking about helping people get into affordable housing, let us do something genuine about it. More government is not going to solve anything. Yes, more government has created a problem and some believe that government money now should resolve that problem and that is wrong.

If we would just step back at the Federal, State and local level and say, how do we reduce the regulations placed upon the building industry so a person can go out and reasonably buy a piece of property and in a given span of time can build homes instead of 3, 4, 5, 10 years of process. When you take 3 years to get an entitlement, it is costing somebody a lot of money to buy the property and hold it and pay all these consultants to work on the property.

In California, we require builders to go through title 24. That is energy efficiency, which means a home must be airtight, no air infiltration. They even limit it in most fireplaces you can put in that are man-made because they do not want air infiltration in a home. When you have water and no air infiltration, what do you get? Mold. One of the problems we are facing in this country is that insurance companies do not want to write policies because of mold. If we did not have the policies we have today dealing with energy efficiency, perhaps we would not have some of the mold problems we have in this country.

When we talk about affordable housing, let us talk about it in reality. If you are going to have section 8 housing that is available, you have got to have an affordable move-up marketplace, and it is not there today. People in section 8 housing receiving government assistance cannot afford to move out of that house because there is not an affordable unit for them to move into. So if we really want to help people be able to get out of section 8 housing, to actually attain the rights that we believe they should have of homeownership and the luxury that goes along with that, with building assets and everything else, if we really want to do that, then let us look at the structure we have created. Let us pass a law that says any regulation at the State level or the city level that has any negative impact on the cost of housing must have a cost-benefit analysis and you must be able to determine that it is really beneficial to do that, not just something that makes people hug each other and feel good and pat each other on the back. Let us change the way we do business in this country.

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

Mr. GARY G. MILLER of California. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I just want to make sure I understand. The gentleman is proposing that we pass a Federal statute that would say that no local zoning regulation could go into effect?

Mr. GARY G. MILLER of California. I take back my time. What I said is a cost-benefit analysis. If you can do something and determine that there is a benefit in the regulations you are placing on affordable housing, that is fine. But for us to sit here and say, oh, we need to have more government programs and more government funding and yet we do not get to the core problem of affordability, you have to get to the core problem of affordability. There is no difference from us saying, let us, the Federal Government, fund housing but you have got to have everybody in agreement we are even going to put it there.

The problem you have with section 8 housing, and the gentleman from Massachusetts knows this to be a fact himself, is you go to many communities and you say you are going to build low-income housing and the whole community is in an uproar because they do not want it in their community because they start saying, you are going to have gang violence, you are going to have problems, you are going to have transients. They do not want it in their communities.

I am not saying that it is bad; I am saying that is just a fact. It is this NIMBY, not in my backyard attitude. That is a problem we face in this country, unless you will change the laws to where a builder has a reasonable time

to process a subdivision. Yes, let us look at the environmental impact that might be placed on the community of a project; let us look at the environment, if there are any species that are going to be harmed there. But let us do it in a reasonable span of time, not 3, 5, 10 years. I told the gentleman from Massachusetts of a project I owned for 12 years that I finally ended up selling to the city because nobody wanted it built, yet there was not a bit of flora or fauna that was in any way impacted, nor was there a species out there that was on the endangered species list. Let us look at the problem and let us work together to see that we are not overturning local rights, but let us work with the local communities.

Mr. FRANK of Massachusetts. If the gentleman will yield further, I think the gentleman, however, is being inconsistent. I have been critical of the use of local zoning in many cases to block housing proposals, but I do want to be clear. These are local and State laws. The Endangered Species Act is Federal. But most of what the gentleman talked about are local and State laws, and I am asking the gentleman, is he proposing that at the Federal level we pass statutes that regulate and restrict and limit what form local zoning can take, saying that it has to have a cost-benefit analysis, et cetera? I might be interested in joining that, if that is what the gentleman is advocating.

Mr. GARY G. MILLER of California. Reclaiming my time, if we look prior to 1948, the tax revenues in this country generally went to cities. It started to change after 1948. The State started taking more and the Federal Government started taking more. About 1972, it got so bad that locals were being deprived of so much money they could no longer afford to put the streets and the sewers and the storm drains in necessary to build homes. Why? Because the Federal Government and the State government got greedy and started taking the money from the people who need it, the cities. What we have done is create a situation where now the tax dollars are not put in the infrastructure; the builder puts in the infrastructure. Plus he pays for all the local mitigation and impacts that the community might face in some fashion, even if it is a signal 5 miles down the road that might be impacted in some fashion because this tract of 80 people living in it might impact that intersection.

But we have got to look at what government has done. Government has changed to such a degree that we have taken the money, become greedy; and now we do not want to address the problems we can address.

Mr. NEY. Mr. Speaker, I rise in support of S. Con. Res. 43, which expresses the sense of Congress that this legislature should participate in and support activities to provide decent homes for the people of the United States.

The goal of this resolution is to encourage members of Congress to participate in Congress Building America build events with Habitat homeowner families and local Habitat affiliates in their districts or states during the 108th and 109th Congress, and I urge each member's support of this resolution and to personally join with the Habitat for Humanity affiliates in their districts to help low-income families realize the American dream of homeownership.

I urge my colleagues to endorse this resolution that will not only express the sense of Congress in support of increased affordable homeownership opportunities, but will result in the building of hundreds of new homes for low-income and minority families across the country.

The fact that June is National Homeownership Month makes the scheduling of this concurrent resolution especially appropriate. For the vast majority of families, homeownership serves as an engine of social mobility and the path to prosperity. We are blessed to live in a country where every citizen—regardless of race, creed, color, or place of birth—has the opportunity to own a home of their own. And, new homeowners can create wealth for their families for generations to come, while also helping transform neighborhoods and communities.

The home has long held a place of mythic stature in the hearts and minds of Americans, as many of this country's forebears considered homeownership a key component of a democratic society. Homeownership creates stakeholders within a community and inspires civic responsibility. It offers children a stable living environment that influences their personal development in many positive ways—including improving their performance in school. Studies by housing experts show a clear link between an increase in homeownership and a decrease in crime rates.

In the Subcommittee on Housing and Community Opportunity this year, I plan to continue working hard to explore new ways to put people on the path to homeownership, so they can realize its many benefits. The Financial Services Committee already marked-up three housing bills last month by voice vote: H.R. 23, The Tornado Shelters Act, H.R. 1614, the HOPE VI Program Reauthorization and Small Community Main Street Rejuvenation and Housing Action of 2003, and H.R. 1276, The American Dream Downpayment Act.

The American Dream Downpayment Act, introduced by KATHERINE HARRIS of Florida, is a vital initiative in the creation of new homeowners. This bill would provide $200 million in grants to help homebuyers with the downpayment and closing costs. This has the potential of assisting 40,000 families annually achieve the dream of homeownership and would make available subsidy assistance, averaging $5,000, to help low-income, first-time home buying families.

In addition to moving these important pieces of legislation, the Subcommittee is in the midst of holding a series of hearings examining the current operation and administration of the Section 8 Housing Choice voucher program, which provides rental assistance to more than 1.8 million families. While the concept of the program remains sound, the program has often been criticized for its inefficiency. More than a billion dollars are recaptured from the program every year, despite long waiting lists for vouchers in many communities. The rising cost of the Section 8 program and some of the administrative concerns have caused many in congress and the Administration to conclude that the program is in need of reform. In the coming months, I look forward to hearing the different perspectives from our many distinguished witnesses as we continue to discuss ways to improve America's communities and strengthen housing opportunities for all citizens.

Congress Building America will enable Members of Congress to express their commitment to affordable homeownership by picking up hammers and nails and building alongside Habitat for Humanity families to make the American dream of homeownership a reality. This initiative is a hands-on approach to making affordable homeownership a reality, one family at a time, one community at a time.

Mr. OXLEY. Mr. Speaker, I rise in support of S. Con. Res. 43, which expresses the sense that Congress should participate in and support activities to provide decent homes for the people of the United States. I urge my colleagues to not only join me in supporting this resolution, but to also join the thousands of Americans who volunteer their time to provide for those less fortunate.

This resolution calls upon Congress to support activities to provide decent homes for Americans and recognizes an organization that has been working towards improving housing conditions for over 27 years now. Of course, I'm talking about Habitat for Humanity, an organization that has built nearly 150,000 affordable houses for families worldwide and is planning to complete another 50,000 homes by 2005. In fact, Habitat for Humanity just dedicated two homes in my district in Mansfield, Ohio on Father's Day and more houses are being dedicated all over Ohio on an ongoing basis. Several local businesses and charitable organizations also help support the building of these homes. This kind of effort provides a great example of what we can accomplish when communities come together to assist their residents.

The resolution outlines a plan for a new initiative called Congress Building America, which calls upon the Members of Congress to demonstrate the importance of volunteer work by working with Habitat for Humanity and other contributing organizations to construct homes across the nation. This simple, but adequate, housing for less fortunate families, symbolizes the self-help approach to homeownership. Under this model, homeowners contribute sweat equity toward their new home, building it alongside trained volunteers. The new homeowner then has the opportunity to buy the home with a no interest mortgage. The average cost of these homes is $53,000 with a monthly payment of around $266. In most cases, the payment is even lower than what they were paying for substandard rental units.

Beyond the obvious benefit to the new homeowner, Habitat's work to provide safe, decent and affordable shelter for thousands of needy families adds to the national economy because it spurs the production and sale of goods and services, generates new jobs, encourages savings and investment, promotes economic and civic responsibility, and enhances the financial security of all Americans.

One of the greatest attributes of organizations such as Habitat is that the benefits of service go both ways. Not only are families in need of housing receiving benefits, but volunteers often find their service extremely rewarding as well. It is great to see so many young

people serving their fellow citizens by volunteering to help those less fortunate. Over 10,000 students have signed up to help Habitat for Humanity build houses through their Collegiate Challenge program breaking down barriers to homeownership and breaking down the stereotype of a typical college kid on spring break at the same time.

Clearly, there is still much work to be done. We are focusing our efforts to increase the availability of affordable housing in communities across the country. Today we are here to reaffirm that commitment and recognize all the hard work that has already been done. I would therefore like to take this opportunity during National Homeownership Month to thank those organizations, such as Habitat for Humanity, that work to help families achieve the dream of homeownership.

I would also like to commend the Housing Subcommittee, chaired by Representative BOB NEY, today for its hard work to break down the barriers to homeownership faced by too many Americans. By the end of this week the subcommittee will have held 11 hearings as part of its effort to pursue an aggressive legislative agenda. At the top of that list is the American Dream Downpayment Act which will provide $200 million in grant funds assisting approximately 40,000 low-income families with down payment and closing costs on their first homes.

I encourage my colleagues to join me in participating in the Congress Building America program and look forward to the many continued efforts which will build communities across the nation and help thousands of American families buy homes.

Mr. BISHOP of Georgia. Mr. Speaker, I urge my colleagues to vote for the passage of Senate Concurrent Resolution 43, the resolution that expresses the Congress's support for the Habitat For Humanity and the good work this great organization does for American families throughout the Nation.

I am proud to say that this wonderful institution was born in Americus, GA, within the district that I am so privileged to represent. Since its inception, this model of compassion and commitment to humanity has spawned similar groups, and has changed the way many Americans view the problem of homelessness and derelict housing. At this very moment somewhere in America, a home is being built by the Habitat For Humanity. The number of volunteers now exceeds 200,000 and is growing. More than 100,000 homes have been built and renovated, and more are being completed across the country at a rate of 1,000 per month. But we can do even more.

This resolution encourages Members of Congress to participate in ''Congress Building America'' events with local Habitat For Humanity affiliates in their home districts that will continue and increase the homebuilding effort all across America.

Mr. Speaker, Habitat For Humanity works. What seemed like a dream to those who had the vision in Americus so many years ago, is now becoming a reality. Decent housing for every American—thanks to Habitat For Humanity, this is an idea whose time has come.

The SPEAKER pro tempore (Mr. ISAKSON). The time of the gentleman from California (Mr. GARY G. MILLER) has expired.

The question is on the motion offered by the gentleman from California (Mr. GARY G. MILLER) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 43.

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. GARY G. MILLER of California. 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.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 342, KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 276 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 276

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 342) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. 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, this resolution is a standard rule for consideration of conference reports and waives all points of order against consideration of the conference report.

□ 1330

Mr. Speaker, the process of reauthorizing the Child Abuse Prevention and Treatment Act and the Family Violence Prevention Treatment Act completes a promise made to the American people that was begun in the 107th Congress. Unfortunately, the last Congress adjourned before consensus was reached between the two bodies on this very important issue. By taking up the conference report on the reintroduced legislation today, Congress is demonstrating an ongoing commitment to ensuring that programs to prevent child abuse, neglect, and family violence can continue to work and to protect American families.

The underlying conference report that we are debating maintains important Federal resources for identifying and addressing issues of domestic violence. It supports efforts to ensure that the current programs designed to address these issues are operating effectively and efficiently, and that they promote the prevention of child abuse before these heinous acts can occur.

The conference report retains language promoting partnerships between child protective services and private and community-based organizations, including education and mental health systems, to provide child abuse and neglect prevention and treatment services. It improves the training, recruitment, and retention of individuals who are capable of providing services to children and families. It also increases the availability of casework supervisors for oversight and consultation, while simultaneously improving public education on the role of the child protective services system and appropriate reporting of suspected incidents of child abuse and neglect, to reduce the number of false or malicious allegations.

This conference report requires States to have provisions and procedures for administering criminal background checks to prospective foster and adoptive parents, and other adult relatives and nonrelatives residing in the household, and helps to improve the training opportunities and requirements of child protective services personnel to ensure their active collaboration with families, and their knowledge of legal duties with these individuals to protect children's individual rights.

Mr. Speaker, this legislation also requires States to implement policies and procedures to address the needs of infants born and identification as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, including the requirement that healthcare providers involved in the delivery or care of such infants notify child protective services of the occurrence of such conditions in infants. It then requires the development and planning of safe care for such infants.

Lastly, the conference report retains language that expands priority services to infants and young children who are born with a life-threatening condition or with other very special medical needs, to ensure that these special needs are met and that these special children have a chance in life.

If there is one issue upon which every single Member of this institution can agree, regardless of his or her political belief, it should be the need to prevent child abuse and domestic abuse. These atrocities and often silent crimes do lasting damage to the lives of individuals and the moral fabric of our society. There exists a responsibility incumbent upon each of us to enact laws that protect the most vulnerable in our society, and this conference report will go a very long way to accomplish that exactly that noble and moral goal.

I am pleased to note that the House version of this legislation, H.R. 14, easily passed through its committee of jurisdiction, the Committee on Education and the Workforce, earlier this year and then through the House by voice vote. Today's conference report should continue to enjoy widespread and overwhelming bipartisan support as it has already enjoyed tremendous support throughout the child abuse and family violence prevention advocacy communities.

I would ask each of my colleagues on both sides of the aisle to demonstrate their commitment to American families, to American communities, and to America's future by supporting this conference report. In particular today, I would like to thank the gentleman from Michigan (Mr. HOEKSTRA), the House sponsor of this legislation; and the gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce, for their hard work in producing this conference report. I would also like to take this moment to commend the conferees from both bodies that have labored to produce this fine product.

Mr. Speaker, I urge my colleagues to join me in supporting this rule and the underlying legislation.

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 Texas (Mr. SESSIONS), my friend, for yielding me this time.

Mr. Speaker, I rise today in support of this rule and the underlying conference report for the Keeping Children and Families Safe Act. My colleagues know that the rules for conference reports in the House are typically closed, and today's rule is reflective of the longstanding tradition in the House to bring conference reports to the floor in a similar fashion.

Mr. Speaker, every time a child is abused or neglected, the whole human race suffers. With that sobering thought in mind, I support the Keeping Children and Families Safe Act. I support this conference report, because most States are facing severe budget deficits, and this is the only Federal legislation that targets child abuse and neglect. I support this conference report because States are dependent on Federal money to meet the increasing demand for community child abuse prevention programs. But realize this legislation does not begin to solve the overwhelming financial problems that the States are currently experiencing. In fact, critics of this bill including the director of the National Child Abuse Coalition say that there is a $2.5 billion spending gap between the amount currently allocated towards prevention and protection and the amount required to handle this problem effectively.

The statistics on child abuse and neglect in this country are heart-wrenching. The Department of Health and Human Services estimated that in 2001, 903,000 children in this country were victims of abuse or neglect. This figure represents an 11 percent increase from the previous year, and many child advocates say the stress of a bad economy and unemployment could be two reasons for the increase.

This bill includes funding for training and preventative programs for social workers and families and encourages partnerships between State child protective services and community organizations. It also requires foster parents and adoptive parents to undergo criminal background checks and mandates that States expand child abuse services to children born with drug-related problems.

Child abuse and neglect is everyone's problem and it affects us both morally and financially. The cost of training and preventative programs will be offset later when children who might have been burdens on society grow into upstanding citizens. From a financial perspective, the costs of child abuse and neglect to our society as a whole are staggering. Studies have documented the link between abuse and neglect in childhood with medical, emotional, psychological and behavioral disorders in adulthood. Those who are abused as children are more likely to suffer from depression, alcoholism, and drug abuse.

The abused are also more likely to become juvenile delinquents and are 29 percent more likely to become criminals. Using that estimate, 36,000 of the children who were victims of abuse or neglect in 2001 can or may become criminals.

I certainly hope that the work we are doing in this conference report will help curb this number and help those who need it. However, if we are going to come to the floor today and talk about child abuse and neglect, we will be remiss to not talk about the child neglect that occurred last week in this very Chamber when Republicans in this body refused to extend the child tax credit to more than 12 million children living in low-income families without attaching a significant cost to the bill that would have provided for those 12 million children.

Frankly, it baffles me how the rhetoric of Republicans in this body rarely meet the reality of their policies. The All-American Tax Relief Act, which passed this House last week was filled with tax cuts that benefit the more well off in our society more than six times as much as they do the needy. The bill was another tax cut to the wealthy that further drives our country into debt and deficit spending, and it lacked even the slightest bit of fiscal responsibility. In truth, the child tax credit failed to provide relief to more than 12 million children who are growing up in low-income families. In truth, families making between $10,500 and $26,625 were excluded from this tax relief, including 1 million children of U.S. Armed Forces personnel. Perhaps when Republicans talk about all Americans, they are really talking about all Americans in the upper tax brackets.

Mr. Speaker, Health and Human Services Secretary Tommy Thompson noted, ''A Nation as compassionate as ours should ensure that no child is a victim of abuse or neglect. The number of children that are being abused and neglected in this country is an unacceptable daily tragedy.'' Indeed, Secretary Thompson is correct.

But while this body helps communities fight child abuse and neglect throughout the country, we ought to first fight it right here in the House of Representatives. That we do not, Mr. Speaker, is an unacceptable daily tragedy.

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

Mr. SESSIONS. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, the issue we have before us, this rule, this conference report that we are working on, really does talk about ways in which we can go and improve the lives of millions of children, where we can help families. Families, many times single parents, who are under the stress and strain of attempting to go to work, raise their family, meet their obligations in the community, to their schools, need some help, and I think that that is exactly what this bill does. It does it in a way that community-based organizations can become involved in the life and the opportunity to make not only their neighborhoods and their schools and their communities is safer and better, but they did it in a way that is a partnership.

This administration, this President, supports this. This administration, our President, when President Bush was the Governor of Texas, worked extensively in Texas across Texas in poor communities to try to make the lives better of children to provide them an opportunity to grow up and not only be in safe neighborhoods, but also have safety in their schools. So I think that the underlying legislation in this conference report is fabulous. It does a lot of things to make sure that as a Member of Congress, that all of us as Members of Congress, that we can become engaged in things that we not only can hold our head up high about but we can mentor with our President to make sure that people see this Congress as a caring group of men and women who not only want to ensure the success of people who many of whom we will never know their names but the children who live their lives and are prepared for the future.

I think that in the scheme of things this is a question that comes about not just to Members of Congress but as a demand on this country. The demand on our country is do America's greatest days lie in our future? Are we doing those things throughout the 40 some weeks that we are here in Washington, D.C. away from our families, are we handling the business of the people to

make sure that we make life better? And I think that answer is yes. Today the underlying legislation is yet another example of this Congress working together with this President to make sure that America's greatest days lie in our future because we are active, engaged, and involved with our communities and with people back home.

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

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

Before I yield to the gentlewoman from California, I would like to respond to my good friend and colleague by indicating that the President's remarks were to pass the Senate bill, and what we did last week was force a conference which is going to delay the tax cuts for the 12 million persons about whom I spoke earlier.

□ 1345

That is a reality, and, to my way of thinking, that is, in some respects, uncaring. It certainly is not compassionate. Everybody that is wealthy, including those of us here in Congress, will get our tax benefits, but many of the persons about whom I speak, including some in the military, will not receive a dime this year by virtue of the actions that we took last week.

Mr. Speaker, I am privileged to yield 5 minutes to my friend, the gentlewoman from California (Ms. WOOLSEY), who has been a leader in the fight for protecting children.

Ms. WOOLSEY. Mr. Speaker, today as we stand here and discuss the conference report on the Keeping Our Children and Families Safe Act, I find it ironic that this week the Republican leadership can find it in their hearts to provide much-needed funding to prevent child abuse, which is decent and necessary, but last week they could not provide critical funding for low-income children without voting for additional tax breaks for the rich. These are the very children from low-income families who are statistically likely to suffer from child abuse, perhaps because of frustration piled on families struggling to make ends meet. This week, the Republicans care about children; last week, they did not. What kind of message is this?

The Republican's child tax credit bill, which the House debated last week, was a squandered opportunity to invest in all of our children and their families. We missed the chance to pass a child tax credit bill which would immediately grant our Nation's hard-working families their fair share of the tax credit.

The families I am talking about are those with dedicated workers that work long hours at low pay, who pay taxes and earn less than $26,000 a year. It is unfortunate that Republicans believe these children and families do not contribute enough to deserve a break, a break now, like higher income families will get.

Republican actions last week left me no doubt that Republican priorities are dead wrong. Last week the House Republicans should have followed the other body and brought a child tax credit bill before us that would help children now, without burdening them with a tax debt later in life. But, according to the majority leader, ''If we are going to do it, we should get something in exchange. If we give people a tax break that don't pay taxes, it is welfare.''

Well, Mr. Speaker, these families do pay taxes. They are not seeking welfare. They are seeking the same acknowledgment for their hard work as the rich received in the Republican tax package. They deserve tax relief at the same time as other American families. Instead, this supposed party of ''compassionate conservatism'' has exploited the child tax credit issue to pass even more tax cuts for their wealthy friends. Instead of bringing up the other body's child tax credit bill costing $3.5 billion with offsets to fully pay for it, they passed a bill costing over $80 billion not paid for.

Mr. Speaker, this is at a time when America's Federal deficit will exceed $400 billion, which, by the way, will be paid for by our children, their children, and their children, and on down the line.

Mr. Speaker, our priority must be putting money in the hands of working Americans while keeping our fiscal house in order. That way we can create jobs and build a strong economy. We are helping our children today by protecting them from child abuse, but being poor is abuse of another kind.

Mr. Speaker, children are 25 percent of the population of this Nation, but they are 100 percent of our Nation's future.

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD), from the Committee on Energy and Commerce.

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

Mr. Speaker, I do think it is unfortunate that when we are here to debate a bill on child abuse prevention, that we get into a debate about a legitimate difference of opinion as to tax policy. I think that that is unfortunate.

But, be that as it may, I also would say ironically I think it is unfortunate to hear the minority party constantly talking about their hatred of deficits, when every single subcommittee markup of any kind I have been in for the last several months, it is the other party trying to spend more money, more money, more money, and us trying to hold the line.

Let us talk about the rule before us. I rise in support of the rule, which I think is a fair rule, but I also rise in strong support of the bill.

I would like to talk about a particular provision that I worked very hard to get in in the Committee on Education and Workforce, and which I think will do a tremendous amount to actually prevent child abuse, which is what we want to do.

What it does is it says that we look at the causes, the root causes, of child abuse. When you look for the root causes of child abuse to try to prevent it, you find this constant association between abusers of children and abusers of substance. We find it over and over again. Parents who are caught in abusive cycles with drugs and alcohol bring their problems to bear on their children, with often very devastating results in terms of physical brutality against children, sexual abuse of children and psychological abuse of children.

What we noticed, and I bring to bear on this experience my own time spent as a child protective service worker in my home of Bucks County, what we find is that children are born in hospitals every day in this country, and it as clear as can be they are born to mothers who are addicted. These are women who come to the hospitals and bear children who either suffer from fetal alcohol syndrome or they suffer from the systemic presence of a drug or actually have what is called neonatal abstinence syndrome. The child is in withdrawal from the drug. It is a pretty good indicator that this child may be returning to a home where it is not safe.

We have wrestled as a society with how do you protect these children. We do not want to necessarily deem the mothers as having abused the child by virtue of their abuse of the substance. We want to provide intervention, but how do you do that?

What this underlying conference committee report says is that when children appear in a hospital and are delivered and have these symptoms of substance abuse apparent, that the mandated reporters, the health care providers, must notify the child protective service agency, and that child protective service agency then must come in and make sure that there is a safe plan of care for the child.

It does not say that it finds abuse necessarily, it does not say that it finds dependency, it just says we need to intervene, we need to talk with the parents of this child and find out how they intend to overcome their own personal issues so that they can be prepared to nurture this vulnerable child.

I think this provision will go in a tremendous way to provide intervention for young children before they are ever subject to abuse, and help not only that child, but help the mother certainly and the father involved as well.

Mr. Speaker, I want to commend and thank the staffs of the committees that worked with us in the House and Senate, and the Committee on Rules for providing a rule under which this conference report can be considered.

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

Mr. Speaker, before I yield, I will just respond to my friend from Pennsylvania, who is an extremely thoughtful Member of this body, when he cites the fact that Democrats want to spend. Let me isolate that on the child tax credit: Democrats did want to spend the $3.5 billion that the United States Senate wanted to spend, and each nickel of it was offset. Toward that end, I would urge that that kind of spending redounds to all of our benefit.

Mr. Speaker, I am privileged to yield 3 minutes to my good friend, the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding me time.

Mr. Speaker, as we discuss keeping children and families safe, I cannot help but be reminded of a popular song that Marvin Gaye used to sing, and the words went sort of like this. He says, ''Who will save the children? Who is willing to try? Who will save a world that is destined to die? Save the babies.''

The reality is, Mr. Speaker, that when we talk about protecting families and saving children and refuse to provide a meager tax credit for those at the bottom of the barrel, for those who can barely survive, who can barely make it, it seems to me we are being contradictory.

It is abusive in my mind when we refuse to fully fund education so that every child can have a meaningful head start, to get a grip and a handle on life. It is abusive when we leave children out of being protected so that they can have the kind of health care that they need. And it is certainly abusive that we have 2.7 million people who have lost their jobs in the last 2 years and cannot find a way to really make it. And while I agree that programs and activities are always good and meaningful and beneficial, policies are even better.

I would hope that as we try and find these ways to protect our children, that which would protect their families by giving them a meaningful opportunity to earn a living, to have a job, to have the monies that are needed so that they are not frustrated and resort to behavior that causes them, in many instances, to abuse children.

So, Mr. Speaker, I would have to ask, who will save the world? Who is willing to try? Who will save a world that is destined to die? Let us save the children.

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

Mr. Speaker, hearing the gentleman from Illinois and the gentleman from Pennsylvania speak about children, about the things that we encounter and learn from time about tragedies that occur in people's lives with women who have problems along life, either drugs or alcohol, and also at the same time at which they are birthing babies and carry life within them, and the impact that it has on those children, not just at birth but throughout their life, it is a stunning problem in America.

But to hear the gentleman from Illinois and the gentleman from Pennsylvania speak about the great parts about this bill, about how this Congress can reach out, how we as a government can keep working with local communities to bring out the best, not only in their interaction with these mothers that are at risk, but also child abuse victims, it is all important.

I am hopeful we can also learn a lot from the things we have learned over the last few years about people who perpetrate crimes upon children, the identification of those kinds of people, so that communities can do a better job spotting these people and protecting their children. That is what this bill is about. That is the good part of what this bill is about.

I appreciate both these gentleman for coming and telling their stories, not only about why they support this bill, but why this rule is fair and important for us to pass and this conference report. Let us get it to the President and let the President continue to do the things for the American people that he did for the people of Texas when he was Governor.

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

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

Mr. Speaker, when it comes to taking care of children, I just wonder, and pardon me for asking, what $1.1 trillion in the original tax cut during the President's administration and the $350 billion that we passed recently, in addition to the tack-on to the child tax credit, they ran it up to $82 billion, I wonder what those funds could possibly have done for the children of America? I, for one, would have preferred to spend it on them, rather than on rich people.

Mr. Speaker, I am pleased to yield to 2½ minutes to my friend, the gentlewoman from Connecticut (Ms. DELAURO), a continuing fighter and champion for children.

□ 1400

Ms. DELAURO. Mr. Speaker, this legislation would authorize $312 million for several programs that seek to prevent child abuse, expand adoption opportunities, assist abandoned infants, and prevent family violence; good goals, good values, good measures. Child abuse is an important issue. It has many, many manifestations. It is attributable to many causes, including, and let me just mention, there is a pending issue in this body, a piece of unfinished business that pertains to our Nation's children; and, if you will, our delaying on this issue directly abuses American children.

What we need to do is to restore the child tax credit to the 6.5 million families this Republican leadership continues to leave behind. That is child abuse. The families of 12 million children generally earn minimum wage. They are tax-paying families. They deserve tax relief like every other family. They have bills to pay, mouths to feed, children to care for, just like every other family. And with the economy stuck in a rut, they cannot go to bed at night knowing whether their job will even be there for them the week after next.

These families pay taxes. They make between $10,500 and $26,600 a year. They pay taxes, payroll taxes, sales taxes, excise taxes, property taxes. And they pay a greater share of their income in taxes than Enron did; and for the last 5 years, I say to my colleagues, Enron paid zero taxes. There are lots of individuals who are getting the benefit of $93,000 worth of tax cuts every year, those who are the 184,000 millionaires in this country. I will bet some of them have not paid all of the taxes that they were supposed to have been paying all of these years.

That is why what this House needs to do is to take up the other body's child tax credit legislation, legislation that was denied a simple up or down vote in the House of Representatives.

Let me be clear. The majority has said that these 6.5 million families are not their priority. What they tried to do last week is, in essence, they passed a bill here which would kill the opportunity for the $3.5 billion to address this issue and it would be taken care of. I would just quote the Committee on Ways and Means chairman. He says he is going to be heavily focused on a different issue and that they would be surprised if a conference between the House and Senate could begin this week. They are going to kill this piece of legislation because they do not really care about the 6.5 million families or the 12 million children.

Mr. Speaker, let us do the right thing. Let us address this issue. Let us end this kind of child abuse.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Marietta, Georgia (Mr. GINGREY), one of our bright young Republican Members.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time.

Mr. Speaker, I have to admit, of course, as a freshman legislator, I am here to speak in favor of the rule for the conference agreement to S. 342, the Keeping Children and Families Safe Act of 2003, and to speak in favor of the overall piece of legislation. But I stand here and I am listening to the other side and all of the discussion I hear is about a tax bill, and it just makes me wonder if the speakers from the other side plan to vote against this bill, if they are opposed to keeping children and families safe for the foreseeable future.

I am, as most of my colleagues know, a physician Member, Mr. Speaker, of this body; and, in particular, I am an OB-GYN doctor. As such, over the past 28 years, I have delivered over 5,000 precious children. Unfortunately, I wish I could say they were all born healthy and well and in the best of circumstances, but unfortunately, some

were not. I think that my passion for this type of legislation, for protecting children and making sure that every child has an opportunity to be well born and in a healthy environment and going into a healthy family situation, that is what this legislation is all about.

We can talk about the child tax credit and tax issues ad infinitum, but we have already had that debate. What we are talking about here today on the floor of the House is this conference committee report and the reauthorization of the Child Abuse Prevention and Treatment Act, the Adoption Opportunities Program, the Abandoned Infants Assistance Act, the Family Violence Prevention and Services Act. That is what this debate is about. I would hope and trust that the Members of the other side will support unanimously this legislation, because we desperately need to protect those of our society, the most precious and vulnerable members of our society; and that is what this great piece of bipartisan legislation is all about.

I am very proud to serve on the Committee on Education and the Workforce and to serve under my subcommittee chairman, the gentleman from Michigan (Mr. HOEKSTRA), who brings this bill to us, this reauthorization. It was an honor, it was an honor indeed for this freshman Member of Congress to be appointed to the conference committee on this bill. In fact, the gentleman from Michigan (Mr. HOEKSTRA) said to me, he had been here 10 years before having an opportunity to be appointed to a conference committee.

So it is indeed a privilege. I think it shows a lot of respect for me as a physician Member and someone who is often in that delivery room seeing these children who may be very possibly born in a situation where the mom has been on substance abuse or drugs during the pregnancy and we, many times, are highly suspicious of that situation because of the condition of the child, the irritability of the child during the physical examination. These children have a certain physical appearance which is very suggestive in some instances of alcohol or substance abuse. And to just simply go from that delivery room to the next one or the next one, or go from there to a surgical procedure, and then back to the medical office where you might see an additional 30 patients a day would be unconscionable.

So this bill calls for, among other things, reporting these instances. I cannot tell my colleagues how supportive I am of this legislation, and I am proud of the leadership for bringing it to us.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL), my good friend who has been a continuing champion for children in this body and in his previous life before coming here.

Mr. EMANUEL. Mr. Speaker, I would like to thank the gentleman from Florida (Mr. HASTINGS), my friend, for yielding me this time.

The underlying bill here I think reflects not only bipartisanship, but our common set of values. It is the right approach to how to protect our children.

As the brother of a sister who is adopted, I applaud the efforts that are reflected here and the attempt here. But that bipartisanship, also those common set of values that we come together on, is in sharp contrast to what was done on the child tax credit.

Mr. Speaker, the other day The New York Times reported that in Iraq right now, 200,000 Iraqis are getting $20 a day who do not show up for work. Mr. Speaker, 200,000 Iraqis, $20 a day who do not show up for work. I come from Chicago. We know something about no-show jobs. We think they are a good thing, periodically. But that stands in stark contrast to the 200,000 active duty troop members who are over there putting their lives on the line who will not get the full child tax credit. Now, where in our common values do we respect the people of Iraq, give them 20 bucks a day who do not show up for work, and yet, to our troops who are over there in Afghanistan and Iraq, whose families are only getting $450 per child tax credit, but not the full $1,000. Where in our common set of values do we say that is the right thing to do?

Over the weekend the AP ran a story that Halliburton's bid for the oil drilling and oil work that they are doing in Iraq originally for $77 million is now running double. It was a no-bid contract and Halliburton, in the year of 2001, did not pay any Federal income taxes and, in fact, got an $85 million rebate. Last week when we were debating the child tax credit, some people described welfare as the full refundable credit; and I have a description of welfare, it is known as corporate welfare, that was done in Halliburton's case.

We here in Congress earn $12,800 a month. That is equivalent to what some of these families earn in a full year who are worthy of this child tax credit.

So I applaud the efforts that were done here to reflect our values and to take care of our children. I applaud the work done here on this bill; but I want to remind our colleagues, this bill's success comes from not only our bipartisanship but working on a common set of values. We need now to come together, come together, work on the conference, Democrats and Republicans, produce a bill, because as July approaches, some families will get this tax cut and other families, 12 million children, 6.5 million families who work full-time, sometimes more than 40 hours a week, will not be getting that tax credit.

Now, originally this bill was passed to get a tax cut to get the economy moving. It was in there in the Senate when they went to conference, but when the Vice President showed up, somehow it got dropped. We all have an obligation from the White House to the Senate to the Congress, Democrats and Republicans, to work together to give these middle-class families a tax cut.

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

Mr. Speaker, at the close of this matter, I will urge that Members pay attention to a request on the previous question, and I will urge Members to vote ''no'' on the previous question. If the previous question is defeated, I will offer an amendment to the rule, and my amendment will provide that as soon as the House passes the conference report, it will take from the Speaker's table and immediately consider the Senate-passed version of H.R. 1307, the Armed Forces Tax Fairness Act. My amendment will also add to H.R. 1307 the text of H.R. 1308, as passed by the Senate, which restores the refundable child tax credit that was removed from the Republican tax bill passed last month.

This will allow the House to combine these two Senate-passed bills and immediately send them back to the Senate and then, hopefully, on to the President's desk for his signature. If this happens, we can begin helping America's lower- and modest-income families right away, and we can give tax relief to those members of the military who are bravely fighting for this Nation as we speak.

Is it not about time we started giving tax breaks to those Americans who really need it? And is it not about time we put an end to legislation that has no chance of becoming law?

Last week, the President said he would sign H.R. 1308, as it was passed by the Senate, and restore the refundable tax credit to those families making between $10,000 and $26,000. H.R. 1308, as amended by the Senate, will provide immediate tax relief to America's hard-working, but struggling, families by extending the child tax credit to 6.5 million low-income working families and nearly 12 million additional children. This measure will provide help to the families of 8 million children whose parents serve in the military or are veterans. It will also help families of soldiers in combat in Iraq and Afghanistan by extending the child tax credit to many of them.

Mr. Speaker, H.R. 1307 will also help our brave men and women serving in the military. It will help with travel costs for those called up for the National Guard and Reserves, and it will provide benefits for the families of the Columbia astronauts.

Vote ''no'' on the previous question so we can combine and then consider these two important tax relief bills as they passed in the Senate and rush them back to the Senate. Let us not let tax relief for these two important and deserving segments of our society wither on the vine.

Mr. Speaker, I urge a ''no'' vote on the previous question so we can consider tax relief that can actually become law and really help those most in need of tax relief.

I want to emphasize that a ''no'' vote will not prevent the House from considering the conference report for this very important legislation, the Keeping Children and Families Safe Act. It will allow us to consider the Senate-passed versions of the refundable child tax credit and the Armed Forces Tax Fairness Act, in addition to this important conference.

□ 1415

However, a yes vote will stop us from voting on this package of true tax relief for lower income Americans.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I ask Members to vote no on the previous question, and I yield back the balance of my time.

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

I appreciate the gentleman from Florida for his support of this conference report, S. 342, Keeping Children and Families Safe Act of 2003.

Mr. Speaker, we have had a good debate today. We have talked about the children of this country. We have talked about our communities. We have talked about our schools. We have talked about the desire that we have as this United States Congress, this administration, President George W. Bush and the kind and gracious leadership of this House, including our Speaker, the gentleman from Illinois (Mr. HASTERT), and our majority leader, the gentleman from Texas (Mr. DELAY), to time after time take time out of their schedule not only to talk about children, children that are the future of this country and will make a difference, but also that these three gentleman, as leaders of our country, take time to make sure that this administration and the laws of this country are there to protect children, the most vulnerable part of our society.

Mr. Speaker, I am proud of what this will do. This conference report will go to help people. It will strengthen our communities. It will strengthen community-based organizations who work in a way that we need them to become efficient and be efficient and to offer these services.

I am proud of what we are doing. I am proud of what this Congress is doing, and Mr. Speaker, I urge my colleagues to join me in supporting this rule and the underlying legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H. Res. 276 the Rule governing debate on S. 342, the ''Keeping Children and Families Safe Act of 2003.'' This rule waives all points of order against the Conference Report and its consideration.

Just last week, this Chamber vigorously debated the Child Tax Credit bill. The Republican members of the House of Representatives refused to adopt the Senate-passed tax bill that would have provided relief to 12 million children of hard-working American families. My Democratic colleagues offered a substitute to aid America's children but it was voted down. We have still not passed a Child Tax Credit for America's low-income children.

Now, we prepare to debate the Keeping Children and Families Safe Act of 2003. Another bill that is beneficial to America's children by taking strong steps to prevent child abuse. This bill governs dissemination of information about abused children, expands valuable research programs, authorizes grant programs, and many other valuable programs.

The Keeping Children and Families Safe Act was an opportunity to redress the failures of this body in our failure to pass the Child Tax Credit bill last week. By passing this rule, we continue to neglect and jeopardize the welfare of America's children and families, by not immediately passing the Senate Child Tax Credit bill so the President can immediately sign the bill.

Mr. Speaker, I oppose the Rule governing debate on the Keeping Children and Families Safe Act. I find it ironic that the title of the bill is the Keeping Children and Families Safe Act, and yet will have not passed real Child Tax Credit. This rule jeopardizes America's children, bill for America's most vulnerable children.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION FOR H. RES 276

RULE ON CONFERENCE FOR KEEPING CHILDREN & FAMILIES SAFE ACT

At the end of the resolution insert the following new section:

''SEC. 2. Immediately after disposition of the conference report, the House shall be considered to have taken from the Speaker's table the bill (H.R. 1307) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes, with the Senate amendment thereto, and a motion that the House concur in the Senate amendment with an amendment consisting of the text of the Senate amendment to the text of H.R. 1308 shall be considered as pending without intervention of any point of order. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.''

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by a 5-minute vote on adopting H. Res. 276, if ordered; suspending the rules and adopting H. Res. 171; and suspending the rules and passing H.R. 658 with an amendment.

The vote was taken by electronic device, and there were—yeas 226, nays 200, not voting 8, as follows:

[Roll No. 279]

YEAS—226

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
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi

Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
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
Dingell
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
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
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
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—8

Berman
Carson (IN)
Cubin
Gephardt
Lofgren
Millender-McDonald
Nethercutt
Smith (WA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILCHREST) (during the vote). There are 2 minutes remaining in this vote.

□ 1439

Ms. SOLIS and Mr. RUSH changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 and 9 of rule XX, the remainder of votes in this series will be conducted as 5-minute votes.

COMMENDING THE UNIVERSITY OF MINNESOTA DULUTH BULLDOGS FOR WINNING THE NCAA 2003 NATIONAL COLLEGIATE WOMEN'S ICE HOCKEY CHAMPIONSHIP

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 171.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. KLINE) that the House suspend the rules and agree to the resolution, H. Res. 171, 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 423, nays 0, not voting 11, as follows:

[Roll No. 280]

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
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
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
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
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
Hyde
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
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
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
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)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
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

Berman
Carson (IN)
Cubin
Gephardt
Lofgren
Lowey
Millender-McDonald
Nethercutt
Peterson (PA)
Smith (WA)
Taylor (NC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1446

So (two-thirds having voted in favor thereof) the rules were suspended and the 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. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 280 had I been present, I would have voted "yea."

ACCOUNTANT, COMPLIANCE, AND ENFORCEMENT STAFFING ACT OF 2003

The SPEAKER pro tempore (Mr. GILCHREST). The pending business is the question of suspending the rules and passing the bill, H.R. 658, 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 Louisiana (Mr. BAKER) that the House suspend the rules and pass the bill, H.R. 658, 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 423, nays 0, not voting 11, as follows:

[Roll No. 281]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
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
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
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
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
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
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
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
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
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)
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)
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

Ballenger
Berman
Carson (IN)
Cubin
Flake
Gephardt
Lofgren
Millender-McDonald
Nethercutt
Smith (WA)
Walsh

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1454

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.

ANNOUNCEMENT BY CHAIRMAN OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE REGARDING AVAILABILITY OF CERTAIN CLASSIFIED DOCUMENTS

Mr. GOSS. Mr. Speaker, I wish to announce to all Members of the House that the Permanent Select Committee on Intelligence on Thursday, June 12, 2003, pursuant to its Rules of Procedure, by majority vote, authorized access to any Member of the House who wishes to review certain documents provided to the Permanent Select Committee on Intelligence by the Director of Central Intelligence in response to the letter from the chairman and ranking member to the director dated May 22, 2003.

Specifically, the documents at issue relate to the available intelligence concerning Iraq's weapons of mass destruction program and Iraq's ties to terrorist groups prior to the commencement of hostilities in Iraq.

These documents are available for review by Members only at the offices of the Permanent Select Committee on Intelligence in Room H–405 of the Capitol. The committee office will be open during regular business hours for the convenience of any Member who wishes to review this material.

Members wishing to review these documents must contact the committee's Director of Security, Mr. Bill McFarland, in advance to arrange a time and date for that viewing. This will assure the availability of committee staff to assist Members in their review of these classified materials and manage the flow of activity in an orderly way.

It should be understood by Members that none of the classified material reviewed by Members is authorized to be disclosed publicly.

It is important that Members also keep in mind the requirements of House rule XXIII, clause 13. That rule permits only those Members of the House who have signed the oath set out in clause 13 of House rule XXIII to have access to classified information.

I would advise Members wishing to review these documents that they should bring with them a copy of the

rule XXIII oath executed by them when they come to the committee office to review that material. If a Member has not yet signed the rule XXIII oath, but wishes to review the documentation provided by the DCI, the committee staff can administer the oath and see to it that the executed form is sent to the Clerk's office.

Additionally, the committee's rules require that before Members are given access to any classified material in the committee's possession, that Members must execute a nondisclosure agreement indicating that they have been granted access to particularly described classified material; they are familiar with both the rules of the House and the committee rules with respect to the classified nature of information contained in the documents they are given for review; and they understand fully the limitations placed on them with respect to disclosure of that information.

The committee requires that this nondisclosure agreement be signed by any Member seeking to review the documents each time the Member seeks to gain access to the documents.

Those are the conditions with which the committee agreed to make this material available to any Member. If there are any questions, please call the committee and we will be glad to elaborate.

ANNOUNCEMENT BY CHAIRMAN OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE REGARDING AVAILABILITY OF CLASSIFIED ANNEX AND SCHEDULE OF AUTHORIZATIONS

Mr. GOSS. Mr. Speaker, I wish to announce to all Members of the House that the Permanent Select Committee on Intelligence ordered the bill, H.R. 2417, the Intelligence Authorization Act for Fiscal Year 2004, reported favorably to the House with an amendment. The committee's report will be filed later today, Tuesday, June 17, under the unanimous consent just agreed to.

Mr. Speaker, I would also like to announce that the Classified Schedule of Authorizations and the Classified Annex that accompanies H.R. 2417 will be available for review by Members at the offices of the Permanent Select Committee on Intelligence in Room H–405 of the Capitol beginning any time after the bill is filed. The committee office will open during regular business hours for the convenience of any Member who wishes to review this material prior to its consideration by the House. I anticipate that H.R. 2417 will be considered on the floor of the House next week.

I would recommend that Members wishing to review the Classified Annex contact the committee's Director of Security to arrange a time and date for that viewing. This will assure the availability of committee staff to assist Members who desire that assistance during their review of these classified materials.

I urge Members to take some time to review these classified documents before the bill is brought to the floor, in order to better understand the recommendations of the Permanent Select Committee on Intelligence. Much of this material cannot be discussed on the floor.

The Classified Annex to the committee's report contains the committee's recommendations on the intelligence budget for fiscal year 2004 and related classified information that cannot be disclosed publicly.

□ 1500

It is important that Members keep in mind the requirements of rule XXIII, clause 13 of the House. That rule only permits access to classified information by those Members of the House who have signed the oath set out in clause 13 of House rule XXIII.

I would advise Members wishing to review the classified annex and its classified schedule of authorizations that they must bring with them a copy of the rule XXIII oath signed by them when they come to the committee office to review that material.

If a Member has not yet signed that oath, but wishes to review the classified annex and schedule of authorizations, the committee staff can administer the oath as a service for that Member and see to it that the executed form is sent to the Clerk's office. We would be happy to do that. Additionally, the committee's rules require that Members execute a nondisclosure agreement indicating that they have been granted access to the classified annex and classified schedule of authorizations, and that they are familiar with both the rules of the House and the committee with respect to the classified nature of information contained in the classified annex and the limitations on the disclosure of that information.

I am sorry for all the bureaucratese, but we take very seriously our responsibility to keep this matter properly provided for and safeguarded.

CONFERENCE REPORT ON S. 342, KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003

Mr. HOEKSTRA. Mr. Speaker, pursuant to House Resolution 276, I call up the conference report on the Senate bill (S. 342) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. FLAKE). Pursuant to rule XXII, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of June 12, 2003 at page H5307.)

The SPEAKER pro tempore. The gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Illinois (Mr. DAVIS) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

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

Mr. Speaker, I am pleased that we are here today to discuss the conference agreement to S. 342, the Keeping Children and Families Safe Act of 2003, which reauthorizes and improves the Child Abuse Prevention and Treatment Act, CAPTA; the adoption opportunities program; the Abandoned Infants Act; and the Family Violence Prevention and Services Act.

We began this process of reauthorizing CAPTA and FVPSA in the last Congress. The conference report before us today shows our ongoing bipartisan effort and our commitment to ensuring that programs aimed at the prevention of child abuse and neglect and family violence continue.

The conference report before us continues to emphasize the prevention of child abuse and neglect before it occurs. It promotes partnerships between child protective services and private and community-based organizations, including education and health systems, to ensure that services and linkages are more effectively provided. It retains important language from the House bill to appropriately address a growing concern over parents being falsely accused of child abuse and neglect and the aggressiveness of social workers in their child abuse investigations.

It retains language to increase public education opportunities that strengthen the public's understanding of the child protection system while teaching the appropriate manner for reporting suspected incidents of child maltreatment. It also retains language to foster cooperation between parents and child protective service workers by requiring caseworkers to inform parents of the allegations made against them, and improves the training opportunities for child protective services personnel regarding the extent and limits of their legal authority in order to protect the legal rights of parents and legal guardians. These are important additions to our Nation's child abuse laws that should not be overlooked.

This conference report retains the House language requiring States to implement policies and procedures to address the needs of infants born and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, including the requirement that health care providers involved in the delivery or care of these infants notify child protective services of the occurrence of such condition and develop a plan of safe care for such infants.

In addition, this conference report maintains language expanding adoption opportunities and services for infants and young children who are disabled or born with life-threatening conditions, requires the Secretary of Health and Human Services to conduct a study on the annual number of infants and young children abandoned each year, and extends the authorization for the Family Violence Prevention and Services Act.

Finally, Mr. Speaker, I want to thank all the conferees, both the House and the Senate, for their hard work and efforts in finalizing this conference report. I especially want to thank the gentleman from Ohio (Mr. BOEHNER) for his continued support throughout this process and the gentleman from Pennsylvania (Mr. GREENWOOD) for his diligence in ensuring that infants born addicted to drugs receive necessary services. I appreciate the assistance of the ranking member of the full committee, the gentleman from California (Mr. GEORGE MILLER); and the ranking member of the subcommittee, the gentleman from Texas (Mr. HINOJOSA), in ensuring that we have reached this point here today. I, of course, also want to thank the chairman of the Senate HELP Committee, Senator GREGG; the ranking member, Senator KENNEDY; and Senator DODD for their efforts in finalizing this bill.

Most importantly, I also want to thank the staff. This conference report would not be before us today if it were not for the diligence and dedication of the staff who have spent many hours working through the differences in the two bills to ensure that we reached this final agreement.

Mr. Speaker, again, I am very pleased with this conference report. I urge my colleagues to join me in support of this bicameral, bipartisan effort to improve the prevention and treatment of child abuse and family violence.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume. I rise today in support of Senate bill 342, the Keeping Children and Families Safe Act to amend the Child Abuse Prevention and Treatment Act.

First of all, I want to commend Chairman BOEHNER and Ranking Member MILLER for their movement of this legislation to the floor. Obviously I am pleased with my participation as a member of the conference committee. I also commend the gentleman from Michigan (Mr. HOEKSTRA), the gentleman from Pennsylvania (Mr. GREENWOOD), and the gentleman from Texas (Mr. HINOJOSA) for their participation. Also I would like to thank the House committee Democratic staff, Ruth Friedman, Ricardo Martinez, and Maggie McDow and the Republican committee staff, Pam Davidson, Krisann Pearce, Kate Houston, Rebecca Hunt, and Judy Boyer for all of their hard work and collaboration with the Senate staff in shaping this legislation to better serve some of our neediest and most helpless citizens.

In the year 2000, about 879,000 children were victims of abuse and neglect in this country. Of this number, approximately 1,200 children died of abuse or neglect, and 44 percent of those children were under the age of 1. It is indeed a disturbing thought that an adult would want to hurt an innocent, helpless child. Yet it occurs and it occurs daily in this country. The United States Congress has in the recent past taken to the floor to bring awareness to the problem and the need to deal with child abuse in this country. This resolution allows us to not only acknowledge this tragic problem but also to provide some assistance to the children and the families that are victims of abuse.

I am very proud of the many good provisions of this legislation. One is the increase of funds from $33 million to $80 million for community-based groups that run programs to strengthen and support families in efforts to reduce the level of child abuse that exists and that exists among families. There are also other new funds and emphasis to better meet the needs of abused children, such as providing funds to meet the needs of children who witness domestic violence and have policies in place to address the needs of infants who are born and identified as having been physically affected by prenatal exposure to illegal drugs or to HIV or who are HIV-infected.

However, this bill would only be doing half its job if we did not also look at individuals who assist the victims of abuse. There will be grants made available to improve child protection services, particularly cross-training to enable child protection service workers to better recognize the signs of domestic violence and substance abuse in addition to child abuse. It also calls on States to provide better training and to strengthen efforts toward child abuse prevention programs.

As our economy worsens and the number of unemployed, especially long-term unemployment, rises, we need to recall the correlation between the state of the economy and violence. With high unemployment and a weak economy, more adults will become frustrated and depressed, both of which often lead to child abuse. You mix together an unemployed individual who feels depressed, frustrated and stressed, who becomes overwhelmed, and it is unfortunate that more of them will take out their rage or their emotion on whoever is closest or whatever is closest to them. At times, sadly, this may be released on a spouse or a child.

Just as the bill would be incomplete if it did not acknowledge improvements for child protection systems, we would be incomplete in our focus on improving the status of at-risk children if we did not acknowledge the state of the economy and the need of a tax credit for our neediest families. One may not see the correlation, but it is there. If we are going to stand here today and send the message that we sincerely care about the well-being of the less fortunate victims in our Nation, we cannot then in the next breath send the message to the once-abused mother or father that they are not worth the child tax credit, or to the children who witness domestic violence or violent crimes around their home on a regular and ongoing basis that they are not worth a concrete, comprehensive program like Head Start.

Mr. Speaker, as I have said, I am proud of this bill, Keeping Families and Children Safe Act; but I also do not believe that we are doing a complete job, that we are doing enough to help the neediest and the most helpless, and sometimes youngest, victims in our Nation to be safe and secure.

And so I commend the gentleman from Michigan; I commend all of those who have worked and helped shape this legislation. I support this legislation.

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

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. BURNS), a member of the subcommittee.

Mr. BURNS. Mr. Speaker, I rise today to express my support for the conference report on S. 342, the Keeping Children and Families Safe Act of 2003. As a member of the conference committee, I am proud that it reauthorizes several programs that are critical to families in our country.

The bill focuses resources on preventing child abuse, improving opportunities for adoption of foster children, and protecting families from violence. It does so by providing necessary funds to identify and address issues of child abuse and neglect and working to stop family violence before it occurs. These issues know no party or boundary.

This bipartisan legislation recognizes that we must address the problems in a comprehensive way. It shows that we can bring public and private resources to bear in this fight by promoting partnerships between child protective services and community-based organizations. The conference report also gives priority to the training, recruitment, and retention of those who provide services for the victims of violence and abuse. We must not lose the benefits of the experience of these individuals.

Our families and children form the basis of our society and the future of our country. By providing a national clearinghouse of effective child abuse prevention programs and training resources for law enforcement and social service personnel, we can help State and local programs operate more effectively. This bill demonstrates our national commitment to the welfare of those most vulnerable of our citizens. We have an opportunity to help break the cycle of domestic violence and abuse and give a better future to children who would have had no future at all. I would urge all of my colleagues to vote for the conference report and pass this legislation today.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 6 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), who is indeed an advocate for children, not only an advocate for children but who is indeed an advocate for whatever is good and wholesome for the United States of America.

□ 1515

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the very distinguished gentleman from Illinois (Mr. DAVIS) for yielding me this time.

I have very much appreciated his leadership on the issues dealing with children in America. We have spent some time in Texas listening to many of our social worker, skilled social workers from around the Nation giving us instructions on the importance of providing social services to the needs of our children.

To the gentleman from Ohio (Mr. BOEHNER), the full committee chairman; and to the gentleman from California (Mr. GEORGE MILLER); and to the gentleman from Michigan (Mr. HOEKSTRA) for his leadership on this issue, I too rise in support of S. 342, Keeping Children and Families Safe Act of 2003, and will share a number of comments on the importance of this legislation that deals with enhancing the resources and the instructions and guidelines for protecting the Nation's children against abuse and neglect.

It is not my purpose to fault one State over another. Certainly all of us come from jurisdictions that can stand improvement, and this legislation will help us do so. But in the last few weeks and months, we note the tragedies that occurred in the State of New Jersey and Florida, in particular in Florida the missing little girl still yet to be found who was taken away from her grandmother by someone who alleged to be within the children's protective services, and similar stories in the State of New Jersey shows that our system is broken and needs to be fixed. Frankly, this legislation ensures that hopefully that we can focus on that broken aspect.

There is currently a $2.5 billion spending gap between what this country spends on child abuse and prevention and what is needed, and as a Nation we cannot rest. We cannot sit idly by with the knowledge that millions of children are not being properly cared for. Child abuse and neglect victims may experience one or more kinds of maltreatment including neglect, physical abuse, sexual abuse, psychological or other maltreatment. Neglect is the most common form of child maltreatment; and in recent years, close to 63 percent of child abuse victims suffer neglect including medical neglect.

Of the millions of children who reported abuse and neglect, 24 percent suffered physical abuse, 12 percent suffered sexual abuse, 6 percent suffered emotional maltreatment, and 3 percent suffered from medical neglect. Sadly, almost 40 percent of the children are under the age of six. Unfortunately, in my home State of Texas, 47,400 children were confirmed victims of abuse or neglect. There are over 6 million children in Texas. This legislation will hopefully focus with resources, instruction, and of course aiding and insisting on better services in our States to make sure that we confront this problem head on.

Just a few years ago I joined with the children's protective services in Harris County to tackle the problem of abandoned children, to engage in a billboard campaign along with other outreach campaigns to insist that there are other ways to avoid abandoning a baby and leaving a child unattended and to be able to work with the children's protective services and foster parent care to ensure that our children are never abandoned along a roadside or in a garbage dump. We are still working on that problem, Mr. Speaker; and we have a long way to go.

I would say that the gentleman from Illinois (Mr. DAVIS) is absolutely correct. While we are protecting our children against abuse, whether it is sexual abuse and neglect, whether it is by way of medical treatment or nutrition, we also need to look at programs that are headed our way to this floor; and certainly this morning in a hearing sponsored by the Congressional Black Caucus it is very clear that the Head Start program is not broken and should not be fixed. Absolutely, legislation that is making its way to this floor should not include a block grant provision that takes moneys away from this vital Head Start program, 38 years old, that provides nurturing and caring attitudes toward our children, a nurturing and supportive atmosphere for our parents, immunization and nutrition, giving some of these children two meals a day that they would have never have gotten. This effort to block grant this program even if it is only in eight States, Mr. Speaker, is misdirected and loses the point of what Head Start has done for 38 years. Clearly, we can work to improve our program; but we should not abolish it, and we have people in Congress today, Head Start professionals and parents, who are advocating do not abolish Head Start; and I hope that our colleagues will listen to them.

I would say also, Mr. Speaker, that we have another job yet undone, and that is to provide a tax credit for low-income children. Yes, this legislation is extremely important. But today, June 17, 2003, America's low-income children still do not have a tax credit. What we can do, Mr. Speaker, is immediately pass the Senate bill and send it to the President's desk and send the Senate bill to our low-income families. In my State of Texas, 2.129 million children are missing the impact of a low-income tax credit because we have stalled this legislation in the House. In addition, 12 million to 19 million children could be helped by the Senate bill along with the children of our military families, some of whom have their loved ones on the front lines of Iraq.

Mr. Speaker, this body should be a problem-solver. As the gentleman from Illinois (Mr. DAVIS) has said, we have a lot of work that we have accomplished, but much work to be done. Let us not abolish Head Start with this misdirected legislation headed to the floor. Let us pass this legislation enthusiastically to protect our children, but yet let us not leave 19 million children out in the cold without an effective child tax credit for low-income families. Let us pass that legislation as we pass S. 342, and let us work to secure and protect Head Start funding to the Head Start programs and not abolish it by block granting those funds to the State.

I thank the distinguished gentleman for yielding me this time, and I ask my colleagues to enthusiastically support S. 342.

Mr. Speaker, I rise in support of this rule and the underlying Conference Report on S. 342, the Keeping Children and Families Safe Act of 2003. I join my colleagues and reiterate how important it is to protect our children from abuse and neglect.

Many states are dependent on Federal money to meet the increasing demand for child abuse prevention programs. This legislation is important because it is the only Federal legislation that directly addresses the prevention of child abuse. Currently, there is a $2.5 billion spending gap between what this country spends on child abuse prevention and what is needed. As a nation we cannot rest, we can not sit idly by with the knowledge that millions of children are not being properly cared for.

Child abuse and neglect victims may experience one or more kinds of maltreatment including neglect, physical abuse, sexual abuse, psychological or other maltreatment. Neglect is the most common form of child maltreatment and in recent years close to 63 percent of child abuse victims suffered neglect (including medical neglect). Of the millions of children who are reported abused or neglected, 24 percent suffered physical abuse, 12 percent suffered sexual abuse, 6 percent suffered emotional maltreatment and three percent suffered from medical neglect. Sadly, almost 40 percent of the children were under the age of 6.

I am particularly concerned with that 12 percent of cases involving sexual abuse. Child sexual abuse includes actual physical abuse such as touching a child's genital area or molestation, and it also includes sexual assault, self-exposure (flashing), voyeurism, and exposing children to pornography.

Unfortunately, in my home state of Texas 47,400 children are confirmed victims of abuse or neglect. I want to put that number into perspective, Mr. Speaker. There are over six million children in Texas. Over one million Texas children live in poverty. Many of the children and families I am talking about would not have been eligible for the Republican's child tax credit. Studies have shown that poverty is one of the many societal elements that can increase the occurrence of child abuse. I am glad to say that this underlying bill will lead to services for all families, including those whose incomes are low.

It is beyond reprehensible that anyone would treat children in this way. Furthermore,

it would be despicable for this Congress not to do everything possible to help prevent such abuse.

Between 1993 and 1999, the incidence of child abuse and neglect declined on the national level. However, after 1999 the incidence of child abuse rose. We must turn that tide back around. We must not be discouraged by the size of the problem we must seek to work together, in a bipartisan way. Because the matter of protecting our children is not political or partisan it is simply the most important thing that this body can do.

There is more that we can do. In fact, there is more that we must do. The underlying bill is a step in the right direction therefore I support the rule on the Conference Report for S. 342.

Mr. HOEKSTRA. Mr. Speaker, I yield 3 minutes to the gentleman from Nevada (Mr. PORTER), vice chairman of the subcommittee.

Mr. PORTER. Mr. Speaker, I rise today in support of the conference agreement to S. 342, the Keeping Children and Families Safe Act of 2003. Mr. Speaker, this legislation builds upon changes made during the last reauthorization of the Child Abuse Prevention and Treatment Act and the Family Violence Prevention and Services Act, directing its efforts towards the prevention of child abuse and neglect and family violence in collaboration with child protective services. It would ensure that States have the necessary flexibility and resources for identifying and addressing the issues of child maltreatment and family violence before they occur and works to protect and treat abused and neglected children and victims of family violence.

According to the United States Department of Health and Human Services, in 2001 there were an estimated 903,000 victims of abuse or neglect nationally. Almost three-fifths of all victims suffered from neglect, and the most victimized children were in the zero to three age group. In Clark County, Nevada, while there was an increase in the number of child abuse and neglect reports, up in 2001 to 8,316, in 2000 there was a drop to 7,932. There was a decrease in the substantiated child abuse reports as a percentage of the total reports in 2001, having continually declined from 1997. And with the improvements we have established throughout the intense conference negotiations on the Keeping Children and Families Safe Act of 2003, I hope to see a further decline in child abuse and family violence across this country.

It is important that children and families can lead safe and healthy lives. Treatment and preventative measures are essential to stopping this abuse. I urge my colleagues to support this conference report.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I noticed that the chairman of the Committee on Education and the Workforce has come to the floor, and again I want to reiterate my commendations to him for the outstanding leadership that he has provided in bringing this legislation before us and to the floor of the House.

I have always been told that the greatness of a society can be determined by how well it looks after its old, how well it looks after its young, and what it does for those who have difficulty in looking out for themselves. And when we think about abused and neglected children, we are thinking about individuals who have difficulty looking out for themselves.

For the last 10 or more years each Christmas Eve, I and a group of my friends visit what we call halfway houses for neglected and abused children; and to see little children in the basements of apartment buildings, in the basements of churches or in many instances just places that the keepers of these facilities have found and to see them there with little hope, with no real encouragement, and not even knowing what the season is about, and to see the glee and the joy that they have just when they are given an apple or an orange or some fruit or a toy that someone else may have just given away, that speaks to what this legislation will mean. If we can prevent families from taking out their frustration on children, if we can find children who have left home, who themselves are confused, if we can bring hope to the hopeless and help to those who are helpless, then that is really what America should be about; and that is one of the things that this legislation helps to do. So once again, I commend all of those who have been instrumental in bringing it to this point.

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

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

I would like to thank the gentleman from Illinois (Mr. DAVIS) for the kind words and the tone of discussion and the debate today. It is not a debate. We have worked very positively in a bipartisan way to bring this legislation not only through the House but through a conference committee, and one of the instrumental leaders in making sure that that is a tone that we have on the committee and the tone for this piece of legislation is the chairman of the full committee.

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Chairman BOEHNER) and express our appreciation and thanks for having the opportunity to move this bill.

Mr. BOEHNER. Mr. Speaker, I thank my colleague for yielding me this time.

I thank both him and the gentleman from Illinois (Mr. DAVIS) and many others for their efforts in bringing us here, and I rise today in support of the conference report to S. 342, the Keeping Children and Families Safe Act of 2003. This conference report reauthorizes the Child Abuse Prevention and Treatment Act and the Family Violence Prevention and Services Act and related programs and acts. The conference report represents, I think, our efforts and commitment to once again ensure that programs aimed at the prevention of child abuse and neglect are strengthened and continue to serve vulnerable children.

When this process began, we wanted to ensure that the final bill reflected our strong belief that every child in America deserves the security of being part of a safe, permanent, and caring family. And I am pleased to say that the conference report that we have before us does just that. It aims to improve program implementation, making enhancements to current law to ensure that States have the necessary resources and flexibility to properly address the prevention of child abuse and neglect. This conference report retains language to ensure that children are protected from abuse and neglect through best practice prevention and treatment services. And, importantly, it continues to reflect our belief that we can help achieve this goal by maintaining resources for adoption opportunities, identifying and addressing the needs of abandoned infants, and ensuring that resources continue to be available to promote family violence prevention activities. This conference report also retains language to address the problem of child abandonment and abuse with effective solutions that make a real difference in the lives of children.

In addition, this conference report continues to appropriately address issues regarding child protective services across the United States by enhancing training for personnel, requiring more effective partnerships between child protective services and private and community-based organizations, and improving public education on the children protection system. This conference report enjoys a strong bipartisan support and is widely supported throughout the child abuse prevention and family violence prevention communities. I want to thank all the conferees from both the House and the Senate for their efforts in getting us to this point.

I especially want to thank the Select Education Subcommittee chairman (Chairman HOEKSTRA) for his leadership and dedication to the completion of this conference report; the gentleman from Pennsylvania (Mr. GREENWOOD); the gentleman from Texas (Mr. HINOJOSA); the gentleman from Illinois (Mr. DAVIS); and the gentleman from California (Mr. GEORGE MILLER), my friend and the ranking member of our committee.

□ 1530

I wish to thank Senator GREGG, the Chairman of the Senate Health Committee, Senator KENNEDY, the ranking member, and Senator DODD for their assistance in finalizing and helping us bring this legislation forward today.

I also want to thank the staff for their hard work and their dedication, especially Krisann Pearce, Pam Davidson, Kate Houston, Holli Traud, Alexa Marrero, and Jo-Marie St. Martin of

my committee staff; Ruth Friedman with the gentleman from California (Mr. GEORGE MILLER), Ricardo Martinez with the gentleman from Texas (Mr. HINOJOSA), Rebecca Hunt with the staff of the gentleman from Michigan (Mr. HOEKSTRA), Judy Borger and Matt Haggerty with the gentleman from Pennsylvania (Mr. GREENWOOD), and the counsel from the minority side, Mort Zuckerman, whom I see in the Chamber. They have all worked in an especially close way to help bring us here today.

So I want to urge my colleagues to support the conference report to S. 342, and thank them for all of their hard work.

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

Mr. Speaker, I am going to note it is a pleasure to see as many children in the Chamber as there are to see this bipartisan legislation being approved. I would reiterate that there is nothing more important that America could do than to demonstrate how important children are and prepare for the future leaders of our Nation to emerge, to have the kind of services that they need, the kind of programs.

We cannot afford to lose a single one. So every time we can go out and bring in a child who may have been lost, may have been neglected or may have been abused we are actually doing the best work that we could do. I would urge support of this legislation.

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

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

Mr. Speaker, I would like to just reiterate my support to the comments of the gentleman from Illinois (Mr. DAVIS). It is absolutely true that society will be measured by how we take care of those who are least able to take care of themselves. This bill is a step in the right direction. I hope that we can continued working on these issues and other issues to make sure that we do not leave a single child behind, either at this stage in life through the education process or later on as they enter into higher education.

Those are all the kinds of issues that we will either consider at the subcommittee or the full committee level, and hopefully we can continue to maintain this bipartisan support on these very, very critical issues, recognizing that we each come from different communities with different perspectives, different backgrounds and different needs, and that by bringing those perspectives to the committee, by bringing those perspectives to the House, we will reach the appropriate kind of legislation that will have the most impact and most beneficial impact across America.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. HINOJOSA. Mr. Speaker, I commend the committee leadership in both Chambers for bringing forth this agreement, which represents a bipartisan, bicameral effort to protect children.

As with the Amber Alert legislation, and the Runaway, Homeless and Missing Children Protection Act that passed the House earlier this year, this legislation shows that we are unified in our desire to protect young people who are in danger. I am proud to be a part of this effort.

I won't repeat all the technical aspects of the bill, but this effort will focus on the prevention and treatment of child abuse by authorizing grants to States to help with the functions of the child protection system. It also provides authority for research and demonstration projects, enhances investigations and prosecutions of maltreatment, and provides grants for local community-based programs.

I am pleased that we were able to include in the final agreement demonstration programs to assist children who witness domestic violence as well as an Internet enhancement of the domestic violence hotline.

There is no more important task before this Congress than to protect the most vulnerable of our Nation's children.

I only hope that our commitment to children will extend beyond rhetoric to the resources needed to fully fund these and other programs for children. Unfortunately, help for poor, disadvantaged children has taken a backseat to tax breaks for the wealthy. We are sending a clear message to our young people, not only will we leave you behind, we will also leave you the bill.

I firmly urge all my colleagues to support the final conference agreement. When the time comes, I also urge you to support the resources necessary to protect, defend, and educate our children.

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

The SPEAKER pro tempore (Mr. FLAKE). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. HOEKSTRA. 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, further proceedings on this question are postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 34 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1645

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. QUINN) at 4 o'clock and 45 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, and the Chair's prior announcement, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

Conference report to accompany S. 342, by the yeas and nays;

Motion to suspend the rules and adopt S. Con. Res. 43, by the yeas and nays;

Speaker's approval of the Journal, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CONFERENCE REPORT ON S. 342, KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the Senate bill, S. 342, on which the yeas and nays are ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the conference report.

The vote was taken by electronic device, and there were—yeas 421, nays 3, not voting 10, as follows:

[Roll No. 282]

YEAS—421

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
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
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
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
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
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
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
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
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)
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
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)
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)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Flake
Hostettler
Paul

NOT VOTING—10

Carson (IN)
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Gephardt
Lofgren
Millender-McDonald
Ros-Lehtinen
Smith (WA)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1707

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT CONGRESS SHOULD PARTICIPATE IN AND SUPPORT ACTIVITIES TO PROVIDE DECENT HOMES FOR THE PEOPLE OF THE UNITED STATES

The SPEAKER pro tempore (Mr. QUINN). The pending business is the question of suspending the rules and concurring in the Senate concurrent resolution, S. Con. Res. 43.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GARY G. MILLER) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 43, 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 421, nays 1, not voting 12, as follows:

[Roll No. 283]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
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
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
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
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
Hyde
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
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
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Neugebauer
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
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)
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)
Young (FL)

NAYS—1

Nadler

NOT VOTING—12

Bachus
Carson (IN)
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Fattah
Gephardt
Hunter
Lofgren
Millender-McDonald
Ros-Lehtinen
Smith (WA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FLAKE) (during the vote). Members are reminded there are 2 minutes within which to record their vote.

□ 1715

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BACHUS. Mr. Speaker, on rollcall No. 283 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. MILLENDER-McDONALD. Mr. Speaker, on rollcall No. 279, I would have voted "no"; Nos. 280, 281, 282, 283, I would have voted "yea." I was detained at the airport unable to get here for hours due to inclimate weather and traffic jam and congestion.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the pending business is the question on agreeing to the Speaker's approval of the Journal of the last day's proceedings.

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

PERMISSION FOR PERMANENT SELECT COMMITTEE ON INTELLIGENCE TO FILE REPORT ON H.R. 2417, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the Permanent Select Committee on Intelligence have until midnight, June 17, 2003, to file its report on the bill H.R. 2417, the Intelligence Authorization Act for Fiscal Year 2004.

I understand the other side of the aisle is in agreement with this request.

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

There was no objection.

TRIBUTE TO JOHN DINAN

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

Mr. MCCOTTER. Mr. Speaker, on June 12, a friend to all my community, Mr. John Dinan, passed away following a courageous fight with cancer, but his unique achievements as a developer will long stand as a testimony to his vision and innovation.

After graduating from the University of Detroit High School in 1944, John went off to serve in the Navy during World War II, and returned to earn a degree in civil engineering.

John began his career in public service, becoming Farmington City Manager, where he garnered experience and recognition by leading the city's successful downtown redevelopment project, despite difficult fiscal conditions. Upon leaving his post, John formed his own development firm, committed to an architectural style, incorporating and complementing the community's natural aesthetics.

During his rise and tenure at the pinnacle of his profession, John always gave back to the neighbors in the communities he developed.

Thus, on behalf of us all, I extend my deepest condolences to his wife Jean, and his entire family, for their loss.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. NUNES. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

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

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.

TIME TO GO TO CONFERENCE ON CHILD TAX CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, today is Day Five of the House Republican leadership's campaign to kill the extension of the child tax credit.

The issue is very simple: The Senate has passed the child tax credit, the President says he will sign it, twelve million children in America need it, but the House Republicans want to kill it. The chairman of the Committee on Ways and Means says there is not enough time to meet in conference with the Senate. That reveals his true intent. He does not want this bill to become law.

A conference with the Senate could take just 5 minutes. The House Republicans could simply stop their delaying tactics and accept the Senate bill in the House-Senate conference. The conference report would be quickly approved by each House and sent to the President, who, as I mentioned, has said he will sign it.

But let us be clear, the House Republicans do not want this bill to become law. In the 12 days since the Senate passed its bill by a 94 to 2 vote on June 5, a strong bipartisan vote, 94 to 2, the Republican majority in the House has voted six times not to accept the Senate bill. Instead, the Republicans voted to send a bloated $82 billion bill to conference, which they know the Senate will not accept. It is not paid for, it is reckless, it is irresponsible.

The Republican leadership in the House simply does not want to expand the child tax credit, which corrects the unfair omission of nearly 12 million children, including 250,000 children of our active duty military personnel.

Mr. Speaker, we are here because our constituents have entrusted us with serious responsibilities. We have the responsibility to our veterans and our military to make sure we honor their sacrifices and be true to the resolutions that we make honoring them here in this House almost on a daily basis. That is appropriate, to honor them, to respect their patriotism, their courage, and to recognize the sacrifice they are willing to make for our country. How then can we say to them that their children are not worthy of this extension of the tax credit?

We also have a responsibility to our parents and grandparents to improve and strengthen the Medicare program they know and trust, and we have a responsibility to future generations to leave them with a country that is even better and stronger and more secure than the one we inherited from our parents.

Providing the tax credit to working and military families is not something that we do not have time for. If children are a priority for us, then we make them a priority, and that means we have time for them. It is not something that we can cavalierly shrug off with phrases like ''It ain't gonna happen,'' to quote my colleagues. It is not something that ''we should only consider if we get something for it,'' to quote my colleagues.

This is a central question of fairness and of responsibility to the children and 6.5 million families who are waiting, still waiting, for us to fulfill a promise we made to them.

□ 1730

We are saying to those children, wait until next year, or the check is not in the mail. Whatever it is, it is bad news if you are a family working full-time, but do not make over $26,000 a year; and it is bad news for our children of the military.

These working and military families pay taxes, just like everyone else, and are struggling to make ends meet in today's stagnant economy. On behalf of the families of 12 million children now waiting for this tax relief, we must correct this callous omission as quickly as possible.

The Senate tax credit bill is fiscally responsible, it is paid for, and it costs $10 billion compared to the $82 billion in the House bill. The Senate bill is supported by Democrats and rank-and-file Republicans in the House, and it would immediately provide the tax credit to millions of working and military families let out of the final tax cut bill approved last month. We can pass the bipartisan legislation and send it to the President today.

It is interesting that after the vote on the tax credit last week, where the Republicans' reckless and callous policy prevailed, that on the motion to instruct which followed, 12 Republicans joined the Democrats in a motion to instruct the conferees to take up the Senate bill. We did that because we know we can invest in our children or we can indebt them. That is the choice that the Republicans have put before us.

Mr. Speaker, President Kennedy said, ''Children are our greatest resource and our best hope for the future.'' I urge my Republican colleagues to do the right thing and accept the Senate bill and, in doing so, support the value we place on our children. We cannot say that some children are our greatest resource and our best hope for the future, but not if your parents make the minimum wage or if they are risking their lives on active duty in the military. We recognize our children as our messengers to a future many of us, most of us, will never see. We want them to take forward a message of respect for children, all children in our country. We want to show them that they really are our greatest resource and our best hope for the future.

There is no excuse, Mr. Speaker, for the Republican majority not to go immediately to conference and send this bill back to the House for approval and to the President's desk before the end of the month so that every child in America can take advantage of the tax credit whose parents qualify.

THE STRAIGHT STORY ON THE HIGH COST OF PHARMACEUTICALS

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, for some time now, a number of us have been coming to the floor of the House to talk about the high cost of prescription drugs here in the United States. We pay more for prescription drugs than any country on the face of the Earth, and many of our senior citizens and others have been going right across the border into Canada and buying pharmaceutical products for half or one-tenth the cost that they are here in the United States.

Now, the Food and Drug Administration and the pharmaceutical companies are doing everything they can to stop Americans from buying pharmaceutical products from Canada by saying that there is a safety issue. The fact of the matter is, we checked, the gentleman from Minnesota (Mr. GUTKNECHT) and myself and others; and we have found no cases, none, where Canadian pharmaceutical products that were made here in the United States and reimported back into this country have caused anybody any harm. Absolutely zero.

Now, in my congressional district, the PhRMA companies have been mailing literature to senior citizens saying that there is a safety issue if you buy pharmaceutical products from Canada because they may be contaminated or counterfeit or something else. We have found no cases like that. But they are mailing them into my district trying to scare people trying to influence them to influence me to change my position. Americans should pay no more for pharmaceutical products than they do in other parts of the world; and yet we pay more, by far, than any country: France, Germany, Spain, Canada, anyplace.

Now, today I was watching television and there is a man I respect a great deal, Neal Cavuto; he has a great television show, and he is a very fair newsman. He had a gentleman on his program that said that there was a real problem with safety of these pharmaceutical products coming in from Canada, and the gentleman who was on was so vociferous and so adamant about this that I feel that he must have been paid by the pharmaceutical companies; and if he is not, he should be. Because he is trying to scare Americans into believing they should not buy these pharmaceutical products from Canada.

We have over a million people a year that buy their products from there because they cost so much less, and the attempt is being made to stop that by the Food and Drug Administration saying they are not safe when there is no evidence of that, and by the pharmaceutical companies who are saying they are following the edicts of the Food and Drug Administration.

Now, we are coming up with a prescription drug benefit before too long, and unless we get a handle on these prices and make sure that the American people are paying prices similar to the rest of the world, the taxpayer is going to be picking up the difference between what they pay in Canada and what they pay here in the United States. The senior citizens want the prescription drug benefit, and we want to give it to them; but we do not want the taxpayers of this country saddled with extremely high prices for the products they can buy right across the border for less money.

So it is extremely important, in my opinion, that we get this message out to the American people. And the pharmaceutical companies have $150 million they are dumping into an ad campaign to try to convince people that these products are not safe when that is just not the case.

So I would just like to say if Mr. Cavuto happens to be watching tonight or any other television commentator, please be fair. Be sure to have the gentleman from Minnesota (Mr. GUTKNECHT) or myself or somebody else who has been studying this issue for some time on the program as well to rebut those who are paid for by the pharmaceutical companies to make sure the American people are getting the story straight; not biased, but straight.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to address their remarks to the Chair.

A HATE-HATE RELATIONSHIP WITH MEDICARE

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

Mr. BROWN of Ohio. Mr. Speaker, the Republicans have just never really liked Medicare. Medicare was enacted in 1965, despite the overwhelming opposition of Republicans in Congress. Only 13, fewer than 10 percent, only 13 of the 140 Republicans in the House in those days backed Medicare. Bob Dole voted ''no.'' Gerald Ford voted ''no.'' The soon-to-be minority leader, John Rhodes, voted ''no''; Strom Thurmond voted ''no,'' Donald Rumsfeld, a Member of Congress then, all leaders in their party, in the Republican Party, voted against the creation of Medicare. They were unapologetic at the time. Most of them are unapologetic about their opposition and their willingness to undercut Medicare today.

Senator Bob Dole, 20 years later as a candidate for President representing the Republican Party, told a conservative group called the American Conservative Union, he said, ''I was there, fighting the fight, one of only 12 voting against Medicare.'' Actually, I do not know where he came up with 12, there were many more than that, but one of a few, he said, voting against Medicare. The Reagan administration some years later led the first substantive swings at Medicare. With the help of congressional allies, he succeeded in cutting Medicare payments to doctors and raising seniors' Medicare out-of-pocket expenses. But it was not until Republicans took over the House in 1994 the Republican leadership had a realistic chance at obtaining their long-held goal of killing Medicare. House Speaker Newt Gingrich, almost immediately after being sworn in in January, led a failed bid to cut Medicare by $270 billion to pay for a tax cut for the wealthiest people in the country. Sound familiar? Cut Medicare, free up the dollars, so you can give a tax cut to the richest 5 percent, richest 6 percent of people in this country.

Among the Gingrich Medicare plans, a key supporter was then Governor of

Texas, George W. Bush. That same year, Gingrich offered a candid overview of the Republicans' Medicare strategy and said this: ''Now, we didn't get rid of it in round one because we just don't think that is politically smart. We don't think that is the right way to go through a transition. But because of what we are doing,'' he said, ''we believe it is going to wither on the vine.''

The privatization extremists' next gambit was launched toward the end of the Gingrich era, hidden within the innocent-sounding Medicare+Choice program. The Mediscare privatizers told us that HMOs were so efficient compared to government-run Medicare they could provide both basic and enhanced benefits like prescription drugs for less than traditional Medicare spent on basic benefits alone. HMOs initially received a windfall on the taxpayers' dime, because they only wanted to insure the healthiest people, that did not cost much; and that is how they selectively enrolled those healthiest seniors. When that windfall was erased by providing the cost of extra benefits, HMOs came back to Congress asking for more money and abandoned their original efficiency rhetoric and brazenly charged that Medicare had ''shortchanged'' them.

Did we cut our losses? Did Congress cut our losses and end the Medicare+Choice program? No. For the Medicare privatization crowd in Congress, a private failure was still better than a public success, so Congress again diverted scarce taxpayer dollars from the traditional Medicare program, taking money from the 85 percent of the people who are in traditional fee-for-service, old-time, regular, it-works Medicare and shored up the failed insurance scheme HMO+Choice system.

Now, with the same George W. Bush in the White House who championed the Gingrich Medicare cuts in the mid-1990s to pay for tax cuts for the rich when he was Governor, the time is right, President Bush seems to think, for Republicans to now launch a full-scale attack to privatize Medicare. The Committee on Energy and Commerce and the Committee on Ways and Means are considering radical bills this week, voucher bills, Medicare privatization bills that will end Medicare as we know it, end the Medicare that has been with us for almost 40 years, almost 4 decades, and will end it by the year 2010.

The fact of the matter is the Republican bill will replace Medicare's dependable, affordable and universal coverage with a voucher program. Millions of seniors, already burned by Medicare+Choice abandonments, so many seniors have seen their Medicare HMOs go out of business, leave the State, leave the counties as they have in Lorain and Summit and Medina counties in my district, those same seniors are going to be asked to one more time put their faith in Medicare+Choice, in Medicare HMOs. Benefits and premiums would vary from county to county, ending the equity embodied by Medicare for a generation, and the Republican bill would cover only a small fraction of the Medicare costs.

The only question is whether the majority of Americans who recognize a success when they see one will let Republicans get away with putting the final stake in Medicare's heart.

AMERICANS PAY TOO MUCH FOR PRESCRIPTION DRUGS UNDER UNFAIR SYSTEM

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

Mr. GUTKNECHT. Mr. Speaker, let me first of all say that the gentleman from Ohio who just spoke, he and I strongly disagree. I happen to believe that it is time to modernize Medicare, it is time to give seniors more choices, and we will come to different conclusions on that particular issue. But there is an issue that we do agree on, and that is that Americans pay far too much for the same pharmaceuticals.

Last week, on Thursday, I was privileged to welcome to the Capitol and to one of my news conferences a true American hero. Her name is Kate Stahl. Kate Stahl wears a little pin that says ''Kate Stahl: Old woman.'' She is 84 years old and she is proud of the fact; in fact, she describes herself as a drug runner. I would encourage Members to get a copy of the June 9 edition of the U.S. News and World Report, and they will see a picture of Kate Stahl in that edition. And in there it says, and she is quoted as saying, ''I hope they put me in jail.'' Because what she does every day, working with the senior Federation in the State of Minnesota, is she helps seniors get access to world-class drugs at world-market prices. As a result, our own Federal Government treats her as if she is a common criminal. But she is prepared to go to jail to make a point, and that is that Americans should not have to pay the world's highest prices for prescription drugs.

We also welcomed to Washington last Thursday Dr. Wenner from Vermont. She is working with pharmacists in Canada so that her patients from her clinics can save, and these are her numbers, have been saving 62 percent on the same prescription drugs by working with pharmacies in Canada.

Now, the FDA acknowledged at a hearing that we had last week that any of the evidence about safety is only anecdotal. As a matter of fact, by their own numbers, they cannot come up with a single case where an American patient has suffered serious injury as a result of taking a legal prescription drug from a pharmacy from a different country. We also know that more people have become seriously ill and some have actually died from eating imported fruits and vegetables. We know that, for example, in one year, just a few years ago, over 1,100 Americans became seriously ill by eating raspberries that had been imported from Guatemala.

Now, when we talk about safety, I think the real question is, who are we protecting from whom? Who is really being protected by our FDA? More and more of us are coming to the conclusion that the only people really being protected are the big executives of the large pharmaceutical companies. We ask ourselves, why are Americans, the world's best customers, paying the world's highest prices? And the answer is, because we are a captive market and because our own FDA literally puts a border around our country and will not allow Americans to have access to those drugs.

□ 1745

As I mentioned, we import thousands of tons of food every day from all over the world. Last year, for example, we imported 318,000 tons of plantains. People say, well, somebody might get into these Fed Ex packages and get inside the tamper proof packages and somehow substitute counterfeit drugs, but again, the evidence of that is anecdotal at best, and if we stop and think just for a moment that if terrorists really wanted to get at the broad base of the American consumers, would they really resort to trying to break into UPS offices, Fed Ex offices to get into those packages and somehow tamper with those pharmaceuticals? I think common sense tells us that that simply is not going to happen.

We as Americans should be willing to pay our fair share for all of the costs of the research and development for the miracle drugs that are coming out of the pharmaceutical companies that help save lives. We ought to be willing to pay our fair share, but we have to be willing to say that it is time for us to say, yes, we will subsidize sub-Saharan Africa, but we are going to stop subsidizing the starving Swiss.

I am a Republican. I believe that the word ''profit'' is actually a good word. There is nothing wrong with the word ''profit,'' but there is something wrong with the word ''profiteer,'' and I am delighted that we have people like Kate Stahl who will stand on the shoulders of the sons of liberty who threw tea in Boston Harbor because they saw something clearly was unfair, and they were not going to take it anymore. She represents literally millions of seniors and consumers here in the U.S. who are saying enough is enough, we are not going to take it anymore.

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

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

A WEAKER DOLLAR

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

Mr. SMITH of Michigan. Mr. Speaker, I would like to make some comments on the weakening dollar. A weak dollar that is too weak has certain dangers but a weak dollar sounds worse than it is. The dollar is strong when the dollar purchases more foreign currency than it had previously, but as there are many other currencies, it is quite possible for the dollar to be getting stronger against some currencies and weaker against others.

For example, looking at the Canadian dollar, the Japanese yen and the European euro over the last 2½ years, it is clear that the dollar has weakened against two of these currencies and strengthened against the other. At the beginning of 2001, the U.S. dollar bought 1.05 euros, 1.49 Canadians dollars and 14.75 Japanese yen. On June 11 of this year, the U.S. dollar bought. 849 euros, down 19 percent; 1.35 Canadian dollars, down 10.4 percent; and 117.68 Japanese yen, up about 2.5 percent.

I present these facts on the dollar simply to say that in some cases, depending on the other foreign countries, the dollar goes up in value and sometimes it goes down.

The dollar becomes strong when the demand for the dollar increases relative to the supply of dollars, a supply-and-demand situation. There are several ways for this to happen. For example, and it looks like it has happened, if Japan wished to make its exports cheaper, its Central Bank could buy U.S. dollars, strengthening the dollar against the yen, or if the Federal Reserve increases the U.S. money supply, there will be more dollars relative to other currencies, and the value of the dollar is going to decline. Also, the lowering of interest rates by the Feds tends to push down the value of the dollar.

What happens when all of this occurs, because the question is whether a strong dollar is good or bad for the U.S. economy?

In reality, it is that a strong dollar is good for some Americans and bad for others. I think it is important that we learn about what is happening to the value of the dollar because it affects our lives. Suppose that one is an auto maker in Michigan. Their company sells cars in the U.S. and exports to Europe and Japan. Japanese companies and European companies also sell cars to the U.S. and Japan and Europe. If the U.S. dollar weakens against the yen and the euro, then the U.S. cars will be less expensive for Japanese and European consumers, and the Japanese and European cars will be more expensive for U.S. customers. This will result in more profit and higher employment in the U.S. auto industry.

In other words, as the dollar weakens, it is easier to export our products because in relative terms, to other countries' currencies, those products become less expensive.

On the other hand, if one buys foreign made products, the weaker dollar means that they have to pay more or suppose that they work for a company that uses German and Japanese steel to produce, let us say, washing machines. A weaker dollar will make foreign steel more costly, thus making their company's product more expensive, and this is going to result in fewer jobs and probably less employment.

In the last 2 years, we have seen an increase in the U.S. money supply, a lowering of U.S. interest rates in a U.S. economy that is now outperforming the European Canadian Japanese economies. However, inflation is a risk with an increasing money supply, and foreign investors have less interest in leaving their money in U.S. stocks, and all of these things are consistent with a weaker dollar.

So we are not totally on safe ground as it becomes easier to export.

Economists have long been divided over how much the money supply could be increased which would influence the strength of the U.S. dollar.

In conclusion, in practice, the dollar is likely to gain strength against some currencies and lose strength against others. The effect on the U.S. economy will depend on which countries we are importing from and which countries we are exporting to and a myriad of other factors, including the strength of the foreign economies relative to ours. The current weaker U.S. dollar means that consumers will tend to pay a little more, but it will be good for producers and, therefore, better for job growth than otherwise.

The danger is in concerning our balance of trade. If we are importing so much more than we export, that means other countries will have extra dollars to spend, and they are going to continue to use those dollars to buy our equities.

INVESTMENT IN OUR NATION'S INFRASTRUCTURE

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

Mr. LIPINSKI. Mr. Speaker, our transportation system is second to none, but let us not sit on our hands. We still have room to improve.

Thanks to the leadership of President Eisenhower, and thanks to his experience under the vision of General John Pershing, we have the interstate highway system. Just as this Nation made a choice a half century ago, we need to make a choice again today. We need to make a decision. We must decide if we want to continue the legacy of President Eisenhower, General Pershing and other leaders who came before us. We must decide to make a major commitment to fund our Nation's infrastructure needs.

As I have said before, I will say it again tonight, we have study after study. We have pages and pages of numbers. We have the proof. The issue is no different now than it was 50 years ago under President Eisenhower. Our transportation needs continue to grow, and we need to find a way to adequately fund those needs.

The needs are many, but the answer is simple. We need to invest more in our transportation system. Here, however, in today's economy, the problems and needs are not only just with our transportation system.

In today's economy, where corporate profits inch up, we still have a 6 percent unemployment rate. The other numbers are even grimmer: 9 million unemployed Americans; 5 million underemployed Americans; and 2 million Americans have been out of a job for 6 months; 4.4 million Americans have just completely given up even looking for a job, and they have left the workforce altogether.

In today's economy, we simply have to think about more than just TRB studies, government lingo, conditions and performance reports and bureaucratic infighting, things that probably do not matter a great deal to many Americans. What we must do is to start thinking about the sluggish economy. We have to start thinking about and talking about how the loss of jobs and the 6 percent unemployment rate creates real problems and real economic hardships in the lives of millions of Americans, American workers who just are not working because they cannot find good jobs. There are not good jobs out there.

Even better yet, let us start doing something about it because we are in a position to do just that. The concept of the expansionary fiscal policy is nothing new. It has worked before and it will work again. It is the basic economics of pump-priming the economy.

According to the U.S. Department of Transportation, each $1 billion invested in infrastructure creates 47,500 jobs and 6.1 billion in related economic activity. With a 6 percent overall unemployment rate and an 8.3 unemployment rate for construction workers, there is no better economic stimulus package than the $375 billion public works bill, plain and simple.

It is a jobs bill that will put jobs back in the American economy and put American workers back to work.

KILL THE DEATH TAX

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

Mr. HENSARLING. Mr. Speaker, I rise today as a cosponsor of H.R. 8, the permanent repeal of the estate tax, more honestly described as the death tax.

Mr. Speaker, I believe as most Americans do that it is unacceptable for a grieving family who has recently lost a loved one to get a visit from the undertaker and the IRS agent on the same

day. It is simply unconscionable and it ought to be illegal.

The death tax is really a tax on the American dream. Americans work hard their whole lives, they save, they invest. They build farms and shops and factories, hoping to pass along their dream to their families once they are gone, but after years of paying payroll taxes and income taxes and sales taxes and property taxes, many businesses do not make it, and those that do, the government can step in and take over half of what someone worked their whole life to build.

Mr. Speaker, I grew up working on a farm. I represent a large portion of rural Texas, and rural Texas is a great place to live, but it can on occasion be a challenge to be a good place to earn a living. I know firsthand that farmers and ranchers and small business owners have to work extremely hard to provide for their families.

A while back ago, I heard from a constituent, a rancher in Leon County. He told me how he had worked hard for over 30 years to build a cattle ranch. He almost lost it once or twice through draught and low beef prices, but he persevered, and with his family by his side, he made it into a great success. His greatest dream was to leave this ranch to his son and his daughter who had worked alongside of him, but with sadness in his voice, he told me by the time the government takes its share, there is just not enough to go around.

Many of my colleagues like to talk about tax fairness, but Mr. Speaker, is it fair to take this man's ranch away from him? Is it fair that Americans are being taxed twice on the same income? Is it fair that after a family member is gone that his loved ones are presented with a tax bill? Is it fair that the Federal Government can automatically inherit 55 percent of the family farm, business or nest egg? Aside from the fact that the death tax is inherently unfair, what about its impact on our economy?

Mr. Speaker, while small businesses create two out of every three new jobs in our Nation, death taxes can kill those small businesses and the jobs that they represent. In fact, death taxes are the leading cause of dissolution for small businesses in America.

According to the Center for the Study of Taxation, 70 percent of businesses never make it past the first generation because of death taxes. Eighty-seven percent do not make it beyond the third generation.

How do death taxes kill American jobs? With the death of a small business owner, many employees often lose their jobs when the relatives of the deceased are forced to liquidate the business just to pay the taxes.

□ 1800

One-third of small businesses are sold or liquidated to pay death taxes, and half of those businesses are forced to eliminate 30 or more jobs. Furthermore, small and mid-sized manufacturers spend $52,000, on average, just for death tax planning. Now, $52,000, that is a good paycheck that could be going home to somebody back in the fifth district of Texas.

On the other hand, Mr. Speaker, repealing the death tax can create 200,000 extra jobs a year helping more Americans get back to work, giving them a paycheck instead of an unemployments check, and giving yet another boost to our recovering economy. According to the National Federation of Independent Businesses, nearly 60 percent of business owners say they would add jobs in the near future if the death taxes were eliminated.

And what does our society get for the death tax? Nothing. According to the Joint Economic Committee, the cost of compliance with the death tax to the economy is roughly equivalent to the tax shield. All of those family businesses liquidated, all of those jobs lost, all of those family farms sold and all of those nest eggs cut in half. For what?

Mr. Speaker, I have heard those on the other side of the aisle use the same old tired class warfare rhetoric again and again in dealing with the death tax issue. The politics of envy. But when something is wrong, Mr. Speaker, it is simply wrong; and it does not matter if the death tax only affected one person in America. Taxing anyone twice for the same work, for the same income, for the same savings is unconscionable; and it ought to be illegal.

Mr. Speaker, I urge all my colleagues to support the permanent repeal of the death tax. It is time to end the death tax so we can resurrect the American Dream.

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

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

FREE SARAH SAGA

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

Mr. PENCE. Mr. Speaker, the Bible tells us that pure religion is this: ''To look after widows and orphans in their distress.'' And I rise tonight, preparing to catch up with my wife and our three small children for dinner, feeling compelled in my heart to stand up on behalf of a young American woman and her two small children who at this very hour are hold up in the U.S. consulate in Jeddah in Saudi Arabia.

I rise to tell the story of Sarah Saga and her two little girls, this American woman, and to demand State Department action. As a member of the Committee on International Relations, I am obviously fascinated to see the House of Saud and the Government of Saudi Arabia engaging in a public relations campaign here in America. In markets across the country, our television screens are being flooded with a message that Saudi Arabia is a ''modern nation''; that America and Saudi Arabia have ''shared values.''

Prince Bandar Bin Sultan, the Saudi Arabia Ambassador to the United States, is part of a public relations offensive to change the image of the Saudi Government. But I would offer today, as is documented in today's editorial page of the Wall Street Journal, we do not need words, Mr. Speaker; we need actions by the House of Saud.

Sarah Saga's story began long ago. She found herself trapped in Saudi Arabia at the age of 6 when her Saudi father defied a U.S. custody agreement by simply refusing to return her to America after she visited her father in 1985. There she has languished ever since. Yet she never gave up on America or her American mom. This 6-year-old, now grown into a 23-year-old mother of two, used a computer to track her long-lost mother via the Internet and to tell her of her hopes for escape. She has made her way to the U.S. consulate in Jeddah, and there she languishes. Absent aggressive State Department actions and negotiations, there she will languish still.

Sadly, hers is just another story of another American woman who is trapped in Saudi Arabia, told that she is able to leave so long as she leaves her children behind. That is outrageous and utterly unacceptable. Prince Bandar told the Wall Street Journal back in September that it was ''absolutely not true'' that any American women were held against their will in Saudi Arabia. But the story of Sarah Saga tells otherwise.

So I rise tonight not to speak to the House of Saud, but rather to speak to the State Department of the United States of America and to the Bush administration and to Secretary of State Powell. As we negotiate a road map for peace in the Middle East, let us speak plainly to our allies in Saudi Arabia about the minimal expectations we have about American citizens and their progeny in their midst.

Sarah Saga and her two small children must be permitted to leave Saudi Arabia and make that long, at last, homecoming, delayed 17 years, to be in the home of her birth, the United States of America.

DESTRUCTION OF MEDICARE

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, the good news is that seniors are living longer. President Lyndon Baines Johnson, a Texan, signed the 1965 legislation entitled Medicare, which opened the doors of life to seniors of America, the same senior citizens who prior to World War II were

dying at very early ages; the same young men and women of the Greatest Generation who went into World War II and came home with no real hope that they would live their lives past 50. This 1965 legislation gave hope to that generation and many generations thereafter.

So I rise today, Mr. Speaker, somewhat troubled and certainly frightened by the proposition that this House and the Republican leadership would move to privatize a system that has worked. As we debated this today on the floor of the House, it is well known that the Committee on Ways and Means received 400 pages at 1 o'clock and began to mark up a proposed Medicare prescription drug benefit legislative initiative.

For the years that I have been in Congress, year after year and term after term, I have met with my senior citizens in the 18th Congressional District, throughout that district, and promised them and agreed with them that they deserved a guaranteed Medicare prescription drug benefit from the United States Congress. I am sad to say that we have come now to a time where there may be a vigorous debate on this issue and our seniors will still be left out in the cold.

The doughnut, Mr. Speaker, is growing larger and larger. This emerging gap in the proposal that is now being marked up by the Committee on Ways and Means and the Committee on Energy and Commerce does not answer the question of saving the lives of seniors or giving to them that long-held hope to have a guaranteed Medicare prescription drug benefit. In fact, it is a hand out, not a hand up.

If we look at this proposal of the majority of this House, it is a glaring and outstanding and shameful proposal where there is an enormous gap between the monies that these seniors will receive. If they spend up to $2,000, that is fine, Mr. Speaker. But after $2,000, they are left holding the bag, spending upwards of $5,000 on their prescription drug benefits, with no hope and no help. The promises we have made about a guaranteed Medicare prescription drug benefit, I think, have gone up in fumes and fire.

Let me share with you, Mr. Speaker, what our good friends are proposing. Prescription drugs are the stalking hawk for the Republicans' boldest attempt to privatize Medicare yet. The Republican plan converts the Medicare program to a premium support or voucher system where the government only pays a percentage of the cost of the premium. Can you imagine, Mr. Speaker, we have survived 38 years, 2 more years until the 40th anniversary of Medicare. It is not expected to go insolvent for another 3 or 4 decades, and yet we are beginning to privatize this system where seniors will not have the helping hand that they need.

Hard-working seniors have invested into this economy, paid taxes, Mr. Speaker, and provided the underpinnings of our economy. Many seniors will have to pay more if they want to stay in the same Medicare they have today. Rising fee-for-service premiums will drive all but the sickest to the private plans, resulting in programs becoming unaffordable for all but the wealthy. It ends our Medicare entitlement, the plan begun under President Johnson in 1965. Under this program, beneficiaries no longer will be entitled to the benefits as they are today.

I emphasize that this privatizing of Medicare does not provide a guaranteed Medicare prescription drug benefit, which we all know is needed in this Nation; with no guarantee of what seniors will get; and the private insurance plans, not seniors' doctors, determining what drugs they can get.

I am very pleased to have heard my bipartisan colleagues on the floor of the House today mention how expensive and devastating it is to pay for prescription drugs. I want to work with my pharmaceuticals. I believe they could work with us on a guaranteed Medicare prescription drug benefit. But in the instance of this private insurance plan, it will be those pharmaceutical benefit officers that will be able to tell you what you can afford and what you cannot, no guarantee of how much seniors will have to pay.

Private insurance plans set their own premiums. The $35 premium is not a guarantee, just a suggestion. And you know what, it will go up and up and up. In this instance, as the song says, the stairsteps to heaven, it certainly will not be. It will certainly be a downward trend to devastation and higher costs for our seniors, with a wide variance in costs to seniors across the country. Private insurance plans also determine seniors' deductibles and cost-sharing.

Mr. Speaker, just a few years ago I sat in rooms filled with seniors who were crying because they had closed the six HMOs treating seniors in Harris County. No room at the inn. No HMOs to provide for my seniors. Why did they leave? They left, Mr. Speaker, because it was not profitable.

Mr. Speaker, as I close, let me simply say the Medicare gap in the Republican Medicare prescription drug proposal is outrageous. You are going to burden our senior citizens with this gaping hole of $3,000 and upwards with that plan.

Medicare is alive and well, 38 years, just 2 more years before its 40th birthday. Let us pass a real Medicare guarantee drug benefit for our seniors and give to them the tribute that they deserve.

Mr. Speaker, we Democrats have been fighting for years for a Medicare prescription drug program that is (1) affordable; (2) available to all seniors and Medicare beneficiaries with disabilities; (3) offers meaningful benefits; and (4) is available in the Medicare program—the tried and true program that seniors trust.

And now it seems that we have the political momentum to make a good prescription drug benefit a reality. The President says he wants it. Both parties, both sides of Capitol—everyone has declared their commitment to getting affordable prescription drugs to our nation. So why is it that the only Medicare prescription drug ''plan'' the Republicans have to offer is a terrible bill with full of holes, and gifts to the HMOs, and protections for pharmaceuticals companies. Every time we get a chance to take a closer look at the Republican drug scheme, it becomes more obvious that it is just another piece of the Republican machine that is trying to dismantle Medicare and turn our federal commitment to our nation's seniors, over to HMOs and the private insurance industry.

The Republican plan would be run by HMOs, not Medicare. HMOs would design the new prescription drug plans, decide what to charge, and even decide which drugs seniors would get. Plus, HMOs would only have to promise to stay in the program for one year. That means that seniors might have to change plans, change doctors, change pharmacies, and even change the drugs they take every twelve months. Medicare expert Marilyn Moon told the Senate Finance Committee on Friday that ''There will be a lot of confused and angry consumers in line at their local pharmacies in the fall,'' if the Republican approach is not changed. She's right.

The Republican plan provides poor benefits, and has a giant GAP in coverage. Under the House Republican plan, many seniors would be required to pay high premiums even when they don't receive benefits. Reportedly, under the House GOP plan, Medicare beneficiaries have a high $250 deductible. After they reach that deductible, they would then be required to pay a portion of their first $2,000 in drugs costs—that is a fairly normal system. But, after a senior's costs hit $2000 for a year—that is when it becomes obvious just how bad this plan is. Once a senior's drug costs hit $2000, the Republican plan cuts them off. Even though they must continue to pay premiums, they get no assistance in paying their drug costs at all until their costs reach $5,100. Let me say that again. It seems so crazy, it is almost unbelievable. The sickest of our seniors, the ones on the most medications—once their costs reach the $2000 mark—they fall into the Republican gap. They are left to pay the next $3000 out of their own pockets, while continuing to pay premiums. Almost half of seniors would be affected by this gap in coverage. They will be outraged, and our offices will be hearing about it.

I have attended hundreds of health care briefings, and have read everything I can get my hands on, on the subject of improving Medicare and getting good health insurance to the American people. And I have never heard anyone say that a hallmark of a smart health insurance program is to have a giant gap in coverage for those who need help the most. Why would our Republican colleagues put in this ditch in the road to health for seniors? Because they wasted all of our nation's hard earned money, on massive tax breaks for the rich, and an unnecessary war.

So now they have placed an arbitrary budget cap on vital programs, pushed by President Bush, in order to compensate for the irresponsible Republican tax cut they jammed through this Congress and last Congress. The way they are dealing with the mess that they have made is by throwing bad policy after bad policy. To remain within their own arbitrary budget cap, they are pitching a bill that will provide

a confusing, insubstantial benefit to the majority of seniors.

If the Republicans wanted to save money, they could have put in a provision that I and many Democrats have pushed for—and that is to allow the Secretary of the HHS to negotiate with the pharmaceutical to get fairer prices for the American people. I believe that the American pharmaceuticals industry is the best in the world. They make good products that benefit the world. But Americans are now paying double the cost for drugs than their counterparts in other rich nations such as Germany, Canada, Great Britain, or Japan. I am glad our companies are making money. But as we enact a prescription drug benefit under Medicare, access to drugs will rise—and drug company profits will rise as well. It is only fair that the Secretary should have the power to negotiate a good price for American consumers, to make sure we get the best returns possible on our federal investment.

Not only did the Republicans not put in a provision to allow such negotiations, they went out of their way to forbid the Secretary from trying to get better prices for Americans. Why, because they value the profits of their corporate sponsors at Pharma, more than they do the well-being of our nation's seniors.

Similarly, the Republican plan's design wastes billions in kickbacks for HMOs—instead of using that money to bring down the premiums and out-of-pockets costs that seniors and the disabled are forced to pay.

The Republican plan is not available to everyone on Medicare. First, the House Republican plan reportedly will introduce ''means-testing'' for Medicare benefits—by which seniors with higher incomes would have to pay considerably more out-of-pocket before they reached the catastrophic limit. Medicare is supposed to be for all seniors, it is not welfare, just for the poor. It should be protected as such. What's more, under the Senate Republican approach, low-income seniors and Americans with disabilities would receive nothing at all—the 17 percent of medicare beneficiaries who are also eligible for Medicaid are simply left out. This misguided policy endangers coverage for millions of seniors whose fluctuating incomes change their Medicaid eligibility for year to year.

The Republican plan rolls the dice, gambling seniors' health. By relying on insurance companies to offer coverage instead of guaranteeing benefits in Medicare, the Republican approach runs the risk that no company will offer benefits to seniors in rural communities, where millions of Americans have already been abandoned by HMOs in search of bigger profits elsewhere. There are 9.2 million Medicare beneficiaries in rural areas nationwide. Eighty percent of these seniors have no access to any Medicare HMO. Only 13 percent of them have access to a Medicare HMO that offers a drug benefit. The bill we are getting glimpses of takes failed policy, and expands it to critical areas.

The Republican plan is a risky scheme only an HMO could love. The Bush Administration's Medicare Administrator has called traditional Medicare ''dumb'' and ''a disaster,'' highlighting Republicans' disdain for a program that Democrats have been fighting for since 1965. While Democrats have worked to modernize Medicare with prescription drugs, preventive care and other new benefits, Republicans are insisting on a riskier course even the Wall Street Journal calls a business and social ''experiment.''

The Republican plan destroys Employer Retiree coverage. The Congressional Budget Office has concluded that about one third of private employers will drop their retiree drug coverage under a proposal like the one being contemplated. In order to lower its costs, the House Republican plan stipulates that any dollar an employer pays for an employee's drug costs would not count towards the employee's $3,700 out-of-pocket catastrophic cap. This would therefore disadvantage seniors with employer retiree coverage because it would be almost impossible for them to ever reach the $3,700 catastrophic cap, over which Medicare would pay 100 percent of their drug costs. The practical effect of this is that employers will stop offering retiree coverage. That is a step in the wrong direction.

We can do better. The House Democrats' legislation, that I am a proud cosponsor of, is designed to help seniors and people with disabilities, not HMOs and the pharmaceuticals industry. Under the Democratic proposal, the new Medicare prescription drug program would be affordable for seniors and Americans with disabilities and available to all no matter where they lived. It offers a meaningful benefit with a guaranteed low premium; and would be available as a new ''Medicare Part D'' within the traditional Medicare program that seniors know and trust.

I am committed to getting seniors the prescription medications that their doctors deem they need. I want to work with our Colleagues on the other side of the aisle, and the Administration to make that happen. But unless I see a plan without a gap—with a consistent benefit—with some smart cost-controls—and some protections for Medicare, an excellent program for Americans, I cannot support this Republican drug scheme.

Let's do better.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 8, DEATH TAX REPEAL PERMANENCY ACT OF 2003

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–157) on the resolution (H. Res. 281) providing for consideration of the bill (H.R. 8) to make the repeal of the estate tax permanent, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1528, TAXPAYER PROTECTION AND IRS ACCOUNTABILITY ACT OF 2003

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 108–158) on the resolution (H. Res. 282) providing for consideration of the bill (H.R. 1528) to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service, which was referred to the House Calendar and ordered to be printed.

HONORING BOB SCHROEDER

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

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to pay tribute to a friend, Bob Schroeder, who has been named Town of Hooksett's Citizen of the Year. Bob was instrumental in the restoration and revitalization of a truly historic local, State, and national landmark.

Robie's Country Store, in Hooksett, has a lengthy history of acting as the town's gathering spot, a place to argue politics, play checkers, buy groceries and homemade baked goods. Robie's was also a required stop for local politicians and Presidential candidates visiting the first-in-the-Nation primary State for over 30 years.

The store closed in 1997, after the store's owners, Lloyd and Dorothy Robie, retired. After 5 years of dormancy, and a lack of funds and dedicated owners, Robie's Country Store reopened, continuing its 30-year political tradition and its 110-year presence in the town.

Bob Schroeder saw an imperative need to preserve this cultural and political landmark and formed the Robie's Country Store Historic Preservation Association to spearhead the renovation effort. The association has worked diligently to bring the store to life again; and on May 24, 2003, Robie's Country Store reopened to an eager and proud community.

□ 1815

Bob and the Preservation Association were careful to maintain Robie's historical accuracy by keeping the 97-year old building's flooring, ceiling and picture wall of political memorabilia. Always humble, Bob refuses to take credit for the grand reopening of the store, instead pointing the spotlight on the efforts of the entire community. Under Bob's leadership, people of all ages worked together to restore Robie's through fundraising and renovation efforts. The community's hard work will undoubtedly ensure that the rich heritage and traditions of the store will remain intact for future generations to enjoy.

Bob's tireless commitment to preserving this landmark and energizing the whole community to get involved is a wonderful example of his perseverance and dedication to improving the community and State in which he lives. I can think of no better person than Bob Schroeder to receive the Hooksett Citizen of the Year Award, and I am honored to represent him and all other concerned and conscientious citizens from Hooksett and the First Congressional District of New Hampshire.

TRIBUTE TO THE TOWN OF LILLINGTON

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Under a previous

order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise today to celebrate the 100th anniversary of the founding of my hometown, Lillington, North Carolina, the seat of Harnett County. For 100 years, Lillington has been home to many enterprising, patriotic and public-spirited citizens. Today as the town prepares to mark this occasion, I want to recognize the history, success and integrity of this remarkable community. When we talk of famous places, we often talk about buildings and landmarks, like the Capitol here in Washington, D.C., or the Empire State Building in New York.

While Lillington does not have any skyscrapers, it does have people of great character. It is that character which has made Lillington one of America's great communities. Named for General Alexander Lillington, a hero of the American Revolutionary War who is known for his heroic efforts at the battle of Moore's Creek Bridge in 1776, Lillington is one of those special places that welcomes with open arms strangers and family alike. Its citizens sincerely care about the well-being of their neighbors, as evidenced by their dedication to numerous civic organizations, schools, and churches in the area.

On July 4 and 5, and throughout this year, Lillington will celebrate its honored past and the centennial of its formal incorporation. The Greater Lillington Centennial Celebration will be marked by numerous events, including the dedication of roadside historic markers honoring General Lillington and Cornelius Harnett, for whom Harnett County is named; a lecture series honoring notable people who have lived and worked in the community; the installation and dedication of a town clock in front of town hall; the publishing of a history of the community entitled Lillington—A Sketchbook; and many other celebrations and reunions.

After my discharge from the Army in 1968, I moved to Lillington and immediately discovered what a unique place it is. In Lillington, Faye and I have raised our three children, Bryan, Catherine and David. It is truly a great place to live, work and raise a family.

Mr. Speaker, Lillington and other towns like it are the backbone of America. They may be hard to find on a map, but it is easy to understand their importance to this great Nation. It is in these tight-knitted communities that our Nation's values are shaped and future hopes reside. As Lillington moves into its second century, it has a bright future ahead of it, and I know that if we are willing to dream big and work hard, Lillington's next 100 years will be even more prosperous and purposeful than its first. I ask my colleagues to join Faye and me today in celebrating Lillington's 100th anniversary.

CONSERVATIVE MYTHS ABOUT THE ESTATE TAX

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

Mr. PASCRELL. Mr. Speaker, I heard two gentlemen this evening, one from Minnesota, the other from Texas, say some things and I need to respond even though it is also part of what I am going to be saying this evening.

One gentleman said the folks on this side of the aisle are concerned about class warfare. Now if we were in session, I would ask his words to be taken down because that has happened one too many times. That is serious business. That is political warfare here. We are all Americans, and we have a right to our opinions.

The other gentleman, the gentleman from Minnesota, talked about unfairness, that we on this side are unfair. Let me tell Members what is unfair. That is the subject about which I speak tonight.

The recent CBO study found that between 1979 and 1997, the after-tax incomes of the top 1 percent of the families rose 157 percent. The wealthiest 5 percent went up 81 percent compared with only a 10 percent gain of the people in the middle of the income distribution.

Mr. Speaker, during that period of time, incomes in the bottom fifth of the population actually fell. That is what is unfair. I want to examine tonight the five myths, I call them lies, that the Republicans have put forth on the estate tax.

The first myth: Many Americans will benefit from the repeal of the estate tax. It is in all of their literature. Well, let me see what the case is. Because the estate tax only falls on estates worth over a million, it only affects the richest of the 1.4 percent of American families. Two-thirds of the estate tax revenues comes from the wealthiest 0.2 percent. When the higher exemptions are fully implemented so a two-parent family could transfer $7 million to their children without any estate tax, only 0.05 percent would be subject to the estate tax.

So in myth number 1, a study by the Center on Budget and Policy Priorities found that after all repeal of the estate tax, and that is where the other side is headed, the largest 4,500 estates, therefore the wealthiest 0.003 percent of all the taxpayers will receive as much relief from the repeal as 142 million Americans.

Myth number 2: The estate tax is forcing family farmers to lose their farms. We could not find one farmer who was losing their farm, and then they try to quote from the American Farm Bureau Federation, and they could not find one farmer who lost their farm either. And as far as I am concerned, the American Farm Bureau Federation is just like the National Association of Manufacturers, they talk, do no good, and we continue to export jobs overseas. They are both worthless. Tell a lie enough times, and folks might believe it. The small farmers are not represented by the American Farm Bureau Federation.

Myth number 3: The estate tax stifles creativity and innovation by punishing the successful. Listen to what Andrew Carnegie said about that myth, that each generation should ''have to start anew with equal opportunities. Their struggles to achieve would, generation after generation, bring the best and the brightest to the top.''

Warren Buffett was quoted from this floor just a week ago, there is no free lunch.

Myth number 4: Taking 55 percent of someone's life earning is unfair. That is a myth. Conservatives, particularly on the other side, do not let facts get in the way of political ideology. The effective tax rate, which is the percentage of an estate, which is actually taxed, does not even come close to 555 percent, Mr. Speaker, and they know it.

In 1999, the effective tax rate on all estates was only 24 percent, less than half of the 55 percent reported. The 24 percent effective rate leaves heirs 76 percent of the value of the estates.

Mr. Speaker, do not let Americans think you are going to help them on this estate tax when we are talking about a tiny percent of the population. The other side of the aisle is trying to create that myth.

Finally, Mr. Speaker, the estate tax is double taxation. Do you want a list of those poor people in the middle class that we double tax on issues? There are a lot of ways that we tax beside the income tax. This is a myth and they have quoted from folks that do not even support the position. This vote that we will take on Thursday is one that everybody should look at the facts, not how things are perceived, not at how things look, look at who is being helped and look at the redistribution of wealth in this country, and we will see who is guilty of class warfare.

Without the estate tax, these assets would never be taxed. But that is exactly the point. Conservatives who argue that it is unfair to tax them twice are really trying to get out of having them taxed at all. Repeal of the estate tax means that huge amounts of capital gains would be passed on to children without ever having been taxed.

The fact that the estate tax also falls on a part of an estate made up of previously taxed income is not problematic because it is no different than how any other income is treated. Under our tax system, the same dollar is taxed multiple times as it moves through the economy from employer to employee to a gas station and then on to the next employee, ad infinitum. It is unfair and inconsistent to single out the estate tax for exemption from this system.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Ohio (Mr. STRICKLAND).

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

There was no objection.

WAR IN IRAQ AND ASSOCIATED TRAGEDIES NOT OVER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, if the American people needed evidence that the war in Iraq and its associated tragedies are not over, it arrived in a front page picture Saturday that was carried across our country. In my hometown paper, the Toledo Blade, but also the Chicago Tribune, the Boston Globe, the Washington Post, and the New York Times.

This is the photo, First Class Sergeant Bryan Pacholski comforting David Borell, career Army guard, both from Toledo, at a military base in Balad, Iraq. The Associated Press photograph caught an emotional moment, a Toledo career soldier being consoled in his grief by a buddy after military doctors allegedly refused to treat three Iraqi children with painfully serious burns from some sort of explosive device. The soldier, Sergeant David Borell, of our 323rd Military Police Company, later wrote home an e-mail with his personal thoughts on the incident, specifically that the children had been unjustifiably denied medical treatment.

The Blade printed the story and a request on my part of our Secretary of Defense for a full investigation and a meeting with him in order to discuss how to prevent this type of situation in the future. Such an investigation is warranted because the incident, if true, flies in the face of numerous stories from the war zone telling of humanitarian acts by U.S. troops under hostile circumstances. We know our troops want to do the right thing.

Mr. Speaker, is it really U.S. policy to refuse treatment of Iraqi civilians with serious but nonlife-threatening injuries? Who made that decision? Who were the doctors involved, and why did they handle the situation as they did? Were the kids callously refused care, or was the sergeant simply overcome by witnessing their great pain? These are some of the questions that deserve straightforward answers.

The Blade, in its editorial, goes on to write, ''Given frequent news reports about the destruction of Iraq's hospitals and emergency services, of which we are all aware, and the 10-year embargo preceding the war that caused all of their hospitals to lack medical equipment and supplies, it is difficult to give much credence to a spokesman for the U.S. Central Command who contended that Iraq now has a better health care system than before the U.S. occupation. It is entirely believable that in the words of the same spokesman, U.S. forces in Iraq 'are providing health care to Iraqis, but we do not have the infrastructure to support the entire Iraqi civilian population.' ''

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So whose fault is that? And what do we do? What do we do to build friends, more friends than enemies inside Iraq?

Most Americans probably would say that defenseless children should be taken care of in any circumstance. They, after all, did not cause the war. There are plenty of adults around to blame for that. Secretary of Defense Rumsfeld has agreed that we will begin with a meeting with Under Secretary of Defense Chu, who is in charge of personnel and deployments. Hopefully, that first meeting will begin tomorrow. My proposal will be the same, that we move some of the funds we have already appropriated because we thought the war would last longer with the siege of Baghdad, divert some of those funds to move some of our temporary field hospitals in different places in Iraq, and to put medical supplies there to treat this type of injury that Sergeant Borell saw, children who are burned, people who are bleeding, civilians who we want to be our friends.

We now hold the ground in Iraq. The question is, in the future, will we win the hearts and minds of the people? There is no greater way to do that than one by one ministering to their tragic health needs. That time is long overdue. And so I welcome the opportunity to discuss this with Under Secretary Chu, with Secretary of Defense Rumsfeld, and to make sure that no other soldier in service to this country will have to experience what Sergeant Borell experienced with no alternative given to him.

There were no kits, no medical kits that were available to the platoon other than their own small emergency kits, because they are military police. There were not hospitals in the area where these people could be referred that had decent medical supplies and backup. And so he was forced as an American to turn the family away. How do you think America is perceived by those civilians? I think they are beginning to wonder, at least that family, will America really make a difference? Yes, America really can make a difference, just give us a chance. I would welcome the opportunity as one Member of Congress to mobilize my community to provide the supplies for that first field hospital right near where Sergeant Borell and Sergeant Pacholski are serving. These are part of our flesh and blood from our community. We want to give them all the support we can. I know the Secretary of Defense will find a way to help us.

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

(Mrs. JONES of Ohio addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PRESCRIPTION DRUGS

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

GENERAL LEAVE

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of my Special Order today.

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

There was no objection.

Mr. EMANUEL. Mr. Speaker, currently both the House and the Senate are in intense deliberations to forge a compromise on a prescription drug benefit for Medicare and Medicare recipients. I am glad to see that both Republicans and Democrats after all this time are working together to try to correct this critical deficiency in the Medicare program.

When Medicare started in the early 60s, about 10 percent of the health care costs for a senior was dedicated to out-of-pocket drug costs. Today that is around 60 percent of their health care costs, or health care dollar. And so if we are going to have a health care plan for seniors and if Medicare is going to live up to its obligations that it was originally designed to do, Medicare must have a prescription drug plan.

We all know that one of the most contentious issues in the prescription drug debate is the question of how much of the cost of drugs should be paid by government and how much should be passed on to seniors. But the crux of this problem is that both the U.S. Government and American seniors are paying too much for prescription drugs. Providing a prescription drug benefit through Medicare is unfortunately only the tip of the iceberg in addressing a widespread prescription drug access issue facing our Nation.

Much more central to the inability of many seniors and other Americans to afford the prescription drugs they need is the fact that prescription drug prices are 30 to 300 percent higher than those in other industrialized nations. The truth is one of the big problems we have here in the country is that we do not have a free market as it relates to prescription drugs and drug costs. I

really believe that one of the central points of this debate is that we need a free market.

The three things I am going to discuss today are, A, the issue that American consumers, be they elderly or others, are denied access to prescription drugs from all over the world and they are a captive market, unable to buy drugs, be they in Canada, Mexico, Germany, France, where the same drugs are much cheaper than they are here in the United States. If our consumers were allowed to have access to those drugs, there would be competition and prices would drop. But because the free market is prohibited from exercising its magic, drug costs are artificially raised.

The second point I want to discuss is the American taxpayer through two different venues provides direct and indirect assistance to the drug companies to develop the drugs. Drug companies reap all the profits, and the American taxpayers do not get any of the benefits back as an investor. If we were an investor, and I come from the private sector, private sector investors when they invest in a drug, they usually look for what is called a 30 percent IR, investment return on equity. Yet the taxpayer who provides through taxes both direct assistance to the FDA as well as through the tax write-off that pharmaceutical companies get, they do not reap any of the benefits from these drugs being developed. Yet we develop these drugs, taxpayers spend billions and billions of dollars helping develop these drugs, yet the only benefit they get besides taking the drug is they pay the highest premium price out there.

I believe the right way to get the prices under control is for the investor, known as the American taxpayer, to reap the benefits of their investment dollars. And, third, deal with the area of generics and generic markets. If we allowed generics to get to market quicker, it would also create that type of competition. I think one of the problems we have here is that the American elderly, the American taxpayer and consumer have an artificial market that is in three areas, generics, taxes and access to the same drugs in other markets around the world. Because we are a captive market, we pay artificially high prices; and the American seniors specifically are the profit margin or, as I like to call them, the guinea pig profit margin for the pharmaceutical companies. I want the free market to work. The pharmaceutical companies are treating this market as a captive market. If we had a free market, we would have reduced prices.

Medicare drug benefits being considered by Congress are very expensive. Many seniors, especially those who do not have secondary insurance, will continue to have significant out-of-pocket drug costs even with the passage of a Medicare drug benefit. In addition, the high cost of drugs remains a crisis for 42 million uninsured and countless underinsured who must pay all or most of their drug costs out of pocket. Addressing the cost of prescription drugs will both make a Medicare drug benefit less expensive for the government and greatly increase the value of what is provided for our elderly. It will also make it much more likely that millions of uninsured and underinsured in this country can afford lifesaving, life-preserving prescription drugs, what their compatriots in Germany, France, England and other industrialized nations get. Prescription drug companies are a business, and they need to earn profits in order to stay in business. But as they have the right and purpose like other businesses to earn a profit, they also have a responsibility to be a good corporate citizen and abide by the same standards as other businesses.

As I said, I have worked in the private sector. I know that any private company when investing in research and development and in another company usually looks for a 30 percent return on their equity. The United States Government invests in pharmaceutical research by providing significant tax benefits for research and development expenses and American citizens subsidize the research as drug companies recoup their margins in America because of price controls in other countries. The American Government and the American people are getting no return on their investment. The pharmaceutical companies are reaping the financial benefits of the U.S. investments in their R&D without any responsibility to pass these benefits on to the government and American taxpayers.

American consumers are bearing the burden of price controls in other countries. When 50 tablets of Synthroid cost $4 in Munich and $21.95 in the United States, the most vulnerable Americans suffer. Also it is one of the great reasons that we have inflation running at close to triple or quadruple here in health care in the United States as opposed to the market as a whole. We are using individuals as the profit guinea pigs for pharmaceutical companies.

The legislation introduced by my good friend and colleague, the gentleman from Minnesota (Mr. GUTKNECHT), last week takes important steps to address the shocking disparities in prescription drug prices between the U.S. and other industrialized nations. It puts essential safety precautions in place to ensure that by opening our markets, we do not expose Americans to the dangers of counterfeit drugs. When defending the high cost of prescription drugs in this country, people will often say that the U.S. has the best health care system in the world. People come here from overseas to get a better product. But we clearly have nothing close to the best prescription drug delivery system, as many individuals are now shopping overseas for their prescription drugs. If we are going to defend our status as the best place to get health care in the world, we need to make the pillar of many people's health care, prescription drugs, accessible and affordable.

I yield to my good friend, the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. I would like to thank the gentleman from Illinois for taking a leadership role on this important issue. This is a huge issue. Members need to know that the estimate that the Congressional Budget Office is currently using is that seniors alone over the next 10 years will spend $1.8 trillion on prescription drugs. As the gentleman alluded to, I have been doing research. I should not say I have been doing research; there have been groups who have been sending me research for the last 4 or 5 years in terms of these great disparities between what Americans pay for name-brand prescription drugs versus the rest of the world. We have heard a lot about Canada; we have heard a lot about Mexico. But what has intrigued me the most is the differences between what we pay in the United States and what they pay in the European Union.

What I have here is a chart of about 12 or 13 of the largest-selling prescription drugs. This chart is old and the numbers have changed, but the percentages remain the same. This information is confirmed by research that I have done, that others have done, several groups have done this; but let me just run through a few of these examples. Augmentin, sold in the United States for an average of $55.50. You can buy it in Europe for $8.75. I have examples of these drugs. We actually went to Germany and bought some of these drugs. This is Augmentin. This is Cipro. Cipro is made by the German company Bayer. They also make aspirin. As you can see, it is a very effective antibiotic and especially in the days when we had anthrax here in the Federal buildings, we bought an awful lot of Cipro. In the United States it sells for an average of $87.99. In Europe you could buy that same package of drugs for $40.75 American. Claritin, $89. It is $18 there. Coumadin, this is a drug that my father takes. He is 85 years old. It is a blood thinner, a very effective drug. Coumadin in the United States at that time was selling for about $64.88. In Europe you can buy it for $15.80.

And the list goes on, but let me give an example, and the gentleman from Illinois, I think, made a great point about the amount that American taxpayers spend to develop these drugs. This is a drug that really chaps my hide. This is a drug, Tamoxifen. In many respects, this is a miracle drug. It is probably the most effective drug against women's breast cancer that has ever been invented. This drug we bought at the Munich airport pharmacy for $59.05. We checked here in the United States. This same package of 100 tablets of Tamoxifen in the United States sells for $360; $60 in Germany, $360 here.

As I say, the evidence is overwhelming that most of the research,

and I have a report if any of the Members would like a copy, this is a Senate report done in May of 2000, and in the Senate report, if I could just read into the RECORD, the National Cancer Institute, part of the NIH, has sponsored 140 clinical trials of Tamoxifen. It also participated in preclinical trials consisting of both in vitro, laboratory and live-subject tests. In other words, here in a Senate report we have confirmed that the taxpayers paid for much of the testing that was done on this drug.

He also referred to the drug Taxol. There was a story just a couple of weeks ago in The Washington Post. Let me just quote some of these numbers about what the taxpayers paid to develop this drug and what the pharmaceutical company got out of it.

Bristol-Myers-Squibb earned $9 billion from Taxol, which has been used to treat over a million cancer patients; but the National Institutes of Health received only $35 million in royalties. You go down the article a little bit further and it says, the GAO, the investigative arm of Congress, said that the NIH spent $484 million on research on Taxol through the year 2002. So the taxpayers invested $484 million, took it most of the way through the research pipeline, and we got $35 million back.

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Mr. EMANUEL. Let me ask the gentleman a question. Can you repeat again for those who are watching, as you note, this is a miracle drug and all the investment the U.S. taxpayers did, repeat again so everybody knows the difference between the price overseas versus the United States for those two drugs.

Mr. GUTKNECHT. Unfortunately, on Taxol I do not have that comparison. I do not think it is on my list, but the comparison is essentially the same. It is about three times more, or at least it was when it came off patent in the United States; it was more than three times more in the United States than they paid in Europe, and the American taxpayers paid for most of the R&D costs. By the GAO's own estimate, the taxpayers spent at least $484 million developing the drug, and I yield to my friend.

Mr. EMANUEL. Mr. Speaker, I ask my good friend, I did not mean to interrupt him. Did he want to keep going?

Mr. GUTKNECHT. No. I have plenty of information, but the interesting thing about these charts and these comparisons, if people doubt what they paid for these drugs, we have the receipts. So we can literally go through and say, yes, this is what we paid for Tamoxifen, $59.05 in Germany, and we did not have a special discount card. We are not German citizens; so we were not going in for socialized medicine. These are drugs that we just bought off the shelf or from the pharmacist at the Munich airport. So it is not as if they are being subsidized by the German Government. The truth is they are being subsidized by us, and what I have always said is that Americans should be prepared and we are prepared and willing. I think most Americans are willing to subsidize the research for these miracle drugs. In fact, I think we are willing to subsidize people in developing countries like Sub-Saharan Africa, but we should not have to subsidize the starving Swiss.

And finally, let me just make one last point, and I will yield back. I am with the gentleman. I happen to be a Republican. The gentleman is a Democrat, but we are both capitalists. We both understand that there is nothing wrong with the word ''profit,'' but there is something wrong with the word ''profiteer,'' and there is growing evidence now that the big pharmaceutical companies are actually spending more on marketing and advertising than they are on basic research.

Mr. EMANUEL. Mr. Speaker, I thank the gentleman. What I would like to do is I am going to turn to the gentleman from Illinois (Mr. DAVIS), our good friend and my colleague from Illinois, in a second. I would like to repeat just one point on this. If you take this market on either cancer or AIDS drugs, just those segments or families of drugs, there is not a single cancer drug today or AIDS drug on the market that was not directly developed with assistance from the United States Government, NIH; and it was not directly developed with the tax dollars from the taxpayer; and yet the only benefit of those drugs, obviously besides using them and saving lives, the American consumer, be they the elderly or just families and children, they pay, as the gentleman noted, three times more than do people in Germany, France, and other major industrialized countries; and yet we were the ones who developed it.

We were the ones who gave the tax dollars to develop this. We also not only gave it from the NIH direct funding, using tax dollars to fund it, but on the back end these companies write off their R&D. So we have to make up that loss in the tax revenue pool so they can develop these drugs; and as I think the gentleman noted in his statistics, we then get a minuscule amount of return. Actually in the private sector money like that is called dumb money. That is how they refer to it. It is foolish money. It is called dumb money. It is people who put up dumb money, do not look for the 30 to 20 percent IR on equity, and that is what has been going on for years here in this country, and we are paying premium prices; and in these companies they figure that in Germany they are going to pay X, in Canada they are going to pay Y for the same drug, England is going to pay, and they have got to make up their margin. Whom are they making up the margin with? Our neighbors, our friends, our family members; and we funded this research, and we developed these drugs.

My view is I would love for the free market to come to the pharmaceutical industry. It just has not. It is a protected industry by the United States Government, from the Tax Code to importation to the development of generics.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman would yield.

Mr. EMANUEL. Yes.

Mr. GUTKNECHT. I think he used the word earlier and I think it is the critical word. He said that we are a captive market, and if we look around the world, whether it is beef and Japan or blue jeans in the former Soviet Union, anytime there is a captive market, what will happen is they will create an artificial price barrier which will guarantee that the consumers will pay outrageously higher prices, and that is what has happened here in the United States. The German pharmacist has the right to go anywhere within the European Union and buy this Tamoxifen where he can get it the cheapest for his consumers. That is part of the reason that Tamoxifen is $60 in Germany and $360 here in the United States. In fact, the companies are protected by our own FDA from any real competitive pressures which would help to keep prices down. And I do not say shame on the pharmaceutical industry; I say shame on us. They are only exploiting a market opportunity which our government has given them.

Let me just share with the gentleman and other Members from a book called ''The Big Fix'' because I think it helps tell the whole story by Katharine Greider, and she quotes a study that was done in 1998 by the Boston Globe, and they looked at the 35 highest-selling prescription drugs in the United States; and they claim, the Boston Globe, and then is repeated in the book ''The Big Fix,'' that 32 of the 35 largest-selling drugs in the United States a few years ago were actually brought through the research and development chain by the taxpayers through the NIH, the NSF, the Defense Department, or other Federal agencies, principally the NIH. So it is not shame on them, but it is shame on us. We do not get a rate of return. We get nothing except for millions of our consumers the highest prices in the world, and it is time for us to change that.

Mr. EMANUEL. I thank the gentleman. If he could yield, I would like to now ask the gentleman from Illinois (Mr. DAVIS), my good friend, who has joined us here to also speak about his district in Chicago that borders mine, but also about this issue as it relates to the pharmaceutical industry and prescription drugs and what is going on.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from Chicago (Mr. EMANUEL), my neighbor and friend, for organizing this Special Order and certainly for giving me an opportunity to participate. Our districts abut each other; and as a matter of fact, I guess before now some of what is my district was his district.

Maybe some of what was his district is my district. So we have many similarities and certainly represent some of the same people and some of the same thoughts. It is no secret that I am a supporter of the notion of reimportation of prescription drugs. As a matter of fact, I am a proud cosponsor of H.R. 847 introduced by the gentleman from Vermont (Mr. SANDERS), my good friend.

Some people might ask me why do I support the concept of reimportation of prescription drugs, and I generally say to them it is no real big deal if they understand as I do, but I do it for a lot of reasons. One, the increasing use of prescription drugs has revolutionized health care. As a result, spending on prescription drugs has increased at a rate of 12 to 13 percent a year for the past decade and will continue to increase in cost at that rate for the foreseeable future. Prescription drugs are the fastest-growing portion of State health care budgets, and many States are facing serious budget crises relative to being able to come up with enough money to actually operate. Yet millions of seniors, perhaps tens of millions, are skipping doses of their prescribed medication or splitting pills or facing a choice between food on the table or taking their prescription drugs. I know this because of the statistics. I know it because of the recent studies. I know this because every weekend when I go home, I hear about this dilemma from one or more seniors in my district.

Meanwhile, the pharmaceutical industry remains the most profitable sector of the U.S. economy with profit-to-revenue ratios of over 18 percent. I heard the gentlemen discussing profits and being capitalists and living in a capitalistic environment; and like them, I do not have a problem with profits, but I do have a problem with overcharging our seniors. So when I learn that Glucophage for diabetics is 74 percent cheaper in Canada than in the United States, I have a problem with that. When I learn that Tamoxifen for treatment of breast cancer is 80 percent cheaper in Canada than in the United States, I have a problem with that. Time does not permit, but I could easily go on and on with the list of prescription drugs available outside the U.S. at a fraction of the cost to my constituents, and when I learn that almost 80 percent of the ingredients of prescription drugs are imported, that redoubles the problem I have with the cost of prescription drugs in the United States. And when I learn that these prescription drugs are developed with millions upon millions of dollars of Federal tax money, I have a serious problem with the cost of prescription drugs in the United States.

I know that reimportation is not the sole or even most important element in providing affordable prescription drugs for our people. I for one will not rest until we have real and effective prescription drug coverage preferably as part of a system of universal health care. But absent a comprehensive solution, there is no excuse in denying Americans the same access to prescription drugs enjoyed by our Canadian neighbors.

Mr. Speaker, the prescription drug industry is sick, and that sickness is endangering the health of all America. Reimportation would be a good first dose of castor oil to bring the industry back to a more regular and healthy state. So I want to thank my colleague and neighbor from Chicago again for organizing this complex discussion on the issue of prescription drugs and how we can get the costs down, and I yield back to him and thank him so much for the opportunity to participate.

Mr. EMANUEL. Mr. Speaker, I thank the gentleman. He brought up the breast cancer; was that correct?

Mr. DAVIS of Illinois. Yes.

Mr. EMANUEL. I think it illustrates again what our good friend from Minnesota said and has brought forth examples is that, in fact, there is not a drug today, and we can also expand this to medical choice, but no drug today that is not being developed and has not been developed that is around the country that any way you look around the world in the major industrialized countries where we have trading companies, and the gentleman noted wheat, meat, steel, cars, computers, all types of products where there is ''free trade,'' and yet here in this specific area, we are paying top price, high-premium dollar. I think again, whether it is diabetes, breast cancer, there are other drugs that are on the market that affect other types of illnesses, and I think the gentleman highlights a very important point, especially given his district and my district that abut each other, how this creates inflation, and besides the uninsured, the cost of pharmaceutical drugs is the single largest cause for health care inflation in the health care industry which has been running at 20 to 30 percent of inflation.

So he brings up, I think, a very good point, and I think it is relevant to the discussion we are having today. What I am most impressed with is the bipartisanship we have here in discussing this. And I think the truth is, and I would love to hear both their thoughts on this, that while we are doing a drug prescription benefit and we are talking about it in the Senate and we are going to be taking it up here in the House, without some type of ability to have competition in that process, we are really going to be offering a benefit at top dollar, and I think, as American taxpayers are going to be paying for the prescription drug benefit that we are going to add to Medicare, we should give them a sense of competition in the market so that we can find that drug cheaper in Canada, we can find that drug cheaper in Mexico or Germany, France, or England. We want to bring that so we can squeeze the most coverage out of our prescription drug plan for Medicare.

Mr. DAVIS of Illinois. Absolutely. And one does not have to be on Medicare or Medicaid to feel the bite.

Mr. EMANUEL. Right. I thank the gentleman. I yield to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I would like to compliment the gentleman from Illinois, my neighboring colleague from Chicago, because I know not only is he leading on this issue, but he is leading on creating a proposal that fits within our budget. And there is a very important point here, that we are going to make a promise to America's seniors and they are going to count on that promise. So that promise has to be sustainable and affordable. By crafting a proposal which fits within the budget resolution, my colleague from the other side of the aisle is crafting a serious proposal and is joining in the debate in a particularly productive way, and I want to compliment him on that.

Mr. EMANUEL. I appreciate that. I yield again to the gentleman from Minnesota if he had some additional comments because I have some other things, but I would like him to go ahead.

Mr. GUTKNECHT. Mr. Speaker, let me just talk about a couple of things, and I think as we talk about this new benefit, and I think we all recognize there are far too many seniors that are not getting the prescription drugs that they need, there was a study done several years ago by the Kaiser Foundation, and they found in their survey that 29 percent of seniors responded that they have had prescriptions which they did not have filled because they could not afford them, 29 percent.

Mr. EMANUEL. So that is about one third.

Mr. GUTKNECHT. About one third. And I say shame on us because we have the power to do something about that.

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I spoke several weeks ago to the Community Pharmacists, and I just had received this report from the Kaiser Foundation. I asked them as I looked out over this audience of roughly 300 pharmacists from all over the United States, ''Has this ever happened to you, where seniors come into the pharmacy, they hand you a prescription and you tell them how much it is going to be, and they drop their head and they say, 'well, I will be back tomorrow,' and they never come back?''

Shame on us. Shame on us. We need to do something about that.

But as has been mentioned by several of my colleagues, if we go about this in the wrong way, we may not do enough to really help those seniors who really need the help. But, worse than that, we may bankrupt our children, and there is something wrong with that.

Let me also mention that we are moving ahead with this, and we have heard some of the sponsors of the various bills say, oh, but we will have these groups, and get very significant discounts and really good deals on prescription drugs.

Well, this is a study recently done by one of the cardinals of the Committee on Appropriations, and they literally went through and found out how much the Federal Employees Benefit Program is paying for some of these drugs. It is rather eye-opening.

There are some areas where they are actually getting good discounts and are competitive with the prices they get in Europe. But let me give you some examples. The Blue Cross-Blue Shield plan, for example, on Coumadin mentioned earlier, even with their discount, the combination of what the Blue Cross-Blue Shield plan cost is, and you add in the beneficiary cost, the total cost for Coumadin under the Blue Cross Blue Shield plan for a Federal employee is $73.74. Now, Coumadin can be bought for $15.80 in Europe. So $73, that is the Federal plan. You read down the list of all kinds of other drugs. It is very similar.

Zocor, the total cost for Zocor under the Federal plan, Zocor is one area where it actually is cheaper, but not much cheaper. With their deep discount, the total cost is $17.48. That same drug in Europe would be $28.

But as you go through the list, what you find is in virtually every category, even with these ''deep discounts'' that the Federal employees' plan is able to get, it still is significantly more than the average consumer gets them for in Europe.

One final point, if I could, the argument that many people make against reimportation is safety. But what about safety?

Mr. EMANUEL. That is a very important point.

Mr. GUTKNECHT. We import every day thousands of tons of food. It surprises me how many tons. In fact, the number I remember is we import roughly 318,000 tons of plantains every year, and every time we eat a plantain that comes in from a foreign country, we take a certain amount of risk, because that could contain some foodborne pathogen.

We keep very good records on how many people get ill from eating imported foods. Let me give a couple of examples. In 1996, 1,466 Americans became seriously ill eating raspberries from Guatemala, 1,466. The next year they did a little better. Only 1,012 Americans became seriously ill from eating raspberries from Guatemala.

The point I am really trying to make here is we take a certain amount of risk. I believe that the risk, particularly with the new technologies, and I am holding in my hand a tamper-proof, counterfeit-proof package for pharmaceuticals.

Here is one that is currently in use by the company Astrozenica. This is the first version of the tamper-proof, counterfeit-proof packaging. So this whole issue of safety relatively speaking, even today, it is very, very safe.

But with the new technology that is going to be coming on line, I am holding in my hands, and you cannot see this, but a little vial, and inside this vial there are 150 microcomputer chips. They are so small you can barely see them with the naked eye. But this literally is the next version of the UPC code.

Within 2 years they will be embedding these chips into packaging, so that we absolutely can know that this package of drugs was produced at the Bayer plant in Munich, Germany, on September 8 of this year, and was shipped to so and so.

So the whole idea that we cannot do this safely, it seems to me, is a specious and almost goofy argument. So I do not think we should even engage in it. It can be done, it is being done. It is far more safe to import drugs than it is raspberries from Guatemala.

Mr. EMANUEL. The only reason I had a smile cross my face is when you said the word ''embedding,'' I said who knew the Pentagon was going to be so far ahead of the pharmaceutical industry, and now they are going to copy from them.

But the truth is, we all were exposed in the '80s and '90s to the notion of the $500 hammer, where the Pentagon was off buying $500 hammers, when if you just went down to the hardware store you could go down there.

The fact is, your chart up there shows exactly the similarity that is happening now to the American taxpayer and consumers, where you could buy these same drugs overseas in different markets for far cheaper than we are buying them here, and it is the equivalent.

And why is that? Just like the $500 hammer, the fix is in. So if you go down the specific area, and I do not blame the pharmaceutical industry, they are playing the game just like they are supposed to play it, and they are rigging the game and system just like they are supposed to, for maximum profit.

But take it, whether it is in the generic drug laws or in our patent laws, they are keeping generic drugs off the market, therefore driving up the cost of name brand drugs, making it more expensive for all of us. If generic drugs were on the market and the system was not being fixed, you would have real competition.

What has happened is, the Wall Street Journal did a story the other day, as generics have started to come to market quicker and there has been a quicker process set in place by the FDA to approve generics, we have allowed that patent not to be gamed for an additional 30 months, we have, in fact, seen prices drop.

They have, in relation to the importation issue, pharmaceutical industries in that area have gamed the system very well, prohibiting us from buying the same type of drugs in either Germany, Canada, France, England, Italy, Israel, wherever, they have gamed the system. We are not prohibited from buying computers, cars, food items, other types of items. We are prohibited in this space.

What is the impact? Those same drugs, cheaper over there; more expensive here at home. Yet they are the same drugs we paid for the development.

Then through the Tax Code, the IRS, where we do an R&D tax write-off, where they are allowed and subsidized by the taxpayers for the research and development, yet they get a direct subsidy from the NIH.

I highlighted the area through the NIH of cancer drugs and AIDS drugs. Not a single drug in either one of those families has been developed without direct assistance by the government, yet, again, in that area we are paying prime dollar versus our brethren in the other industrialized nations.

So I actually take my hat off to the pharmaceutical industry, because they have worked the system to their benefit. Now, my hope is, if you go back in history and look at this in fact, when Medicare and Medicaid was first developed and voted on, it received overwhelming bipartisan support. Now, these are early preliminary stories in fact.

We are seeing right now that in the Senate, as they debate the prescription drug benefit for Medicare, we are seeing the early stages of bipartisanship, and we can discuss, argue, amend about the right approach. My hope is that when we have a chance here in the House, that that same bipartisanship would be approached with regard to the prescription drug bill, but that bill would include something on generics.

Over there they have a bill. Here, the gentleman from Ohio (Mr. BROWN) has a bipartisan bill dealing with generic reform, dealing with the update of the patent laws as it relates to what the gentleman from California (Mr. WAXMAN) developed and passed in 1984 and Senator HATCH. I would hope that we would update our laws in the generic area. I would hope we could update our laws as they relate to importation.

And we have a bipartisan bill, the gentleman and I have. We have a generic bipartisan bill here. So we would keep that spirit and that tradition as it relates to Medicare, as it relates to prescription drugs, that, through and through, that bill would be bipartisan. I would hope, obviously, it can relate to some of the funding issues and recoup some of the investment our taxpayers have made through the direct funding through the NIH or IRS piece of the Code where we pay and subsidize pharmaceutical companies to do what is in their business plan, develop drugs.

I yield additional time to my good colleague from Minnesota.

Mr. GUTKNECHT. I appreciate the gentleman mentioning the bipartisan nature of this, because we did a special order last week, and we had Democrats and Republicans. We had some of the most conservative Republicans, and what I think most of us would agree are some of the most liberal Democrats, agreeing on this issue, and that is Americans should not have to pay

the world's highest prices when we are the world's best customers and when we spend more for the development of those drugs.

I am also the vice chairman of the Committee on Science. Just to share with my fellow colleagues how much we spend on research, and we should be proud of this, this year in this budget we will spend almost $29 billion on various kinds of basic research. In fact, we represent as Americans less than 6 percent of the world's population; we represent more than half of all of the basic research done in the world. I am proud of that. But we should not have to pay for these drugs a second and a third time when we helped develop them.

We are not asking for special breaks. All we are asking for is fairness. Reimportation or importation is not a perfect answer, but we do know that markets are more powerful than armies, and ultimately markets, whether it is the market for grain or the market for diamonds, has a tendency to level prices all over the world.

Let me just mention one other thing, and I mentioned this in a 5-minute special order I did earlier. This is the June 9 issue of U.S. News and World Report. In it there is a true American patriot. Her name is Kate Stahl. She is 84-years-old and she describes herself as a drug runner.

The tragedy is that the American government treats her as a common criminal because she helps her fellow seniors through the Senior Federation of Minnesota acquire drugs from other countries at affordable prices. In the article she says, and this is why I think she is a patriot, ''I would like nothing better than to be thrown in jail.'' That is a patriot. She is willing to do that for her fellow seniors so that they can get affordable prices on drugs.

Mr. EMANUEL. First of all, I thank the gentleman for organizing this and thank you for introducing your legislation. I think this is the right approach.

I think, again, whether it is the area of generics coming to market and updating our patent laws, whether it is the tariffs or limitations we put on importation or access to these drugs, the same drugs we see on the shelves in our pharmacies, that the American consumer has access to them, each of these, at least on the generic and reimportation, are bipartisan issues.

I think that this is the right approach, not only because it is bipartisan and it reflects our values and reflects a common set of values that we can come around, but, most important, is that in dealing with the issue of a prescription drug, the truth is, all these drug plans have some limitations. People will not be covered. So the question is, how do you squeeze the most out of that dollar? It may be $400 billion over 10 years. The final product may be $450 billion.

The question, though, we have to ask ourselves is, can we get more out of that? Can we get more people covered? Can more people get a plan, so their deductible is not as high as it is? And the only way to do that is to make sure that a prescription drug plan as it relates to Medicare, as it relates to the cost of prescription drugs in the dime stores and drugstores and pharmacies across the country, can we reduce the prices? We can do that if we would bring the free market approach to the pharmaceutical industry.

So I applaud this. I am very pleased to be a bipartisan supporter and original cosponsor of the gentleman's legislation. I am on the generic drug legislation.

I think that approach comes together, not just because we are Democrats and Republicans, we come together on a common set of values. We approach this from the basis we may need more money for a prescription drug benefit plan, but we are going to make sure this $450 billion over 10 years, we get the biggest bang for the buck, and that this game that has been going on, and they have been gaming the system, is going to come to an end.

We are not going to allow this to happen. We are not going to allow you to have frivolous lawsuits that keep patents on another 30 months. I want frivolous lawsuits to end. We are going to have them end. It is specifically how pharmaceuticals have been treating generic drugs and preventing them from coming to market.

We are not going to allow the pharmaceutical companies to keep up the game and not allow us to import the same drugs that overseas are at close to 30 percent to 300 percent cheaper than we pay here. And if you did that, you would be on your first step of controlling health care inflation that has been running at close to 20 to 25 percent, which is just suffocating our small and large businesses, who are seeing their insurance policies just go right through the roof.

The second item, obviously, and we may have a different approach to this, but the second item would be to insure the uninsured in this country. If you did that, and I also note when it relates to the working uninsured in this country, the only issue in which the Chamber of Commerce and the AFL-CIO agree on on health care, and they are both running campaigns, is we have got to insure the working uninsured.

□ 1915

They are showing up in emergency rooms, they are driving up the cost of insurance policies, and the hospitals pass that on to insurance policies, insurance policies pass it on to businesses, and businesses now pass it on to employees. And those two factors, controlling the cost of drugs and insuring the uninsured, would literally be taking the steam out of the pipe as it relates to health care inflation. If we do that, we will see immediately the health care tax alleviation for our middle-class and working-class families all across the country.

I applaud the bipartisanship and look forward to working with the gentleman on this. Hopefully, we will get an opportunity to offer an amendment to the prescription drug bill when it is down here on the floor, because it is going to be essential in making sure that whatever dollars we spend of the taxpayers, that we stretch those dollars to the greatest possibility. I think the American people, if they knew that we had the opportunity to offer an amendment bringing free market principles, competition to this debate, to make sure that they got a return on their dollar of investment, to make sure that the pharmaceutical companies could not prevent other choices from coming to market, be they from overseas or in the generic area, they would applaud our work, Democrats and Republicans and Independents alike; people north, south, east and west would applaud us, because we would be coming around a common set of values that we all can agree on. So there will be places that we disagree, but on these there is bipartisanship. So that would be my hope. I think we will be successful if we can come together in this area, work together, make sure the principles of the free market and our values are reflected in what we pass.

So again, I want to applaud the gentleman for introducing this, bringing this to my attention, although I have talked to many people about it but, most importantly, being open to working together across party lines so we can represent the people we came here to, not only vote on their behalf, but to give voice to their values.

Mr. GUTKNECHT. Mr. Speaker, just one last comment, and I thank the gentleman for this Special Order tonight. As we mentioned earlier, this is not a matter of right versus left, this is right versus wrong. It is simply wrong to make American consumers pay the world's highest prices for drugs which largely the American taxpayers helped develop in the first place.

The gentleman mentioned one other thing, and I think it is a very serious concern. Some people are saying, well, through these plans in Medicare, we will squeeze down the prices, but if we do not do something to bring market forces to bear on the overall cost of prescription drugs, what may well happen is the price for these prescription drugs will go up even more for those 41 million Americans that are currently uninsured. They are the ones who have to pay cash, they are the ones whose kids get sick with tonsillitis or ear infections or conjunctivitis, and they need those prescriptions as well.

So this is not just about helping to keep down the price of prescription drugs for seniors; it is for all consumers and particularly for those uninsured or partially insured Americans who pay the world's highest prices. Hopefully, on a bipartisan basis, we will ultimately begin to get at those issues, whether it is the whole issue of importation of prescription drugs or bringing the generics to market faster

so that Americans have those drugs at affordable prices.

But again, this is not a partisan issue as far as I am concerned. I look forward to working with the gentleman and other Members on the other side of the aisle because ultimately we owe it to every American to make certain that we get fair prices for the drugs that they desperately need.

Mr. Speaker, I thank the gentleman from Illinois (Mr. EMANUEL) for this Special Order.

THE ILL EFFECTS OF ASBESTOS LAWSUITS ON OUR ECONOMY

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

Mr. KIRK. Mr. Speaker, across our country, the state of our economy is the number one issue on people's minds. America's economy is reeling from a 3-year-old recession and the shock of September 11 and war jitters from Iraq. This Congress has acted to restore our homeland and national security. We have passed corporate reforms to stop the dot-com abuses that sparked our recession. Our Armed Forces have won a great battle in Iraq. But now, the latest news from our markets is somewhat encouraging. We bottomed out in the Dow Jones industrials at under 7,500, and we are now back over 9,000. But still, the economy is sluggish. Why? Are there other issues weighing against new savings and investments?

There are. There is one key issue that is casting a very dark cloud on America's economy, on our employment and, especially, our retirement savings. What is that issue? Lawsuits. Lawsuits. But not just any lawsuit. These are asbestos lawsuits.

Tonight, over 900 stocks that form the heart of our retirement IRAs are depressed because of asbestos litigation. We have already bankrupted manufacturers of asbestos long ago. People poisoned by these companies collect only 5 cents on the dollar from the empty shelf of what once were large employers.

In 1983, only 300 companies faced asbestos lawsuits from about 20,000 plaintiffs. Despite asbestos largely leaving our economy, we now see 750,000 plaintiffs suing over 8,000 employers. Sixty major employers have already closed their doors, and a third of those employers gave pink slips to their workers in just the last 2 years. With 8,000 plaintiffs crowding into our courts, no one gets justice. People who are truly sick die waiting for their day in court and the health care that they need. Others who file a case wait in line, hoping to win the asbestos lottery for them and their personal injury lawyers.

Our system of bankrupting employers and depressing the IRA savings of America could make some sense if those who are sick are compensated, but the data shows different. From 1980 to 2002, employers and insurers paid $70 billion in claims. Plaintiffs received only $28 billion out of the $70 billion paid. So where did the other $42 billion go? As the chart next to me shows, it went to personal injury lawyers and court costs. Not a penny of those funds went for hospital costs or to pay surviving relatives. Sixty percent of funds under the current system go to lawyers and court costs.

Clearly, American justice can do better. We say, ''Justice delayed is justice denied.'' But justice is delayed here. We say, ''We built a system to make the injured whole,'' but the injured are not made whole here. Supreme Court Justices have decried our wayward system of asbestos justice. Justice Ruth Bader Ginsberg called on Congress to act. Justice David Souter said the system was an ''elephantine mass'' which defies customary judicial administration, and calls for national legislation.

What happens if we do nothing? What happens if we leave well enough alone? According to the National Economic Research Associates and the Rand Institute, asbestos litigation costs 60,000 Americans their livelihoods. Without reform, Rand estimates 423,000 Americans will lose their jobs because of the expanding cloud of asbestos litigation. Never in the history of our economy have so many lost their incomes to so few who received so little for the benefit.

Asbestos litigation reform may be the most important remaining economic reform legislation for this Congress to pass. Reform means saving half a million American jobs. Reform means lifting the value of millions of IRAs. Reform means paying victims and their families with the lion's share of awards, not personal injury lawyers. And reform is needed now. Congress has several proposals before it.

Earlier this year, I introduced H.R. 1114, the Asbestos Compensation Act of 2003, with 40 cosponsors, the largest number of asbestos reform cosponsors for any legislation in this Congress. My colleague, the gentleman from Utah (Mr. CANNON), introduced H.R. 1285, the Asbestos Compensation Fair Act. Our Democratic colleague, the gentleman from California (Mr. DOOLEY), introduced H.R. 1737. And in the Senate, Senator NICKLES introduced S. 413. All eyes in Washington on this issue have now focused on Senator HATCH's bill, S. 1125, the Fairness in Asbestos Injury Resolution Act, or FAIR Act. It is scheduled for a markup in the Senate in 48 hours.

This is the most important economic legislation for this Congress. And what do all of these bills do? They are based around core principles of American justice. One: that we seek to compensate the injured; two, that we bring about a rapid resolution of disputes; three, that decisions become final; and, four, that we administer justice uniformly. Our current system fails to meet any of these time-honored values.

The legislation Congress is considering would remove the myriad of cases from various courts in States to a new Federal court or office that would develop an expertise and uniform administration of 8,000 lawsuits. Why do this? Let me give some examples.

Robert York received an asbestos award from his State court. He was asymptomatic with lung scarring, and he got $1,200. He had to pay $600 of it to his lawyer. Bill Sullivan was exposed to asbestos, with no symptoms, still got $350,000. Keith Ronnfeldt was exposed to asbestos and he got just $2,500, but, of course, had to pay $1,200 to his lawyer. Mrs. Keith Ronnfeldt was exposed, but she got just $750 and, of course, had to pay $375 to her lawyer. Ron Huber got asbestos-related illness and received an award of $14,000, but it is still pending appeal, and Ronald has not been paid. Meanwhile, James Curry, with asbestosis, won an award of $25 million; but once again, under appeal, he has not been paid.

This is not justice. Victims are left to die, and plaintiffs with no symptoms are litigants in a system that only the lawyers win.

We stand for a different principle. The major themes of reforms are to form a new Federal office or court to swiftly and surely compensate victims. But who pays?

Under our reforms, current defendants, employers, and insurers pay, with some leeway for other defendants to be added. Without reform, Rand estimates, plaintiffs, uninsured and insured alike, will be awarded $200 billion, bankrupting dozens of employers and throwing 400,000 Americans out of work.

But remember, most award money goes to lawyers and court costs, not to plaintiffs. That means without reforms, $200 billion will be awarded, but only $80 billion will go to victims and uninsured plaintiffs.

We argue for a better system. Rather than have only $80 billion paid to victims, we, for example, under Senator HATCH's reforms, would pay over $100 billion, 20 percent more, to the victims. Who loses? Under our reforms, only the lawyers would lose, but the victims would win; and so would the American economy.

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So would the American economy.

Without so many asbestos lawsuits filed by thousands on the chance of victory, we would remove a cloud of litigation from our economy's future. We would also follow another key principle, those injured should be the ones compensated best and first.

Under the current system, plaintiffs with the fastest lawyer, suing the richest defendant, wins. The sickest plaintiff, suing a poor or bankrupt defendant, loses. That is wrong. Our reforms care for the sickest most, regardless of financial capacity of the defendant.

Mr. Speaker, the Chicago Tribune identified these issues clearly in a masthead editorial printed yesterday. They correctly pointed out that the proposed privately funded $100 billion trust fund will be more than adequate to meet the needs of victims who currently only look like they will get $80 billion under the current misguided system.

Mr. Speaker, if one's 401(k) looks like mine, it is really probably just a 201(k). This issue depresses the market and, therefore, the retirement savings for millions of Americans. I ask everyone to contact their representative or Senator and urge them, for the sake of their retirement savings, to pass asbestos liability reform. If we are to return to $10,000 on the Dow or even better, this reform must pass.

In the next 48 hours, the Senate is scheduled to act and the House must soon follow. There is no economic issue more important, and therefore, this must move to the top of the to-do list for the United States Congress.

WOMEN'S ISSUES

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

Mr. BALLANCE. Mr. Speaker, we have had wonderful debate in these halls, both this evening and during the week, on issues of great significance to the people of this country. I am here today to speak to the determination and grace of women in transcending the hurdles they face on a daily basis as they lead others along the paths they have carved out for future generations.

While it is true, Mr. Speaker, that we stand here tonight highlighting the many obstacles faced by women on a daily basis, I would like to take these next few minutes to focus on the strength and dedication exemplified by so many women in my rural district in eastern North Carolina, the First Congressional District.

The First District transcends hurdles and lead others along the paths they carved out, these women, for our future generation. The women of eastern North Carolina are many things. They are mothers and wives and sisters and daughters. They are doctors and lawyers, teachers, cooks, business owners and preachers. Most of all, these women are leaders.

Tonight, I am proud to share with my colleagues stories of women who lead with distinction every day in areas of education, the political arena, housing, and economic development among others.

I can think of no better example to begin with regarding the success for women in leadership than my predecessor in these halls, the honorable Eva Clayton, the first woman to be elected from North Carolina and one of only three to ever join the North Carolina congressional delegation.

For 10 years, the First Congressional District made history with the gentlewoman from North Carolina (Mrs. Clayton) at the helm, leading the way on so many issues, among them minority farming, agriculture, housing, education and community and economic development, and her passion, hunger.

Congresswoman Clayton carved out a path upon which I am proud to follow.

Women in eastern North Carolina are leading the way in areas of housing, but while the ownership rates are increasing, women still lag considerably behind the general population in homeownership.

One woman in Wilson, North Carolina, is helping entire communities realize the dream of homeownership. Her name is Fannie Corbett. She served for more than 31 years with the Wilson Community Improvement Association, being a founding member in 1968. Ms. Corbett and her colleagues have spent the last 3 decades moving from improving existing housing to initiating the building of more than 200 houses for families in the Wilson community, including playgrounds, arts, crafts, computer classes, Bible studies and exercise programs.

Women around the country are building quality, affordable housing as they try to help their neighbors, friends and themselves improve their lives. For 31 years, Ms. Corbett, who will retire at the end of this month, led the way.

Helping ensure the children of North Carolina receive quality education they deserve is Dr. Shirley Carraway, from Kinston, North Carolina. A lifelong education professional, Dr. Carraway served for many years in the Pitt County school system, one of the largest systems in my district.

As assistant school superintendent for Pitt County, Dr. Carraway's dedication to educating the young minds of our district saw her recently voted as head school superintendent for another North Carolina county.

On a national level, women lag behind men in earning doctoral professional degrees and are underrepresented in math and science. Dr. Carraway is leading the way to break down these barriers and open the doors of education for all children.

North Carolina ranks number 31 in the Nation for women in managerial and professional occupations and 32 in women-owned businesses.

HISTORY OF WOMEN'S RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, if the gentleman will remain at the lectern, I am pleased to yield to the gentleman.

Mr. BALLANCE. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, all of these women share one great quality, whether they are helping educate our youth, building houses for our families, creating jobs for our workers, or representing the people in the public arena. They all lead. These women are but a few women leaders from the congressional district that I represent.

I want to close by saying that there are so many other women that I could call on and mention in my remarks, but I know my time is short.

I do want to mention Joyce Dickens, president and CEO of the Rocky Mountain Edgecombe Community Development Commission and Andrea Harris, of Vance County, president of the Institute for Minority Economic Development. These and so many other women are blazing trails all over North Carolina and showing that women are great leaders, not only in North Carolina, but more particularly, in the First Congressional District.

Ms. NORTON. Mr. Speaker, I thank the gentleman for his remarks, and I know that the women of his district very much appreciate the kind of attention he is paying to their accomplishments, in particular, and I know that his predecessor would have taken great joy in his remarks. Nobody could be more deserving of his remarks than Eva Clayton, and I thank him for taking the time to come to this floor during this special order when we are, in fact, looking closely at women's issues and women's rights.

First, in recognition of a former trailblazer and Representative Martha Griffiths. Martha Griffiths served in this House at a time when very few women darkened the doors of the House of Representatives, and she died April 22 at 91. Issues that we take for granted today were put on the map by Martha Griffiths so that as we celebrate her life and think of her passing, it seemed to me altogether fitting that we remember that much that women are grateful for today began with and owe to the extraordinary work of Representative Martha Griffiths of the State of Michigan, for it was Martha Griffiths who led the fight to add sex to Title VII of the 1964 Civil Rights Act, and of course, for me, that one gets to be personal since it became my great honor during the Carter years to chair the Equal Employment Opportunity Commission.

The notion that in the beginning sex was not even included as a form of discrimination can perhaps give us some appreciation for what it meant to have one good woman in the House of Representatives, along with a few others, and many men who supported her.

Of course, the 1964 Civil Rights Act that Martha Griffiths championed had a great deal more than Title VII in it. We remember Title VII because it is Title VII that bars discrimination in employment, and that has brought so many women equality in search for work and in the workplace, but the Civil Rights Act of 1964 barred discrimination based on sex also in public education, and I will have something to say about that in a moment because it relates to Title IX in public accommodations, in federally-assisted programs, and every day and every minute, women benefit from all of these sections of the Civil Rights Act of 1964 which is remembered principally because it was African Americans marching in the streets to finally get enforcement of the 14th amendment that led the way to the 1964 Civil Rights Act, but race was not the only status protected in the 1964 Act.

Religion, national origin also have been, in our country, subjects of great discrimination, and they also are protected in the 1964 Civil Rights Act. I say protected but it is important to understand that everybody's protected. We cannot discriminate against a white man because he is a white man, and we cannot discriminate against a black woman because she is a black woman. These particular groups had, in fact, borne the brunt of discrimination but the Civil Rights Act of 1964 protects each and every American.

□ 1945

We owe the work that got us there to Martha Griffiths.

Martha Griffiths also championed the Equal Pay Act and was one of the principal leaders that gave us the great Equal Pay Act that simply means if a man and a woman are sitting in the same workplace, you cannot pay one less than the other because of their gender. But perhaps Martha Griffiths is remembered most for having single-handedly revived the Equal Rights Amendment, which was only three States short of becoming an amendment to the Constitution of the United States.

A word on who this great woman was. She was the daughter of a mailman, born in Michigan, attended its public schools, and went to the University of Michigan Law School and graduated in 1940. You can imagine a woman graduating from law school in 1940. The very fact that she went to law school says something about her determination and her character, because we are talking about a time when women in law school were as scarce as hens teeth. Undaunted, she practiced law with a very famous governor, G. Mennen Williams, ''Soapy'' Williams, a Governor of Michigan, along with her husband.

She served in the Michigan House of Representatives from 1948 to 1952. She was elected as a judge. And she served 10 terms right here in the House of Representatives. She was the first woman ever to serve on the Committee on Ways and Means. She left the House to become Lieutenant Governor of the State of Michigan.

Here is a woman whose distinguished career just by virtue of the titles she has held would win her places in the history books, but Martha Griffiths was not looking for a place there because of titles.

I do want to tell the story of the addition of sex to title 7 of the 1964 Civil Rights Act. Representative Smith, Congressman from the Deep South, introduced it with such levity that he brought the House down. In introducing the notion of adding sex to the 1964 Civil Rights Act, he said he had received a letter from a woman who complained that the 1960 census had reported, now here I am quoting him, ''2,661,000 extra females and asking that he introduce legislation to remedy the shortage of men for women to marry.''

Well, I mean, apparently, this House lit up so that they had to call for order, the laughter reverberated such throughout the House. And what did Mr. Smith say? And I quote him again: ''I read the letter just to illustrate that women have some real grievances.''

That is the atmosphere in which Representative Martha Griffiths had to somehow rally herself to respond. She rose in this House and pointed out that the laughter of the men of the House, or at least some of them, at the introduction of the amendment only underscored women's second class citizenship. A woman who thought well on her feet. Every woman in the House, except one, supported the amendment.

And, by the way, that was in defiance of the party discipline. The Democrats at that time did not favor, not until final passage, the addition of sex because women were protected by protective legislation in factories so they could take some time out to sit down and to have rest periods, to have breaks, for example, that men did not have. And they did not want to give that up, most of them under union contracts that had been won. But, hey, you cannot want equality and then want breaks. And, ultimately, the breaks went and the equality has come more and more ever since.

The passage in the House of title 7 of the 1964 Civil Rights Act came after the passage of the Equal Pay Act. I must say that the early 1960s were a very good time for women, and it was Congresswoman Griffiths who led the fight in this House for passage of the Equal Pay Act.

We are now at the 40th anniversary of the Equal Pay Act; and it seems to me we ought to celebrate how far we have come, since you could with impunity sit in the same factory, in the same office, in the same law firm and have nothing to say if a man was paid more than you, as a woman, was paid. However, the gentlewoman from Connecticut (Ms. DELAURO) and a number of other women and men in the House have introduced a very modest bill that would update the Equal Pay Act. It is called the Paycheck Fairness Act, and I hope every Member will go on the Paycheck Fairness Act, particularly during this 40th year of the passage of the act.

There are some updates that need to happen. For example, sex, but not national origin or race, are included in the Equal Pay Act. Fortunately, title 7 does allow a person to pursue unequal pay under title 7, if not the Equal Pay Act. A person can be punished by firing for telling what her salary is. That kind of sanction needs to be barred.

These are quite modest additions, and I would hope that this year the House would regard them as such and would pass the Paycheck Fairness Act. I had a more extensive bill, called the Fair Pay Act, Senator TOM HARKIN has introduced it in the Senate, that would update title 7 of the 1964 Civil Rights Act so that jobs with the same skill, effort and responsibility, but not comparable, could be the subject of a title 7 claim if one could show that men and women were paid differently.

Now, the reason for this is perfectly apparent. If you are a probation officer and your wife is a social worker, guess who gets paid more? The probation officer. The point here is that we ought to look to see not whether it is the same job, but whether the content, the basic content of those jobs is equal; and that is what my bill would do. It would bring the Equal Pay Act into the 21st century.

The pay problems of most women today really do not come from sitting next to somebody who is a male who earns more than you do. It comes from sex segregation in jobs that women do. Two-thirds of white women and three-quarters of black women work in just three areas: clerical, sales, and factory jobs. And many of those jobs are molded to gender rather than to the job to be performed. My bill would say you have to look at the job to see if it is comparable to the job of a male. And if it is, in skill, effort, and responsibility, then it has to be paid comparably.

Without this kind of change, we are seeing the great so-called women's professions abandoned: teaching, nursing. Where are they going? They have gone where the pay is. And the pay is not in those jobs, because very often a teacher or nurse will find a man who has nowhere near the same skills making more money. So what happens then, of course, is people leave the profession. And we are in very deep trouble when those professions are abandoned. We had to pass a special bill last year to try to encourage more women to go into nursing.

Look at what has happened to the teaching profession. Even people who go into teaching often leave the profession. The same happens to nursing. Why do men not come into teaching and nursing? Because, of course, the pay is not what they expect. The way to do this is to look closely at these

jobs to make sure that inequality is not occurring or say good-bye to men or women who will enter these jobs.

By the way, what I am talking about is not as radical at it may seem. Twenty States have adjusted wages for women, raising the pay for teachers, nurses, clerical workers, librarians, and other female-dominated jobs that paid less simply by doing their own studies of the skill, effort and responsibility. If State governments can do this, I cannot be talking about something that is far out. What is far out is imagining an America where social work, teaching, and nursing are systematically abandoned. And that is what is happening today almost entirely because of pay.

The pay problem is structural. It is chronic. Look at what women have done. Women were told, look, go to school, get as much education as men, and that will take care of it. Well, girls are nothing but good little girls, and I will be darned if they did not go out and do just that. Women now earn 55 percent of college degrees. Men get something like 45 percent. They achieve 65 percent of the 3.5 GPAs.

Now, I do not relish this kind of inequality. I think the reason, very frankly, are the boys are out playing sports and girls are hitting the books. I do not like that a lot, but it certainly has not shown up in the paycheck. Doing so well in school, getting all of this advanced training simply has not paid off. That is why you hear women talking about equal pay. It still has not been achieved even under the Equal Pay Act.

An example in the private sector that was recently brought to my attention is one of a brand name famous retail outlet in our country, Wal-Mart, where women there make an average of $1.16 per hour less than men.

We still need equal pay. We need to update the Equal Pay Act. We need to face the fact that when you have had this kind of inequality for the millennia, since human time, it takes enforcement of the law and it takes updating of the law.

This has become one of the great issues of the American family. The interesting thing about polling, is if you poll Americans, what are your top issues, equal pay keeps coming up near the top. You say how come if we are polling men and women, equal pay keeps landing up there in the stratosphere? I think I know why. In two-parent homes, almost always now, even in families that have very young children, both people go out to work. The male member of the household and the female member of the household are not unlikely to have been together in college, for example, or in high school. Suppose they went to the same junior college and graduated, both having done reasonably well. They hit the workplace and he instantly made more money than she does. And she is a drag on the family income. How come? They both went to college; they did well, yet she does not earn anywhere near as much money as he does.

That is why it has become a family issue. That is why equal pay keeps registering when we give the American people a list of 10 issues and ask them to write the ones that mean something to them. Equal pay keeps hitting much higher, very high often within the first three of that family's sight. We better listen to them.

In this Special Order, where we are focusing on women, I do not want to leave the impression that women are looking only to so-called women's issues. I have just said that equal pay has become a major family issue in our country, as both parents go out to work, as the number of female heads of households grows astronomically. I want to look for a moment at the tax cut and what it does for women or does not do for women.

□ 2000

I think we need to lay this out as people decide what does this do for us. We hear about things like the tax cut in such gross terms that even if you are a tax lawyer, it is difficult to figure out what it means. For women, reduction of taxes on dividends, we are told that will help seniors because they are investments, reduce the dividends, greater return for them. Let me see, less than one-quarter of older Americans live in a family that receives any dividend income. Now, who knows what that dividend income is. But less than a quarter receive any dividend income.

That is of all older Americans. Only one-fifth of older women live in a family that receives any dividend income, and that is 20 percent. If we are looking at women of color who receive stock dividends, we are looking at 6 percent of black and Hispanic elderly living in families that receive dividend income. So much for women and the tax cut.

When we look at where at least some of the funds in the tax cut might have gone to benefit women, we probably should start with the uninsured, because uninsured women are far more likely to postpone everything. They postpone the care they need today, they skip all of the services like mammograms, they only go to doctors when they have advanced disease. Latina and African American women are 2 to 3 times more likely to be uninsured than white women, but if we had used the tax cut package, we could have insured 33 million of uninsured Americans with incomes below 300 percent of the Federal poverty level. Most of those people are women, often women with children.

If we look at the tax cut in terms of Social Security, and that is often the way the tax cut is positioned, think about women. It is women who have not been in the workforce who go in late so they do not have the pensions and the savings and the investments. They rely more on Social Security, far more than men do. Over 80 percent of unmarried elderly African American and Hispanic women get half their income from Social Security. So if you took the 75-year cost of the tax cut, we could erase the entire 75 year shortfall in Social Security three times over and secure Social Security for the baby boom generation and future generations. We are going to be judged where our values were, and I always thought they were with Social Security, and I do not believe that is true anymore, at least with many in this House.

Another important issue with women has been domestic violence. I remember how we fought in this House and achieved a very important bipartisan consensus on domestic violence. We have a million and a half women assaulted by some partner each year. They have to go to shelters. They need residential shelters, services for their children, but we are able to handle only 1 of 5 women who needs somebody to take them in from an abusive partner. With just $6 billion or 15 percent of the tax cut, we would have had shelter and transitional services for these women and their children. I do not know how Members can continue to talk about women and children and then wipe away all of the funds that they need to do what it is that we are talking about.

The Congressional Black Caucus today just had a very informative internal hearing on Head Start. I was very pleased to participate in that hearing because of the witnesses that came forward, one of them from a center in the District of Columbia where children emerge, and it is a bilingual center, the Beaumont Center, where children emerge literally bilingual. I asked the question and was assured that these children speaking only Spanish or Vietnamese or some other language emerge at kindergarten able to speak English, and that is what concerns me most, because that is when the brain is most pliable and people can earn language most easily. At that age, a child can learn more than one language, so these children do emerge bilingual. Head Start, I cannot say enough about it, but we are very concerned that it will be block granted and disposed of, because we know what happens to block grants: States steal from the block grants, often for people far better off than the block granted people. For the amount of tax cut, we could get to where everyone wants to get in providing Head Start for every eligible child.

Women continue to be the major guardians of our children, so when, in fact, we make the kinds of decisions we have been making on Head Start, we are taking money right out of the hands of children and not just their mothers.

I want to move on to title 9. Sometimes we forget since we talk about title 9 often in terms of sports, sometimes we forget title 9 covers all of education, and what it has wrought in approaching education equality is nothing short of historic.

In the year that the bill was signed, that was 1972, women earned only 7 percent of all law degrees. By that time I was out of law school. I graduated in 1964, and women were still earning only 7 percent. That is called tokenism. That is not representation in the profession. I have to tell if somebody went to law school and took the bar, it is not a profession that one would expect women not to enter.

That was in 1972, 7 percent. Fast forward to 1997, no longer 7 percent, 44 percent, approaching half. Before I came to Congress, I was a full-time tenured professor of law at Georgetown University Law Center. I joke, although it is not entirely a joke, that I continue to teach one course there a year. The House does allow a Member to teach but not to do virtually anything else outside of the House. I joke that I continue to teach because one thing I want to do is keep my tenure because it was harder to get tenure than it was to get elected, and there is a lot of truth in that.

But the fact is that I look at my classes, and I teach one course every year, and I am astounded. Not only are the classes often evenly divided, sometimes there are more women than men. In my wildest imagination, that is not what I foresaw for my profession, not when I was in law school.

Let us look at medical school. There were always a greater proportion of women in medical school, not a lot, because if we look at 1977, and that is 5 years after title 9, only 9 percent of all medical degrees were awarded to women. By 1997, 41 percent of the people graduating from medical school were women. This is the pattern in higher education for women. Looking at Ph.D.s, 1997, a quarter of the Ph.D.s went to women. Today 41 percent of Ph.D.s go to women.

Where we hear about title 9 most today, where we do not see this kind of progress, although we see considerable progress, is in athletics; and that has become somehow controversial. There are 32,000 women athletes playing intercollegiately in 1972, and 150,000 today. I would have never thought about intercollegiate athletics, not only because I am unathletic, but because it was not a girl thing to do. It is very important that athletics are open to women, not only for its own sake, but also because of what it means for how women can view where they can go in the world in other pursuits as well.

There were virtually no athletic scholarships for women in 1972, and today there are 10,000 scholarships for women athletes. There has been a lot of progress there. One would think that where there was this kind of progress, we would leave it alone. There is a lot of stuff to study in this House and in this country, but the fact is we just finished a very controversial, polarizing study, commission on title 9. I could think of a thousand commissions to set up where we see negative progress. The last thing I would spend any time on is title 9; but why, because some wrestlers said they were losing out to women who were in fact given title 9 funds.

Give us a break. Thanks to women who protested this commission's work, not a lot has happened, but the commission's bias was astounding. Normally these commissions give the appearance of being open. There was one hearing, and not all sides were heard. There was no indication of continued discrimination against women in sports, no talk about how, for example, men's football and basketball really eat up the money from wrestling. It is somehow the fact that a few more women are playing intercollegiate ball that takes from the men.

Mr. Speaker, I want Members to know what happened on June 13. A district court threw out a lawsuit by a coalition of wrestlers who argued that title 9 requires quotas of female athletes that have resulted in discrimination against men.

□ 2015

The judge said nonsense. He said that the wrestlers failed to show that title IX caused their teams to be dropped. Let us look for the causal effect here. If they do not have a wrestling team now, what is the reason? And this judge found, hey, you cannot even show that if title IX had not been there at all, they would not have dropped the wrestling team. Why in the world do we not ask schools, is it really necessary to pump such large amounts of money into basketball and football? I will grant you that there is reason to put a lot of money there, but if you have got some wealth to share, do not take it from the wrestlers who then blame it on the women. Take a little bit from basketball and football. I do not think either of those sports, given the rah-rah spirit they have and the alumni they draw, are going to suffer from it.

The commission was certainly a very bad idea. There was a minority report by two commissioners who refused to sign the commission's report because of its detrimental possible effects on women. Then Secretary Paige said, fine, we have a unanimous report now. I mean, wait a minute. This is America. We do not do things that way. We acknowledge that there are differences, the majority rules; but we do not say, okay, we have a unanimous report and those people who did not sign simply are not counted at all.

Scandalously, some of the recommendations here hark back to the old days of discrimination. For example, the notion of the use of an interest survey to determine the level of interest women and men have in various sports. What? That builds discrimination on top of discrimination. The reason that girls like me did not have an interest in sports is we were literally taught that a smart girl did not do sports. Now of course that you do not have an interest in sports is why you should not have sports. That is like in the days before title VII saying, let us ask the clients in this law firm whether they would in fact continue to do business with us if we had a black lawyer as a partner. That is exactly what that is like. Or a retail outlet saying, let us not hire this Hispanic person because we do not think people would like to be served by a Hispanic person in this store. I thought we called that discrimination. We do not ask people whether or not they should be given equal treatment in the provision of athletics based on whether they are interested or not. We say, look, if you are not interested, you do not have to do it; but we are not to condition your ability to participate in athletics on a survey as to how many of your gender are interested. That simply compounds the discrimination we are trying to escape. Profit from our own exclusion.

Since title VII, the opportunities for both men and women have increased, but the number of opportunities for women athletes, and, remember, there are more women than men in college, the number of opportunities for women athletes has yet to reach what it was for men before 1972. We need a commission all right. We need a commission to help us get to equal opportunity in athletics quicker than we have done. We need to pat ourselves on the back for how far we have gone and then move further.

I want to say a word about choice. When President Clinton was in the White House, I remember press conferences where women came forward to make the American people understand the notion of late-term abortions. Women came forward and spoke, gave testimony, some of the most moving testimony I have heard, about how their lives or their fertility had been saved by a late-term abortion.

We are going to have next week, or I am certain before recess we will have another spectacle. President Bush is going to invite anti-choice zealots into the White House to sign a bill taking away a woman's right to end a pregnancy not in the last weeks of pregnancy, but from 13 weeks on. That is how that bill reads. That is how a, almost exactly worded bill or worded in almost the same way was read by the Supreme Court. I am hoping that the Supreme Court will save us. Based on my own reading of the prior opinions of the Court, I believe they will; but it is a human tragedy that we have not been able to reach a compromise and that we now have a bill that would disallow the ending of pregnancies in the very last month or so.

The third trimester is already covered by Roe v. Wade, but because the procedure described in the bill is also used in the second trimester, I am certain it is unconstitutional, although nobody can presage what the Court will do. But I do know this, that no one is thinking about the health exception that Roe v. Wade has in it. That is the kind of response to women's reproductive needs we are seeing in this administration. Tragically, we see that we

are trying to carry these notions abroad where they are not wanted and where people have their own set of values. Why in the world were we at a U.N. population conference objecting to the very phrase ''reproductive rights''? What? Wanting it stricken. Why did we object to the words ''reproductive health services''? Representatives of the administration, of the State Department among U.S. delegates? Do reproductive rights necessarily mean abortion? Not the last time I heard. It is a very broad phrase. But the whole notion of trying to rewrite not only the English language here but rewrite the language for the world does seem to me to go beyond our writ and our right.

There are some women in here who are trying to restore the funds that we have now cut off from the United Nations population fund, funds that, of course, were meant only for birth control and contraception; and we have ourselves indicated that those funds will not be available to organizations which do not forswear using other funds for abortion. What this will result in in maternal deaths and the deaths of children will be on us.

Finally, let me say a word about poor women. We passed a TANF bill here. It has not been passed in the Senate yet. I can only hope that it will be thoroughly revised. Every State and the District of Columbia allows some of the time that a woman on TANF, some of the time for work to be spent in some form of postsecondary education. This is seen as an allowable work-related activity. In this House, however, no State would be allowed this flexibility so that a woman, for example, could work part-time and go to college part-time. Why not? Do you want women to get off of TANF and be on minimum-wage jobs for the rest of their natural lives? We want to make sure she is going to school, that she is pursuing a degree or some form of higher education. But why is that not exactly what we should be encouraging? It is almost impossible for poor women under the TANF bill we passed to have enough time available beyond weekly work-related requirements to do anything else, because we have increased the work-hour requirements to 40 per week and then limited what counts as work. What we were trying to do, I thought, was to make people less poor, not simply get them off TANF.

The final straw here was what we did just last week, in essentially killing the child care credit for poor women, poor families. Those are families that earn between $10,000 and $26,000 a year, including military families. By adding on the cost of child care for so many higher-income families, essentially we stabbed the bill in the back, knowing full well that the Senate required that the poor families be paid for and that if you add families of over $200,000, for example, I would love to see it, I would love to have universal child care, we do not have it, but knowing that if you added them, that would kill the bill, that is what this House did.

By the way, the House did not try to hide it. I will not call the House dishonest on this one. Member after Member was clear, said it to the press, said it on the floor, these people do not pay Federal income taxes; therefore, they should get no tax relief. The last time I heard, they were paying a greater share of their income in payroll taxes than most of us pay in income taxes. For the life of me, I do not understand why a child care credit, because that is all this is, it is a child care credit, it is for the child, would not be precisely what we want these families to have.

I give my friend TOM DELAY, and he is a friend, he and I wrote a bill together for family court in the District of Columbia, TOM never does hide where he stands. He said, ''It ain't going to happen. There are a lot of things more important than that.'' That is a quote. You know what, he was right. It is not going to happen. The child tax credit is probably dead, killed in this House after the Senate tried to revive it.

Mr. Speaker, what I have tried to do in memory of Representative Martha Griffiths was simply to call the roll on some of the women's rights issues of special currency today. See, that is where Martha Griffiths would be. She would not be talking about the great feats of yesterday. She would be moving on. I wanted us to remember where these rights came from and that they came in a House where there were but a shallow number of women and a few good men, enough to pass the bill, indeed, without whom no bill could have been passed, who were determined that equality would apply to their wives, to their daughters, to their aunts, and to their mothers.

□ 2030

It is important that we know where this came from because it did not come from a House where, what do we have today, 63 women and a lot of men, Democrat and Republican, who respect and vote for women's rights and vote on women's issues as one might expect any civilized, advanced Nation to do. We have got a lot of that today. But in order to place the true value on where we have come in 40 years, it did seem to me one way to do this was to recognize the life of Representative Martha Griffiths, who had to stay on this floor and remind people that their laughter at the addition or the proposal to add sex to title VII of the 1964 Civil Rights Act simply underlined the second class status of women when women are not first class citizens yet, but nobody can doubt that they are on their way to being exactly that.

There are some ways in which we do not have consensus. I have named some of them. I have named more of them on which we do. There is one in which I hope we will gather consensus soon. H. Con. Res. 130, the Equal Access in Membership Resolution is pending in the House, and its operative words say, and I cite this because this ought to be an easy one, and yet it is one that is not done, it says no Member of Congress, justice or judge of the United States or political appointee in the executive branch of the Government, should belong to a club that discriminates on the bases that have been named, and my colleagues know what they are, gender, race, et cetera. Come on, everybody. It even respects the right of free association because it does not say no Member must belong. It says no Member should belong. Can we not get at least that passed in the House?

And, remember, we are talking about a Member of Congress, a justice or a judge of the United States or political appointee of the United States of America, that if on is one of those, one is to forego belonging to a club that does not allow Jews and blacks and women in, Hispanics in. Is that too much to ask this late in the day? Hey, look, one can. All this resolution says is the House says one should not. It is because one gives the appearance of not being a fair person.

I hope that we will pass this resolution, this one we might have expected to pass during the height of the civil rights movement. We are all officials. It seems to me we want to give the appearance of fairness, and one way to do it is in the way we live our lives.

I hope that if I have done nothing else, I have pointed out not only our progress but our problems that we have both and that together we have come a very long way, and together we can get the rest of the way.

Mr. LEVIN. Mr. Speaker, I ask my colleagues to join my salute to a remarkable woman and former Member of the U.S. House of Representatives, Martha W. Griffiths.

As a pioneering political activist woman, her life was a string of first. In 1953 she was appointed as the first female Detroit Recorder's Court judge; the following year, she was the first Democratic woman elected to Congress from Michigan; she was the first woman to serve on the Ways and Means Committee; she was the first woman lieutenant governor of Michigan.

Martha Griffiths passed away at the age of 91, just this past April and remains a legend in Michigan and National politics. She's been called a ''legendary feminist'' and ''one of the most effective women's rights lawmakers of her time.'' Her reputation was well-earned. She was effective because she was as tough as any of her formidable opponents and she had a sharp intellect. At home she campaigned block-by-block, taking a small group of women to visit other women at home during the day to discuss political issues. She was just as methodical, strategic and persistent in Washington. Her work was richly rewarded with the inclusion of gender discrimination in the Civil Rights Act of 1964 and by the passage of the Equal Rights Amendment in 1972. These efforts were watersheds in the progress of women's rights in America. From them, a multitude of Supreme Court decisions and Federal Laws have flowed in support of women.

Martha's progressive politics encompassed much more than women's rights, however. She was concerned about the welfare of all Americans. In the 1970's, she recognized the need for reforming our health system to provide universal health coverage and became an original co-sponsor of the landmark Kennedy-Griffiths Bill; she worked on regulating pension funds, closing tax loopholes and conducted a massive study of welfare, resulting in major overhauls to the system.

Martha Griffiths was, at once, ahead of her time and just right for her time. Her contributions to the evolution of human rights and dignity in this nation will be always remembered.

Mr. STUPAK. Mr. Speaker and Congresswoman NORTON, thank you for the opportunity to support women's issues and to acknowledge the contributions of former Michigan Congresswoman Martha Griffiths to the cause of equal rights for women.

As the U.S. Representative from Michigan's 1st District, I am particularly proud of the example set by this dynamic, fiery woman, who was elected to the U.S. House in 1954 and served here for twenty years, including a term as the first woman on the House Ways and Means Committee.

Before her service in the U.S. House, Martha Griffiths served from 1949 to 1952 in the Michigan House, followed by two years as the first woman Detroit Recorder's Court judge.

Martha Griffiths was still in Congress when I began my career in public service as a police officer in Escanaba, Michigan in 1972. By the time she re-entered public life as Michigan's first elected female Lieutenant Governor in 1982, I was serving as a Michigan State Trooper.

In all that time, and later when I was elected to the Michigan State House of Representatives, I had Martha Griffith's example to follow.

While she was one of America's greatest women leaders, she was also at the top of the list of consummate politicians and public servants of either gender.

In her work reinvigorating the fight to pass the Equal Rights amendment and in adding language banning sex discrimination in the 1964 Civil Rights Act, Martha Griffiths set the stage for later generations of women in politics.

My own wife Laurie, who is the elected mayor of our hometown of Menominee, is one of the thousands of women who benefited from Martha Griffiths' trailblazing work in politics and public life.

Martha Griffiths added influential roles in business to her resume after she retired from the U.S. House, serving on five major corporate boards, including two—Chrysler Corporation and Consumers Power Company—which had up to that time been all male.

A Detroit Free Press editorial on the occasion of Martha's death April 24 of this year summed it up beautifully.

The Free Press said, ''Her very presence wielded power, especially when accompanied by her famously sharp tongue. Of course, her unabashed willingness to go toe-to-toe with the good old boys drew some detractors. An old man once wrote to Griffiths telling her to leave the political stage. 'All you've ever done is succeed in making women more insolent,' he wrote.''

What this aging gentleman referred to as insolence we now applaud as assertiveness in such political leaders as Representative NANCY PELOSI, Michigan Governor Jennifer Granholm and the many women in state and local elected office like my partner in life Laurie. The thousands upon thousands of women who have climbed higher in business, community service and government in recent decades are also beneficiaries of Martha's efforts.

I do not have daughters.

But should I be lucky enough to have a daughter-in-law or granddaughters, I will be more than proud if they emulate even some of the self confidence, intelligence, perseverance and fierce effort that Martha Griffiths brought to all her causes.

We can best honor her legacy by continuing to work for equal pay and equal opportunity in the work force, continued support for widows and heads of households in Social Security and pension benefits, labor rights and a refusal to accept sex discrimination in any form.

I am happy to pledge my efforts to those goals.

Thank you for the opportunity to participate in this celebration of women's issues and Martha Griffiths' contributions to those causes.

Mr. CONYERS. Mr. Speaker, I rise today to commemorate the extraordinary life of former Congresswoman, and my dear friend, Martha Griffiths. Martha was the matriarch of Michigan politics and one of the nation's greatest advocates for women's rights.

She grew up as the daughter of a rural mail carrier in Pierce City, Missouri, where she excelled in the art of debate. Her intelligence and strong spirit carried her all the way from Missouri to the steps of the University of Michigan Law School where she and her husband became the first couple to graduate together in 1940. After graduating from the University of Michigan Law School, she and her husband founded the law firm Griffiths & Griffiths in 1946.

With a top notch law school education and the creation of a successful law firm under her belt, Martha decided to run for a seat in the Michigan State House, and like everything else she did, she succeeded. Martha Griffiths was one of two women who held a seat in the Michigan House from 1949–1952.

In 1954, Martha Griffiths was the first woman elected to serve the great state of Michigan in Congress, where she held the seat for 20 years. While in Congress, she became the first woman to sit on the powerful Ways and Means Committee, she served on the Joint Economic Committee and she was Chairwoman of the House Subcommittee on Fiscal Policy.

During her tenure in Congress, Martha built her career fighting for equal rights for women. She fought to ensure the protections for women in the Civil Rights Act of 1964, which outlaws discrimination in voting, public education, employment, public accommodations, and federally assisted programs. In 1970, she stalked the halls of Congress to obtain 218 signatures needed to file a discharge petition to demand that the Equal Rights Amendment (ERA), which had languished in a House committee for 47 years, be heard by the full Congress. Congress overwhelmingly approved the ERA in 1972. Unfortunately, it was ratified by only 35 states, three short of the number needed to add it to the U.S. Constitution.

She continued spearheading women's rights as Michigan's first female lieutenant governor in 1982. She also served on five corporate boards, two that had been all male and she was the only woman to serve in all three branches of government in Michigan.

In addition to her great accomplishments for women's rights, Martha was also the driving force in helping me obtain my seat on the prestigious House Judiciary Committee. Being an advocate for civil rights herself, she saw the great importance of having an African American on the very Committee that handles many important issues, including civil rights. As a freshman in the House, having Martha Griffiths as a mentor and a friend was invaluable.

Without the leadership, strength and courage of Martha Griffiths, women would not be where they are today and neither would I. Mr. Speaker, I would like to give special thanks to Congresswoman ELEANOR HOLMES NORTON for bringing this tribute to the floor. A tribute to a woman of such stature is long overdue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today and the balance of the week on account of personal matters in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. PENCE) to revise and extend their remarks and include extraneous material:)

Mr. HENSARLING, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, June 19.

Mr. KING of Iowa, for 5 minutes, June 18.

Mr. SMITH of Michigan, for 5 minutes, June 18 and 19.

Mr. PENCE, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, June 24.

Mr. JONES of North Carolina, for 5 minutes, June 19.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. BRADLEY of New Hampshire, for 5 minutes, today.

Mr. BALLANCE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 246. An act to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico; to the Committee on Resources;

S. 500. An act to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era; to the Committee on Resources;

S. 520. An act to authorize the secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; to the Committee on Resources;

S. 625. An act to authorize the Bureau of Reclamation to conduct certain feasibility studies in the Tualatin River Basin in Oregon, and for other purposes; to the Committee on Resources; and

S. 635. An act to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes; to the Committee on Resources.

ADJOURNMENT

Ms. NORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 18, 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:

2701. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Modifications to the Raisin Diversion Program [Docket No. FV03-989-1 FIR] received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2702. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Rock Rapids, IA [Docket No. FAA-2003-14843; Airspace Docket No. 03-ACE-28] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2703. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Crete, NE [Docket No. FAA-2003-14927; Airspace Docket No. 03-ACE-33] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2704. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Saginaw, MI [Docket No. FAA-2002-14180; Airspace Docket No. 02-AGL-17] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2705. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Berrien Springs, MI [Docket No. FAA-2002-14047; Airspace Docket No. 02-AGL-20] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2706. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Greenfield, IA [Docket No. FAA-2003-14596; Airspace Docket No. 03-ACE-19] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2707. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; St. Louis, Mo [Docket No. FAA-2003-14657; Airspace Docket No. 03-ACE-26] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2708. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Marshall town, IA [Docket No. FAA-2003-14601; Airspace Docket No. 03-ACE-24] received June 9, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2709. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-173-AD; Amendment 39-13129; AD 2003-08-16] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2710. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-386-AD; Amendment 39-13113; AD 2003-08-02] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2711. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2000-NM-343-AD; Amendment 39-13108; AD 2003-07-12] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2712. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 1900D Airplanes [Docket No. 2002-CE-26-AD; Amendment 39-13141; AD 2003-09-12] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2713. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric CF34-8C1 Turbofan Engines [Docket No. 2002-NE-23-AD; Amendment 39-13143; AD 2003-09-14] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2714. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The New Piper Aircraft, Inc. Models PA-23, PA-23-160, PA-23-235, PA-23-250, and PA-E23-250 Airplanes [Docket No. 2002-CE-44-AD; Amendment 39-13142; AD 2003-09-13] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2715. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Beech Models C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35A, and V35B Airplanes[Docket No. 93-CE-37-AD; Amendment 39-13147; AD 94-20-04 R2] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2716. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines [Docket No. 2003-NE-15-AD; Amendment 39-13146; AD 2003-10-02] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2717. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2001-NM-245-AD; Amendment 39-13153; AD 2003-10-08] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2718. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2001-NM-309-AD; Amendment 39-13155; AD 2003-10-10] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2719. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model Beech 400A and 400T Series Airplanes [Docket No. 2001-NM-335-AD; Amendment 39-13158; AD 2003-10-13] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2720. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MORAVAN a.s. Model Z-242L Airplanes [Docket No. 2003-CE-24-AD; Amendment 39-13171; AD 2003-11-12] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2721. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes [Docket No. 2002-NM-10-AD; Amendment 39-13156; AD 2003-10-11] (RIN: 2120-AA64) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2722. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200CB, and -200PF Series Airplanes [Docket No. 2001-NM-329-AD; Amendment 39-13109; AD 2003-07-13] (RIN: 2120-AA64) received June 9, 2003; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on Rules. House Resolution 281. Resolution providing for consideration of the bill (H.R. 8) to make the repeal of the estate tax permanent (Rept. 108–157). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 282. Resolution providing for consideration of the bill (H.R. 1528) to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service (Rept. 108–158). Referred to the House Calendar.

Mr. HYDE: Committee on International Relations. H.R. 2330. A bill to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes; with an amendment (Rept. 108–159 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2330. Referral to the Committees on Ways and Means, Financial Services, and the Judiciary extended for a period ending not later than July 7, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ACEVEDO-VILA (for himself, Mr. DUNCAN, Mrs. CHRISTENSEN, Mr. UDALL of Colorado, Mr. GONZALEZ, Mr. TOWNS, Mr. GRIJALVA, and Ms. BORDALLO):

H.R. 2488. A bill to provide for the protection of the tropical forests of the Karst Region of the Commonwealth of Puerto Rico and the aquifers and watersheds of this region that constitute a principal water source for much of Puerto Rico, and for other purposes; to the Committee on Resources.

By Mr. BAIRD:

H.R. 2489. A bill to provide for the distribution of judgment funds to the Cowlitz Indian Tribe; to the Committee on Resources.

By Mr. EMANUEL (for himself, Mr. BLUNT, Mr. KING of New York, Mr. HOYER, Mr. REYNOLDS, Mr. RANGEL, Mr. SHIMKUS, Ms. DELAURO, Mr. WALSH, Mr. FROST, Mr. BEAUPREZ, Mr. STARK, Mrs. MILLER of Michigan, Mr. GEORGE MILLER of California, Mr. COLE, Mr. WAXMAN, Ms. HARRIS, Mr. JOHN, Mr. RENZI, Mr. KILDEE, Mr. KIRK, Mr. EVANS, Ms. GINNY BROWN-WAITE of Florida, Mr. FALEOMAVAEGA, Mr. MCHUGH, Mr. CROWLEY, Mr. ACKERMAN, Mr. HINOJOSA, Mr. GRIJALVA, Mr. ISRAEL, Mr. CRAMER, Mrs. MCCARTHY of New York, Mr. BISHOP of New York, Mr. ROSS, Mr. DAVIS of Alabama, Mr. WEINER, Ms. WATSON, Mr. CARSON of Oklahoma, Mr. ACEVEDO-VILA, Ms. JACKSON-LEE of Texas, Mrs. MALONEY, Mr. MCNULTY, Mr. NADLER, Mr. OWENS, Mr. BELL, Ms. LINDA T. SANCHEZ of California, and Mr. SCHIFF):

H.R. 2490. A bill to promote elder justice, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON (for herself, Mr. BROWN of Ohio, Mr. WAMP, Mr. WAXMAN, Mrs. BONO, Mr. EDWARDS, Mr. GUTKNECHT, Mr. EMANUEL, Mrs. NORTHUP, Mr. PALLONE, Mr. BRADLEY of New Hampshire, Mrs. LOWEY, Mr. BEREUTER, Mr. SERRANO, Mr. KINGSTON, Mr. WEXLER, Mr. JANKLOW, Ms. ROYBAL-ALLARD, Mr. OSBORNE, Mr. LANGEVIN, Mr. CALVERT, Mr. COOPER, Mr. MARKEY, Mr. ALLEN, and Mr. BURTON of Indiana):

H.R. 2491. A bill entitled the ''Greater Access to Affordable Pharmaceuticals Act''; to the Committee on Energy and Commerce, and in addition to the Committee on 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 Mr. LAMPSON:

H.R. 2492. A bill to ensure that recreation benefits are accorded the same weight as hurricane and storm damage reduction benefits and environmental restoration benefits; to the Committee on Transportation and Infrastructure.

By Ms. NORTON:

H.R. 2493. A bill to assist local governments in conducting gun buyback programs; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mr. FLAKE, Mr. DELAHUNT, Mr. HOUGHTON, Mr. POMEROY, and Mr. MATSUI):

H.R. 2494. A bill to improve and promote compliance with international intellectual property obligations relating to the Republic of Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committee on 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 Mr. REYES:

H.R. 2495. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe; to the Committee on Resources.

By Mr. REYES:

H.R. 2496. A bill to authorize a national museum, including a research center and related visitor facilities, in the city of El Paso, Texas, to commemorate migration at the United States southern border; to the Committee on Education and the Workforce, and in addition to the Committee on 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 Mr. SANDERS (for himself, Mr. BROWN of Ohio, Mr. OLVER, Mrs. NAPOLITANO, Mr. SERRANO, Ms. LEE, Ms. CORRINE BROWN of Florida, Mr. MURTHA, Mr. HOLDEN, Mr. PALLONE, Mr. PAUL, Mr. LANTOS, Mr. FILNER, Mr. FROST, Ms. BALDWIN, Mr. FRANK of Massachusetts, Mr. CONYERS, Mr. HINCHEY, Mr. TIERNEY, Mr. ABERCROMBIE, Mr. WYNN, Ms. SLAUGHTER, Mr. NADLER, Ms. NORTON, Mr. COSTELLO, Mr. OWENS, Mr. CROWLEY, Mr. KLECZKA, Mr. KUCINICH, Mr. CASE, Mr. DEFAZIO, Ms. WOOLSEY, and Mr. DAVIS of Illinois):

H.R. 2497. A bill to permit commercial importation of prescription drugs from Canada, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SANDERS (for himself, Mr. KUCINICH, Ms. LEE, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. DEFAZIO, Mr. PAYNE, Mr. SERRANO, Mr. WEINER, Mr. OLVER, Mr. FILNER, Mr. CONYERS, Mr. NADLER, Ms. CORRINE BROWN of Florida, Ms. WATSON, Ms. BALDWIN, Ms. WOOLSEY, and Mr. DAVIS of Illinois):

H.R. 2498. A bill to amend title XVIII of the Social Security Act to provide a prescription benefit program for all Medicare beneficiaries; 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. SHUSTER (for himself, Mr. HAYES, Mr. BOSWELL, Mr. LAMPSON, Mr. EHLERS, Mr. OTTER, Mr. DUNCAN, Mr. MORAN of Kansas, Mr. GRAVES, and Mr. BOOZMAN):

H.R. 2499. A bill to provide economic relief to general aviation small business concerns that have suffered substantial economic injury as a result of the terrorist attacks perpetrated against the United States on September 11, 2001; to the Committee on Small Business.

By Mr. STUPAK:

H.R. 2500. A bill to enable the Great Lakes Fishery Commission to investigate effects of migratory birds on sustained productivity of stocks of fish of common concern in the Great Lakes; to the Committee on Resources.

By Mr. CONYERS (for himself and Ms. KILPATRICK):

H. Con. Res. 221. Concurrent resolution extending condolences to the family, friends, and loved ones of the late Mr. Eugene Gilmer; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

98. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 172 memorializing the President and Congress of the United States to enact legislation requiring the retroactive award of the Combat Medical Badge to all Vietnam personnel serving in the 91 MOS who were assigned to helicopter ambulances; to the Committee on Armed Services.

99. Also, a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1871 memorializing the United States Congress to fund the F/A–22 Raptor Program; to the Committee on Armed Services.

100. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Resolution No. 40 memorializing the United States Congress that the Virginia House of Delegates urge the President of the United States to continue to take all actions necessary to protect all 50 states and their people, our allies, and our armed forces abroad from the threat of missile attack; to the Committee on Armed Services.

101. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 276 memorializing the United States Congress to take such steps as are necesssary to assure that the Federal Energy Regulatory Commission not adopt its proposed rules for Standard Market Design for

electricity markets; to the Committee on Energy and Commerce.

102. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to a Resolution memorializing the Congress of the United States to enact legislation eliminating inequities created by the so-called superfund law, which pertains to the clean up of sites contaminated by hazardous waste; to the Committee on Energy and Commerce.

103. Also, a memorial of the General Assembly of the State of Vermont, relative to Joint House Resolution 15 memorializing the Congress of the United States to urge the federal government to thoroughly review and work to mitigate the economic impact of the recent rise in natural gas and gasoline prices; to the Committee on Energy and Commerce.

104. Also, a memorial of the Legislature of the State of New Mexico, relative to Senate Joint Memorial 70 memorializing the United States Congress to endorse the Western States Education Initiative to seek just compensation from the federal government on federally owned land and that it urge the federal government to provide an expedited land exchange process for land not in contention for wilderness designation; to the Committee on Resources.

105. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 101 memorializing the United States Congress that the Idaho Legislature supports and endorses the ''Action Plan for Public Lands and Education''; to the Committee on Resources.

106. Also, a memorial of the House of Delegates of the Commonwealth of Virginia, relative to House Resolution No. 38 memorializing the Congress of the United States to adopt legislation in support of funding for nitrogen reduction technology; to the Committee on Transportation and Infrastructure.

107. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 8 memorializing the United States Congress to urge the improvement of the prescription drug program provided to veterans; to the Committee on Veterans' Affairs.

108. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 102 memorializing the United States Congress to work to pass and vote for the immediate and permanent repeal of the death tax; to the Committee on Ways and Means.

109. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 103 memorializing the United States Congress to vote to repeal the individual and corporate Alternative Minimum Tax; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 141: Mr. LARSEN of Washington.

H.R. 189: Ms. LEE and Mr. MCDERMOTT.

H.R. 227: Ms. JACKSON-LEE of Texas and Mr. LANTOS.

H.R. 300: Mr. TOOMEY and Mr. GARY G. MILLER of California.

H.R. 303: Mr. WU, Mr. GERLACH, Ms. KILPATRICK, and Mr. DEAL of Georgia.

H.R. 375: Mr. TAUZIN

H.R. 401: Ms. LINDA T. SANCHEZ of California.

H.R. 463: Mr. CANTOR.

H.R. 528: Mr. CALVERT, Mr. NUNES, MR. TERRY, Mr. BROWN of Ohio, Mrs. TAUSCHER, Mr. ISRAEL, and Ms. NORTON.

H.R. 548: Mr. SCOTT of Georgia.

H.R. 594: Mr. CONYERS, Mrs. JONES of Ohio, Mr. HOUGHTON, Mr. CLYBURN, and Mr. MOORE.

H.R. 685: Mr. MCNULTY.

H.R. 687: Mr. ROGERS of Alabama, Mr. TOOMEY, and Mr. GIBBONS.

H.R. 713: Mr. BOEHLERT.

H.R. 716: Mr. MOLLOHAN.

H.R. 813: Mr. VAN HOLLEN.

H.R. 886: Mrs. DAVIS of California.

H.R. 898: Mr. DINGELL, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Ms. WOOLSEY, and Mr. ENGEL.

H.R. 935: Mr. LARSON of Connecticut.

H.R. 941: Mr. DEUTSCH.

H.R. 953: Mr. MCINTYRE.

H.R. 979: Mr. HASTINGS of Florida.

H.R. 1005: Mr. RAHALL.

H.R. 1043: Ms. LINDA T. SANCHEZ of California and Mr. FALEOMAVAEGA.

H.R. 1057: Mr. BRADLEY of New Hampshire.

H.R. 1068: Mr. EVANS, Mrs. MCCARTHY of New York, Mr. ROSS, and Ms. VELAZQUEZ

H.R. 1093: Mr. GRIJALVA and Mr. TOWNS.

H.R. 1112: Mr. PRICE of North Carolina.

H.R. 1155: Mr. MATHESON, Mr. COOPER, Mr. FLETCHER, Mr. CLAY, Mr. RODRIGUEZ, Ms. BERKLEY, Mr. LAHOOD, Mr. PRICE of North Carolina, Ms. MCCOLLUM, Mrs. KELLY, and Mr. KUCINICH.

H.R. 1157: Mr. WELDON of Pennsylvania and Mr. VISCLOSKY.

H.R. 1165: Ms. SOLIS.

H.R. 1167: Mr. WOLF and Mr. BROWN of South Carolina.

H.R. 1177: Mr. BROWN of South Carolina, Mr. GILCHREST, Mr. CONYERS, Mr. COOPER, and Mr. LUCAS of Kentucky.

H.R. 1179: Mrs. CAPITO.

H.R. 1243: Mrs. JO ANN DAVIS of Virginia and Ms. JACKSON-LEE of Texas.

H.R. 1283: Mr. DAVIS of Illinois and Mr. OWENS.

H.R. 1288: Mr. GARRETT of New Jersey, Ms. HARMAN, Mrs. KELLY, Mr. TOM DAVIS of Virginia, and Ms. HOOLEY of Oregon.

H.R. 1296: Mr. FROST and Mr. LANTOS.

H.R. 1311: Mr. GOODLATTE and Mr. ALEXANDER.

H.R. 1316: Ms. LORETTA SANCHEZ of California and Mr. VAN HOLLEN.

H.R. 1321: Mr. BELL.

H.R. 1336: Mr. PORTER, Mr. LEWIS of Kentucky, and Mr. GREEN of Texas.

H.R. 1409: Mr. CANNON.

H.R. 1428: Mr. PRICE of North Carolina and Mrs. JO ANN DAVIS of Virginia.

H.R. 1429: Ms. MCCARTHY of Missouri.

H.R. 1448: Mr. WEINER.

H.R. 1470: Ms. ROYBAL-ALLARD and Mrs. NAPOLITANO.

H.R. 1472: Mr. HOLT, Mr. HOUGHTON, and Mr. CYLBURN.

H.R. 1499: Mr. PALLONE, Ms. JACKSON-LEE of Texas, and Mr. PAYNE.

H.R. 1511: Mr. NEUGEBAUER, Mr. HERGER, Mr. RADANOVICH, Mr. ROSS, Mr. STENHOLM, Mr. PASCRELL, Mr. ISRAEL, Mr. DEUTSCH, Mr. HILL, Mr. JEFFERSON, Mr. KENNEDY of Rhode Island, Mrs. LOWERY, Mr. MARKEY, and Mr. WEXLER.

H.R. 1532: Mr. STARK, Mr. KUCINICH, Mr. SCHIFF, Mr. Holt, Mr. HOUGHTON, and Mr. VAN HOLLEN.

H.R. 1552: Mr. WOLF, Mr. DAVIS of Tennessee, Ms. ESHOO, Mr. FLETCHER, Mr. MICHAUD, and Mrs. CHRISTENSEN.

H.R. 1671: Mr. LAHOOD.

H.R. 1675: Mr. JANKLOW.

H.R. 1705: Mr. EVANS.

H.R. 1725: Mr. WELDON of Pennsylvania, Mr. WICKER, Mr. ISSA, Mr. HERGER, and Mr. HALL.

H.R. 1746: Ms. ROS-LEHTINEN.

H.R. 1749: Mr. WHITFIELD and Mr. MOLLOHAN.

H.R. 1767: Mr. HALL.

H.R. 1778: Mr. HOEKSTRA.

H.R. 1793: Mr. PUTNAM and Mr. TIAHRT.

H.R. 1824: Mrs. TAUSCHER, Mr. HALL, Mrs. WILSON of New Mexico, Ms. SCHAKOWSKY, Mr. PALLONE, Mr. ANDREWS, Mr. LOBIONDO, and Mr. WAMP.

H.R. 1828: Mr. ROGERS of Alabama and Mr. GINGREY.

H.R. 1871: Ms. JACKSON-LEE of Texas, Mr. BROWN of Ohio, Mr. LANTOS, and Mr. FROST.

H.R. 1886: Mr. JENKINS, Mr. WEINER, and Mr. VAN HOLLEN.

H.R. 1914: Mr. PLATTS, Mrs. MILLER of Michigan, Mr. GUTKNECHT, Mr. HINCHEY, and Ms. JACKSON-LEE of Texas.

H.R. 1915: Mr. LIPINSKI and Mr. PAUL.

H.R. 1916: Mr. MCNULTY, Mr. SIMMONS, Mr. VAN HOLLEN, and Mr. EMANUEL.

H.R. 1926: Mr. BURGESS.

H.R. 1943: Mr. NEY.

H.R. 1981: Ms. LOFGREN.

H.R. 2011: Mrs. CHRISTENSEN, Ms. WATSON, Mr. CROWLEY, Mr. MCDERMOTT, Mr. KUCINICH, Mr. MOORE, Mr. LARSEN of Washington, Ms. NORTON, and Mr. CUMMINGS.

H.R. 2022: Mr. OLVER.

H.R. 2028: Mr. BISHOP of Georgia.

H.R. 2032: Mr. TIAHRT, Ms. DEGETTE, Mr. EMANUEL, and Mr. VAN HOLLEN.

H.R. 2046: Mr. VAN HOLLEN.

H.R. 2057: Mr. TERRY.

H.R. 2063: Mr. GRIJALVA.

H.R. 2093: Mr. ALLEN.

H.R. 2118: Mr. KING of New York.

H.R. 2120: Mr. DREIER.

H.R. 2166: Mr. GUTIERREZ and Mr. RUSH.

H.R. 2172: Mr. MICHAUD and Mr. LIPINSKI.

H.R. 2176: Mr. SMITH of New Jersey.

H.R. 2181: Mr. CHOCOLA.

H.R. 2191: Mr. VAN HOLLEN.

H.R. 2193: Mr. MCNULTY and Mr. BALLANCE.

H.R. 2198: Mr. DAVIS of Tennessee.

H.R. 2202: Ms. HARRIS.

H.R. 2232: Mr. THORNBERRY, Mr. LEACH, Mr. LUCAS of Kentucky, Mr. HAYWORTH, and Mr. ROSS.

H.R. 2239: Mr. WEXLER, Mr. BAIRD, Ms. WOOLSEY, Mr. HINCHEY, Ms. LEE, Ms. KAPTUR, Mr. VAN HOLLEN, and Mr. CONYERS.

H.R. 2241: Mr. DOYLE.

H.R. 2242: Mr. LANTOS and Mr. HONDA.

H.R. 2246: Mr. DOYLE, Mr. PLATTS, Mr. OSBORNE, and Mr. OLVER.

H.R. 2249: Mr. OXLEY.

H.R. 2260: Mr. LEWIS of Kentucky, Mr. NEAL of Massachusetts, Mr. DEUTSCH, Mr. DAVIS of Illinois, and Mr. CAMP.

H.R. 2262: Mr. VAN HOLLEN.

H.R. 2295: Mr. GREEN of Texas, Ms. LEE, and Mr. RANGEL.

H.R. 2299: Mr. WEXLER and Ms. JACKSON-LEE of Texas.

H.R. 2301: Mr. TOWNS.

H.R. 2307: Mr. NEY, Mr. STRICKLAND, and Mr. GREEN of Texas.

H.R. 2318: Mr. ACEVEDO-VILA.

H.R. 2325: Mr. WU and Ms. BERKLEY.

H.R. 2330: Mr. VAN HOLLEN.

H.R. 2347: Mr. COLE.

H.R. 2351: Mr. DEUTSCH.

H.R. 2357: Mr. PAUL, Mr. PEARCE, Mr. BRADLEY of New Hampshire, Mr. WILSON of South Carolina, and Mr. GILLMOR.

H.R. 2377: Ms. CORRINE BROWN of Florida.

H.R. 2403: Mr. BLUMENAUER, Mr. WEXLER, and Mr. HOLT.

H.R. 2409: Mr. BARTON of Texas, Mr. ENGEL, and Ms. MCCARTHY of Missouri.

H.R. 2433: Mr. EVANS and Mr. FILNER.

H.R. 2458: Mr. FROST.

H.R. 2459: Mr. POMEROY.

H.R. 2462: Mr. PLATTS, Mr. HOEFFEL, Mr. FRANK of Massachusetts, and Mr. ETHERIDGE.

H.R. 2476: Mr. ROSS.

H.R. 2485: Mr. ANDREWS.

H.J. Res. 50: Mr. CHOCOLA, Mr. SOUDER, and Mr. BALLENGER.

H.J. Res. 58: Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 6: Mr. ROSS.

H. Con. Res. 37: Mr. CALVERT, Mr. SIMMONS, and Mrs. JONES of Ohio.

H. Con. Res. 78: Ms. MCCARTHY of Missouri.

H. Con. Res. 87: Mrs. MALONEY and Mr. SHERMAN.

H. Con. Res. 88: Mr. WICKER, Mr. ISTOOK, and Mr. POMEROY.

H. Con. Res. 98: Mr. WALDEN of Oregon and Mr. SMITH of Michigan.

H. Con. Res. 119: Mrs. MCCARTHY of New York.

H. Con. Res. 164: Mr. BLUMENAUER.

H. Con. Res. 178: Mr. PORTER.

H. Con. Res. 208: Mr. CONYERS, Mr. MCNULTY, and Mr. PAYNE.

H. Res. 141: Mr. MCGOVERN.

H. Res. 144: Mr. LANTOS, Mr. RANGEL, Mr. MCNULTY, Mr. FROST, Mr. BROWN of Ohio, Ms. JACKSON-LEE of Texas, Ms. MCCARTHY of Missouri, and Mr. LANGEVIN.

H. Res. 234: Mr. DOYLE, Mr. GEORGE MILLER of California, Mr. RYAN of Ohio, and Mr. MOORE.

H. Res. 237: Mr. CLYBURN.

H. Res. 240: Mr. ROSS, Mr. STENHOLM, Mr. RODRIGUEZ, Mr. WAXMAN, Mr. BELL, Mr. OLVER, Mr. DOOLEY of California, and Mr. FROST.

H. Res. 262: Mr. WILSON of South Carolina, Mr. WOLF, Mr. CONYERS, Mr. SNYDER, and Mr. PAYNE.

H. Res. 277: Mr. SMITH of New Jersey and Mr. ROHRABACHER.

H. Res. 278: Mr. FROST, Mr. MCCOTTER, Mr. WALSH, and Mr. NADLER.

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. 1472: Mr. NUNES.

PETITIONS, ETC.

Under clause 3 of rule XII,

17. The SPEAKER presented a petition of the City Council of Jacksonville, Florida, relative to Resolution 2003-501-A memorializing the Congress of the United States to unanimously co-sponsor and pass Senate Bill 766 and House Bill 197 to locate a national cemetery for veterans in Jacksonville; which was referred to the Committee on Veterans' Affairs.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, JUNE 17, 2003 No. 89

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable LISA MURKOWSKI, a Senator from the State of Alaska.

The PRESIDING OFFICER. The Chaplain will lead the Senate in prayer.

Today's prayer will be offered by our guest Chaplain, Father Dennis Kleinmann of St. Mary's Catholic Church, Alexandria, VA.

PRAYER

Almighty God, blessed are You Lord of mercy. You exemplify all virtue, including patience, purity, kindness, and humility. We thank You for the many graces You have bestowed upon us and our country: the freedoms we enjoy, the liberty to assemble as we do here today, and the right to enact laws which govern this Nation of ours. You allow us to be witnesses of justice and truth. You fill our hearts with love. You enrich us with courage and enable us to work for the good of all.

Through our Founding Fathers, these United States of America have been established as the protector of these rights and freedoms. You continue to bless us with men and women willing to serve these goals and this Nation tirelessly. God of truth, as this Senate meets yet again today may Your light of wisdom guide them and direct their deliberations that they may together always work peacefully and charitably. May they seek to promote national happiness. And as they discharge their duties this day may honesty and integrity rule their thoughts, words, and deeds.

We pray that these Your sons and daughters entrusted by Your authority with our welfare may act with knowledge and understanding. We ask that the peace only You can truly give be ours both now and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LISA MURKOWSKI, a Senator from the State of Alaska, 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS.)

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 17, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Ms. MURKOWSKI thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Madam President, today the Senate will be in a period of morning business until 10 a.m. At 10 o'clock, the Senate will resume consideration of S. 1, the prescription drug benefits bill.

Yesterday afternoon, a number of Senators came to the floor to begin this historic debate. I hope many Members will participate and will continue to make, over the course of today, their opening statements on this important piece of legislation.

I ask unanimous consent that the bill be open for debate only until the hour of 2:15 today, and further, that the time until 2:15 be equally divided between the two managers or their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Today, the Senate will be in recess from 12:30 until 2:15 for the weekly party lunches. Rollcall votes are possible during today's session, and we will notify all Members as these votes are scheduled over the course of the day.

Madam President, we will be turning our attention to Medicare shortly, and we will be focused on this significant, important piece of legislation for the next several days. Indeed, we will stay on this bill until we vote on its passage. As I looked over the progress from last week, I saw a lot of encouraging examples of consensus building and working together on both sides of the aisle, of progress and of achievement in a bipartisan cooperative way. We made huge progress in the debate on energy and, indeed, were able to pull together a finite number of amendments.

Over the course of the weekend and this week, the managers of that bill will be looking at those amendments to see how we can, in a very orderly way, come back and address energy and bring it to completion. We also, last week, completed our action on a number of important issues, one of which was the FAA reauthorization. We were able to do that in one day. I thank the chairman and the ranking member for their cooperation in moving this important and much-needed bill to completion.

We also passed the Burmese Freedom and Democracy Act last week. In particular, I want to thank the distinguished majority whip, the Senator

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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from Kentucky, Mr. MCCONNELL, for bringing that bill both to our attention and shepherding it through the floor.

Last week, we also passed the Women Business Centers Preservation Act, sponsored by Senator OLYMPIA SNOWE, and we were able to complete a number of executive nominations. We have a whole range of other nominations pending, and we will work to clear these nominations on the Executive Calendar and to schedule rollcall votes as necessary.

As we enter the Medicare debate and the amendment process, I am very hopeful it will follow the same pattern we showed last week in working together. We will see robust debate. The end product is something for which I think we will have strong bipartisan support. I think the amendment process will reflect a lot of the differing approaches on both sides of the aisle within each of the caucuses as we go forward with the shared goal of strengthening Medicare, improving Medicare and, at the same time, providing America's seniors with the benefit that we have been denied in the past because traditional Medicare simply hasn't kept up to the times, and that is prescription drug coverage.

I look forward to 2 weeks from now when we will, on this floor, hopefully—I optimistically say this—pass a bill that America's seniors and future retirees will be able to look at and say, yes, that is health care security and that does include the benefits that are so important to health care delivery today, namely, prescription drugs.

We have talked a lot about modernization of the Medicare Program over the last 45 years. We had a bipartisan commission that generated a plan that was bipartisan, which Senator BREAUX and I put together based on the findings of the Medicare Commission. The Senate Finance Committee, over the last several years, has had 30 hearings, with 7 devoted just to this issue of prescription drug coverage. Earlier in the month, we held an additional committee meeting to focus specifically on the framework that has been put forth by the managers of the bill, Senator GRASSLEY and Senator BAUCUS.

That hearing constituted the third committee hearing on Medicare this year. Indeed, last Thursday night, the Finance Committee voted to send this historic legislation to the floor of the Senate with a bipartisan vote of 16 to 5. I thank Chairman GRASSLEY and Senator BAUCUS for getting us to that pivotal point. This Grassley-Baucus agreement provides a strong base, a strong framework upon which we can achieve that mutually shared goal of strengthening and improving Medicare with a meaningful prescription drug benefit added. There are so many others who should be recognized who participated in the debate, but it is almost futile to do it because so many have participated in this body and in the House of Representatives, indeed, with the administration and the bold leadership of President Bush. I think because of all of this activity and the foundation that we have of working on this for years and years, we do have an opportunity—and indeed I argue that it is an obligation—to bring this debate to a point in which we take action and actually pass a framework to give this appropriate strengthening of Medicare.

Yesterday, Members did have the opportunity to deliver opening statements. As I mentioned, they will continue through this morning and likely into the early afternoon. Later today, if appropriate, we can go to amendments and tomorrow have a very active day on amendments.

Again, I hope we will be able to turn to final passage of this bill before we adjourn for the Independence Day recess.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will begin a period for morning business until the hour of 10 a.m., with the time equally divided between the two leaders or their designees.

The minority leader.

PRESCRIPTION DRUG BENEFIT

Mr. DASCHLE. Madam President, I commend the distinguished majority leader for his statement and for the effort he has made to bring the debate on prescription drugs to the floor over the course of the next 2 weeks.

I share his hope and his goal that by the end of this period, we can have achieved what I think all Senators want—a good, vigorous debate about what is the best approach to take with regard to a prescription drug benefit under Medicare—and complete that debate prior to the July 4 recess. I have indicated to him personally that it would be my intention to work with him to accommodate that goal. I do hope we can move to the amendment phase of the debate sooner rather than later, preferably this afternoon.

I also commend Senators GRASSLEY and BAUCUS for their effort in the Finance Committee. The vote of 16 to 5 was an indication of their success in accommodating the concerns and the ideas of many of our colleagues. They have worked on this for a long period of time and I think deserve our commendation for the effort they have made on a bipartisan basis. During the committee process, I indicated it would be my hope that I could work as vigorously as they did in achieving the bipartisan tone that was accomplished during the markup last week.

I must say, I do not share the enthusiasm for the legislation that some of my colleagues do, and I wish to talk about that this morning. We may have a different perspective on how close this may be, but I also recognize that we have made the perfect the enemy of the good at times, and I do not want to do that in this case.

I hope we can make a good down payment. I hope we can achieve a start. I have been concerned about how shaky a start this may be, but it is a start. If we are going to commit $400 billion over the next 10 years to provide meaningful drug benefits, I hope we can do so maximizing the use of those resources, providing the most efficient utilization, and a mechanism, an infrastructure, for prescription drugs that will accommodate many of the goals and hopes we have for at long last modernizing Medicare in a way we know must be done.

I hope we do not overpromise. It is so easy to make proclamations about how good this accomplishment is, and I think we may create false expectations, high expectations, for this legislation that just will not be realized once the full impact of the bill is felt in the countryside.

Some have said, for example, that this is just like FEHBP, the Federal Employees Health Benefits Plan, for Senators. It is not. There is about a $1,000-a-year difference in the value of benefits between what Senators get and what seniors are going to get.

To do what Senators get, we are told by economic analysts, it would take about $800 billion over a 10-year period, not $400 billion. So this is not FEHBP. This is something substantially below FEHBP.

We also must acknowledge that a senior who has $5,000 of drug costs will get a benefit of about $1,700; $3,300 will still come out of pocket out of that $5,000. So people need to be aware this is not FEHBP; that this is not going to address all of the concerns and needs that seniors have with regard to their drug costs.

Having said that, I believe we put down a marker, we set a foundation, and we should work with the administration and with especially the Department of Health and Human Services to address some of these concerns, and over time I believe we can make this an even better bill. Whether it is in the next 2 weeks, the next 2 months, 2 years, or 2 decades, we are going to make this a better bill, a better program.

There are a number of concerns I have with regard to how we can make it better that I hope we can address through amendments. The first amendment Democrats will offer is simply to give seniors more choice; to say to them: You can pick a private sector plan if you wish, but we also think you ought to be able to pick a plan that is strictly a Medicare plan; that you can simply extend your current Medicare benefits for doctors and hospitals to

prescription drugs as well, and that should be an option for you as you make your decision with regard to what choices may be right for you. That will be one of our key amendments. As I said, it will be our first amendment.

I am concerned as well about the volatility of premiums. There are those who suggest there will not be much variation, and yet in testimony we were given just last week during the markup, the experts told us they could not guarantee there would not be great volatility.

We are concerned about the past example of Medicare+Choice, the premium for such plans can cost $16 in Florida and cost $99 today in Connecticut. That variation is what we are afraid could be part of this plan unless we do something about it.

Seniors are going to have four cost issues about which to be concerned. The first is the premium. The second is the initial cap on benefits and the stop-loss; that is, at what point do they lose all coverage and at what point do they get catastrophic coverage—and I will get to that in a minute, the gap when they pay all of the costs. They will also have co-payments and the deductible. All four of those variables could change dramatically. The deductible is currently $250, thereabouts, in the bill, but it could go up. The co-payments are 50–50, but it could go up. The stop loss is around $3,700 out-of-pocket. That could change. And you have, of course, the premium itself which is estimated to be $35, but there is no guarantee.

There is no defined benefit. One plan could have a lot more benefit than another. And seniors in their late eighties or early nineties are, I think, going to find it very confusing with all these variables with regard to their costs and also extremely different options and variables when they get to their benefits. So there is no defined benefit.

As I say, there is still a large issue with regard to the benefit falloff, the initial benefit cap for the package overall. It has been described as a donut hole, a coverage gap, but the benefit cap, the benefit stop that kicks in at about $4,500 in drug spending, will mean that seniors between $4,500 and at least $5,800 are going to have to pay all of the premium costs and get no benefit whatsoever during that period of time. So we are going to have to deal with that as well, it seems to me, and that is a function of cost.

We also have another issue about which we are concerned. We are told by CBO that 37 percent of beneficiaries—this is CBO—37 percent of beneficiaries with retiree prescription drug coverage will lose it under this bill; 37 percent, one out of three retirees, one out of three at least. I guess you could not say necessarily it is one out of three employees; it could be more than that.

Thirty-seven percent of beneficiaries with retiree coverage today will lose that prescription drug coverage when this bill kicks in. There is only one way to stop that from happening: To incent employers, to try to discourage them in as many ways not to drop that coverage, and we are going to try to do that.

The way we write the language on how retirees can be dropped, the way we incent employers by providing them with benefits to keep that coverage—we are going to try to do that as well. To provide 100 percent of the incentive it is going to take for companies not to drop their employees would cost more money. This bill currently has some. So we are going to see if we can get closer to that full amount to ensure that we do not find any more companies than absolutely necessary or possible that will drop their employee benefits.

So we have a number of significant concerns about the way this is written, about the benefits, about the uncertainty, about the costs, about whether or not Medicare can play more of an upfront role.

We have one other issue, the volatility of the benefit itself. South Dakota is a good example of a concern that many of us have. In South Dakota we do not have any Medicare+Choice. Companies do not want to serve the rural areas. So we are concerned about what it is going to take to bring companies into South Dakota to compete for the benefit plan to be provided in our region. If we cannot find anybody, under the bill, Medicare kicks in for 1 year. Once Medicare has kicked in, at the end of 1 year's time, these private companies can come back in and the Medicare plan that seniors had counted on for that year no longer would exist and there would be competition again for the private sector plans competing if they wish to serve that particular area.

So there is this constant change. If there is anything seniors do not like, it is change and this uncertainty that comes with change.

Not only that, we learned last week another disconcerting aspect of this. A decision would be made sometime in September on whether plans would exist for the coming year. If it can be determined by September that the plans cannot be put into effect for that coming year in a given region, then what happens is Health and Human Services establishes a Medicare plan, but they have to contract with a private company to provide that Medicare plan for the following year beginning in October.

So what happens under the bill between October and January is this: They find out first that no two plans can compete, so the Medicare plan is supposed to kick in. They contract for the Medicare plan, decide what the premium, the benefits, the stop loss, and the deductible are going to be. They somehow notify all the seniors in the region. They begin to try to implement the plan between October and December and make all of these decisions with regard to plans, benefits, notification, implementation, and administration. Technically it is supposed to kick in on January 1.

Now, if my colleagues have seen Government work that fast in any other area than perhaps a military intervention somewhere, I would like to see where it is. I am very concerned—frankly, extremely concerned—about whether or not that is even humanly possible.

Keep in mind, this is not going to be a one-time experience. We are going to repeat this every single year perhaps. We are going to make a decision in every region whether or not these plans can compete. Whether it is Alaska or South Dakota, my guess is they will not find them. They will then say, okay, we are going to have 3 months to fully implement a Medicare fallback even though we do not know who the contractor for that Medicare fallback will be on October 1.

So I have to say, as we walk through a lot of these concerns, my colleagues will understand why many of us worry about setting these high expectations and then find out how seniors will deal with them and address them in a way that does not cause confusion, fear, anxiety, frustration that is so unnecessary if we would just do this right.

Mr. DURBIN. Will the Democrat leader yield for a question?

Mr. DASCHLE. I am happy to yield.

Mr. DURBIN. I ask the Democratic leader, as a member of the Senate Finance Committee which is deliberating on this 653-page bill, if he would acknowledge or at least respond to the following: I believe the positive aspect of this is that for those who started out this debate saying we are going to eliminate Medicare, that Medicare is going to be replaced with a private plan, private insurance, that argument is out the window. Medicare recipients will be able to continue their basic Medicare coverage for hospitals and doctors. It will not be an either/or situation. I think that is positive.

We have finally reached a point where we have an honest debate over prescription drugs, and I think for those of us on this side of the aisle who have been pushing for it for so long, those are two very positive aspects of this debate. I ask the Democratic leader if he would agree with that.

Mr. DASCHLE. I would certainly agree with that, and before the Senator came on the floor I commended those responsible for making this a better bill and bringing us to this point. I think that while perhaps it is a shaky start, it is a very important start and we can deal with all of these other issues. Those are two issues we have dealt with, and I am grateful for the fact that we have made progress.

Mr. DURBIN. I want to ask the Democratic leader three specific questions about this bill that I think go to the heart of the challenge we face.

It is my intention to vote for this bill but also vote for amendments which I think will improve it. First, the cost of

prescription drugs goes up 10 to 20 percent a year, and as these costs rise, seniors are paying more out of pocket. In 653 pages of legislation, how much is dedicated to controlling the costs of drugs, keeping them affordable, not just for seniors but for all American families?

Mr. DASCHLE. In response to the Senator from Illinois, some of the bill's proponents would say that is what they hope to achieve through competition, but we have not seen that work. Medicare+Choice was supposed to be competition, and it has not worked.

What we need to do is to have real competition with a Medicare benefit plan that will kick in, that will allow us to compare what could be done in the private sector with what could be done in the public sector. We have seen real cost containment in the Veterans' Administration. We have seen it in the Defense Department. To a certain extent, we have seen it in other governmental agencies, such as the Indian Health Service. We have not seen it yet with Medicare+Choice. That is No. 1. No. 2, we will be offering an amendment offered at least by Senators GREGG, SCHUMER, and others on access to generic drugs which will give people an option to buy the generic version of a given drug, and that will help. Senator DORGAN will offer an amendment for reimportation of drugs sold cheaper in other countries to allow greater cost containment. Those three things could go a long way to addressing the issue of costs more effectively, and that is what this amendment process is going to be all about.

Mr. DURBIN. The second question is: When seniors have to figure out whether or not they want to get involved in this program, they have to make a calculation: Is it worth it to pay a premium each month and face a deductible at the end of the year? Will I be ahead or behind? As I understand it, we have heard a lot about a $35 monthly premium, but that is not mandated in this bill. There is no requirement that it be $35 a month. It could be considerably more. The $250 deductible that is in here I guess could be changed as well. So for the seniors who are trying to decide whether this makes sense based on their personal budgets—and that is what it comes down to—have we not created kind of a moving target as to what this is going to cost each senior across America?

Mr. DASCHLE. Well, there is not only one, there are four moving targets. The first moving target, as the Senator suggests, is the premium. It is suggested it be $35 a month, but there is no guarantee. It could be $100. It could be $20. No one knows. They will not know until they are able to determine just what it is going to take to bring a benefit to a given region. That is only the first.

The suggested deductible is $275. There is no guarantee. Nobody knows whether it is going to be $500 or $100. There is no guarantee on the copay. It is supposed to be 50/50. It could be 70/30. There is no guarantee on the so-called initial cap on benefits, or the benefit loss at some point, whenever that kicks in. It could be $4,500. It could be different. That is the benefit cap beyond which one has to pay all of the costs of a prescription drug.

So there are those four variables. As the Senator suggests, more clarity and certainty in this legislation would go a long way to eliminating a lot of the anxiety seniors have about this.

Mr. DURBIN. The last question I will ask the Democratic leader—and I see others are in the Chamber—it is my understanding that when Medicare was created under President Johnson, from the date of the passage of the legislation until Medicare went into effect was less than a year. It is also my understanding that this prescription drug protection, whatever it offers, is not going into effect until 2006—is my understanding correct—after the next election? Is that correct?

Mr. DASCHLE. Unfortunately, the Senator is correct. Some suggest it takes that long to set up the infrastructure, but as he also noted, Medicare took 11 months. When we established Medicare, 11 months later it was up and running. If an entire health care system can be developed with a payment regime for doctors as well as hospitals—and I might add there were two different payment regimes, Part A and Part B—in 11 months, I do not understand why it would have to take 3 years for us to do this. But that is what is incorporated in the bill.

Mr. DURBIN. I say to the Democratic leader, those are the three areas that jump forward as you look at this bill, the uncertainty in terms of cost, the complete lack of cost controls and reduction in prices for prescription drugs for American families, and the fact this is being delayed until after the next election strikes me that those who are proposing this are afraid once seniors actually see these uncertainties they may decide this is not as good a bargain as they had hoped.

Although this is a step forward, the alternatives we will offer on the floor are going to create more certainty, more price competition, and a better approach for seniors.

I thank the Democratic leader.

Mr. NELSON of Florida. Would the Democratic leader yield for a question?

Mr. DASCHLE. I am happy to yield.

Mr. NELSON of Florida. Recognizing that several States, including the State of the distinguished Democratic whip, Nevada, have implemented prescription drug plans of which they were not able to get any insurance company to step forward to offer prescription drugs under that plan because the insurance companies could not make any money, are we likely to see this revolving door the distinguished Senator from South Dakota has talked about, that two companies are supposed to compete and offer prescription drugs to the senior citizens but they do not step forward, and they go back to the backstop, which is the Medicare plan, and then there is the thought they will step forward again but they don't, and then they backstop back to the Medicare prescription drug plan? Does that suggest not only uncertainty but chaos?

Mr. DASCHLE. The Senator from Florida has put his finger on one of the big concerns many Members have, the volatility, as he called it, the revolving door.

What private insurance companies have stated in the past, insuring drug coverage for seniors is almost like insuring for a hair cut. A hair cut is inevitable. So is the utilization of prescription drugs for seniors. Because we cannot make the actuarial analysis work, there is no choice; either not to go in or to be significantly subsidized to make a profit, to make this work. That is why for so long we have not seen Medicare+Choice work very well. It has not been adequately subsidized and ultimately people have just not found it in their interest to sign up.

What we have seen is that the Medicare system has worked, has served this segment of our population very effectively, and we are simply trying to ensure that there is some stability. If seniors want to stay with Medicare, let them do so, rather than this revolving door, rather than being the guinea pigs in the private sector to find a way to devise a formula, where some private insurance companies could offer benefits that may or may not work over a period of years.

This process of selection and deselection and analysis and ultimately implementation in a matter of 3 months every year could pose some serious problems for seniors in Florida or South Dakota.

Mr. NELSON of Florida. Therefore, we could clear up that uncertainty, stop that revolving door, if, in fact, we gave seniors the automatic choice they could get their prescription drugs through Medicare, but if they had a better option, a more favorable menu of prescription drugs in the private sector, they could opt for that?

Mr. DASCHLE. That is exactly what we would be suggesting with the first amendment the caucus will propose. The distinguished Senator has characterized it exactly right. Why not give seniors a little more choice? But with that choice, perhaps a little more certainty that regardless of what may happen in the private sector they will always have the Medicare plan available as a choice. That is all we are asking. If Medicare cannot compete effectively, no one will use it and everyone will go to the private sector. If it can compete, if it can provide a comparable benefit, why not have it, instead of going through this backup business every year.

That will be a key priority amendment for us when we have the debate.

Mr. NELSON of Florida. I would like to ask one more question of the distinguished Democratic leader. At the end

of the day, if we are not able to improve the bill with some of these amendments that have been discussed, it is either yea or nay. If we know that this kind of chaos and uncertainty is coming down the road when the legislation kicks in in 2006, is the theory of the Senator from South Dakota that half a loaf is better than no loaf at all?

Mr. DASCHLE. I have come to the conclusion, that this may not even be half a loaf but it is a start. As a start, it affords an opportunity to come back in 2 months, 2 years, within the next two decades, and gives us a chance to build. It has the elements of a foundation upon which we can improve a system of prescription drug health care delivery to seniors for the first time in our lifetime, for the first time in the lifetime of Medicare. That to me is a valuable asset to put in the bank so that I am prepared to accept the many deficiencies in this bill in an effort to get something started.

I don't expect I will enjoy unanimous support for that point of view within our caucus, perhaps within the Senate. But it seems to me we have to start somewhere. If we fall victim to making the perfect the enemy of the good, then I believe we will have lost yet another year and there will be no help for seniors under any circumstances. I don't find that acceptable.

Mr. NELSON of Florida. I thank the Senator from South Dakota.

Mr. DASCHLE. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ENSIGN). Morning business is closed.

PRESCRIPTION DRUG AND MEDICARE IMPROVEMENT ACT OF 2003—Resumed

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will proceed with consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1) to amend title XVIII of the Social Security Act to make improvements in the Medicare Program, to provide prescription drug coverage under the Medicare Program, and for other purposes.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise today to praise the exceptional commitment of Chairman GRASSLEY as chairman of the Senate Finance Committee, ranking member, Senator BAUCUS, to meld both political and policy differences and produce a bill that can garner support of 16 members of the Finance Committee, 16 Members of the Senate Finance Committee who represented every facet of the political spectrum.

That they were able to execute this extraordinary achievement and produce this bill, especially less than a year after the committee process was bypassed altogether, is a testament not only to their skill but also to their passion for this issue.

They have built upon the leadership that has been provided by the President, who challenged the Congress to enact a Medicare prescription drug benefit, offered principles, and more recently issued the charge to the Congress to have a bill on his desk in July. The Senate majority leader has been steadfast in his commitment not only that a markup should be held in the Finance Committee but also to ensuring we had a timetable to make the process work and to have this legislation on the President's desk in July. Thanks to his determination and also to the determination, commitment, and longstanding contributions made by my colleagues, Senator HATCH, Senator BREAUX, and Senator JEFFORDS, along with Chairman GRASSLEY and Senator BAUCUS, with whom I have worked over the past few years, seniors will be able to celebrate a second independence day this summer: Independence from the crushing cost of prescription drugs.

As one who teamed with Senator WYDEN almost 6 years ago to forge this first bipartisan prescription drug coverage bill in the Senate, I know it has been a rather lengthy road that has led to this day, but it has been a much longer and more arduous journey for America's seniors who cannot afford to wait any longer for Washington to act. So I am pleased we now stand on the brink of passing legislation that will provide every senior with the security of a comprehensive prescription drug benefit under the Medicare Program. That means we have the opportunity to pass this benefit this month and to have it on the President's desk in July.

We have certainly come a long way since I started in this process with my colleague, Senator WYDEN, almost 6 years ago, when we fired some of the opening shots in this legislative battle. We progressed from the $28 billion former President Clinton proposed for a prescription drug proposal to the $40 billion program that we established—Senator WYDEN and I, in the Budget Committee as members of that committee, for a $40 billion reserve fund over 5 years—to finally enacting a reserve fund several years later, again, a reserve fund for more than $300 billion. Ultimately, we had the proposal last fall for $370 billion, and then the bipartisan bill that included that amount of money, and then, of course, the $400 billion that was proposed by the President this year.

I remind my colleagues that is almost $200 billion more than the President originally initiated for a proposal just last year. So we have come a long way in this process over a 6-year period, from $28 billion to $40 billion to $300 billion to $370 billion to $400 billion right now.

There are those who argue they have not been included in the process that has brought us to the floor of the Senate this week, but I can say we have had extensive hearings in the Senate Finance Committee. I remind my colleagues, since 1999 the Finance Committee has held 30 Medicare hearings with 8 focused specifically on the creation of a prescription drug benefit. Last year, we spent 2 weeks on the Senate floor considering 5 different initiatives. During the Finance Committee's consideration of this bill last week, the chairman allowed an extensive discussion of the issues and more than 136 amendments were filed.

The bottom line is the policies in this consensus bill certainly were not achieved in a vacuum. They are the combination of 5 years of vetting and bipartisan bridge building. They are the direct descendants of last year's tripartisan bill that we spent 2 years developing, meeting every week. That was, again, Chairman GRASSLEY, Senator BAUCUS, Senator BREAUX, Senator HATCH, Senator JEFFORDS, and myself, and this ultimately resulted in an evolutionary process of numerous iterations of various legislative initiatives and provisions. It has been a healthy competition of ideas that has been forged into this piece of legislation today, recognizing it is virtually impossible in a 51–49 Senate to design the largest domestic program, in nominal terms, ever created and to pass the most significant enhancement of the Medicare Program in its 38-year history with a ''my way or the highway'' approach.

Concessions must be made. Thankfully, they have been made in arriving at this policy equilibrium that acknowledges, not only what is politically possible but, most critically, what is workable and meaningful and effective for America's seniors. The President made concessions, Republicans made concessions, Democrats made concessions, and then there were concessions made across the ideological spectrum in each of our respective parties. But, in the final analysis we also have acknowledged that if we want to pass a prescription drug benefit, then we have to achieve a consensus to ensure that seniors get this benefit this year and now.

As a result, we maintained that there were certain principles that had to be adhered to in the development of this legislation. Certainly it maintained the four principles we established when we designed the original tripartisan plan.

First of all, the benefit must be universal—that is the No. 1 priority for seniors, ensuring that any new benefit is available in every region of the country regardless of whether you live in an urban area or a rural area—and that you could receive this benefit at the lowest monthly cost possible; that the benefit be targeted, with lower income seniors receiving the most assistance, with limited cost sharing and reduced or eliminated premiums; that the benefit be comprehensive, providing coverage for every therapeutic

drug class and category from the generics to the most advanced innovative therapies, while at the same time providing seniors with a choice in plans; and that the benefit produce real savings.

In this bill, an individual with an annual income of $15,000 per year, and drug expenditures of $7,000 per year, would save $6,000, an 80-percent savings. A couple with an annual combined income of $30,000 and combined drug expenses of $5,000 would save $1,385, a 28-percent saving.

All of these principles are essentially the ones that we developed in the tripartisan plan and even before that, when, with my colleague Senator WYDEN, in the legislation we introduced back in 1998, after months of intensive research and outreach and negotiations, we became more convinced than ever, working across the political aisle and also understanding the policy dynamics and what undergirds the Medicare Program, we had to create a universal benefit under the Medicare Program with a subsidy to help lower income families pay for those premiums.

Moreover, because we believe individuals should have the same ability Members of Congress and Federal employees enjoy to choose the coverage that best suits their needs, seniors would be able to select their coverage from a variety of offerings by private insurers.

Then, as today, there are those who felt that any meaningful, reliable benefit should be a Government-run program. But we also learned from the debate last fall, when we considered various proposals across the political spectrum. We considered a Government-run prescription drug benefit program and we got various estimates from CBO that at the minimum it would cost from $600 billion to more than $1 trillion by certain estimates. That is a problem because, when we have a performance-based program that doesn't have any risk involved in delivering that program, the costs go up.

We also saw with that approach that the program would be sunsetted after 7 years, to mask the true costs, so that seniors wouldn't have the true benefit of that program after 7 years because we could not contain the costs with a Government-run program. Obviously, it would affect the future liabilities and the solvency of the Medicare Program, which we know is going to be a serious problem down the road when we have more seniors retire.

So, finally, we decided that an approach of that kind ultimately would have significant restrictions. Last year's bill, when it embraced a Government-run program, not only did it sunset, but it also statutorily limited the number of drugs a senior could purchase within a therapeutic class to just two.

So that is why we diverged from that road of going down the path of a Government-run program, so they can make sure seniors have options, and also so they can have the availability regardless of where they live in America. Our bill today puts no limit on drug coverage because seniors shouldn't be limited in their options for treatment, just as they also shouldn't be limited in their options for coverage. The fact is, the one-size-fits-all approach doesn't work when it comes to writing prescriptions. And it certainly won't work when it comes to prescription drug coverage either.

The question is how to provide seniors with choice without undermining the integrity of the basic tenets of the Medicare Program. That was the major issue that confronted us in developing the tripartisan plan and certainly the proposal that is before us today. I believe the answer is to allow seniors to utilize the traditional and the familiar fee-for-service delivery method.

Over the years, people have come to feel comfortable with this approach and with this model. There are those who have already been a part of this program, and those who will be retiring and may want to join a fee-for-service but at the same time be allowed access to other plans that are developed by private insurers which may be better able to tailor the differences to suit the varied needs of seniors today. This necessitated a give-and-take in this legislation.

Specifically, some have criticized this plan for not having a defined benefit. But a defined benefit means all benefits will look alike, which brings us back to the one-size-fits-all approach. Rather, under this legislation, plans have the flexibility to offer the standard benefit as prescribed in the statute or to offer a benefit that is actuarially equivalent to the standard option.

The guideline insures that all plans will have the same $275 deductible, $3,700 in true out-of-pocket costs for stop-loss coverage, and the total value. But it allows plans to vary cost sharing requirements between the deductible and stop-loss to create options that are the most appealing to the beneficiaries in that particular region.

In other words, with this legislation, the value of the benefits must be the same—not necessarily the benefits themselves. Again, it comes back to choice. Seniors will be able to choose. They can do so secure in the knowledge that those plans offered by private insurers include benchmark standards.

This bill's requirements ensure that the overall quality of those standards is protected and preserved in the kind of coverage that will be delivered under this proposal.

In order to satisfy the concerns of those who say that offering numerous private plans may be disrupting or confusing to seniors, the bill instructs the administrator for the Center for Medicare Choice to enter into 2-year contracts so seniors will not have to change plans every year if they are happy and content with the services they are receiving. This also should act as an enticement or inducement to private plans to participate because it provides them with the stability as well.

Moreover, the new program builds off of strict consumer protection from current law under the Medicare+Choice Program that requires the administrator to approve marketing material and provide educational materials to help beneficiaries compare and contrast benefit options.

Remember, the model we are using is the Federal Employees Health Benefits Program that serves Members of Congress as well as Federal employees. In fact, the average age of a Federal employee enrollee is 61. Choice works for them. Yet we cannot lose sight of the fact that over 80 percent of current fees voice strong support for the program and may not want to change. They may not want to test the unproven.

That is why we believed it was critical that this bill provide an equal drug benefit no matter which option a senior may select because more than 80 percent of seniors are now with the current Medicare fee-for-service program. Because those new retirees in this next decade may be more accustomed to what would be delivered under a preferred provider network, we wanted to offer options and choices among the plans that seniors could select without undermining the integrity of the existing Medicare Program.

I know some of my colleagues would have preferred to offer a differential benefit when it came to the prescription drug coverage. Depending on which program you enrolled in, they wanted a better benefit under the private plan as an incentive to participating in the privately created model, known as PPO.

Again, we have no certainty as to how these plans will work. We obviously have a track record for the traditional fee-for-service program. We know how that program works. But we don't know how the privately delivered program will work in the final analysis. That is something we will learn about as time proceeds.

CMS predicted, for example, that 43 percent of seniors would participate in private plans. But the Congressional Budget Office estimated that only 2 percent would participate in the private programs.

What happens in the event private prescription drug benefit delivery plans don't flourish in a particular region as projected? We don't have the traditional fee-for-service program to fall back on. What then happens? We can't afford to go back to the days before the Medicare Program was created and instituted in 1965 because those were the days of patchwork coverage that varied widely, if it existed at all for seniors. Again, it depended on where you lived or if you had any kind of medical access or if you had health insurance, which in many cases seniors didn't. That is why we established the Medicare Program back in 1965—so that we

created evenness, fairness, and accessibility for all seniors—a platform of a level of care for seniors in this country regardless of where you lived in America, regardless of your income. That is why we felt and strongly believed that we needed to extend fairness to everyone. That was the spirit of the Medicare Program in the first place.

Providing a differential or an equal prescription drug benefit is just one of the many sound compromises in this legislation, but at the same time it is consistent with embracing the universal principles of the Medicare Program.

I know some have said we have already created a private delivery health option that is doomed to fail; and, that it would hinder the private market so that plans will never possibly participate in this program.

In fact, we have worked very closely with insurance actuaries and firms that we hope to attract so that we understand how they make business decisions as well as how they deliver care under those plans and with whom they negotiated to develop those networks and those plans. With that knowledge, we have incorporated a number of mechanisms in this legislation before us today. Those mechanisms include risk corridors, reinsurance and premium stabilization accounts which are intended to build a stable, productive model that we believe will attract and keep companies in the programs. That is very important.

We think these are the types of approaches and methodologies and procedures that will attract private insurers to participate in the programs on a regional basis.

Furthermore, we are instituting new cost-sharing options such as combining the deductibles for Part A and Part B services—a copayment system that better resembles the private sector today.

For example, under the Medicare Program, there are many copayments for preventive health care services. We happen to think that is in the wrong direction, that is the wrong emphasis. There are no copayments under this model for preventive screening. That is very critical. It is important to allow seniors to have access to those types of protective mechanisms that helps prevent more serious illnesses down the road.

It also provides a catastrophic cap for medical services which currently is not included in the Medicare Program.

Again, there are many upgrades and updated approaches to the private delivery model that do not exist in the traditional fee-for-service program.

Again, people will have choices in making decisions as to whether this better works for them or whether they prefer the kinds of support and insurance included in the Medicare Program under the fee-for-service as we know it today.

Again, we are establishing a structure that better resembles options delivered in the private market in this newly created private plan to offer more choices to seniors and to determine which structure is more attractive for their needs.

Again, in offering this option, I believe—and many of us believe—that it was also important not to undermine the fee-for-service programs by instituting unproven choices. We do not know whether these privately created systems will work in every part of the country.

We do not know who they will negotiate with in that region for providers so that seniors have access to a range of providers and specialists across the board which, obviously, is what the traditional fee-for-service program provides. So there is no way to guarantee that private companies will deliver services in all parts of the country.

This concern is especially acute for those of us who represent rural States such as Maine, where no Medicare+Choice programs operate. We understand there have been many problems for many reasons as to why the Medicare+Choice Program does not work very well in many regions of the country. It works well in some but not in many parts of the country.

So we learned from those lessons, and we developed a fallback proposal in this initiative that provides security to current Medicare beneficiaries or future beneficiaries that no matter where they live, we ensure that in regions where private plans choose not to participate the Government will contract with companies, like pharmacy benefit managers, to deliver the benefit.

Some have criticized this option, saying it will remove incentives for plans to participate in risk-bearing models. This bridge is necessary to address Members' and beneficiaries' legitimate fears that they could be left out of the coverage. That is important because I think it is essential we have a guaranteed, seamless Government fallback. But the fallback we have designed in this legislation is one of last resort; it is not the one of first resort. It will not be triggered unless two private plans will not enter the market, and we limit the contract to 1 year because we must first do everything we can to see that private delivery systems have a chance to flourish in this program.

To further entice private plans to enter the market, the administrator is allowed to reduce the risk that a plan bears to almost nothing. Again, the goal is to attract private plans into the market, to work with them to manage their risk, and to make it an attractive market to serve while, at the same time, offering seniors everywhere a guaranteed access to care that will exist under a private delivery system because access to care should not be segmented or guaranteed based on ZIP Code.

In that light, another concern the committee took action to correct last week was the threat of large variations in the premium across regions. One of the basic tenets of the Medicare Program, undeniably, is to provide health care benefits to seniors and to persons with disabilities for the same price. Whether you are a senior living in Arizona or Portland, ME, you will pay for the same part B premium.

We need to recognize how disparities in prescription drug benefits could lead to variations and instability for seniors enrolled in the private plans. Just consider the case of Medicare+Choice. This was an issue that was raised last week during the course of the debate on the markup in the Senate Finance Committee. The premiums in some regions of Florida, for example, in Medicare+Choice, are $16 a month while in Connecticut they may pay $99 a month.

Just from a basic standpoint of fairness, do we really want to create such a system for seniors with their drug coverage? So we need to level the playing field. Obviously, I don't want seniors in Maine to wonder why they are paying a different price for their premium than their neighbors across the border in New Hampshire. How can we find out if private plans are superior to fee-for-service if there are wild fluctuations and disparities between plans and the traditional benefits? So that is why we have to determine, as we proceed with this program, how best to address that issue.

Some have said we should stipulate the premium in this legislation in the statute and limit the level of variation. But according to CBO, that would result in higher costs and less efficiently run programs because plans would no longer have the incentive and the flexibility to craft benefit options that are the most appealing to seniors. As we have seen with other Government programs—whether it is job training and placement services—when Congress spells out the requirements, plans typically provide the minimum necessary and never aspire to a higher goal.

The committee unanimously adopted an amendment Senator LINCOLN and I offered that provides the Secretary of Health and Human Services the authority to adjust governmental payments to minimize any variation that may result in premiums across the regions due to variations for the standard coverage option under the new Medicare stand-alone prescription drug benefit. We also direct the General Accounting Office to study this issue once the program is operational to determine if wide variations actually materialize. I am confident these two actions will provide Congress with the information necessary to make informed decisions and will allow the Secretary to take corrective actions when necessary.

I think this is an important issue. Obviously, this is a very new program. We are testing new theories, new operations that basically reflect the state of health care today with the technologies, with the methods, with the providers, with the type of specialties

that exist because we want to be able to give seniors access to a variety of choices across the spectrum, including their access to prescription drug coverage and how it can best be delivered to seniors.

So we want to test the innovation, the creativity, and the marketplace as well. That is why it is so important to allow the flexibility to be incorporated in this legislation, but, at the same time, if it does not work in the way we hope or intend, we have given the Secretary the ability to make adjustments on those premiums because it is absolutely important that he has the authority to do so. That is why we included this in the legislation.

We will also study the issue to determine what other actions in the future must be taken to ensure those kinds of wide variations and fluctuations do not occur.

Finally, I want to turn to the last part of my discussion, which is the issue of the low-income subsidies, which I think is a remarkable aspect of this legislation.

We have improved on the tripartisan plan. We learned a lot in our efforts, in our initiatives, over the last 2 years in terms of what is essential to establish a strong, low-income subsidy for our seniors under the Medicare program.

First of all, we raised the eligibility criteria to 160 percent of poverty—which is $14,368 for an individual and $19,360 for a couple—from 150 percent of poverty which we included in the tripartisan bill last year, and we used the eligibility criteria under the existing Medicare low-income assistance programs to create a seamless and simple process to target the most help with premiums, deductibles, and copayments to those nearly 9 million seniors with incomes below $12,123. The nearly 6 million seniors who receive health care coverage from both the Medicare and the Medicaid program—those known as dual eligibles—will continue to receive their drug coverage from the Medicare program. The States will receive additional assistance but this is intended to allow continuity of care and reduce confusion among the poorest and the most vulnerable.

My home State of Maine stands as an example of the impact this bill will have on the 40 million individual Medicare beneficiaries. For example, in 2003, there are 19,000 seniors and disabled individuals in Maine who receive health care benefits from both the Medicare and the Medicaid programs, the so-called dual eligibles. An additional 17,700 seniors qualify for the Qualified Medicare Benefit Program which serves people with incomes below 100 percent of poverty, and they will receive the greatest level of subsidy under the new Medicare prescription drug program. And 6,100 seniors are eligible for another program that serves people with incomes below 135 percent of the poverty level.

In total, over 90,000 of the estimated 215,000 Medicare beneficiaries living in Maine will qualify for one of the low-income subsidy programs. That is almost half of Maine's senior and disabled population. Each will receive substantial assistance each year.

Moreover, unlike the tripartisan legislation, this bill will provide assistance without an asset test to the remaining 8.5 million seniors with incomes under 160 percent of poverty regardless of their level of assets. Taken together, that is nearly half of all Medicare beneficiaries or 43 percent of the population. That is an important issue. That is a departure from the tripartisan plan last year because we did have another type of asset test that prevented 40 percent of low-income seniors from receiving coverage. It was a concern to all of us including that asset test, but we were trying to include a program under the $370 billion window that we had for financing this program. This year we used a more consistent methodology and programs that are already familiar to seniors across the country. It is fairer. We have basically eliminated the asset test for those individuals and couples under 160 percent of poverty level.

We learned from discussions over the last 2 years that a great deal of concern existed that we were excluding a large number of people with very low income who, because of their assets totaling more than $4,000 for an individual or $6,000 for a couple, would not be eligible for the subsidy. We removed that asset test and, therefore, now we have 17.5 million seniors who will be eligible for low-income assistance. At the same time we ensure those under 160 percent of poverty will never be subject to a gap in coverage where they would be responsible for 100 percent of the cost. All of us would have preferred to eliminate that gap in coverage. But CBO again stated it would cost, by their estimates, somewhere in the area of $200 billion in order to accomplish that goal. So we have to look at what is before us as a starting point, a very strong starting point.

We have to consider that nearly 88 percent of all seniors, 35 million people of the Medicare beneficiaries, that is 35 million of the 41 million Medicare beneficiaries, will spend under the $4,500 threshold of this so-called gap in coverage. That is before counting the supplemental coverage many have that may well keep even more seniors below that gap in coverage. Moreover, it may also be likely, as with the Federal Employees Benefit Program, that this bill will tailor the benefits and offer options that don't include a gap. We are not preventing private insurers or plans from including that gap. We provide them with an actuarial equivalent benefit, the same value for everyone. They could come up with a variety of plans, including eliminating that gap in coverage. But for the 12 percent of beneficiaries who have drug costs in excess of $4,500, and more specifically the 7 percent that spend more than $3,700 per year in out-of-pocket costs, they will qualify for the program's catastrophic coverage where the Government pays 90 percent of the cost.

This proposal counts toward the stop-loss coverage contributions made by the individual, a family member, Medicaid program, or the State pharmacy assistance programs which will further direct help to the lowest income seniors, those under 135 percent of poverty and those who have minimal assets.

Finally, I know many across the political aisle are concerned about including employer contributions toward the computation of the $4,500 cap. They point to the concern that some seniors will lose their employer health care coverage because this bill doesn't count employer contributions toward that catastrophic cap and that according to the Congressional Budget Office—again we had to use those determinations in order to design the type of program we could include in this legislation within the $400 billion—33 percent of seniors had employer-sponsored coverage in 2002. They estimate that approximately 37 percent of this 33 percent population will lose their coverage by 2013. That is approximately 4 million Medicare beneficiaries.

Obviously, this is troubling. But it is important to note that the Congressional Budget Office could not really estimate how much of this loss would be attributable to passage of this legislation. That is because employers are already dropping health care coverage for their former employees at an alarming rate. As we have seen from so many of the estimates that have been submitted to the committee, from 1999 to 2001, 7 percent of employers dropped retiree coverage. And from what we can determine, that trend is worsening, not improving.

Given the limited amount of money available, I believe the most prudent path may be to make adjustments to encourage companies not to drop their coverage but not at the expense of seniors. Obviously the priority is to make sure we get the very best benefit possible for everyone in the Medicare program and to do it, to the extent that we can, within the $400 billion program.

I must tell you as it stands, this legislation does include a number of provisions that are intended to help employers and encourage them to maintain retiree health care coverage.

Employers can participate in this program in a number of cost-effective ways. An employer can wrap their benefit package around the Medicare benefit which means that Medicare pays first, leaving the employer responsible only for the remaining cost. An employer can also directly pay their retiree's premium under traditional Medicare instead of offering a separate plan. And finally, under the new Medicare advantage option, they can bid to be their own plan and deliver the services to their retirees, which allows them to share the costs of the care with the Government.

Finally, the Medicare Advantage Program provides the flexibility to allow employers to pay for enhancements added to the Medicare standard benefit. I supported these provisions because I believe they are fair and appropriate. But this issue remains a vexing challenge. What is the correct balance where we are not discouraging employers from offering coverage for their retirees yet not penalizing seniors who don't have the benefit of employer-sponsored coverage? That really is the problem. Any changes we make to offer incentives and encourage companies to continue their retiree coverage places seniors who don't have this type of coverage at a financial disadvantage. Obviously, that is not consistent with the tenets of the Medicare Program.

I want to continue to work with the chairman, who has indicated his interest, to explore various ways to address the issue, along with Senator BAUCUS, because it is an issue we want to explore further so that we do not add to the costs of the program because employers dropped retiree coverage.

In the final analysis, there will always be those who will question if this is the best policy. Others will be concerned about the prudence of committing the Government to such large future expenditures. I, for one, am confident we have struck the correct balance. The average senior will realize $1,200 in annual savings, and the lowest income will see even more assistance. I realize this proposal will not help every senior in the same manner. But that is also because seniors have wide variations in drug costs.

What I do know is that the lowest incomes and those with the highest drug costs will realize substantial savings. During a time of growing deficits, this proposal is the best policy to meet the needs of this population as represented by the Congressional Budget Office estimates. This is an important issue because, again, it is getting back to the fairness and balance in the legislation and who will participate.

The Congressional Budget Office estimates that over three-fourths of Medicare-eligible beneficiaries will enroll. That is an important projection for the future well-being of the Medicare Program because you are going to have a blend in the participation that can also provide the very best benefit to those who want to enroll in the program. But you can have a blend in the regions that are developed under the new Medicare Advantage option between urban and rural of those who are healthy and those who are sicker. I think those types of blends will be a marked departure from the Medicare+Choice program.

We create much larger regions. There will be approximately 10 regions in the country. It is estimated by the director of the CMS that we could possibly have from six to eight plans participating in each region in the country, giving a breadth of choices to those who participate in the program. Overall, we should have high participation in the drug benefit program.

So this bill undoubtedly will be one of the most significant pieces of legislation that we can pass this decade, and beyond. We can make history today if we set aside our partisan differences. The time is right, the policies are right, and a prescription drug benefit is certainly the right thing to do for America's seniors. Passing this legislation will be a tangible verification of society's commitment to providing for those who have walked the path before us.

We can win this, Mr. President. We have tried before and failed. But I think the time has come for us to do what is right for America's seniors. Let us help them, help the Medicare Program to travel this last mile, and bring the Medicare Program into the 21st century.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I thank the Senator from Maine for her very fine statement. More important, a thank-you to her is warranted because of the long hours of work she has put into this subject of Medicare and prescription drugs. The strengthening and improvement of Medicare and a prescription drug program has been something the Senator from Maine has worked on for a long time. So I not only compliment her on her statement today, but I thank her for the work she has done in putting together the product that is before us. Even more so than the product that is before us, I acknowledge the work she was part of during the years 2001 and 2002 as part of the tripartisan group of Senators, including Senators BREAUX, JEFFORDS, HATCH, Senator SNOWE, and this Senator from Iowa, because it was the months of work during the spring of 2001 through the summer of 2001, and then picking up again in the spring of 2002, until we brought a bill to the floor 1 year ago now to discuss. The success of that work then laid the foundation for what we can do right now. That involved hours and hours of work for individual Members of the Senate, and more work yet for the staffs of each of those Members. So I thank her for putting in the time in 2001 and 2002, which did not yield a successful product at that point but very much made it possible for us early in the year 2003 to be before the Senate. Again, I thank the Senator from Maine for that foundational work.

I think the next speaker will be the Senator from Louisiana, Senator BREAUX. While the Senator from Maine and I might be able to say we were part of the foundation of the bill that is before us, Senator BREAUX was in the trenches digging the footing for that foundation years before we got involved, because he was a member of what was called the Commission on Medicare, later called the Breaux Commission. Because of his work—even before our work on the tripartisan bill—I acknowledge the extra effort the Senator from Louisiana has brought to this point. So I thank him and, for a second time, I thank the Senator from Maine.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, let me first express my appreciation for the very kind remarks of the chairman of the Senate Finance Committee. I think it is only appropriate to acknowledge that had it not been for his perseverance and determination, we would not be here today. He set a very tough timeline on the Senate for considering this bill. He took it through the appropriate hearing channels in the Senate Finance Committee to bring it to this point. We had extensive staff briefings and discussions among Republican staff and Democratic staff. We had a markup that many people said was really very pleasant. We had differences of opinion, but everybody had an opportunity to be heard. I credit creating that atmosphere to the leadership of the Senator from Iowa. We have had situations during the year—the tax bill is one of them—where we did not follow that process. As a result, perhaps the product was not as good as it should have been.

In this case, I think the Senate Finance Committee, in particular, rose to the challenge, and under the leadership of both Senator GRASSLEY and our colleague MAX BAUCUS on our side, we were able to create a cohesive group of men and women who were dedicated to producing a product in a bipartisan fashion. That is exactly what happened with a 16–5 vote on a Medicare reform and prescription drug bill, which would not have been possible had it not been for his strong leadership.

To the Senator from Maine, I offer my congratulations for her involvement, dedication, and her willingness to step outside the traditional boundaries and take some chances politically, as well as substantively, in order to help produce a product which, in the end, ultimately will be something of which we can all be very proud.

I think all of us realize the time has come that it is necessary for us to step out of the traditional boundaries that may put us at risk with some constituents we all represent in order to produce a better product for those very constituents who may say don't go there; but for those who had the courage to go there, we now have a product of which we can justifiably be proud. The Senator from Maine has been a major player in all of these efforts. We appreciate that very much.

Mr. President, let me take some time, from my perspective, to try to present where we are with regard to the Medicare reform and prescription drug bill. It was in 1965—38 years ago now—that the Congress of the United States did something that had never

been done. The Congress and President Lyndon Johnson at that time made a fundamental decision that older Americans were going to receive health care benefits, and that the Federal Government had an obligation to help provide those benefits. As a result of that commitment, the 1965 Medicare Act was adopted.

Ever since then, for 38 years, seniors knew when they reached the age of 65, they would have access to a Government-run health care program. That health care program was principally designed to do what medical science said was necessary back in 1965. It provided hospital insurance coverage for seniors who went to the hospital, and it provided doctor coverage for seniors who had to see a doctor.

In 1965, those were the two fundamental ways in which people received health care in the United States. You went to see your doctor and, if you were sick enough, the doctor put you in the hospital. So for the very first time we said to senior citizens, 65 or older, when you reach that age, you are going to be part of a Government-run insurance program on your behalf.

For a long period of time it was a state of the art, as far as health care was concerned, with regard to our Nation's seniors. It has really worked. It has sort of been the envy of many parts of the world because many countries did not have the quality health care we had for our Nation's seniors. That, as I say, was back in 1965, and today is today.

While health care has changed dramatically, while science has improved incredibly so, the program that was designed in 1965 is still pretty much the same program that seniors look to in order to receive their health care.

It has been a good program, but it is not nearly as good as it should be nor nearly as good as we can make it. That is why we are here today: To create a better program, to build on what was the best in 1965, to create the best in the year 2003.

Medical science has advanced dramatically. The health care delivery system that brings about that health care for our seniors has not advanced very much at all. It is still what I call frozen in the 1960s.

Some have argued: All you have to do is put more money into the program and it will work fine. I suggest just putting more money into a 1965 model program is like putting more gasoline in a 1965 model automobile. It is going to still run like an old car no matter how much gas you put into it.

No matter how much money we put into the Medicare Program that was built in 1965, it is still going to run and operate as a 1965 model. Today, in this body, and this period of time before the Fourth of July, hopefully we will have an opportunity to do something that is as important as what was done in 1965 when the Congress made that fundamental decision to provide health care for seniors.

With what we have before us, we can create a 21st century program which takes the best in science and the best in medical care and puts it into a quality delivery system.

It is interesting to note when I talk about why the current system is deficient, one of the most important issues I bring to mind is the fact that the Medicare Program today only covers about 47 percent of an average senior citizen's health care costs they experience every year. That means 53 percent is covered by the Federal Government, but it also means 47 percent is not covered.

Where do seniors go for the 47 percent of their health needs that are not covered in this 1965 model program? If they are poor enough, they also get Medicaid, or if they look for help from their children or their grandchildren, that makes up part of the difference. Or if they are fortunate enough to have enough funds, they can buy extra insurance, called the Medigap Insurance Program, to cover the 47 percent of their health care costs Medicare does not cover.

No one I can think of in the private sector—certainly including Members of Congress—has a health insurance program that does not cover 47 percent of their health expenses. No one would want to go out and buy a health insurance program that did not cover on average 47 percent of their needs. It would be a terrible buy. You want something that covers as much as possible, and Medicare does not do that.

People are forced to buy the extra insurance or become so poor that they qualify for the Medicaid Program or have their children or grandchildren or perhaps just their friends help them with their Medicare costs that the program does not pick up.

In addition, one of the most important fundamental advances in health care is the advent of the prescription drug program that has saved lives and allowed people to live better lives. The correct and proper use of pharmaceuticals today can keep people out of hospitals or it can make their hospital stay shorter. It can treat diseases that are prevalent today and make our lives better and our families more comfortable. Yet pharmaceuticals are not even covered by Medicare unless you happen to be in the hospital and physicians give you the pharmaceuticals in the hospital. Once you leave the hospital, the Medicare Program does not cover the pharmaceuticals.

It is a perverse incentive to stay in the hospital longer so you get your drugs paid for, when really you ought to use drugs to get out of the hospital sooner or to not have to go there at all.

The Medicare Program is full of deficiencies. It does not cover eyeglasses. It does not cover pharmaceuticals. It does not cover many of the preventive health care measures we should cover. In addition, the Medicare Program does not do something that today is one of the most important functions we can do in health care, and that is preventive medicine.

We talk about how high health costs are in this country today, and one of the principal reasons is because people generally do not go to the doctor until they are sick. In reality, they ought to be going to the doctor when they are well to find out what they should be doing in terms of preventive care to make sure that whatever they are prone to have later in life is pushed back as far as possible or perhaps even eliminated. Preventive care can do that, but the Medicare Program does little, if any, preventive care, and it should not be like that.

In fact, private health care systems work very hard to create preventive health care measures to keep the cost of health care down, to get people to live healthier lives now so their health care costs later are less or perhaps even eliminated. Medicare does not do that.

The one thing Medicare does not do very well is to bring about innovation. We have to have an act of Congress to do many functions that the private sector can do automatically. The Medicare Program requires an act of Congress, as I have cited many times before, to try to bring about new innovative ways of delivering medicine.

We actually had people come to our office and say: We need an act of Congress because we now have a medicine that can be orally administered instead of intravenously injected, but Medicare does not pay for it unless it is intravenously injected. So we need an act of Congress to allow Medicare to pay for something that can be orally administered in the form of a tablet. That is not how medicine should work in the 21st century.

We have before us a medical program for our Nation's seniors that was state of the art in 1965. It has been a wonderful program. It has been a program that has saved lives and a program that has made people's lives much better, but it is a program that is frozen in the 1960s.

We have today the opportunity to create a modern 21st century health care delivery program that looks out over the country and decides what is the best way of delivering health care; how can we make it work better. That is the proposal before us.

When I had the great privilege of chairing the Medicare Commission in 1998, we had numerous witnesses give us their suggestions. We had the time to listen to the theory about what we ought to do with the Medicare Program. To a large extent, the groups that came before the commission fell into two different groups. The first group said: The Federal Government should do everything in this area, the Federal Government should run the program from top to bottom, and the private sector should not be involved at all because we cannot trust the private sector, which has a profit motive as their main goal, to be involved in

delivering health care to our Nation's seniors. That camp, therefore, said the Federal Government should do everything.

On the other hand, a second group of folks who came before the committee took the position: The Federal Government should not do anything in delivering health care. We should turn the entire program over to the private sector, and the private sector ought to run the program, deliver the health care benefits, because they can bring about competition, they can bring about innovation, and the Federal Government cannot do that. So the Federal Government should not be involved at all.

We had a fundamental difference between the two camps that said the Federal Government should do everything and those who said the Federal Government should do nothing at all. The beauty of what we have today is that we attempt to combine the best of what the Federal Government can do with the best of what the private sector can do into a single delivery system and present that to our Nation's seniors as a vast improvement.

For me, it was never an either/or choice. It was never let the Federal Government do everything or require them to do nothing at all, but, rather, to bring the two sides together. I think by doing what we did is why today we see so much bipartisan support for this concept.

There were many of my Republican colleagues who had a preference for letting the private sector do it all and many of my Democratic colleagues said, no, the Federal Government should do it. But when we have combined the best of what both can do, we have created a system whereby I think we will have bipartisan support with a very large number of Members being able to vote for this on final passage. That in itself is a great victory.

Many people thought it would never be possible. Had we taken the position of one or the other, it probably would have been a very divided vote. On the other hand, by combining the best of what both sides could do, we have, in fact, created a better system, both from a fundamental standpoint of good government, and we have also created a political proposition with which both sides can feel comfortable.

What we have attempted to do—and I tried to take hundreds of pages of legislative language and put it all on one chart which in itself is a pretty difficult job—but what we have done, as my chart indicates, is to say that the beneficiary, of course, being our older Americans eligible for Medicare, starting in January, because we cannot get this thing started overnight, every Medicare beneficiary will be able to get some help and assistance on their prescription drugs under the current program; every beneficiary will start with a basic discount card available to all Medicare beneficiaries where they will be able to take that medical beneficiary card that is a product of the Federal Medicare Program to their drugstore, or to wherever they happen to purchase their pharmaceutical drugs, and get a basic discount which is estimated to be somewhere around 20 or 25 percent on the drugs that they have to pay for that have been prescribed to them by their medical doctor. That would be available to all Medicare beneficiaries starting in January.

Also, starting in January there will be a special assistance to low-income beneficiaries who would receive approximately a $600 subsidy in addition to the discount card. So we are saying all beneficiaries would get the discount card. They could go to the drugstore, get their pharmaceuticals filled, but if they are a low-income beneficiary they would also receive an additional subsidy of approximately $600.

It is really interesting to note, when we talk about drugs for seniors—and the fact is that most seniors on average have approximately a little over $2,000 a year in prescription drug costs. It is projected to go up to a little over $3,000 by the year 2006 when the big program kicks in. That is what the average senior has to pay for drugs. Many of them currently are low-income seniors and Medicaid pays for all of those drugs, or many of them have bought Medigap insurance which covers those drugs. Many of them, like my father, have a drug plan from a former employer, so they cover their drugs.

A substantial number of seniors right now have some coverage for prescription drugs, but it is not under the Medicare Program. It is by buying extra private insurance, it is by being fortunate enough to have a plan from their former employer that pays for their drugs, or many of them receive it from the Medicaid Program if they are a low-income beneficiary. That is certainly not good enough. Medicare should cover it.

So immediately starting in 2004 through 2006, under our plan, every Medicare beneficiary would get the basic discount card, plus low-income beneficiaries would get extra assistance.

Beginning in the year 2006—and I know my distinguished Democratic leader was talking about that is a long time, and 24 months is a long period of time, but we have to do it right. We have to set this new program up on a national basis. Beginning in the year 2006, every Medicare recipient would be able to stay right where they are today if they like their current Medicare Program.

I have given some of the good things it has done, and I have also tried to point out where it is deficient. There are a lot of deficiencies. If a senior is happy with the traditional Medicare Program, they can stay right in the traditional fee-for-service program that we call the Medicare Program. They can stay in this program as long as they would like it. And, yes, for the first time beginning in that year 2006, they would also be able to stay in the traditional Medicare Program and get prescription drugs because we would establish a stand-alone drug program for everybody who stays in traditional Medicare.

That stand-alone drug program would not be a Government-run and Government-micromanaged plan. For the first time, it would use a private delivery system for seniors to be able to receive pharmaceuticals they would receive as a Medicare beneficiary. Just like I get my pharmaceuticals covered under my Government health plan, seniors would have a private delivery system. This is not turning the seniors over to the mercy of the private sector. This is still a Government-regulated program in the sense that the Medicare officials and HHS would be responsible for making sure this stand-alone drug program for seniors is run properly; that the companies that are offering the plans have the financial ability to offer those drugs.

They would utilize what we call pharmacy benefit managers to construct programs. Insurance companies would come in and offer the seniors a pharmaceutical stand-alone drug plan. The companies would utilize the pharmacy benefit managers to try to get the best possible deal they could get from the pharmaceutical manufacturers. They could utilize formularies; they could utilize a blend where it is possible to choose between brand name and generic drugs. They would be able to get the best possible financial deal that they could offer to the seniors in a drug program.

Like I said, it would combine the best of what Government can do, which would be to make sure it is being run properly, with the best the private sector could do, which is bring about competition and tough negotiation with the pharmaceutical companies and manufacturers in order to present to the senior the best possible product. The Federal Government would still be involved in overseeing it but not micromanaging it.

For the first time they will also have another option they do not have now. Beginning in 2006, every senior could stay in traditional Medicare just like it is, but at their choice they would also have an opportunity to go into a new program called Medicare Advantage. Medicare Advantage would, in fact, be a combination Federal/private sector program which would deliver to every Medicare recipient who wants to join an integrated health plan, which would provide them hospital coverage, doctor coverage, and prescription drug coverage. They would also utilize the private sector delivery system for all of those areas, not just the drugs that they would get under traditional Medicare.

To a great extent, their plan would be based on what we have as Federal employees under the Federal Employees Health Benefits Plan, where the Federal Government, through the Office of Personnel Management, sets up

a benefit plan for all of us in that plan and the Federal Government would set the standards as to what has to be met, what has to be provided, and then private insurance companies would come in and offer that coverage like they do for all of us as Federal employees.

Every year we would get a book, and the book shows us what is available, and we have to pick and choose. We pick the plan that is best for ourselves and our families. That is, in essence, what we are talking about in the new Medicare Advantage. Preferred provider organizations such as those in the Federal system would come in and offer different plans and different options to our Nation's seniors.

We want to have some standards but we also want to have enough variations so people have a choice to pick the plan best for them.

Our drug plan has a $275 deductible, a 50 percent copayment, and an approximately $35 premium. I happen to believe some variation is important in order for people to have a choice. Some plans may offer a higher deductible or should be able to offer that. We are working ultimately on trying to make sure there is some flexibility yet also some definitiveness about what, in fact, it is going to cost. That is important. We have achieved that appropriate and proper balance.

Beginning in 2006, seniors will have choices of staying in traditional Medicare if they want. No one will force them into picking anything else. Younger seniors, people not quite 65, moving into the new program will be used to utilizing the new delivery system and will be comfortable with it. AARP, which represents the largest number of senior citizens in this country, has taken polls of their members and has found men and women between 55 and 65 years of age prefer these options and choices and feel comfortable with preferred provider organizations which more and more citizens in this country are in.

Preferred providers are just that: a selection of preferred doctors and hospitals that can deliver these services. If you want to go outside of that system, you can go outside of that system, but it may cost you a little bit more.

By creating these preferred provider organizations you can negotiate financial deals with them that help reduce costs and help reduce prices. There are a lot of people in the country that want us to reduce prices, reduce costs, but don't want us to do anything to bring about lower costs and better prices. They say they want cheaper drugs but do not want restrictions on how much and what type and where they can get them. We cannot do both. The same with doctors and hospitals.

If you try to reduce prices, you have to get doctors and hospitals to negotiate the best price. By doing that, you may restrict to some degree where you might go to get those medical services. You can always go outside the system, but you may have to pay more for that choice outside the preferred provider system.

I want to address the point some made: we have tried this experiment with health maintenance organizations, HMOs, and they have not worked. One of the reasons they have not worked is the way Congress constructed them and the way we reimbursed them has not been very good at all, causing a lot to move out. Some HMOs are doing well in some areas and some HMOs have gone bust in other counties.

What we are talking about is not doing this new system on a county-by-county basis. That was one of the big problems why HMOs did not work. What this bill does is create 10 geographic regions in the country. The preferred providers will come in and offer their services in a region. By creating a region, you create not just a rural area—whether it is Wyoming, Montana, or North or South Dakota, where a lot of our colleagues have expressed concern this would not work—we have created geographic regions in the country that will combine more urban areas with more rural areas so you get a better blend, a better mix. They will be required to provide those services in the entire geographic region, which gives people who provide these services a better opportunity to try and make sure it will work. In rural counties, they all pulled out because there were not enough people to make it work. We have created 10 geographic regions around the country to make it much more likely this new system will, in fact, work and work very well.

There will be a lot more debate and a lot more amendments. Our colleagues in the other body are also moving forward with this type of legislation today and for the next couple of weeks. I am ultimately comfortable that we will, in fact, be able to pass a program in this Congress and hopefully complete it before the 4th of July recess that will create a new Medicare Program for our Nation's seniors which will provide prescription drugs but also will provide a better delivery system, one that is balanced, one that combines the best of what government can do with the best of what the private sector can do. We have accomplished that.

Can this be improved? Of course. There is nothing we do that cannot be improved. We are restricted to some degree by the fact we do not have as much money as I think is truly needed and necessary in order to create a program that is one that is even better than the one I have described. The facts are, we have $400 billion in the budget. If we had $500 or $600 billion or even $800 billion we could create a program that is much better than the one we have created. But there will be time to improve. We will have the opportunity to make this an even better program in the future. Obviously, we have to take the first step. This is truly the first step in 38 years that we have had the opportunity to take, which will bring to our Nation's seniors a better program we can always work to improve as time guess on.

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. BREAUX. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. I ask unanimous consent the time during this quorum call be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. 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. GRASSLEY. 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. GRASSLEY. Mr. President, I am happy we are here today on what I think is the first day of maybe 2 weeks of work in the Senate to pass a bill many Members thought would pass last summer but got tied up in some election year political maneuvering in the Senate and did not happen.

We have an opportunity this year—because this bill has broad bipartisan support based on the vote of 15–6 out of our committee, such a vote gives an opportunity to bring this issue to fruition—to present a bill to the President of the United States yet this summer.

Last Thursday, the Finance Committee did report out a breakthrough bill that would make prescription drug coverage a reality for 40 million Medicare beneficiaries. The committee approval was of a sweeping package of new comprehensive prescription drug benefits and other program improvements that makes very good sense but also keeps good our commitment to our seniors.

Since 1965, seniors have had drug insurance without prescription drugs. We have had health insurance without prescription drugs. By passing our bill last Thursday, the Finance Committee made history and came one step closer to changing the fact that prescription drugs were never a part of the Medicare Program unless they were administered in a hospital situation.

How did we get to the point we are today, where it looks as if we have broad bipartisan support for this legislation? This important breakthrough came because of the tireless work of our committee members, both Democrat and Republican, that has been going on over the last 5 years, going back to the time when Senator BREAUX, who just spoke and deserves a

lot of credit for bringing us this far—and also Senator FRIST—led the way on prescription drugs before any of us were paying much attention or even listening. Then Senators SNOWE, HATCH, and JEFFORDS carried the torch for 2 years, working with Senator BREAUX and this Senator from Iowa on what we called then the tripartisan bill. It is tripartisan instead of bipartisan because Senator JEFFORDS officially, even though he sits with the Democrats, considers himself not a member of that party but an independent Member of the Senate.

The tripartisan effort, of which I was a part, was something on which I was proud to work but, more importantly, not just as an end in itself but, in hindsight, now I can say it set the stage, the foundation work, for where we are today on a bill that is even better than the tripartisan bill.

How do you get this far? The breakthrough came because of the President's unyielding commitment to getting something done for seniors once and for all. It takes more than just the Senate, it takes more than just the Senate and the House, it takes the President—all three—to bring legislation to what we call law.

This budget that the President put forth put real money on the table for prescription drugs—$400 billion over 10 years. So the Finance Committee wasted no time in taking advantage of that $400 billion that was in the budget for a specific proposal of prescription drugs and reporting out this good bill. I am glad about that; otherwise, we would not be here—without this budget leeway.

The bill we passed out of committee last Thursday night is a balanced, bipartisan product that flowed from good faith, from fair dealing, and from a commitment to consensus across party lines. So it is my hope that this same spirit will prevail on the floor of the Senate during the debate on this bill. I have no reason to believe it will not. I believe the debate in our committee, by both Republicans and Democrats, was just the type of debate you ought to have but do not often see in committees, particularly on very sweeping legislation, which is what this bill happens to be.

I intend to do everything I can to ensure a safe and successful passing of this legislation. To do that, I intend to work hard to keep the climate on the Senate floor as reasonable and most certainly bipartisan as it was in our Finance Committee through the course of last Thursday.

Of course, legislation of this size and scope does not make everybody happy. You cannot expect that it would. This bill cannot and will not be all things to all people. I expect to hear from many Senators about provisions, whether they be large provisions or smaller, less significant provisions in the bill, with which Members might not be happy. Of course, in the process of legislating, I welcome those who want to tell me about those with which they are happy as well. Sometimes we tend more toward the negative than the positive. I think there is a lot about this legislation—most of this legislation—that is very positive.

I pledge to work with all Senators in the days ahead to address concerns people have in the underlying bill. But I will keep my eyes on that larger prize, the promise we have expressed in so many elections, both Republican and Democrat, to modernize and strengthen Medicare, to move Medicare into the practice of medicine of the 21st century. One of the major steps in that move to improve Medicare is providing a prescription drug benefit.

If we were writing a Medicare bill for the first time and we were doing that in the year 2003, it would not be like 1965 when prescription drugs were only 1 percent of the cost of medicine. Today it is a much larger part of the cost of medicine and is part of keeping people out of hospitals. Obviously, we would write prescription drugs in that 2003 brandnew Medicare bill if we were writing a brand-new bill.

I am keeping my eye on that larger prize. That prize is passage of a comprehensive prescription drug benefit that will give immediate assistance, starting next January, 2004, and continuing as a permanent part of Medicare, to every citizen in America. If I were to generalize about a prescription drug benefit: First, it is voluntary. People don't have to buy into it if they don't want. It is very comprehensive and it is universal.

The bill before us puts that prize in our path. The Prescription Drug and Medicare Improvement Act brings Medicare, then, into the 21st century. The bill provides affordable prescription drug coverage on a voluntary basis to every senior in America. The coverage is stable. It is predictable. It is secure. Most important, the value of the coverage does not vary based on where you live and whether you have decided to join a private health plan. For Iowans and others in rural America who have too often been left behind by most Medicare private health plans, this is an important accomplishment that I insisted be in our bill when delivered to the Senate floor.

Overall, we rely on the best of the private sector to deliver drug coverage, supported by the best of the public sector to secure consumer protections and important patient rights. This combination of public and private resources is what stabilizes the benefit and helps keep the costs down.

Keeping costs down is essential because what I hear from the seniors in Iowa is not about a specific program, it is: Why are prescription drug costs so high? To them, so unreasonable. Keeping drug costs down is essential, not just for seniors but for the program as a whole.

Across this bill we have targeted our resources very carefully, giving additional help to our lowest income seniors. Consistent with a policy of targeted policymaking, we have worked hard to keep existing sources of prescription drug coverage viable. Our goal, ever since we started on the tripartisan proposal 2 years ago, was not to replace private dollars with public dollars. This bill accomplishes that by keeping Medicare State pharmacy assistance programs and retiree health benefits strong. Surely any change of this magnitude will have some ripple effect on other sources of coverage.

Regarding company-based benefits, our bill gives employers more flexibility than ever to participate fully in the new drug benefit.

We all know about the pressures employers face in maintaining health care coverage under mounting cost pressures. Decisions about scaling back coverage or even a company dropping it altogether are bound to be made regardless of whether we pass this bill. In the days ahead, we will work to encourage employer participation in the new drug benefit. But I am confident the balanced policy before us is a good place to start.

I would like to speak about our fee-for-service improvements in this bill designated as S. 1.

There is a very important aspect of this bill. It is called the Medicare Improvement Act for a reason. Beyond just prescription drugs, our bill is a milestone accomplishment for improving traditional Medicare, especially Medicare being delivered to rural America.

Included in our bill is the best rural improvement and Medicare equity package that the Senate has ever seen. I insisted on including it in the committee mark because the most important Medicare reforms involved fixing outdated and bureaucratic formulas that penalize rural States. This package passed the Senate 86 to 12 last month on the jobs and growth package. But it was tabled in conference between the House and the Senate.

I hope that vote is very strongly regarded today by the Senate so that we don't even have to deal with this discussion on the floor of the Senate as we did then on the tax bill.

Because this rural health package, or Medicare equity package—whatever you want to call it—was dropped in conference, the President wrote a letter shortly thereafter endorsing these same provisions. I am pleased to include them here today with his support.

At this point, I ask unanimous consent to have printed in the RECORD the President's letter.

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

THE WHITE HOUSE,
Washington, May 22, 2003.

Senator CHARLES GRASSLEY,
Committee on Finance,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY: I want to congratulate you on Senate passage of the jobs and growth bill, and also on the passage of

your amendment to that bill which increased federal assistance to rural providers through the Medicare program.

When we met in the Oval Office in early April, we discussed our concerns that rural Medicare providers need additional help, and we committed to addressing their problems. We agreed on the need to address issues faced by rural hospitals, skilled nursing facilities, home health agencies, and physicians.

You demonstrated your commitment by passing your amendment last week with tremendous bipartisan support, and by pushing hard for it in the conference negotiations on the jobs and growth bill.

I will support the increased Medicare funding for rural providers contained in your amendment as a part of a bill that implements our shared goal for Medicare reform.

Sincerely,

GEORGE W. BUSH.

Mr. GRASSLEY. Mr. President, I thought I would read at least the last paragraph by President George Bush.

I will support the increased Medicare funding for rural providers contained in your amendment—

Meaning the Grassley amendment—

as a part of a bill that implements our shared goal for Medicare reform.

What the President is talking about in this letter is just exactly what we have before the Senate—the same amendment included in this prescription drug bill on rural equity that passed the Senate 86 to 12 a month ago.

We have the prescription drug bill and the Medicare reform bill before us. These two are married up at a point that the President's letter refers to.

I want people to know that including this is something I discussed with the President on at least two occasions before his May 22 letter to me. One time in early December when the President asked me to come to the White House to discuss early on the process for moving this legislation along, I had an opportunity to remind him at that particular point about the speech he gave in August 2002 in Davenport, IA, during a political event at which he appeared for Congressman NUSSLE of Iowa. The President rightly complimented Congressman NUSSLE for leading efforts in the other body to help rural equity. I reminded the President that the short reference he gave in his otherwise long speech was used by Congressman NUSSLE in his TV ads in eastern Iowa during last fall's election. I wanted the President to be reminded that all Iowa heard him—not just a few Republicans at the NUSSLE campaign event in August—but all Iowans heard him throughout the fall campaign with parts of his speech being reproduced on this campaign ad.

I also had an opportunity early in April to talk to the President when the President once again visited with me about provisions of the prescription drug bill. He makes reference to that in the second paragraph of the letter. He said:

When we met in the Oval Office in early April, we discussed our concerns that rural Medicare providers needed additional help, and we committed to addressing their problems. We agreed on the need to address issues faced by rural hospitals, skilled nursing facilities, home health agencies, and physicians.

The President is well aware of his communicating this directly to the people of Iowa even before I had my discussions with the President on these issues. I am glad the President is committed to fulfilling his statement to the people of Iowa that he made last summer.

This rural health care safety net is otherwise coming apart. That is why this rural equity issue is so important. The bill before the Senate begins to mend it. The hospitals and home health agencies in rural America lose money on every Medicare patient they see. Rural physicians are penalized by bureaucratic formulas that reduce payments below those of their urban counterparts for the very same service. Our bill takes historic steps toward correcting geographic disparities that penalize rural health care providers. I will summarize some of these.

On hospitals, we eliminate the disparity between large urban hospitals and small urban hospitals, as well as rural hospitals, by equalizing the inpatient-based payment. The hospitals in my State and other rural areas are paid 1.06 percent less on every discharge. That is a $14 million loss every year just for my State. It is time to make this change permanent.

We also revised the labor share of the wage index in the inpatient hospitals. The wage index calculation kills our hospitals in rural areas. They have to compete with larger hospitals in bigger cities for the same small pool of nurses and physicians. But because of the inequities in the wage index, they aren't able to offer the kinds of salaries and benefits that attract health care workers in cities.

Our bill begins adjusting the labor-related share downward to correct these inequities. We strengthen and improve the Critical Access Hospital Program which has been so successful in keeping open the doors of some of our most remote hospitals.

I think in my State of Iowa, almost a third of our hospitals have changed to what we call ''critical access hospitals.''

Also, in this bill, we create a low-volume adjustment for those critical access hospitals and for other rural hospitals that aren't able to qualify for the Critical Access Hospital Program.

These hospital corrections are not partisan rhetoric. They are supported by the nonpartisan Medicare Payment Advisory Commission, by the Center for Medicare Systems Administrator—and he did that in a recent letter to the House Ways and Means Committee—and also by 31 bipartisan members of the Senate Rural Health Caucus.

For doctors, our bill removes a penalty which Medicare imposes on those who choose to practice in rural States. Medicare adjusts payments to doctors downward based on just where they live. We believe the value of the physician service is the same regardless of where that doctor may live. Medicare doesn't recognize that. Our bill begins to change that.

Our bill also provides assistance to other rural health care providers such as ambulance services, and home health agencies which millions of seniors in rural areas rely on every day.

Providers in rural States such as Iowa practice some of the lowest cost, highest quality medicine in the country. This is widely understood by researchers, academics, and citizens of those States, but it surely isn't recognized by Medicare. Medicare, instead, rewards providers in high-cost, inefficient States with bigger payments that have the perverse effect of incentivizing overutilization of services and, in the end, giving poor quality.

These policies are paid for, not by taking resources away from the prescription drug package or by taking money away from those high-cost States but by other modifications to the Medicare Program that makes just plain, good policy sense.

These rural health care provisions are a fair and balanced approach to improving equity in rural America. My colleagues on the Finance Committee—a lot of them from these same rural States—recognize that. And I think on this vote we had a month ago I can say that the full Senate recognizes that.

I would speak last about the Medicare Advantage or the preferred provider organization parts of our legislation. Because beyond prescription drugs, and beyond the issue of rural health care, our bill goes to great lengths to make better benefits and more choices available for our seniors. In fact, one of the things that has been a focal point of this legislation over the 2 or more years we have adopted it has been to give seniors the right to choose.

Mr. President, I see that you are rapping the gavel. Can you tell me what that is all about?

The PRESIDING OFFICER. The Senator's time has expired. The time until 12:30 is equally divided.

Mr. GRASSLEY. Could I ask, since there are not other people here, maybe for 3 more minutes?

Mr. BREAUX. Mr. President, I would respond, Senator DORGAN wants 15 minutes, and then that is it.

Mr. GRASSLEY. I will put the rest of my statement in the RECORD.

Mr. BREAUX. It may work out. How much time do we have, I ask the Chair?

The PRESIDING OFFICER. Thirty-seven and a half minutes.

Mr. BREAUX. That is fine. Go ahead.

Mr. GRASSLEY. Well, the Senator from North Dakota is here.

Mr. BREAUX. I say to the Senator from North Dakota, the Senator wants to complete his statement.

Mr. GRASSLEY. Two more minutes?

Mr. BREAUX. Two more minutes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we want to give seniors the right to choose in as many areas as we can. That is why I use the word ''voluntary.'' And that is why I use the phrase ''the right to choose what they might consider better Medicare programs than traditional.''

Our bill specifically authorizes provider organizations to participate in Medicare. The idea is these kinds of lightly managed care plans more closely resemble the kinds of plans that we choose for the Federal Government and which close to 50 percent of working Americans have today but only 13 percent of the people in Medicare have that today.

Preferred provider organizations have the advantage of offering the same benefit of traditional Medicare, including prescription drugs, but on an integrated, coordinated basis. This bill creates new opportunities for chronic disease management and access to innovative new therapies.

PPOs might not be right for everyone. We are going to let seniors make that choice. Our bill sets up a playing field for preferred provider organizations to compete for beneficiaries. We believe PPOs can be competitive and offer stronger, more enhanced benefits.

In the days ahead, I will be working with colleagues on both sides of the aisle to ensure that we set up the right system, one that is truly competitive and viable for these preferred provider organizations. No senior has to choose this new program. Our prevailing policy has been, and always will be, one that lets seniors keep what they have if they like it with no changes. All the seniors, regardless of whether they choose a PPO or not, can still get prescription drugs.

We have 2 long weeks ahead of us. My commitment is to stay here until the lights go out to ensure that we pass a balanced bipartisan bill.

I thank my colleagues on the Senate Finance Committee for their fine work to get us this far.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I yield 15 minutes to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, before Senator GRASSLEY leaves the floor, I want to tell him that one piece of this legislation that I think is particularly important are the provisions dealing with Medicare reimbursement for rural hospitals and other rural health care providers. I know he talked about how this Senate has dealt with this concern before, and we have. In fact, we had a very strong vote on it. But at this point, significant legislation has not been signed into law.

The fact is, his constituents in Iowa and mine in North Dakota pay the same payroll tax out of our paychecks as everybody else in the country, except we do not get the same reimbursement for much of what our providers do. And the result is, some very important health care facilities in smaller rural States, in smaller communities, are struggling and having an awfully difficult time making it because the provider reimbursement system is not fair.

I want to compliment my colleague from Iowa and others who have worked on this. I have been pleased to work on it some, but his leadership is very important in this area. That is one piece of this legislation to which I think we need to pay some attention. I will be pleased when the President signs a bill that includes these provisions, and so will many of our rural health care providers who have waited a long while for it.

Having said that, let me make a couple of comments about the broader piece of legislation and why we are here.

I think Medicare has been an excellent program for this country. Prior to the creation of the Medicare program, over one-half of the senior citizens in America had no health insurance coverage. They reached their retirement years—having worked all their lives, in most cases—and discovered that when they were in their sixties, seventies, and eighties there was not a traffic jam of insurance agents or insurance companies wanting to see if they could fully cover their health insurance needs once they have reached 70 and 80 years of age.

What they discovered was that at that age the cost of a health insurance policy was almost prohibitive. The result, back in the early 1960s, is that over half of the senior citizens in our country had no health insurance coverage at all. So the Congress passed a Medicare program, which has been a remarkably successful program.

The Medicare program has meant that now 99 percent of America's senior citizens are covered under Medicare. They do not have to live with the fear of not having some basic health care coverage when they reach retirement age. When they reach their declining income years, Medicare is there.

It has been there, and will be there. It has been a remarkably successful program.

Some say: But there have been financing problems with Medicare. Yes, that is true, and they are all borne of success. By that I mean people are living longer and better lives. As a result of that, there have been some financing issues and some financing difficulties with Medicare. We would not have any financing issues at all if we just went back to the old life expectancy, but people are living longer, better, more productive lives. The result is that we continue to talk about how we finance Medicare.

An example of that: My brother was telling me about a friend of his a while back who, at age 89, bought a new car. She, at 89 years old, bought a new car. He said she financed it with a 5-year loan. I guess that is optimism. But what a wonderful thing, an 89-year-old person buying a new car and getting a 5-year loan.

There was a story in the North Dakota papers some long while ago about a man who was 99 years old and still farming. They had a picture of this old 99-year-old codger. He was getting on his tractor. And the article talked about his son. His son was in the Army during the Second World War, and he came back and decided he would work with his dad until his dad retired. The son was about 74 years old, and his dad was 99 years old, and still farming. It did not work out the way the son thought. The story was about this 99-year-old still driving a tractor.

I have often mentioned my uncle who is in his early eighties. I believe he is 81 or 82 years old now. He discovered in his early seventies that he was a runner. He ran faster than most people his age. He started entering the Senior Olympics. My uncle runs the 400 and the 800 meter. He now has 43 gold medals. He has been running in California and Arizona and Minnesota. My aunt thinks he is about half goofy for an 80-year-old.

What a wonderful thing: An 89-year-old buying a car; a 99-year-old still farming; an 81-year-old running in the 400 and the 800 races in the Senior Olympics. People are living longer. That is a good thing.

However, Medicare, as it was developed in the 1960s, is basically for acute care or hospital care. If you get sick, you go to a hospital, and they help you. The medical model has changed dramatically since then and so must Medicare. That is what brings us to the Senate floor. We recognize that the prescription drugs now available that keep people out of the hospital, that allow them to control some of their health conditions and continue to lead productive lives, were not available in the early 1960s when Medicare was developed.

We come to the floor with a proposal that says: Over 30 years has elapsed since the writing of the Medicare program. It is now time to put a prescription drug benefit in the program.

Let me describe what that means in my State. We have 103,000 people who are on Medicare in the State of North Dakota. North Dakota is a relatively small State in terms of its population. It is large geographically, 10 times the size of Massachusetts in land mass, but it has only 645,000 people. We have 103,000 on Medicare. The people who are on the Medicare program paid payroll taxes all of their working lives, beginning back in the mid 1960s, and that money is what provides the capability of their being able to access the Medicare program.

Senior citizens, although they are 12 percent of America's population, consume one-third of all the prescription drugs in this country. It is probably pretty obvious to anyone who has been

around senior citizens that they often take multiple prescription drugs. It is not unusual to talk to a senior citizen who takes 5 and in some cases 10, 12, or more different prescription drugs every day. The fact is, many of them simply cannot afford to pay for these drugs. Many of them do not have prescription drug coverage through any kind of insurance plan. Because of that need, because so many of them can't afford their medicines, we propose giving Medicare beneficiaries a prescription drug benefit.

A woman came up to me at the end of a town meeting in northern North Dakota one day. She was perhaps in her late 70s or early 80s. She grabbed me by the elbow and said: Mr. Senator, I want to talk to you a moment. My doctor tells me that I must take a range of prescription drugs to control diabetes and heart trouble. The problem is, I can't afford to take them and can't afford to buy them. Can you help me?

As she began talking about it, her eyes welled up with tears. This woman, perhaps 80 years old, was stranded. The doctor said: You have serious health problems, diabetes, heart trouble, and more. Here is what you have to take. These prescription drugs will control your health issues.

She said: I don't have the money.

A widow, living on a small Social Security payment, she does not have the capability of going in to a pharmacy and paying the very high cost for prescription drugs.

Let me say there are some things that have happened we should mention. I know the pharmaceutical industry sometimes takes a look at me and thinks I am always on the floor trying to put downward pressure on prescription drug prices. That is true. It is because I believe so strongly that we need to make sure that miracle drugs can provide miracles for those who need them. Miracle drugs cannot provide miracles for those who cannot afford them.

I want to say this about the industry. First, a number of pharmaceutical industry companies have stepped up to the plate since we last debated this subject. They offer programs to provide some free medicine to low-income patients and medicine discount cards for Medicare beneficiaries who don't have drug coverage. In 2002, we are told, the American pharmaceutical companies provided free medicine to 5.5 million patients. There are several programs of this type. Pfizer, Eli Lilly, and many others have these programs.

We ought to recognize that is a good thing. We ought to say to them: Good job. Frankly, that is a positive step. But these programs are no substitute for offering a prescription drug benefit to all Medicare beneficiaries. The pharmaceutical companies, although I have significant disagreements with them about pricing issues, ought to be commended for stepping forward and providing some approaches to help those very low-income seniors who have no recourse, no other alternatives. They have helped 5.5 million patients in the United States. But that is not a substitute for offering this legislation to put a prescription drug benefit in the Medicare program.

We are going to offer some amendments to the bill before us. I will offer an amendment or two. Some of my colleagues will offer amendments in the coming week and a half with the expectation that by the end of next week the Senate will finish its work on this bill. We will have passed legislation that for the first time since the early 1960s, when Medicare was created, will substantially improve the capability of Medicare to maintain the good health of senior citizens by adding a prescription drug benefit.

There are some weaknesses in the legislation that came out of the Finance Committee. My hope is we can address them and improve them. The legislation that came out of committee has a coverage gap that is pretty difficult. We need to fix that. There are periods where, even though beneficiaries will be paying premiums, their purchases of prescription drugs will not be covered. Those periods are, of course, first with the deductible. For the first $275 in drug expenses there would be no coverage. And then in addition, when seniors reach $4,500 in drug spending, their prescription drug coverage stops. Then catastrophic coverage will kick in when their drug spending reaches $5,800. During that $1,300 stretch between $4,500 and $5,800 in expenses, there will be no coverage at all. So senior citizens will be paying premiums during those months but have no coverage for the prescription drugs they are purchasing. That coverage gap needs to be fixed.

The legislation has no defined benefit or premium. We need to fix that if we can. We don't know what kind of charges would be set by the insurance companies, what the actual premium would be, exactly how would they define the benefits, and would they change or differ from region to region. I am particularly concerned that rural Medicare beneficiaries, those in smaller States, will be charged higher premiums than urban beneficiaries. We need to be very careful about that. I hope we can address some of it in amendments.

Reducing drug costs is another issue. Having just complimented the pharmaceutical industry, let me also say I believe we ought to pass the generic legislation that will tend to put some downward pressure on prescription drug expenditures. I also believe we ought to, as do some of my colleagues who have worked with me, have the global market system work for prescription drug consumers. The way the system could work, not just for Medicare but for all prescription drug consumers, is to allow those consumers to purchase the identical drug put in the same bottle made by the same manufacturing company from Canada, provided that you have a safe chain of custody. In Canada, the same medicines that are available in the United States are sold for a fraction of the price.

A pharmacist in Pembina, ND, is prohibited from going to Emerson, Canada 5 miles north and buying a prescription drug such as Tamoxifen for a fraction of the price. That pharmacist cannot now bring that Tamoxifen back and pass the savings along to a woman who has breast cancer in Pembina, ND.

I frankly think they should be allowed to do that. That is another way by which we can put downward pressure on prescription drug prices.

Well, those are some of the issues we are going to be dealing with this week.

Again, my fervent hope is at the end of this process we will, with a bipartisan piece of legislation, get the best of what all have to offer in this Chamber. We so often see legislation come to the floor of the Senate that has a pretty significant partisan split, and we often end up getting the worst of what can be provided rather than the best.

I hope in this legislation on the issue of prescription drugs and Medicare we all recognize a couple of points. One, it is long past time to do this. Were we to create the Medicare Program today, there is no question but that it would have a prescription drug benefit in it. Most of the lifesaving prescription drugs have become available since Medicare was originally written. That is No. 1. I think we are at that point where virtually everybody in this Chamber understands we ought to do this, and we ought to do it now.

The second and most important issue is we ought to do it right. There is a right way and a wrong way to do this.

First of all, the benefit ought to be reasonably simple, understandable, affordable, and provide significant benefits to the senior citizens of the country who need prescription drugs. That means simplifying this bill, trying to solve the coverage gap, and trying to put some downward pressure on prices.

I yield the floor.

Mr. BREAUX. Mr. President, I yield to the Senator from Vermont 10 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 10 minutes.

Mr. JEFFORDS. Mr. President, it is not hyperbole to start by saying that we are engaging in a truly historic Medicare debate—one that has the potential to rival the 1965 creation of the Medicare Program. Over the next 2 weeks, we will have the opportunity to consider and enact the most significant Medicare modernization in 37 years. We have the chance to do more for the health care and well-being of our Nation's elderly than has been accomplished through any recent Medicare legislation.

I commend Senator GRASSLEY and Senator BAUCUS for their work in bringing this measure to the Senate floor.

The Prescription Drug and Medicare Improvement Act is a landmark improvement to the Medicare Program

and our colleagues deserve a great deal of credit for reaching this bipartisan agreement—I would say tripartisan.

This is a large and complex bill—measuring over 600 pages. It is not at all unusual for a proposal of that size to have issues remaining and I know there are some of our colleagues for whom these issues need to be debated and addressed. So we should not be Pollyanna about the outcome. Work remains to be done.

But I have been listening to our colleagues as they have come to the floor to discuss this bill and I am encouraged by the largely positive tone of their remarks. I am encouraged because this year I sense a cautious optimism among our colleagues that this Congress—this year—we will be successful.

As our colleagues know, I have been working on various efforts to modernize Medicare and to provide a prescription drug relief for our elders for many years. Most recently, I had the pleasure and honor to work with several of our colleagues on what came to be known as the tripartisan bill. I joined with Senator GRASSLEY, Senator BREAUX, Senator SNOWE, and Senator HATCH in a 2-year effort at drafting a compromise measure that we felt could gain a majority of votes in the Senate.

It was a true pleasure working with my friends in the tripartisan group and although we were not ultimately successful last year, I am convinced that much of our effort then has contributed to the bill we are debating now. So it is with a great deal of satisfaction that I am here to speak in favor of S. 1, the Grassley-Baucus, Prescription Drug and Medicare Improvement Act of 2003.

S. 1 provides for a comprehensive, universal and affordable prescription drug benefit under Medicare. It also pioneers new arrangements with private sector-based health plans that promise to integrate traditional medical care with innovations in the areas of disease prevention and chronic disease management.

The drug benefit, in particular though, meets four principles that have guided me throughout this effort. First, this program provides a universal benefit; it is available to all Medicare beneficiaries. While I believe it is critical to provide a benefit to the poor and those with catastrophic costs, all seniors, regardless of income, will benefit from this plan.

Second, this program is comprehensive. Beneficiaries will have access to the best medicines, and will not be limited to only the cheapest ones for the sake of saving money.

Third, this Medicare drug benefit is affordable—for both beneficiaries and the Government.

Finally, for a drug benefit to be truly successful it must be sustainable. It will do little good to repeat the catastrophic failure of years past by beginning a program that we cannot carry on.

This program, which combines seniors' contributions with a Government guarantee, will have the best chance of enduring into the future.

I believe this bill meets these four standards. It is universal, comprehensive, affordable, and sustainable.

Could it be improved? Probably. And that is why we will debate and possibly amend it this week. But this approach is a good compromise. It offers a respectable and responsible plan within the budget limitations we face. It is a good compromise. I support this bill and urge the Members here to support it as well.

In closing, I also thank several of our other colleagues who contributed so much to this effort. I think again, that the work of our tripartisan group from last year did much to pave the way to today's bill—so I thank my colleagues for letting me join with them in seeking a tripartisan solution.

Again, I thank Senators GRASSLEY, my friend of over 28 years. We have worked on this issue and many others in the past. I think this will be one of our proudest achievements.

Also, this bill would not have the balance that it does without the contributions of other members including Senators BAUCUS, DASCHLE, GRAHAM, and ROCKEFELLER of the Finance Committee and of Senator KENNEDY's efforts to bridge the divides where they existed.

As I close for today, I would like to mention that the measure we are debating this week contains many more significant provisions than just those related to prescription drugs. So I will look forward to returning to the Senate floor at a later time to discuss those provisions with our colleagues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I yield the remaining time we have to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 12 minutes.

Ms. STABENOW. Mr. President, I thank my colleague from Louisiana, who I know has spent years focusing on the issue of health care and Medicare prescription drug coverage.

First, while I present an opposing view in terms of some of what is discussed here, I share the commitment and desire of all of us to do what is right in terms of the seniors and those with disabilities who are on Medicare who have waited for too long for us to come together and act as a body, along with the President.

I will start by commending my colleagues on both sides of the aisle who have been diligently working through a number of issues and a number of obstacles to come up with an approach they believe is the best approach or the most doable approach right now before the Congress. Certainly, Senator GRASSLEY, Senator BAUCUS, Senator BREAUX, Senator JEFFORDS, who just spoke, Senator SNOWE, and many others have been involved in these discussions.

As one who has spent a tremendous amount of time myself focusing on Medicare and the need for updating and strengthening Medicare to cover prescription drugs, I commend them for their desire and concern and hard work in coming to this point. I do not believe we are doing all we can do and should do as a country or as a Congress for our seniors under Medicare.

I do believe Medicare has been a great American success story since 1965. I agree that it needs to be modernized, and not just prescription drugs but I agree with the Secretary of Health and Human Services who focuses on prevention. I commend him for his efforts and agree with him that we need to modernize Medicare to focus more on prevention and other options that can streamline the system and make it more efficient.

I do not believe, however, that we save dollars or create a more efficient system by turning over prescription drug coverage to private insurance companies. At the appropriate point, I will be offering an amendment that will give true choice to seniors by allowing them to choose a private sector option but to also be able to remain in traditional Medicare and get the help they need if that is their choice. If we are truly talking about choice, I believe the choice should be with the senior.

This really is a question of whom we are designing the system for, whether we are designing it for the insurance companies, for the pharmaceutical companies, or for the people who are covered under this system. I am concerned that we can do a better job for our seniors if, in fact, we offer them a true range of choices.

I find it interesting at a time when I am back home in Michigan talking to the big three automakers or small businesses or others who are struggling with insurance premiums in the private sector, the premiums are skyrocketing. The average small business has seen its health insurance premiums double in the last 5 years. The automakers and other manufacturers in my State have seen their premiums go up 20 to 30 percent a year, forcing them to freeze pay increases for employees, asking them to pay a larger share of the cost, cutting salaries or, in some cases, people losing their jobs because their business cannot afford to maintain the skyrocketing premium increases in the private sector.

Given that fact, I find it ironic that we are suggesting we would save dollars by going to a private for-profit insurance model where, in fact, the premiums have been rising two or three times faster than those under Medicare; that when we look at the administrative cost difference, it is less under Medicare. When we look at the current choices we have between Medicare+Choice, which is Medicare HMOs, or traditional Medicare, we hear that studies have shown that to provide the same service through the

HMO, on average, costs 13.2 percent more than if it were provided through traditional Medicare.

So I question, as we have precious few dollars to work with to be able to provide the services and the care for which our seniors are asking, the wisdom of moving to a model that is rising in cost faster than Medicare. I have not seen evidence where, in fact, it will provide the kind of competition to lower the prices, which we are all looking for from the private sector at this time. In fact, what I am hearing from the business community is they want us to partner more with them, the public sector and the private sector. Because we now have our global economy and businesses competing around the world and because we are the only employer-based health insurance system among the industrialized countries, they find themselves at a competitive disadvantage and are asking to partner with the private sector to both contain costs and be able to help them compete and continue to be able to provide insurance coverage.

So in light of all of these discussions that are going on, we look at Medicare, which is the one piece of a health system that Congress in its wisdom back in 1965, along with the President, said we are going to make sure is available, universal, once one is 65 or if they are disabled, regardless of where they live; if they are in the Upper Peninsula of Michigan, Detroit, or in Benton Harbor, they know they will be able to have insurance coverage, be able to choose their own doctor, be able to get the care they need. They know what it costs. They can count on it. That is the miracle. That is the reason so many seniors overwhelmingly choose traditional Medicare rather than other private sector options.

So we come to the difficult choice now of how to provide prescription drug coverage, and there is a difference of view certainly about whether we should strengthen traditional Medicare or provide incentives, encouragement, a carrot stick—whatever one wishes to call it—for those to go into managed care. I commend my colleagues for attempting to find that balance in the middle. I believe the balance really is not struck unless we make sure that traditional Medicare is part of that choice.

I also am very concerned that we hear constantly that, in fact, we have a situation where we can only afford to go a part of the way. It is my understanding, when all is said and done, we are talking about providing most seniors—certainly middle-income seniors—with 20 or 25 percent to help with their drug bill over time. I do commend the structure for low-income seniors, but overall we know we are not providing a comprehensive prescription drug benefit with the dollars involved. It is half of what it would take to provide the same coverage we have as Senators through Blue Cross and Blue Shield under the Federal employee health system. So we certainly are not providing what we, other Federal employees, receive for a comprehensive benefit.

I have often heard, well, we cannot afford to do that. I feel it necessary to indicate for the record one more time why it is we are talking about a system that is not comprehensive, will end for several months of the year for seniors, will not provide them what they need, and is complicated and convoluted, I believe, and that is because of another set of policies that were debated in this Congress not long ago, coupled with what happened in 2001, and that is the question of making a determination, a value judgment, that it is a bigger priority to provide tax cuts for the wealthiest, the privileged few of our country, rather than helping the many of our seniors and the disabled to be able to put money in their pockets through prescription drug coverage.

It is astounding to look at what that decision has done. We are told that the 2001 tax cuts made permanent and the other proposals passed over the next 75 years will, in fact, cost $14.2 trillion, where the projected Medicare and Social Security deficit combined—not just Medicare but Medicare and Social Security deficit—is $10 trillion.

This has been a conscious choice to make a decision to spend dollars in one way to help a few people in our country rather than to keep the commitment of Social Security and Medicare that we have had for many decades in our country. The fact that we are talking about an inadequate benefit that ends, that leaves coverage gaps of 3 or 4 months a year for our seniors, the fact that we are talking about an approach that does not do what they have asked us to do, is because of decisions made to take revenue and instead of investing it in health care for older Americans, instead of investing it in strengthening Social Security for the next generation, the decision was made to eliminate that revenue.

By the way, that decision has resulted this year in the highest single-year deficit in the history of our country. Unfortunately, a hole has been dug. I fear it will continue to be dug deeper and deeper with the decisions that will be made.

It is not too late to decide in this debate we will do it right—real choice, a real benefit—that we make decisions that are best for the majority of the people we represent. They are counting on us to do this right.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Utah.

PRESCRIPTION DRUG AND MEDICARE IMPROVEMENT ACT OF 2003—Continued

Mr. BENNETT. Mr. President, I ask unanimous consent that for the duration of today's session, S. 1 be available for debate only, with the time until 6 o'clock today equally divided as under the previous order.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is clear from this unanimous consent request that we are waiting for CBO scoring on the Medicare bill. That, it is my understanding, will not be in until very late tonight. So as I understand this unanimous consent request, if we extend the time past 6 tonight, it still will be for debate only on this matter; is that right?

Mr. BENNETT. I say to the Senator, my understanding is the same as his, but I am not in any position to make a commitment.

Mr. REID. I would advise Members I don't think they can expect at 6 o'clock to start offering amendments. I don't think the bill will be ready at that time. So if we do go past 6 o'clock, I am confident it will be for debate only.

But I agree to the request at this time, that until 6 o'clock today the time be equally divided as requested by the Senator from Utah.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if I could, through the Chair, ask the Senator from Utah if the Senator from Utah is going to speak on the bill at this time?

Mr. BENNETT. That is correct.

Mr. REID. I ask unanimous consent that following his statement the ranking member of the Budget Committee, Senator CONRAD, be recognized to speak on this legislation now before the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Utah.

Mr. BENNETT. Mr. President, we are debating the substance of the bill that came from the Finance Committee with respect to a prescription drug benefit for Medicare. We all recognize that providing a prescription drug benefit for Medicare is long overdue, something that has been needed badly for a long period of time. I am heartened by the bipartisan nature of the vote that came out of the Finance Committee.

I am reminded of an occasion when I first came to the Senate and we began debating health care. I fell in step with the then-chairman of the Finance Committee, Senator Moynihan from New York. Senator Moynihan is one whom I met when I was first serving in the Nixon administration and he was serving as the domestic counselor to President Nixon. I felt close to him from then on.

As we walked through the door into the Chamber, I said to him: Pat, do you think we are finally going to get some health care reform this year?

And he said: Yes, I do. In the Nixon administration the President wanted it and the Democrats in the Congress said no. Later on—I believe he referred to the Carter administration—the President wanted it and Republicans in the Congress said no.

He said: This time, the President wants it and the Congress wants it and I think we are going to get it done.

He turned out not to have been right in that instance, perhaps one of the few times in his life when his reading of the political tea leaves was incorrect because we fell into wrangling. It was on some issues that were worth wrangling over, I do not want to suggest they were not, but that prevented us from focusing on the core question of whether our health care circumstance in this country needed to be improved.

Fortunately, we have now focused on the overall question of should we or should we not have a prescription drug benefit for Medicare. At least coming out of the committee, we have a strong bipartisan consensus that we should. The reason we should is very clear, if you look at the way we practice medicine.

Medicare was adopted in the 1960s, and it was patterned after the best Blue Cross-Blue Shield fee-for-service indemnity plan written in the 1960s. Now it seems that plan has been frozen in time for 40 years. Unfortunately, it has not had the regulatory flexibility necessary to deal with the changes in the way medicine is practiced. It has required Congress to step in and make those changes. As Congress has done so, Congress has demonstrated that it is slow and it can be bogged down in political challenges that prevent changes being made.

By contrast, if you go to FEHBP, the Federal Employees Health Benefit Plan, under which we and other Federal employees are covered, you find a degree of regulatory flexibility that allows the people who administer the plan the capacity to move and change quickly as the medical situation changes. Congress is not required to debate these changes and, therefore, hang them up on political considerations. That is one of the reasons why the FEHBP has been more effective in providing health care services to those who are parties to it. Clearly, we in Congress need to finally catch up to the reality that the Medicare system is outmoded and structured upon a program that desperately needs to be updated.

Back in the 1960s, the primary concern people had with their health care was the cost of going to the hospital. You went to the hospital for almost every major circumstance. Now we find through research funded by Government, through research funded by the drug companies, and products that have emerged from that research, that many of the sicknesses you used to go to the hospital for and stayed for 3 or 4 days can be taken care of by taking a pill. Yet Medicare says if you go to the hospital and run up a bill of however many tens of thousands of dollars to stay that many days, we will pay for it. But if you take the pill that makes the hospital visit unnecessary, we will not. That clearly doesn't make sense. There is the need for the benefit of prescription drugs, and the Medicare system needs to catch up to that circumstance.

The bill that emerged from the Finance Committee encourages competition between plans. It provides us a first glimpse of breaking the lockstep mentality Medicare has had since the 1960s. It gives us an opportunity to experiment with some competition injected into the system. One of the interesting aspects coming out of this debate is the difference in expectations on the part of those who are supporting it. There are those on the left who are supporting this, saying this is just the beginning, and if we get this established, we can see a massive increase of governmental programs to bring prescription drugs to seniors. There are those on the right who are supporting it who are saying this has the degree of competition in it that will bring market forces into Medicare in such a way that we will see a massive increase in the amount of competition and the amount of market influence on holding down costs.

For both sides, this is a great leap of faith. Neither one knows whether the other is right. Neither one knows exactly what will happen. I suppose 5 years from now when the Congress gathers we can look back and say, Yes, we were right injecting a sense of competition into the bill. It has produced tremendous benefits, brought costs down, and made things more efficient. Or we might see people look at us saying, Yes, we were right passing the bill. It did bring about a major new expansion of Federal support for prescription drugs. We will have to wait and see.

But the necessity of getting a drug benefit for Medicare is driving the leap of faith on both sides. It is bringing us together in a way we haven't seen in this debate in the past.

Obviously, I am one who believes competition creates market efficiencies, and that the experiment will work in the direction of getting more competition and more efficiency rather than in the direction of getting more government involved. It is a leap of faith for me.

I share the concern of what can happen to the cost. We know Federal programs never cost what they are projected to cost. They always cost substantially more, particularly entitlement programs. For me and others who hold that view to embrace this bill and say we are willing to take this leap of faith is indeed, I think, a fairly significant step.

But I come back to the point I made at the beginning. We cannot continue to sustain a Medicare Program that does not recognize the role prescription drugs now play in the way medicine is practiced. Even though it is a huge risk to move in the direction this bill represents, it is not as great a risk as allowing the status quo to remain and proceed any further. Medicare needs to be brought up to date. This is by no means the amount of bringing up to date I would support or that I have called for here on the floor. But it is a final recognition of the fact that Medicare is outdated, that changes need to be made, and for that reason I will take the step.

I commend members of the Finance Committee on both sides of the aisle for the careful and thoughtful way they have approached this challenge. I commend them for crafting a bill that, as I say, holds out some hope for everybody in the spectrum. But I hope they will continue to address this question with as open a mind as possible and with the firm understanding that however sacred the word Medicare is in our political lexicon, the details of the program should not be sacred but should be brought up to date at every possible opportunity to conform with the reality of the world in which we live.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to discuss the prescription drug bill and the Medicare reform package that is before us now. As a member of the Finance Committee, I was involved in the markup of this legislation.

Let me begin by commending the chairman, Senator GRASSLEY, and the ranking member, Senator BAUCUS, our former chairman, for the way in which they brought our committee together. That was not easy to do. It is an extraordinarily complex undertaking to have an expansion of Medicare of this magnitude and to do it in a way that will achieve real results.

I thank the chairman and the ranking member for the way they brought us together, and for the tone they set in the committee. We were in markup from 9 in the morning until 9 o'clock at night—12 hours of togetherness that actually went very well.

I think we all know why we are here. When Medicare was first drafted, the world was a very different place in terms of providing health care. As Senator Moynihan used to explain, at the time Medicare was drafted, the Merck Manual that contains all prescription drugs was a very thin volume. Now when we look at the Merck Manual, it is a very weighty tome. There is a dramatic change in the pattern and practice of medicine. Perhaps no better example is what happens with stomach illness. Twenty years ago, there was not much one could do for somebody who suffered from ulcers other than to have surgery. But now with prescription drugs that address the underlying causes, stomach surgery has been reduced by two-thirds. Yet, in Medicare there is no coverage for those prescription drugs. You can't have a modern Medicare without a prescription drug component.

The problem is millions of Americans don't have any coverage. If we look at an outline of where we are, we see that 38 percent of those who are Medicare eligible have no drug coverage. Ten percent get their coverage through Medicaid, 15 percent through a Medicare HMO, 28 percent employer-sponsored coverage, 7 percent Medigap, and others, 2 percent. But nearly 40 percent have no coverage.

That creates some very tough situations. And we can see there are real differences between where somebody lives, how old they are, and their income level, as to whether they are in that nearly 40 percent of Americans who have no coverage. We see for those over the age of 85, 45 percent have no coverage. For those who live in rural areas—and I represent a rural area, the State of North Dakota—50 percent have no coverage. Forty-four percent of those who have between $10,000 and $20,000 of income have no coverage.

What we see is the situation is going to become more challenging and more difficult as out-of-pocket expenses for prescription drug expenditures jump dramatically. In 2000, those out-of-pocket expenditures averaged $644. By this year, it was up to $999—a 50-percent increase in just 3 years. And in the next 3 years, we anticipate another very large increase to $1,454 a year in prescription drug costs.

The implications of that are outlined on this chart. This shows a study in eight States. It shows the percentage of seniors who reported forgoing needed medicines, and that is listed by chronic condition and prescription drug coverage.

What it shows by the red bar is those without coverage, and it shows the percentage of seniors who did not fill prescriptions one or more times due to cost. For congestive heart failure, 25 percent of the people did not fill their prescriptions because they could not afford it; 31 percent of those who suffered from diabetes did not fill their prescriptions because they could not afford it; and 28 percent of those with hypertension did not fill their prescriptions because they could not afford it.

If we go to the next element of the chart, the percentage of seniors who skipped doses in order to make it last longer: For congestive heart failure, 33 percent of those without coverage skipped doses; 30 percent of those with diabetes skipped doses because they could not afford it; and 31 percent of those with hypertension skipped doses because they could not afford it. Obviously, that reduces the quality of care and ultimately increases the cost. Why? Because those people are more likely to be hospitalized. And it is when a senior is hospitalized that the cost really escalates.

I think it is in all our interest—both in terms of the quality of health care but also in terms of the cost of health care—that we get this right and we make the changes necessary to provide a prescription drug benefit in Medicare.

Here, outlined on this chart, are the specific provisions of this legislation. These are estimates of the basic plan which will take effect in 2006. This excludes the low-income subsidies. We will talk about that in a moment. The premium will average about $35 a month; at least that is the projection at this point. The deductibles will be $275 a year. From $276 to $4,500 of prescription drug costs a year, 50 percent will be paid by Medicare, 50 percent by the senior citizen. Between $4,501 and $5,812 of prescription drug costs a year, there will be no assistance from Medicare. That is the so-called coverage gap, what some refer to as the ''doughnut.'' This is an area in which there is no assistance, no coverage. The reason for that is not enough money. For $5,813 and above in prescription drug costs, Medicare will provide 90 percent assistance, the senior citizen 10 percent.

I think that is one of the most important parts of this bill. I would support this bill if there were no other provision than just this one. To provide 90 percent assistance to those who have catastrophic drug costs is going to make a meaningful difference.

I was just with one of my staff members in North Dakota. Her mother had a rare form of cancer. At one point her drug costs were running $20,000 a month—$20,000 a month. Thankfully, she was insured. As we see, nearly 40 percent of seniors in the country are not. How many families could withstand a drug cost of $20,000 a month? For this particular family, their drug cost now has been reduced. She is past the acute phase, thankfully. Their drug costs are still running $2,500 a month. That is $30,000 a year.

This provision will help people like that. It will keep people from bankruptcy. It will avoid people having to not have treatment. It will prevent crises in many families across the country.

That is not the only part that I think merits support.

As shown on this chart, these are the low-income provisions. I want to direct people's attention to this line. For those who are below 160 percent of poverty, they will get more assistance. So, for example, in that zero to $4,500 range of prescription drug costs, Medicare will pick up 90 percent of the cost for those low-income people. They will have to provide 10 percent of the cost. This, to me, is another strong reason to support this legislation.

A third key element of this bill that I think merits support—certainly for those who have rural areas—is the beginning of the leveling of the playing field between the rural areas and the more urban areas of the country.

Just to give an example, in my home State, Mercy Hospital in Devils Lake, ND, gets exactly one-half as much in Medicare reimbursement to treat a heart ailment or to treat diabetes as Mercy Hospital in New York City—exactly one-half as much. Now, I would be the first to acknowledge there is somewhat of a difference in cost, but it isn't a 100-percent difference. When we go to buy technology for that hospital in Devils Lake, ND, we do not get a discount. When we try to recruit a doctor, he does not say to us: Well, you are a rural area, so I will take half as much money. That is not the way it works.

So this incredible divergence, this disparity that exists in current law, needs to be addressed, and this bill will begin to address it. It does not close the gap, it does not eliminate the problem, but it does make meaningful progress. It permanently and fully closes the gap between urban and rural standardized payment levels. But unlike the legislation I introduced, it does not take effect until 2005. The legislation I introduced, along with 30 of my colleagues, would have taken effect in 2004.

It also adopts all of the other provisions of the bill that I introduced along with Senator THOMAS of Wyoming. It equalizes Medicare disproportionate share payments. Those are the ones that are used to cover the costs of treating the uninsured. It establishes a low-volume adjustment payment for small rural hospitals. It improves the wage index calculation which accounts for a hospital's labor costs. It ensures that rural hospitals are reimbursed fairly for outpatient services.

It provides a whole series of improvements to critical access hospitals, including improved payments for ambulance services, increased flexibility in the bed limit, excluding critical access hospitals from the wage index calculation for other hospitals, which will improve payments to other larger facilities, has new incentives to ensure 24-hour access to emergency on-call providers, and has new measures to assure the critical access hospitals will receive timely Medicare reimbursement. It also authorizes a capital infrastructure loan program which will provide $5 million in loans for crumbling rural facilities.

In addition, it provides a series of other provisions which a number of us have cosponsored and put before the body, including extending a 10-percent add-on payment for rural home health agencies, many of which are under pressure to close; a new 5-percent increase for rural ground ambulance services; a new 5-percent add-on for clinic and ER visits in rural hospitals; and a new automatic 10-percent bonus payment for physicians serving in rural areas.

It has measures to address the geographic inequities in physician reimbursement, and an extension of improved payment for lab services in sole community hospitals.

This does not close the gap between rural institutions and more urban institutions, but it does make meaningful progress in leveling the playing field, and that is critically important to rural hospitals.

Let me say, in my own State we have 44 hospitals.

At least eight of them are in danger of closing because of this enormous gap in Medicare reimbursement. Over 50 percent of their patients are Medicare eligible. If things don't change, these institutions are going to have to close.

Those are positive aspects of the bill. Let me speak for a moment about what is in the bill that could and should be improved. The first that comes to my mind is the instability in the legislation. Seniors want certainty. They want to know what they are getting. But under this plan, seniors could be bounced back and forth between different plans depending on how many private drug-only plans enter an area. That is the first problem. If a senior is in a fallback plan and two private plans enter the area, they must leave the plan they are in; they have no choice in the matter. The second problem is that every time they switch between drug-only and fallback plans, their benefits could change.

Let me illustrate that for my colleagues. Seniors, when forced to move between plans—and in 4 years, a senior could be forced into four different plans—every time, their premiums could change. The only thing that wouldn't change is the stop loss amount, or at least couldn't change. The deductibles could change. The coinsurance level could change. The coverage gap could change. The covered drugs could change. And the access to a local pharmacy at no extra charge could change. That is the kind of instability about which I am talking.

Let me illustrate with this chart. I hope my colleagues are listening, or at least for those who are busy with other duties, perhaps their staffs are listening. It is very important to understand what could happen to a senior. In 2005, if there is only one private plan offered in their area, they could enroll either in that plan or in the fallback plan. Let's say this particular senior takes the fallback plan and enrolls in that for 2006. But then the next year, another private plan comes into the area. Then the senior would be compelled to drop out of the fallback plan even if they liked it and go into one of the private plans.

Say they take private plan A for 2007. Then private plan A finds it is not effective for them financially to be in the plan, and they drop out. The next year, our senior citizen could be whipsawed into a third plan in 3 years. They could be over in private plan B. Then perhaps private plan B decides they can't afford to provide this coverage. They drop out, and our senior citizen, in the fourth year, is in their fourth plan. As I say, with different formularies—that is, different drugs—available to them, with different rules with respect to going to the local pharmacy to get their drugs, with different copays, with different premiums, with different deductibles, all of these changing—if that isn't chaos, I don't know what is. This is an area we must address on the floor with amendments in order to remove some of this uncertainty for seniors moving ahead.

For those of us who represent rural areas, the fact that only 2 percent of rural counties had two or more Medicare+Choice plans in August 2001 ought to tell us that our people are the most likely to be caught up in this whipsaw effect. Our people in rural areas are the most likely not to have two private drug-only plans available to them, or PPO plans or HMO plans. The reality is, they are not there now. In my State, there is virtually no coverage from those kinds of entities, almost none. Those who are suggesting that people are going to rush to this kind of business when the people who run the companies tell us very directly they are not going to—we ought to pay attention to that. We ought to listen to that. We ought to respond to it. I don't think it is going to do any of us any good to create a circumstance in which a senior we represent gets whipsawed back and forth between plans, changing premiums, changing deductibles, changing coinsurance, changing what drugs are covered and what are not.

There is one thing I have learned in dealing with seniors, especially those who are ill: They need simplicity. They need an assurance of what is covered, what isn't covered, and how it works. We should not be subjecting them to a changed plan every single year. That is not a plan that meets the needs of seniors.

I urge my colleagues to pay close attention to the debate when we begin to offer amendments to try to provide some greater certainty and stability to the plan.

I also am concerned about disappointed expectations. As I travel my State, when there is a discussion of prescription drug coverage, I find most people think that means they are going to get something similar to what Federal employees receive, or they think they are going to get something similar to what people in the military receive, or they think they are going to get something similar to what big companies provide. That is not this plan. Let's understand what this plan is and what it is not.

To provide the same coverage that we provide Federal employees would not cost the $400 billion in this plan. It would cost $800 billion. It would cost $800 billion in comparison to the $400 billion in this plan to provide the prescription drug benefit we provide Federal employees.

To provide the same level of benefit to our Nation's seniors that we provide our members in the military would cost $1.2 trillion, three times as much as available in this plan.

It is critically important that we not overpromise, that we not mislead people as to what they are getting and not getting. The fact is, there are some who I have heard say this is a 70 percent subsidy. I don't know where they get that number. That is exactly the kind of language and rhetoric that is going to lead to some very disappointed people. There is no 70 percent subsidy here. There may be for people who have extraordinarily high drug costs. I already indicated they get 90 percent of their bill paid for, over $5,800 in drug costs a year, but that is a very small percentage of the people.

It is true that very low income people get a higher percentage paid for by Medicare. But overall, we should understand, of the $1.6 trillion of drug costs for our Nation's seniors, this legislation is going to cover 23 percent of that, not 70 percent, as I have heard stated during the debate. Twenty-three percent will be paid for by Medicare.

If you look at this $400 billion legislation, $360 billion of the cost is for prescription drug payments—$360 billion. The total drug cost of our Nation's seniors is $1.6 trillion; $360 billion of $1.6 trillion is 23 percent, it is not 70 percent. So let's not be misleading people about how extensive this benefit is.

That is not to say it is not a good bill because we are limited to $400 billion. This is about as good a bill as you can write for $400 billion. But I hope we don't mislead anyone as to what it really provides.

One of the things we also need to think carefully about as we consider floor amendments is that 37 percent of retirees with employer drug coverage will lose it under the Finance Committee plan.

Why? Because the Congressional Budget Office says when employers look at this plan, some substantial number of them will drop their old coverage—the coverage they are providing. That will affect 37 percent of retirees who currently have employer drug coverage.

I think we need to take additional steps to provide incentives to those employers to keep on providing the drug coverage they provide. That is in our economic and financial interests, and it is in the interests of seniors to maintain stability in plans that they know and like.

Mr. President, I hope this information is useful to our colleagues. As I say, as a member of the Finance Committee and as ranking member of the Budget Committee, I support this legislation. I voted for it. I think it merits the support of our colleagues. I hope it can pass with resounding support here in the Chamber. I hope it will ultimately become law. We ought to do this with our eyes wide open. We ought to understand exactly what it provides and what its weaknesses are. We ought to communicate that clearly to the American people. We ought not to overpromise or misrepresent. Disappointed expectations can swamp this boat.

I am hopeful these remarks made clear what is provided and what is not and those places where we have an opportunity to improve this legislation. I think it is in all of our interests to commit our best efforts to do that over the coming days. I yield the floor.

I suggest the absence of a quorum and ask unanimous consent that the time of the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. BUNNING. Mr. President, I rise in support of S. 1, the Prescription Drug and Medicare Improvement Act of 2003. Last week, the Finance Committee took a historical step by passing the Medicare bill out of the committee by a strong bipartisan vote of 16 to 5, thanks to the great leadership of Senators GRASSLEY and BAUCUS.

This is one of the most important bills we will consider this Congress. As a new member of the Finance Committee, I was proud to support it. It is a commonsense bill that strengthens and improves the Medicare Program by guaranteeing a prescription drug benefit for America's seniors. I hope the bipartisanship momentum that was created within the Finance Committee will continue during the Senate floor debate.

Talk is cheap. Congress has been talking about passing a drug bill for years. Now we have a golden opportunity and we must seize it. Our seniors have waited too long. It would be irresponsible to leave them hanging any longer. Under the budget that we passed, we have set aside $400 billion for a Medicare prescription drug benefit. This is a real commitment by Congress to the 40 million Americans who have relied on Medicare, many of them literally all their lives.

It has been almost four decades since Medicare was created, and it is long past time for Congress to strengthen it and to help bring it into the 21st century.

In 1965, when Medicare became law, prescription drug coverage was not included in the benefit package. Back then, it did not make any sense. Prescription drugs played a much smaller role in medical care. But because of technology and advances in health care, and much research that has been done since then, these drugs now do so much more in helping to ensure the good health of America's seniors. These medicines help seniors live longer. They help them live more active and fulfilling lives.

Medicine has changed in a way no one could have predicted back in 1965. However, Congress has failed so far to strengthen Medicare and to recognize these advances and to account for the changes in health care. We now have a chance to make up for that lost ground.

If we are going to maintain a decent Medicare Program for seniors and fulfill our promises to them, we owe it to them to do the best we can to make sure Medicare fully recognizes their needs and the advances in modern medicine.

We have all heard of the amazing advances in prescription drugs, but for many seniors these new lifesaving drugs are unaffordable. Under the bill before us today, many more of these drugs will be within reach of all seniors. This is a good bill for them, and it is a good bill for America.

Part of this legislation deserves special mention. First, the bill gives seniors a new option when it comes to getting their health care. Now under Medicare, most seniors are enrolled in traditional fee-for-service plans. That is understandable. It is what they know and it is what they are comfortable with. About 12 percent of seniors are currently enrolled in Medicare+Choice plans. These are managed care plans like HMOs.

Under this legislation, seniors will have another new option: Preferred provider organizations, or PPOs, for their health care. Outside of Medicare, many Americans have found PPOs to be a solid alternative instead of fee for service or HMOs that some patients find to be too restrictive. Wisely, the bill includes incentives to make sure that PPOs will cover both rural and urban areas, and all seniors in these areas will be eligible to enroll.

Coming from a small, rural State such as Kentucky this is especially important to me. In many rural parts of my State, seniors do not have a choice because the economics just do not work. But the chairman of the Finance Committee wisely crafted this bill to provide incentives to ensure that seniors in rural America have choices, too. If it is good for Iowa, I think it is going to be good for Kentucky.

This bill does not require seniors to move into a PPO or an HMO for a better drug benefit. This idea has been part of other plans on Capitol Hill, and I disagree with it. Instead, under this bill seniors can receive an equal drug benefit under traditional Medicare. We give seniors the choice. It is voluntary. I know many seniors, especially our older or maybe our oldest seniors, will not want to switch out of traditional fee for service. They should not be forced to do this.

My mother-in-law is very happy with what she has, and I am sure she will not change no matter what. That is fine. After promising her she would always get the care she is now receiving, it would be wrong for us to pull the rug out from under her or anybody like her.

In order to be fair to all, this legislation says the drug benefits will be equal in both traditional Medicare and managed care plans, so seniors will not be penalized for staying with traditional Medicare Programs they know and are comfortable with.

Another positive about the bill's benefits is the fact that seniors will have more of a choice to find a drug plan that best suits their needs. This is very similar to what Federal employees do when they choose their health care plans. For example, the benefit structure for plans can differ slightly and the formularies for the plans will likely be a little different one from another. It is this flexibility and choice for seniors which really helps make this bill a winner.

I am also pleased the legislation provides a strong benefit to seniors who have the hardest time affording drug coverage, those who have incomes below 160 percent of the poverty level.

All along I have argued that rich people such as Warren Buffett and Bill Gates do not need our help. We need to first focus on helping seniors who need it most and can afford it least. I am very pleased this bill does just that.

At 160 percent of poverty, an individual's annual income is $14,368 for a single person, and for a couple annual income is $19,392. Many seniors in this category and certainly those who live on less struggle every day to pay for their medicines. Some have to actually choose between food and medicine. Some skip taking doses of their medicine. These are choices that no none in the year 2003 should have to make.

For the 3 million seniors who make even less, the bill provides them with an even more generous benefit. These are our seniors for whom Congress has the largest responsibility. This bill certainly does right by them.

Finally, I am pleased the legislation provides immediate help right now to many low-income seniors. In the year 2004 they will receive $600 a year so they can better afford their prescriptions. This is an immediate benefit for those who need help the most and will help bridge the gap until 2006 when this new drug program is fully up and running.

Congress has a golden opportunity to pass a good prescription drug bill. We absolutely cannot let it slip through our fingers. Too many seniors struggle daily to pay for their prescriptions. In the past, Presidents and Congresses have promised too much, too many times, for older Americans. It is standup time. It is time to deliver. It is time to get the job done. Our seniors deserve it. America deserves it.

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. SMITH. 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. SMITH. Mr. President, I rise today in support of the Prescription Drug and Medicare Improvement Act of 2003.

I am so pleased to be on the Senate floor today for this historic event. Within the next 2 weeks, for the first

time in our Nation's history, the Senate is going to pass a real prescription drug benefit for all seniors.

This historic time does not come a moment too soon. For years, seniors all over the country have been making hard choices—choices between filling a prescription and buying food; choices between losing their homes or buying the drugs they need to stay alive and healthy.

The prospect of providing senior citizens with access to life saving prescription drugs under Medicare for the first time is truly exciting. It is truly a historic achievement of the 108th Congress.

When I talk to senior citizens around Oregon, access to prescription drugs is the issue by far that resonates most clearly among them.

The Senate special Committee on Aging held a field hearing in Oregon last August. I was privileged to chair that hearing. We were tasked the issue of adding prescription drugs to the Medicare program. The room was packed with seniors from all around the State.

When I asked them to tell me how much they spent each month on drugs, their answers were astounding. They were astronomical.

And of course, there were the seniors who were paying for their drugs. Others made the decision not to fill prescriptions or to skip doses, cut their pills in half or try cheaper remedies.

One of our star witnesses was 76-year-old Roy Dancer, a retired educator from Beaverton, OR. He testified that many of his friends in his small retirement community have out-of-pocket expenses for prescription drugs that well exceed $5,000 per year, including one resident with no insurance whose drug costs exceeded $8,500 per year.

Mr. Dancer was an active member of his community. One of the ways he maintained his health was by taking eight prescription drugs daily. His wife, Betty, was also being kept healthy and active by using multiple medications daily for her high blood pressure, diabetes, and arthritis.

Mr. Dancer told the committee that he had once gone to Mexico to purchase prescription drugs to save money.

That is just one small snapshot of a relatively healthy couple in a relatively affluent retirement community with relatively healthy residents.

At that field hearing, the committee also heard from an Oregon geriatrician who described the irreplaceable benefits of modern prescription drugs, and the importance of patient compliance with a prescribed drug regimen to achieving the full potential benefits of contemporary medical care.

This Aging Committee field hearing was held just 2 weeks after the Senate's failed attempt to pass a prescription drug benefit last year. And let me tell you, this failure weighed heavily on me during that hearing.

We are talking about basic access to life saving medicines—many of them developed in this country—and in many cases these folks just could not afford to buy them.

It was a truly humbling experience to listen to the stories of these good people and know that we had not helped them.

I want to be able to go back to the seniors in Oregon this year and tell them what the U.S. Senate has finally done for them.

This year, I joined the Finance Committee, and we have had many, many meetings to discuss how to design a drug benefit this year that we can actually pass and get to the President's desk. And with this bill, I think we have accomplished that.

Every Senator comes to the floor with their views of what is the perfect. The question again becomes, Will our individual views of the perfect thwart the good? Truly, this bill represents a lot of good, and it certainly is a very good start.

When this bill is signed into law, no senior will again ever have to lose their home when they lose their health.

This bill provides substantial assistance to low income seniors, while making improvements to the Medicare program, all in a way that will ensure the financial viability of the Medicare program in the long term.

This bill doesn't give anyone a free ride. Every senior is asked to contribute something for this sweeping new benefit. However, low-income seniors, in particular, are protected from high drug costs under this legislation.

While everyone will pay something for their prescriptions, payments for low-income seniors are tied to their ability to pay. Very low-income seniors will pay very little for their prescriptions, while moderately low-income seniors will pay a little more.

Higher income seniors will pay a small premium to have access to a plan with moderate cost sharing, and, importantly, protection against catastrophic drug expenses. The peace of mine from this coverage alone is, for me, one of the most important provisions in this bill.

In addition to making prescription drug coverage available and affordable to all seniors, this bill updates the Medicare program to include new choices for seniors.

Making preferred provider organizations, available to seniors has enormous potential to improve care coordination and provision of preventive services for seniors.

Let me tell you why this is important.

Medicare beneficiaries with multiple chronic conditions are by far the most expensive group of seniors to care for. Their care is also the most complex, creating quality of life challenges for many seniors, their multiple health care providers, and their families.

Beneficiaries with 5 or more chronic conditions represent 20 percent of the Medicare population but account for 66 percent of the cost. These seniors to go the doctor four times as often, and fill five times more prescriptions than healthier seniors.

I believe there is an enormous potential to improve care for this rapidly growing group of seniors while keeping costs down for Medicare by coordinating their health care better.

Preferred provider organizations can help do that. And while no senior in America will have to move into a PPO, they will now have the option to do so. In my mind, that is a substantial improvement to Medicare.

For the first time in a long while, this bill also addresses one of the biggest problems in Medicare—the inequity between rural and urban America. I would like to thank Chairman GRASSLEY again for his personal commitment to this issue and for his tireless efforts on behalf of rural States such as Oregon.

In addition to correcting some of the Medicare reimbursement issues that have disadvantaged people and health care providers who live and work in rural areas, this bill contains numerous protections to ensure that rural Americans have access to the same health care choices as urban Americans and at the same cost.

These improvements were critical to win my support for this bill, and they represent just a few of the improvements in this bill over last year's bill as it was debated.

Several months ago, the Senate Budget Committee calculated that a comprehensive, responsible drug benefit that the country could also afford would cost around $400 billion. Subsequently, the Budget Committee set aside $400 billion for the addition of a prescription drug benefit in Medicare and improvements to the program.

This bill strengthens Medicare in a substantial way. It uses the $400 billion set aside for this purpose without running the program into the ground in the long term.

I know I am not alone in striving to update Medicare in such a way that the program will be there for our children who will want to participate in it.

Americans across the country are asking for our help. They cannot afford to wait another year while we search for the perfect solution. This bill represents years of careful research, debate, and compromise, and it is going to strengthen and improve Medicare for generations to come.

I look forward to working with every one of my colleagues over the next few weeks to improve this bill and to get it to the President's desk before the end of summer.

Mr. President, I thank you for the time.

Mr. President, I ask unanimous consent that the time spent in quorum calls during today's session be charged equally to both sides.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. SMITH. 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. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. KENNEDY. I understand there is a division in the time. How much time do we have on our side?

The PRESIDING OFFICER. Sixty-five minutes.

Mr. KENNEDY. I yield myself such time as I might consume.

The history of America is that of a people always fighting for an ever more perfect union, a nation of genuine fairness and opportunity for all, and that meets the basic needs of all Americans.

We fought to create public schools, so all children can receive an education to help them succeed, and to equip them to participate fully in our society.

We have battled for civil rights, so that no one is denied opportunity because of race, gender, religion, national origin, or disability.

We fought for a fair minimum wage, so that those who work 40 hours a week, 52 weeks a year, should never live in poverty.

We created Social Security and Medicare, so that those who work their entire lives, and contribute so much to the nation, will be cared for in their golden years.

But ours is always an unfinished republic. With each generation, and in each era, we continue to perfect our democracy and to fight for progress.

And today, one of the great challenges of our time is at long last to right an injustice that has harmed millions of our fellow Americans, the fact that Medicare today does not provide a prescription drug benefit.

Many of us in the Senate have battled for such a benefit for almost a quarter of a century. In fact, Senator Strom Thurmond and I introduced the first legislation to create a prescription drug benefit in 1977. And in more recent times, Democrats have led the charge. In 1999, Senator ROCKEFELLER and I introduced key legislation to provide prescription drug coverage in Medicare. In 2002, Democrats led the way once again in offering the Graham-Miller-Kennedy Medicare prescription drug bill.

For too many years, the prospects of enacting a Medicare prescription drug benefit were jeopardized by the insistence of many Republicans and the Bush administration to destroy Medicare by forcing seniors to leave their family doctors and join HMOs and PPOs. In fact, President Bush proposed to use a prescription drug benefit as bait, telling seniors that if they wanted prescription drug coverage, they had to leave Medicare to get it. While purporting the give seniors choices within Medicare, his plan in fact gave seniors only one option, to leave the Medicare they love to get the prescription drugs they need. The only winner in this misguided policy would be the insurance industry, which stood to gain $2.5 trillion dollars from the privatization of Medicare.

Democrats and senior citizens locked arms to fight this proposal. We stood up for Medicare and its promise to provide the health care needs of seniors citizens in retirement. Senior citizens across America said it's wrong to coerce them into leaving their family doctors and joining HMOs and PPOs to get the drug benefits they need and deserve.

In recent days, the voices of America's 35 million senior citizens were finally heard. Last week, a bipartisan group of Senators rejected the President's backwards priorities, and President Bush retreated from his insistence on privatizing Medicare. Instead of holding the needs of seniors hostage to an ideological agenda, Republicans' willingness to put aside ideology and work with Democrats to create a prescription drug benefit now paves the way for the largest expansion of Medicare in its 37-year history. After many years of battling for a Medicare prescription drug benefit, we now face the very real prospect that Congress can pass, and the President will sign, a bill that provides the prescription drug benefit within conventional Medicare.

In fact, if you think Medicare should be privatized, then you should oppose this bill.

This promising moment comes at a time of crisis for millions of our senior citizens. Too many elderly citizens choose between food on the table and the medicine they need. Too many elderly Americans are taking only half the drugs their doctor prescribes, or none at all, because they cannot afford them. Today, the average senior citizen has an income of around $15,000, and prescription drug bills of $2,300. That is the average, and many senior citizens incur drug costs in the thousands of dollars each year.

Senior citizens are faced with a deadly double whammy. Prescription drug costs are out of control, and private insurance coverage is drying up. Last year, prescription drug costs soared by a whopping 14 percent. They have shot up at double-digit rates in each of the last 5 years. Whether we are talking about employee retirement plans, Medigap coverage, or Medicare HMOs, prescription drug coverage is skyrocketing in cost, and becoming more and more out of reach for the elderly.

This chart reflects the rise in costs as compared to what our seniors are receiving in their Social Security COLA increase, going from 1998 where there was a 10 percent increase in the cost of prescription drugs but seniors were getting only 2.1 percent. In 1999, it was 19.7 percent and the increase in the cost of living was at 1.3 percent. Then we go throughout 2000, 2001, 2002, and today in 2003 it is expected to go up to 13 percent with seniors receiving a very modest 1.4 percent.

When we are talking about what is happening to the quality of life of our seniors, we are talking about these absolutely vital, indispensable medications, prescription drugs, which they need and which are costly. The fact is, so many of our seniors are on fixed incomes that with very modest increases in the cost of living they are constantly being squeezed, and this is putting the kind of pressure on them and on their lives and on their families which has caused such extraordinary pain, suffering, and anguish among the seniors; and not only among the seniors but among their families as well.

The costs are one of the dramatic aspects of the whole prescription drug issue, and we are going to make a downpayment hopefully with the acceptance of the legislation that came out of our committee. The initial McCain-Schumer legislation which now is supported unanimously from our committee will help to move generic drugs on to the market more quickly and be available to our seniors under this program.

It used to be that the only seniors with reliable, adequate, affordable coverage were the very poor on Medicaid, but even that benefit is eroding. Today, because of the State fiscal crisis created by the recession and the let-them-eat-cake attitude of the Republican party, even the poorest of the poor can no longer count on protection. States are now facing the largest budget deficits in half a century, an estimated $26 billion this year, and $70 billion next year.

This chart is a pretty good reflection of the situation of our seniors on the issue of affordable, reliable and quality drug coverage. Thirteen million have absolutely no coverage; 10 million have employer-sponsored coverage; 5 million are under Medicare; 2 million are under Medigap; 3 million are under Medicaid and a small amount on other public coverage.

It used to be said of this group, it was the one group listed here that had dependable, reliable, certain drug coverage for those under Medicaid, but that is no longer true. We are seeing the numbers covered under Medicaid going down every year. With the States now facing very sizable deficits, they are cutting back on the Medicaid and the coverage.

The result is States are cutting back on the prescription drug coverage for those least able to pay. Thirty-nine States expect to cut their Medicaid drug benefit this year. In my home State of Massachusetts, 80,000 senior citizens were about to lose their prescription drug coverage under the same senior Advantage Program on July 1. Emergency action by the State legislature solved the problem but only after making substantial reductions in the coverage.

Ten million of the elderly enjoy high-quality, affordable retirement coverage through a former employer, but retiree coverage is plummeting, too. In just 8

years, from 1994 to 2002, the number of firms offering retiree coverage fell by a massive 40 percent. The employer-sponsored column on this chart shows 10 million employer sponsored retirees.

We have 13 million with no coverage, 10 million with the employer sponsored, and we saw a gradual reduction for the poorest of our seniors. So let's see what is happening now. The firms offering retiree health benefits have dropped 40 percent from 1994 to 2002. In 1994, 40 percent of the firms offered retiree health benefits. Go back to 1988; it was about 85 percent; in 1994, it was 40 percent; in 2002, it was just over 20 to 22 percent. So we are seeing that availability constantly squeezed.

Medicare HMOs are also drastically cutting back. Since 1999, more than 2.5 million Medicare beneficiaries have been dropped by their Medicare HMOs. Of the HMOs that remain in the program, more than 70 percent limit drug coverage to a meager $500 a year or less and half only pay for generic drugs.

I have another chart showing groups of seniors. We talked about the employer sponsored seniors and the pressure they are under; we talk of the pressure under the Medicaid. Let's look at those 5 million under the Medicaid HMO and see what has happened to them: 2.4 million have been dropped, and of the remaining, take a look at what has happened. The Medicare HMOs are reducing the level of drug coverage. Sure, some provide it, but 86 percent limited the coverage to less than $1,000 in 2003; 70 percent imposed caps of less than $500. So although they are providing, if the average expenditure of a senior is $2,300 and HMOs are limiting it to less than $3,500, it is an empty promise.

We have those with no coverage. We have those in the employer retirement programs who are seeing reductions; we have the HMOs seeing reduced coverage. We have seen in the Medicaid where there has been reduced coverage as well. We also see that Medigap plans that offer drug coverage are priced out of reach for most seniors, and the coverage offered by these plans is severely limited.

Thirteen million beneficiaries, as I mentioned, have no prescription drug coverage at all. Only half of all senior citizens have coverage throughout the year. It is time to mend the broken promise of Medicare. It is time to provide every senior citizen in this great country of ours with solid, reliable, comprehensive prescription drug coverage.

As we enter this debate, our great challenge is fairness for all senior citizens who need Medicare's help to afford the prescription drugs they need. The resources within this Republican budget are limited. The Republican budget provides only enough funding to cover about a quarter of the needs of America's senior citizens over the next decade. They are going to be spending $1.8 trillion. This is $400 million. They are spending $1.8 trillion, and this is $400 million, 22 percent. There will be large gaps.

It is very important to remember this is a downpayment. Those who are supporting this program are strongly committed to building on this program. It is a downpayment. We are going to come back again and again and again to make sure we are going to meet the challenges provided by this bill and out there across this country we recognize what our seniors are facing. We must ensure that the resources are available to be used equitably.

As I mentioned, this bill is a downpayment on our commitment as Democrats to provide for the needs of our senior citizens. We will do everything we can to increase the resources available to provide an ample prescription drug benefit. If we do not succeed today, we will battle the Republican budget tomorrow, next month, next year, carry this issue into the next election, if necessary, until we have in place a White House and Congress that support Medicare and give the prescription drug benefit the resources it deserves. However, we must get started.

This bill does much that is good. It provides a low-income benefit that assures 40 percent of all seniors that they can get help with drug expenses with minimum premiums and copays. It saves the average senior with average drug costs approximately $600 a year—not as much as we should be providing but a good downpayment toward a contract with the seniors.

This next chart is for a senior with an average income of $15,000. They average $2,300 in prescription drugs. This is how the program works. For $420 in premium, they will pay $1,298 in cost sharing, and they get a benefit of $604, not as much as we would like to have, but nonetheless that $604 for an average income senior citizen is an important resource and assistance to them.

The next chart shows the same senior citizen with $15,000 of income. Say they have $10,000—we have taken the average income and the average amount of expenditure for prescription drugs, and now we have the average income of $15,000—this senior has $10,000 for prescription drugs. That is a lot of money, but there are certain pills, for example, dealing with treatment of cancer, that are $68 each. These expenditures can be run up relatively easily, and they are run up by many of our seniors. This is $10,000; they would pay in $4,500 and they would receive $5,462 in savings under this bill. This is a not insignificant amount of savings.

The next chart shows families with lower incomes. We are going from $9,000 to $12,000, to $13,000. This reflects the current monthly drug costs, so we are talking $2,300 a year at $190 a month for the average. This is the way this bill treats them. The monthly costs for a senior with a $9,000 income would be $5, and they would save $185. If there was a $12,000 income, and they still had to pay the $190, which again is the average, their monthly cost would be $10, and they would save $180. If the income was $13,500 and they spent the $190, their monthly cost would be $23, and they would save $168.

So the help, the assistance for the 40 percent of our seniors at the lower end of the income is very substantial, as it should be. We have seen where, even for the average income for the senior, it still provides about $600. For those with an average income for seniors, with higher amounts of prescription drug expenses, it provides a very important and substantial relief for them.

In addition to this—this is one of the most appealing aspects of this program—this bill offers immediate relief for seniors. We are talking about next January. Five million low-income seniors will receive a $600 prescription drug credit card on January 1, 2004. The most they will pay for it is $25. But for those of limited income, they will get that free, and they will have the first $600 prior to the time the program goes into effect, which will be in 2006. This will be available to them in January 2004. All seniors can receive savings through the drug discount card. This is enormously important. If a senior doesn't use the whole $600, they can carry that over for another year.

Help is on the way, immediately, for 5 million seniors starting in January of next year. That, I believe, is enormously important and positive news for many seniors.

While this bill does much that is good, it still has serious gaps and omissions. It will still leave many elderly suffering from severe financial strains as they try to purchase the prescription drugs they need. It doesn't provide the retiree health plans with the fair treatment they deserve to assure they can continue to meet the needs of retired workers. It could be improved by changes to ensure the coverage provided every senior citizen will be as stable and reliable as possible. During the course of this debate, Democrats and Republicans in the Senate will try to address these needs. If we are unsuccessful, we will continue to fight over the years ahead to fill in the gaps in this program.

At bottom, the issue of providing adequate prescription coverage for seniors is a question of priorities. For the administration and for too many Republicans in Congress, tax cuts for billionaires are more important than health care for senior citizens. But Senator GRASSLEY, and I see him on the floor here today, and Senator BAUCUS and the other members of the Finance Committee deserve enormous credit for the excellent job they have done, designing a benefit within a $400 billion straitjacket imposed by the budget resolution.

I also pay tribute to the majority leader, Senator FRIST, for his strong leadership, assisting the Finance Committee, contributing to the shaping of this program which I think is commendable. It needs work but it is a very important, significant, and positive start.

Because this program covers only about a quarter of the elderly's drug expenditures, it still leaves too many elderly—those with incomes below 160 percent of poverty—with unaffordable costs. Forty percent, those with incomes below 160 percent of poverty, will have comprehensive, affordable coverage through this program or through Medicaid. This is a tremendous achievement. But others, particularly the middle class with moderate incomes and high drug expenses, still face high drug costs. The benefits under this bill—a $275 deductible, 50 percent cost-sharing, an out-of-pocket limit of $3,700 with continued copayment obligations after the limit is reached, are far less generous than those enjoyed by most younger Americans, even though the elderly's need for prescription drugs is much greater.

We have talked about what they call the doughnut hole, where there is very comprehensive coverage for those at the lower end and very substantial help for those at the higher end, and less help and assistance for those in the middle. That will be one of the issues which we will have a chance to address here on the floor, to try to see if we can't provide some additional help to those who will not be benefitted as extensively as those other two groups. That will be in the form of amendments that will be introduced and hopefully supported.

Also, I mentioned the serious issues that work because of the interaction of this program in terms of retiree benefits that can potentially threaten retirees, and is an issue that must and should be addressed. I am hopeful it will be before final passage.

A final area where this bill could benefit from improvements is in the rules and regulations established for the private insurance plans that are the vehicle for delivering prescription drug benefits to senior citizens and the disabled, and for the fallback plans that will deliver the benefit when there are not two insurance plans meeting Government standards in each region of the country. The sponsors of this bill have done much to assure that individuals who enroll in private plans will pay a reasonable premium, and that there will always be coverage available in every area of the country. But more can be done and should be done to assure that premiums are reliable and affordable everywhere and that senior citizens do not have to change plans frequently because of instability in the market.

Many Democrats were concerned that last year's Republican bill could prove unworkable because private insurance plans might not be willing to provide the drug benefit. The concern was especially strong in rural areas, where HMOs and PPOs have been unwilling or unable to provide services. Under the compromise plan, there will be a government drug plan available in any place where there are not at least two private drug plans meeting Medicare standards available. To increase stability of choices for senior citizens, private drug plans must remain available in any region they choose to enter for at least 2 years. Thus, the bill guarantees that every senior citizen, no matter where they live, will be able to receive the benefits provided in the bill.

The Republican bill last year relied solely on competition to keep drug plan premiums reasonable for senor citizens, leaving senior citizens vulnerable to exorbitant charges and profiteering if competition was ineffective. This year's bill establishes tight regulatory criteria to assure that plan premiums are fair. It uses the same rules that govern the Federal Employee Health Benefits program.

Specifically, the bill states that a plan cannot be approved to participate in the drug program unless its premiums are ''reasonably and equitably reflect the cost of benefits'' provided under the plan. In the FEHBP program this requirement has been interpreted to allow health plans a maximum markup of one percent over costs.

Democrats have been concerned that private drug-only plans might deny beneficiaries access to off-formulary drugs in order to reduce costs and maximize profits. Last year's Republican bill contained no independent appeal rights and did not require that beneficiaries receive off-formulary drugs at the preferred drug rate even if an internal appeal were successful. The compromise program requires the plans to cover at least two drugs in each therapeutic class, establishes a strong independent appeal process, and provides that off-formulary drugs can be obtained at the preferred drug rate if an appeal is successful.

This week the Senate has an opportunity to make the bill better. But we must also guard against it becoming worse. This bill provides fair treatment and the opportunity for new choices for senior citizens who want to stay in Medicare as well as for those who might consider a private insurance alternative.

The President's plan, by contrast, sought to stack the deck against Medicare—and against senor citizens. Instead of the trustee of the Medicare program, his plan would have made the Government little more than a shill for HMOs and the insurance industry. Seniors would have been poorer, their medical options would have been constrained, their ability to choose their own doctors would have been compromised, and all so that wealthy HMOs and insurance companies can become even wealthier.

If all senior citizens can be forced out of Medicare and into HMO and private insurance, the revenues of the insurance industry will increase by more than $2.5 trillion over the next decade. Same on the insurance industry for supporting this plan, and shame on the administration for putting the interests of wealthy and powerful political supporters above the interests of the senior citizens who have built this great country.

The bill before the Senate says no to this outrageous scheme. But I anticipate that amendments will be offered during the course of this debate to tilt the scales once again against senior citizens and for private insurers. It is unlikely that any Member of the Senate will publicly demand, as the President did, that senior citizens give up their choice of doctors in order to get prescription drugs. But there are more subtle ways of unraveling Medicare. Amendments may be offered to uncap Federal payments to private insurers, so that they have an open tap to the Federal treasury, even if their services cost more than those same services provided by Medicare. We need help for senior citizens, not corporate welfare for insurance companies that seek to undermine Medicare.

There are other ideas that could destroy our bipartisan compromise. The President says that he has embraced the bipartisan Senate compromise. But some are considering implementing a vast experiment on senior citizens all over this country. This experiment—called ''premium support''—is yet another attempt to force senior citizens into HMOs and other private insurance plans. It is more subtle but just as unacceptable as the President's original proposal. It could dramatically raise Medicare premiums and victimize the oldest and sickest of the Medicare population. It is a poison pill that could kill the prospects for reform and destroy all the progress that has been made in the Senate.

I am also gravely concerned by other proposals that would establish, for the first time, a means test for Medicare benefits.

One of the reasons that Medicare is such a popular and successful program is that all individuals, rich and poor alike, contribute, and all benefit. Senior citizens want Medicare, not welfare. And tying catastrophic benefits to a person's income is the camel's nose under the tent that could lead to the dismantling of Medicare and its replacement with welfare.

As this debate progresses, there will be a vast array of facts and figures discussed in this chamber. Many of the issues will be discussed in language that will seem technical and arcane to the average American. All of us must strive to remember why this debate is important and what it is really about.

The typical Medicare enrollee is a seventy-five year old widow, living alone. Her total income is just $11,300 a year. She has at least one chronic condition and suffers from arthritis. In her younger years, she and her husband worked hard. They raised a family. They stood by this country through economic hard times, the Second World War, the Korean War, and the Cold War. They sacrificed to protect and build a better country—not just for their children but for all of us. Now it

is time for us to fulfill our promise to her. It is time to assure her the affordable health care she deserves. It is time to pass a prescription drug benefit under Medicare.

I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged 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. DODD. 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. DODD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The bill, S. 1.

Mr. DODD. I thank the Presiding Officer.

Mr. President, yesterday we began what can truly be expected to be an historic effort to transform the Medicare Program in this country, an effort, if it is successful in these coming days, that would provide for the most sweeping changes to that program since its inception in 1965.

We began debate this week on the need for coverage of prescription medicines under the Federal Medicare Program. While it is a debate that is sure to be spirited in the coming days, it is my hope the debate will, in the end, result in a significant move forward that will strengthen the Medicare Program for its 41 million beneficiaries and for the millions of future beneficiaries who will depend on this critically important program for their health and their well-being.

Over the past month, I have had the opportunity to convene a series of forums on senior health care in my home State of Connecticut in an attempt to frame the scope of this debate. At these forums, I heard from many constituents on many matters regarding their health care, but the present lack of coverage for prescription drugs under the Medicare Program was far and away—without even a close second—the most important question that was raised to me by literally dozens and dozens of seniors in my State.

I would guess in similar forums being held in other States around the country by our colleagues they have encountered virtually the same reaction as did I with my seniors in Connecticut: When are we going to get a prescription drug benefit? When are we going to get it under Medicare? And will it be meaningful enough to make a difference in our lives? Over and over and over again, in all parts of my State, this was the call that I received from my constituents.

At these forums, I heard from seniors who literally could not afford to fill prescriptions called for by their doctors. I heard from elderly Medicare beneficiaries forced to choose between purchasing groceries or filling their drug prescriptions. I heard from seniors who were forced to skip dosages of their medicines in an attempt to stretch their limited supplies of needed medicines. And I heard from Medicare beneficiaries requiring more than 10 prescribed medicines a day unable to afford to fill even half of those needed prescriptions.

Clearly, what I heard from hundreds of Connecticut's more than 500,000 Medicare beneficiaries—in a State, I might add, that has 3½ million people—is their grave concern over the present lack of a prescription drug benefit under the Medicare Program.

Our goal over the next 2 weeks is very clear: to ensure that all Medicare beneficiaries have access to their needed prescribed medicines. To achieve anything less in this debate would be an abdication of our responsibility to ensure that Federal programs correspond with the times in which we live.

The simple fact is that pharmaceuticals have and will continue to better the lives of millions of Americans. When the Medicare Program was first enacted in 1965, few could even begin to imagine the great strides we have realized in health care as a result of the development and widespread dissemination of pharmaceutical medicines. However, the present lack of a prescription drug benefit under the Medicare Program fails to reflect these great gains that have been made, leaving more than half of all Medicare beneficiaries without any coverage for their needed medicines. This is unacceptable, and it must be remedied.

For this reason, I am heartened that it appears that today, for the very first time—for the very first time since we began discussion of this subject matter—we are on the cusp of passing in the Senate comprehensive Medicare reforms that will, at long last, add a prescription drug benefit to the Medicare Program.

I am particularly pleased the measure reported by the Senate Finance Committee last week, and that is before us this afternoon, represents a very significant departure from previous plans supported by the administration that would have required Medicare beneficiaries to leave the traditional fee-for-service Medicare Program in order to receive coverage for their prescribed medicines. Such a move would have been unconscionable, as 89 percent of all Medicare beneficiaries today are in the traditional program.

To force those beneficiaries to have to leave their present system of coverage, and most likely the doctor they have come to know and trust, would not only create great disruption, but it would also, for the first time since the program's inception, create a tiered benefit system under Medicare that would more greatly reward those who choose to join a private preferred provider organization or health maintenance organization over those who wanted to stay in the traditional Medicare Program.

That is what the administration was originally advocating. That is what many, unfortunately, in the other body, the House of Representatives, are still pursuing and still advocating. So I hope, as a result of the change we have seen in the last week, this breakthrough will make a huge difference in the lives of Medicare beneficiaries who want to retain the ability to stay under the traditional Medicare Program if they so choose.

And so while I am pleased the bill before us soundly rejects a tiered benefit system—and I commend the distinguished Senator from Iowa, the chairman of the committee, and the distinguished Senator from Montana, for rejecting the idea of a tiered benefit system, I am deeply concerned that the plan presently taking shape, as I mentioned, in the other body, the House, appears to rely on such a flawed plan. And until we have resolved the matters between these two bodies, this fundamental difference will still be out there and need to be addressed.

President Bush, just last week, visited my home State of Connecticut and called on Congress to pass a prescription drug benefit before July 4th. For my part, I call on the President not to sign any Medicare reform measure that would force seniors to join private plans in order to receive a more generous prescription drug benefit. Such a measure would signal an end to the Medicare Program as we know it and should be rejected out of hand. In fact, I would hope the President would say, categorically, that while he wants Congress to pass a bill before July 4th—he must say, with equal strength, that he will not sign a bill that denies people under traditional Medicare the opportunity to have an adequate prescription drug benefit or forces them to have to make a choice between staying in traditional Medicare and getting no prescription drug benefit or going to a private plan where they can get that prescription drug benefit but having to give up traditional Medicare as the price. The President needs to state that he will reject any proposal on his desk that incorporates that idea.

The bill before us, S. 1, the Prescription Drug and Medicare Improvement Act of 2003, represents a strong step forward on this issue. However, no bill is perfect, and S. 1 clearly leaves much room for improvement. In the coming weeks, I plan to work with my colleagues to specifically address concerns over the present bill's lack of adequate provisions to ensure that those companies presently providing their retirees prescription drug coverage receive adequate Federal support for their laudable efforts. Any measure that we enact should be crafted so as to support, not supplant, the valuable efforts of employers already providing prescription drug coverage for their retirees.

Additionally, I remain concerned that the gap in coverage in the present

bill—the so-called donut hole—will leave many Medicare beneficiaries facing high prescription drug costs with no assistance at the very time when it may be needed most. These may be the people who are the most sick, under the most dire medical circumstances. And if they were to reach that threshold of approximately $4,500 in prescription drug costs, they will have to maintain paying the premiums without receiving any benefit until they reach the upper limit of the gap, approximately $5,800 in drug costs. This gap in coverage could provide a huge hardship on literally hundreds of thousands of Medicare beneficiaries. I hope we are going to be able to close the so-called donut hole, especially for those in the lower income category who can least afford any gap in their coverage.

I am also concerned that S. 1 fails to adequately protect Medicare beneficiaries from the very understandable confusion and uncertainty that may surround these beneficiaries just as they begin to navigate the intricacies of a brand new program. Specifically, I am worried that, if enacted, the underlying bill would require Medicare beneficiaries choosing a prescription drug plan to stay with that plan for a minimum of 1 year. With the enactment of such broad and sweeping changes to Medicare as S. 1 would provide, I am fearful that many Medicare beneficiaries will face great uncertainty trying to find the best plan to meet their particular medical needs.

I believe we can greatly relieve this uncertainty by allowing those initially choosing prescription drug plans for the first time the opportunity to move from one plan to another as they determine what each plan will specifically offer and which plan best fits their own needs. We ought to give our senior citizens that opportunity. All Medicare beneficiaries are not the same merely because they have reached the same age. They are under very different circumstances with very different medical needs. We ought to show them the dignity and respect they deserve as an older generation to give them the ability to choose the plan that serves their needs best and not force them to have to make decisions that may do them great harm.

In the coming weeks I will offer several amendments to the legislation that will address these very specific issues and possibly other ones as well.

On July 30, 1965, President Lyndon Baines Johnson traveled to the Truman Library in Independence, MO, to sign the Medicare Program into law. In attendance on that day was the former President of the United States, Harry S. Truman, 81 years of age at the time. On that day, President Johnson remarked:

> No longer will older Americans be denied the healing miracle of modern medicine. No longer will illness crush and destroy the savings that they so carefully put away over a lifetime so that they might enjoy dignity in their latter years.

Almost 38 years later, we face a similar struggle of ensuring seniors access to modern medicine, this time in the form of prescribed medicines.

So it is with a great sense of hope that I join the debate this afternoon. Medicare's nearly 41 million beneficiaries clearly need assistance in affording their needed medicines. Our effort over the next 2 weeks will greatly determine to what extent we assist in that effort.

Clearly, a great opportunity is presently before us. I look forward to working with all of my colleagues on both sides of the aisle, Republicans and Democrats, to ensure that we seize this opportunity. It may not come again. While the bill before us may be less than perfect and the resources we are limited to may not be as adequate as we would like, we have an opportunity over the next couple of weeks to take the legislation presented to us by the Finance Committee, to work on that legislation and hopefully improve it in several of the areas I have mentioned.

What greater gift could we give, 38 years after Medicare's creation, to retirees and future generations of retirees than to grant them access to this wave of new medicines and prescription drugs, that cannot only extend life but can substantially improve the quality of life for people, which will give them the opportunity to enjoy years of retirement with their children and grandchildren and friends. Surely these wonderful miracle drugs ought not to become the exclusive domain of only those who can afford to buy them.

Mr. President, I do not want to have to face constituents in my State ever again who will report that they had to make a choice between putting food in their mouths or medicines that they need; that they had to choose between the medicines they need because they can't afford all of them that the doctors have prescribed, or that they reject altogether the medicines that they have been prescribed because they can't afford them. We can't do everything for everyone, but it seems to me providing a meaningful prescription drug benefit that will really serve the underprivileged in our society, particularly those age 65 and above, is something this Congress ought not to fail to do in its responsibilities.

I look forward to the debate. I look forward, more than anything else, to voting for a package in the end that will do that which most of us would like to see accomplished and seeing to it that the elderly will receive the full promise given to them back in 1965 that a Medicare Program is going to be there for them, and this time we are going to include in the program coverage for needed prescribed medicines.

I commend those who have moved so diligently and worked so hard to bring us to this very optimistic moment. I am hopeful in the coming days we can complete the job by adding some improvements here and presenting a bill to the American public which they will applaud if we correctly do our job.

I suggest the absence of a quorum and ask unanimous consent that time thereunder be equally divided.

The PRESIDING OFFICER (Mrs. DOLE). That has been provided.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD CARE TAX CREDIT

Mrs. LINCOLN. Madam President, I am rising today to encourage my colleagues. I have gotten an understanding that the Republican leadership will be meeting in the morning to talk about the conference with the House on the opportunity we have to provide 12 million children in this country some help through the tax relief package that was passed in the Senate.

I also thank my Senate colleagues for, in a resounding way, reaching out to this country and to those 12 million children, as well as their working families, and saying we do believe it is important that the tax relief package we provide be balanced both in its fiscal responsibility and in its ability to reach out to all working families in this Nation and give them the relief so that they, too, will have the opportunity to be able to participate in stimulating the economy of the country. After all, that is what we are really looking for, stimulating the economy and making sure we are strengthening our Nation. I think there is no better place to go than to the working American families.

So I encourage my colleagues today, as I come to the floor not to ask immediately but to request of the leadership, to really thoughtfully put together what it is we need to do in order to expedite moving to conference on this issue. I also plead with the President that his efforts and opportunities will certainly weigh in with the Members of the House, encouraging them to move forward. They have already voted in the House in a motion to instruct the conferees to the Senate position. This is something we can do, and do it quickly and in a very fiscally responsible manner by paying for it. But we can do something now that is going to help working families in the next several months.

It is critical, as we move forward with the previous tax package passed, to provide relief to all Americans across this great land by July 1, and that we, too, recognize not only those precious 12 million children who are out there, but the working families they are a part of, recognizing that these families are preparing in the late summer to get their children ready to go back to school. They certainly could use those resources in multitudes of ways—bringing their families together, preparing their children for the school year. We desperately want to make sure that happens.

I encourage our Republican leadership to come together to visit on moving forward in the conference, recognizing that we have a tremendous responsibility not only to the economy of this Nation, particularly in strengthening our country, but, more importantly, to the future of the country.

When you look at those who will be the future leaders of the workforce, the individuals who will be there to continue the great legacy of this land—the children of our country—we must give those working families the opportunity to take advantage of the same kind of tax relief that other families are going to be getting; they, too, have to take that opportunity to reinvest in this great country and, more importantly, in their families and their children.

So I encourage my colleagues, as well as the leadership on the other side, to make sure that in the morning they will meet in a wholehearted fashion looking for the opportunity we have before us to be fair and balanced for the multitudes of children and working families across this country.

I, too, encourage the President to weigh in on this issue. He has a tremendous opportunity to make a difference, and I hope he will choose to do so.

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. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I am very concerned because what I see coming at us right now is a very fast train. And that train is a giant giveaway entitlement program. We might be in a position to do something about now, but if we wait, we will not be able to do anything about it.

Medicare already accounts for roughly 12 percent of the Federal spending and will only grow as more and more baby boomers retire. When Medicare was proposed in 1965—and I am one of the few people around old enough to remember that—I can recall the estimate of Medicare Part A that would cost $2.9 billion in 1970. This was 1965. The actual expenditures in 1970 were $5.3 billion, roughly twice what they were estimating back in 1965. The estimate for 1980 was $5.5 billion. This is Medicare now. The actual expenditures that year totaled $25.6 billion. That is five times the estimated amount.

The predicted expenditures for 1990 were $9.1 billion, but the actual expenses totaled $67 billion, nearly seven times the estimated amount. Currently, 76 percent of the Medicare beneficiaries already have some form of drug coverage.

We have talked about the fact that something that is not broken does not need to be fixed. When we start looking at establishing an entitlement program today and go by the Medicare model, this is something that none of our kids and grandkids are going to be able to afford.

So if we keep in mind that 67 percent of the Medicare beneficiaries already have some form of drug coverage—much of it is better than the proposal on the table now—many of these individuals could lose this coverage if a prescription drug benefit is added to Medicare.

CBO estimates that 37 percent of the beneficiaries with employer-based prescription drug coverage would lose that coverage. This accounts for 11 percent of the total Medicare population.

Many pharmaceutical companies already offer programs that give low-income seniors their prescription drugs for free or for reduced prices. If this bill is passes in this form, the companies may eliminate these programs, forcing more people into the Medicare rolls.

One might say, well, we can legislate this and not allow them to do that. That solution is not going to work. That would be an attempt to micromanage the private sector, and that would not work. I do not think there is any Member of this Senate who, if they owned a company that was giving away free programs, then the Government came along and offered something, that they would continue that practice. That is exactly what would happen.

The need to get this legislation to the floor and passed by the end of June, along with the need for bipartisan support, has led to a series of compromises that have resulted in a hodgepodge of a bill. There are elements of this bill that are not only bad policy but will have a detrimental effect on the system as a whole; for instance, the extension of instant Medicaid benefits to illegal aliens, placing an additional burden on Medicaid; loss of employer-based benefits, thus expanding an already large entitlement program.

According to an editorial in the Wall Street Journal yesterday, Monday, seniors already own 60 percent of all the wealth of the country and their worth is only increasing. We cannot continue to finance entitlement programs on the backs of current American workers, which is what this bill does.

The bill is not means tested. We are giving multimillionaires, even billionaires, the same benefit offered to seniors on fixed incomes. In other words, the Bill Gateses and Warren Buffetts would get the same benefit as a retired schoolteacher.

There is a need for Medicare reform to ensure the solvency and stability of the program. However, the current version of this bill does not meet those needs.

I look forward to working with my colleagues to improve this legislation through amendments designed to encourage employers to retain the drug coverage they currently offer, to allow seniors to take advantage of private plans and better options, and to keep the costs low.

I will read a little bit of the editorial I read on the plane coming back to Washington. It says:

> The bill that passed the Senate Finance Committee last week would cover just 50 percent of the drug expenses between $276 and $4,500 annually, then zero up to $5,800, and 90 percent thereafter. That's nowhere near as good as many seniors currently have with employer-sponsored coverage. Most employers will drop or scale back that coverage once they realize that the feds are willing to pick up part of their tab.

That is human nature. That is what we are talking about.

> The Congressional Budget Office estimates that 37 percent of those with employer coverage could lose it.

I ask unanimous consent that the entire 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. INHOFE. We want something to happen. We know there are some plans out there that have been offered that take into consideration that we do not want one Government program that is going to end up being an entitlement program. If it ends up the way it is today, I am going to serve notice right now that after every effort we can make to pass amendments, if they do not work and we end up with what we have today, I am going to be opposing this plan, and hopefully there will be several others who will do the same thing.

EXHIBIT 1

MEDICARE DRUG FOLLY

Runaway trains are hard to stop, but someone has to try and derail the bipartisan folly now moving ahead under the guise of Medicare ''reform.'' Permit us to put a few facts on the table, in the (probably fanciful) hope that somebody in the White House still cares more about the long-run policy than the short-term politics.

Let's start with the amusing irony that the supporters of this giant new prescription drug benefit are many of the same folks who were only recently moaning that a $350 billion tax cut would break the budget. That tax cut will at least help the economy grow. But the new Medicare entitlement is nothing more than a wealth transfer (from younger workers to retirees) estimated to cost $400 billion over 10 years, and everyone knows even that is understated.

The real pig in the Medicare python doesn't hit until the Baby Boomers retire. Social Security and Medicare Trustee Tom Saving told us last week that the ''present value'' of the Senate plan—the value of the entire future obligation in today's dollars—is something like two-thirds the size of the current $3.8 trillion in debt held by the public.

Bill Clinton's Medicare administrator, Nancy-Ann DeParle, correctly calls it the ''biggest expansion of government health benefits since the Great Society.'' She's delighted to see it, but for the rest of us it is a recipe for tax increases as far as the eye can see.

And these estimates are before Democrats ''improve'' the benefit, as they are already agitating to do. That's because the dirty secret of this bipartisan lovefest is that the proposed drug benefit isn't all that great.

The bill that passed the Senate Finance Committee last week would cover just 50% of drug expenses between $276 and $4,500 annually, then zero up to $5,800, and 90% thereafter.

That's nowhere near as good as many seniors currently have with employer-sponsored coverage. Most employers will drop or scale back that coverage once they realize that the feds are willing to pick up part of their tab. The Congressional Budget Office estimates that 37% of those with employer coverage could lose it.

A Goldman Sachs analyst last week called this bill the ''automaker enrichment act,'' saying companies like Ford and GM would see a 15% reduction in their annual drug spending and a huge decrease in unfunded liabilities. So unborn taxpayers will soon have to pick up the tab for sweetheart labor deals negotiated by carmakers and their unions a generation or two ago.

Understood in these terms, a universal drug benefit is neither necessary nor morally justifiable. Some 76% of seniors already have some prescription drug coverage, as the nearby chart shows. The average Medicare beneficiary spends an affordable $999 a year out of pocket on prescription drugs, and less than 5% have out of pocket expenses over $4,000.

Seniors already own 60% of all the wealth in this country, and are getting richer. A report in Health Affairs estimates that by 2030 about half will have incomes of $40,000 and about 60% will have assets of $200,000 or more. We're all for a prosperous old age, but it is hardly a step toward social justice for comfortable retirees to be further subsidized by working taxpayers with mortgages and kids. The problem of genuinely poor seniors can be handled with a drug discount card or a means-tested subsidy.

We understand, of course, that these facts are unlikely to interfere with the political calculus driving this giant step toward Canadian health care. The Democrats want to expand the welfare state, while Republicans have convinced themselves that they'll get credit with seniors and be able to take health care off the table for 2004.

The Republicans are fooling themselves in the long run, and perhaps even about next year. Republicans can never win an entitlement bidding war. They will spend the rest of their public lives sounding like Scrooge for not expanding benefits, or raising taxes on their own voters to pay for the subsidies, or imposing price controls on drug makers that will stifle innovation. This is how parties of the right became me-too socialists in Europe.

The sheepish support for this from the likes of otherwise conservative Senators Rick Santorum and Mitch McConnell gives the game away. They're playing loyal spinners, but their heart doesn't seem to be in it. They're going along for the ride with a Republican White House that seems to have forgotten that it has an obligation to more than its own re-election.

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, I would like to take this opportunity to discuss a particular interest of mine: how the ''Prescription Drug and Medicare Improvement Act of 2003'' will protect beneficiaries in rural areas.

As we worked to develop S. 1, members of the committee were especially attuned to the concerns expressed by some that private entities will be unwilling—or perhaps unable—to provide services to Medicare beneficiaries living in rural communities. That is why we included a number of safeguards to make certain that rural elderly and disabled patients have access to the Medicare improvements made in S. 1.

I cannot overstate how particularly important this is for my home state of Utah, since most of the 29 counties and 82,144 square miles in Utah are rural.

According to the 2000 Census, Utah's population density was only 27.2 persons per square mile, roughly one third of the national average of 79.6 persons per square mile.

So I am very interested in seeing to it that Medicare beneficiaries in rural areas—whether they are in Utah or for that matter in the State of New York, I want to make sure these beneficiaries get a fair shake.

There is no question that the Medicare beneficiaries who live in these rural communities—towns and small cities like Moab, St. George, Green River, Blanding, Beaver and Vernal—deserve access to the same services that are available to Medicare beneficiaries living in Salt Lake City, or for that matter, New York City.

I cannot criticize colleagues who are concerned that the new private sector-oriented delivery mechanisms we have designed in S. 1 may not be available to beneficiaries in rural areas. That being said, I want to provide assurances to my colleagues that the Committee worked hard to design a plan that would protect the elderly and disabled who reside in rural areas.

Indeed, it is not surprising that criticisms have been expressed that there could be gaps in coverage in rural areas given the experience with Medicare+Choice and Medicare HMOs.

These Medicare+Choice plans were established with the intent of providing Medicare beneficiaries throughout the country with access to both traditional Medicare and Medicare+Choice plans.

Unfortunately, it has not worked out that way. For a variety of reasons, the companies responsible for these plans found that they could not offer services in all areas.

Not surprisingly, many of the communities that were left without access to these HMOs are in rural areas.

I am particularly sensitive to this, because Utah is one of those States in which the Medicare+Choice plan operated for one year and then chose to discontinue.

This was a great disappointment to all—beneficiaries, the provider, and the Government alike.

So I, among all others, find it completely understandable that there may be a question about whether the plans will be available in rural communities.

I have a simple answer to that question. The new private drug plans created in A. 1 are completely different from the Medicare+Choice model.

We have learned from our experience with Medicare+Choice and we have worked to ensure we do not repeat past mistakes.

Let me take this opportunity to explain how the program will work.

Our legislation establishes a new Center for Medicare Choices within the Department of Health and Human Services. This new Center will be headed by an administrator who will oversee both the new drug plan and the new Medicare Advantage program.

To operate the prescription drug plan, the new administrator will create at least 10 regions throughout the country. These regions must be at least the size of a State.

If beneficiaries remain in the traditional Medicare program, they may receive pharmaceutical assistance through a new stand-alone program certified by the Government to provide coverage in that region. S. 1 requires that at least two stand-alone drug plans would be offered to Medicare beneficiaries in each region.

Now some may ask, ''How does that ensure rural Medicare beneficiaries will have access to prescription drugs distributed by private companies? How is this different from the Medicare+Choice HMOs?''

The answer is this.

The Medicare+Choice program is organized by counties. In other words, Medicare+Choice plans can choose to offer coverage in one county, but not in another.

These plans may ''cherry pick,'' or choose to operate in the more lucrative areas, ignoring the less profitable ones. For example, they can offer coverage in suburban counties where the cost of doing business might be lower or in counties where, for one reason or another, Medicare beneficiaries are healthier.

Under the new program, plans offering stand-alone prescription drug coverage will not be able to cherry pick in this way, because they must operate in all areas of a much larger region.

If a plan wants to offer coverage in Salt Lake City, it will be required to offer coverage in St. George, Moab, Beaver, Vernal, and Green River. In order to provide coverage in Salt Lake City, a plan will be required to offer coverage in every county and every community and to every Medicare beneficiary in Utah. That is true of other states and their rural problems as well. I am naturally talking about my own home State of Utah but it applies throughout the country.

We envision these regions, in many cases, encompassing more than one state, and combining rural areas and urban areas.

Medicare+Choice does not work this way. And so, we have designed the plans envisioned under S. 1 based on the lessons learned with Medicare+Choice.

Another criticism some in this body have voiced relates to the concern that prescription drugs might be available in a predominantly rural region, but with higher premiums for Medicare beneficiaries living in rural areas.

Once again, the concept of regions addresses this issue. Plans will be required to charge the same premium for an option throughout the region.

Let me add, however, that this does not ensure premiums will be identical between regions.

This important issue was raised during the Finance Committee's consideration of this legislation by my friend and colleague, Senator OLYMPIA SNOWE.

In order to address this very valid concern, our legislation gives the Secretary of Health and Human Services the discretion to make adjustments in geographic regions so there will not be a large discrepancy in Medicare prescription drug premiums across the country.

Other may wonder why we establish regions at all. Why not have a single premium throughout the country and private entities would bid to provide prescription drugs nationwide?

One reason we did choose this approach is that only a few private entities are currently able to provide nationwide coverage. Limiting competition to those few companies would neither ensure beneficiaries the best prescription drug prices nor a significant choice among coverage options.

The approach we have chosen is one that ensures beneficiaries will have access to prescription drug coverage. It provides for competition, and minimizes regional differences in beneficiary premium costs.

But some may still wonder whether private plans will choose to enter predominantly rural States or regions?

My Finance Committee colleagues and I have worked hard to ensure that plans have the appropriate incentives to participate in all 50 states.

Even so, no one can guarantee with complete certainty that private prescription drug plans will choose to operate in all of the States all of the time.

For this reason, we worked very hard to make certain there is a safety net, a ''fallback'' plan that would provide seniors with the coverage they need in the event only one or even no private sector plans enter a region.

If only one plan, or even if no plans, are willing to offer stand-alone prescription drug coverage within a region, the government will enter into an annual contract with an entity to provide a prescription drug fallback plan.

This fallback plan would be given a one year contract to offer the standard drug plan to all Medicare Part D beneficiaries in the region. The fallback plan will be an insurance policy provided by the federal government to ensure that Medicare beneficiaries in rural communities have prescription drug coverage available in the event that private plans are slow to begin providing service in their area.

Some in this body argue that if the fallback option is so attractive we should make it available all the time to anyone who wants it. Indeed, these colleagues argue that this so-called ''permanent fallback'' should be offered to beneficiaries in addition to the private stand-alone drug plans that would be offered to those Medicare beneficiaries remaining in traditional Medicare.

While this may sound attractive at first, it is not.

Making the fallback plan a permanent option will undermine the very structure upon which we have built S. 1.

Not only would it drastically increase costs—thus pushing the bill over the $400 billion 10-year limit—it would also be a disincentive for private plans to enter the market.

I will oppose any amendment that will make the fallback plan permanent.

First and foremost, including a permanent fallback plan creates an uneven playing field.

The government fallback is a non-risk bearing entity which means that it will operate in regions without any risk for gains or losses. The government pays the fallback plan for the administrative costs associated with delivering the drug benefit.

If we make the fallback plan permanent, we are basically requiring privately delivered drug plans, which are at least partially responsible for bearing the risk of delivering this benefit, to enter this same market and compete with these government fallback plans.

I think this is not only unfair, but it also sets up our drug plan for failure. There isn't a private health plan out there that will enter such a lopsided market where we give their competitors such a large financial advantage.

In addition, including a permanent fallback plan will add billions of dollars to the cost of this bill because we will be relying, at least partially, on an inefficient, more costly government-style delivery system to provide beneficiaries with drug coverage.

When the Senate was debating the Medicare prescription drug issue last year, this was one of the biggest criticisms against the drug benefit plan offered by our colleague from Florida, Senator GRAHAM.

The Graham drug benefit plan created a one-size-fits-all drug benefit delivered by the federal government. This is not what Medicare beneficiaries want. Beneficiaries want choice in drug coverage. They do not want to be forced into government-run plans and offered a one-size fits all benefit.

The intent of S. 1 is to introduce a new model to deliver care to Medicare beneficiaries.

We are harnessing the efficiencies and quality of a private-delivery system in order to offer Medicare beneficiaries a meaningful drug benefit. This drug benefit will include multiple choices, but it only works when all options are expected to participate under the same rules.

In S. 1, we included the government fallback as a safety net to ensure that every senior or disabled beneficiary has access to prescription drug coverage, but it is a fallback of last resort. And that is because even the Congressional Budget Office estimates that it is a more costly, less efficient model to deliver care.

I urge my colleagues to remember these points when the Senate considers an amendment that would make the fallback plan a permanent option under the stand-alone drug plans.

Let me make one thing perfectly clear. The stand-along benefit offered under Medicare Part D will not be the only way in which Medicare beneficiaries in rural areas can obtain prescription drug coverage.

In addition, the Medicare Advantage plans—including the current HMOs and new preferred provider organizations, called PPOs—will offer beneficiaries comprehensive, integrated coverage, including coverage for hospital services, outpatient care, and prescription drugs.

Private sector entities will bid to become one of three PPO plans in a region.

And, HMOs can continue to contract to provide all Medicare services—including drugs—for a county.

My Finance Committee colleagues and I have worked very hard to provide appropriate incentives to encourage the preferred provider organizations to participate in every region and in every State, whether they are predominantly rural or urban. However, if for some reason, PPOs decide not to bid in a specific region, the beneficiaries in these regions still will have the option to obtain prescription drug coverage through traditional Medicare and the new Medicare Part D plans that I described earlier.

The bill that we approved in committee provides options for Medicare beneficiaries in urban and rural areas to obtain prescription drugs through traditional Medicare and the new Part D prescription drug program, or through the new Medicare Advantage program with its comprehensive health care coverage plans.

Furthermore, the ''Prescription Drug and Medicare Improvement Act of 2003'' ensures all Medicare beneficiaries that prescription drug coverage will be available even if private entities are unable to provide the coverage in their region.

This legislation is preferable to previous bills we have considered, because it provides Medicare beneficiaries with more choices and more comprehensive coverage. It provides private entities with more incentives to cover rural communities, and it assures Medicare beneficiaries who live in those rural communities that they will have access to prescription drug coverage.

Just think of what we are doing here. We have a drug benefit that will begin

January 1, 2006, and it is a voluntary program.

We will issue a prescription drug card which will be offered to beneficiaries from January 1, 2004, through at least January 1, 2006, 6 months after the prescription drug benefit plan is implemented. The prescription drug plan will be implemented on January 1, 2004.

The drug benefit with the Medicare Part D is a Medicare Program. At least two stand-alone drug plans must be offered in each region. All Medicare beneficiaries will be able to participate. Those who remain in traditional Medicare will have a drug benefit equal to those who go into the new Medicare Advantage Program, formerly known as Medicare+Choice. Beneficiaries will be offered either standard drug coverage or drug coverage that is an actuarial equivalent to the standard drug plan. Either drug plan will be available to those remaining in traditional Medicare or those who begin the Medicare Advantage Program, this new program.

The national average of monthly premiums for the drug benefit will be $35 per month in 2006. All drug plans will have mandatory deductibles and beneficiary out-of-pocket cost-sharing limits.

Every beneficiary will have a choice between three prescription drug plans. The Medicare Advantage Program will offer either a PPO option or an HMO option. A stand-alone drug benefit will be offered to beneficiaries remaining in traditional Medicare. A maximum of three Medicare Advantage PPO plans will be offered per region. They will compete for the opportunity and the privilege of serving the people in that particular region. Health and Human Services will certify all of these drug plans before they are offered to Medicare beneficiaries. In any event, they will be offered to all Medicare beneficiaries, seniors and disabled.

I was a member of the tripartisan group last year that put forth the tripartisan plan. Had we not done that, we wouldn't be as far along today as we are. I have to say I was proud to be a member of that tripartisan plan, along with Senators GRASSLEY, SNOWE, BREAUX, and JEFFORDS. There were five of us. We took on that assignment, and we came up with a lot of ideas that have been improved upon in this bill. This was a very important bill.

There is no easy solution in these areas. In spite of the desire of some to have simple private sector solutions, those are not in the cards with the votes we have in the Senate today or in the near future, I have to say as well.

This bill is as close as we can go towards having two completely different but nevertheless useful options: traditional Medicare for those who do not want to leave, but this new Medicare Advantage for those who really want to try something different where they may have advantageous benefits over time.

We believe the competition fostered by this bill is going to be good competition, that it should help to keep costs down. But, most importantly, we believe all seniors should have a right to prescription drug benefits, and this plan will give it to them.

We will have lots of crying and moaning and groaning about different ideas around here, some of which I might like just as much as what we have in here, but we could not get them done. So we have come together in the art of the doable to get a bill that literally gives both sides of these options a chance to be able to excel and do better for our senior citizens. That is important. That is real important. This bill is important. It is the first time in history we have done this. Frankly, a $400 billion bill over 10 years is a very important bill that will do an awful lot of good for our seniors and for those who really are hard up in our society and for those who have to do without food or split their pills or do any number of things in order to be able to get the medications they need.

I am proud of this bill. Each one of us probably could, if we were dictators, come up with what we think might even be a better bill. But, fortunately, that isn't the way this representative republic works. We have to work within the framework of the Congress. Sometimes that is a messy, mixed up, sometimes very inefficient method of legislating, but, in the end, this country has survived because we have the greatest form of government in the history of the world. And this process, as sloppy as it might be from time to time is bringing about a bill that will do an awful lot of good for an awful lot of seniors in our society at a time when they need it the most.

I just hope we can reduce the number of amendments and get this bill passed as soon as we can, get together with the House in a conference, and, of course, come up with a final package that, hopefully, will even be improved that will take us throughout this next century in a way that will protect our seniors and those who have suffered for want of pharmaceutical prescription drugs.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MCCAIN pertaining to the submission of S. Res. 173 are printed in today's RECORD under ''Statements on Submitted Resolutions.'')

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCAIN. Mr. President, I note the presence of the Senator from Kentucky. I ask unanimous consent to engage him in a 2- or 3-minute dialog.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELEASE OF AUNG SAN SUU KYI

Mr. MCCAIN. Mr. President, I am pleased to note that, thanks to the efforts of millions of people all over the world, ASEAN, in a radical departure from their previous practice, has called for the release of Aung San Suu Kyi. I thank the Senator for his sponsorship of the legislation that I think may have had some beneficial effect. We obviously don't know all the factors that went into it, except to note also that people all over the world have been aroused on behalf of this great and truly good person. I thank the Senator from Kentucky for his efforts on her behalf.

Mr. MCCONNELL. I thank the Senator from Arizona. I think he is the only person I know who has actually been in the presence of Suu Kyi. I am sure the Senator shares my view that the mere act of letting her out is a long way from where the two of us hope they will end up.

What the junta needs to do is a lot more than simply end the house arrest, but give her and her duly elected party an opportunity to assume the power that they won 13 years ago in an honest election. So it is a step in the right direction. I am sure my friend from Arizona agrees that we have a long way to go.

Mr. MCCAIN. I thank the Senator.

Mr. MCCONNELL. Mr. President, I was just going to wrap up. I see my friend from Alaska here. How long does the Senator expect to speak?

Mr. STEVENS. I really could not say.

Mr. MCCONNELL. May I do the wrap-up and then allow the Senator from Alaska to make his comments? The wrap-up is rather short, I believe.

Mr. STEVENS. May I inquire, did the Senator from Kentucky just cosponsor that amendment?

Mr. MCCONNELL. No. Mr. President, I did not cosponsor the amendment. We were just talking about Burma. Senator MCCAIN and I were talking about Burma. The expression on the face of the Senator from Alaska was one of alarm. I want to reassure him that I certainly did not cosponsor the resolution.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LET'S NOT FORGET CAMBODIA

Mr. MCCONNELL. Mr. President, Secretary of State Colin Powell is in Phnom Penh, Cambodia, for an annual ASEAN meeting. There are many issues he needs to pursue with ASEAN members, including, most urgently, support for the struggle for freedom in Burma.

Also pressing is the fate of democracy in Cambodia. Secretary Powell

must be clear to all Cambodian democrats that the United States stands firmly and publicly with them in our common cause of democracy and the rule of law. Secretary Powell should make it a point to meet with the democrats during his short stay in Phnom Penh.

It is in America's national interest, and that of Cambodia, that new leadership—firmly committed to transparency, accountability and justice—is elected in upcoming parliamentary elections next month.

The ruling Cambodian People's Party, CPP, and its earlier manifestations have had an opportunity—nearly a quarter of a century—to develop that country. Their records is unimpressive, at best. Crimes are committed with impunity, corruption is endemic and extends to the highest office, and lawlessness provides a breeding ground for terrorism and other criminal activities.

Under CPP Prime Minister Hun Sen's leadership, opposition rallies have been attacked by grenade-throwing terrorists, a coalition government disintegrated in a coup d'etat, and government-paid gangsters, the Pagoda Boys, caused $50 million worth of damage in anti-Thai riots that were fueled by Hun Sen's reckless nationalistic comments.

Secretary Powell should temper his comments praising the Cambodian Government for cracking down on terrorism. The reason terrorists are on Cambodian soil is because of the very lawlessness perpetuated by the CPP. Hun Sen has swatted a few flies recently, but is directly responsible for leaving the screen door wide open. A more serious response to terrorism in the region is freedom and the rule of law for the Cambodian people.

While in Phnom Penh, Secretary Powell must push for free and fair elections in July. Opposition parties must not be denied access to media or the ability to conduct rallies, demonstrations, and other forms of free expression. Secretary Powell must make clear to Hun Sen that a single, additional political killing is one too many, and that the election will be judged by international standards—which, contrary to the Prime Minister's thinking, is not reserved only for sports competition.

Let me close by saying that it has come to my attention that the ASEAN meeting is taking place at the Intercontinental Hotel, which is owned by Theng Bunma—a suspected Cambodian drug king pin and self-described financier of the 1997 coup. This epitomizes all that is wrong in Cambodia today.

Mr. President, I ask that a letter from Cambodian opposition leader Sam Rainsy to Secretary Powell calling for Suu Kyi's immediate release be printed in the RECORD following my remarks.

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

KINGDOM OF CAMBODIA,
June 13, 2002.

COLIN L. POWELL,
Secretary of State,
U.S. Department of State, Washington, DC.
c/o HE Mr. CHARLES RAY,
U.S. Ambassador,
U.S. Embassy, Phnom-Penh, Cambodia.

DEAR SECRETARY POWELL: I would like to take this opportunity to express my appreciation for your statement calling for the immediate release of Aung San Suu Kyi and increased pressure on Burma's military junta. The struggle led by Suu Kyi is an inspiration to all those who live in fear under repressive regimes, and to those who fight everyday for freedom and democracy. I proudly join you in the call for the release of Aung San Suu Kyi and hope that you will use the opportunity of your visit to Cambodia for the ASEAN Regional Forum to press for an end to the suffering of the Burmese people.

The fate of Aung Sun Suu Kyi and Burma's democracy is indelibly linked to the future success of the ASEAN region. The transition from communism and military dictatorship to democracy would bring untold political, economic and cultural benefits to one of the most diverse and potentially dynamic regions in the world. In this context your statement that those who oppress democracy must not be allowed to prevail has particular resonance.

In Cambodia, we are struggling to end endemic poverty, reduce appalling illiteracy rates and to provide basic nutritional needs to our children. This struggle is made all the more difficult by a government more committed to consolidating its own power than to the welfare of its people. While offering a facade of progress and stability to donors and the international community, the government has used fear and violence to support a lucrative patronage system, exploit our natural resources and suppress opposition voices. It was just today that the latest victim, a garment worker protesting low wages and poor factory conditions, was shot and killed by government riot police as they cracked down on a peaceful demonstration.

Unlike in Burma, the Cambodian people will have the opportunity to go to the polls in July to change their leadership. They must be allowed to do so in an environment free from fear and intimidation. But already we have seen that the current government is willing to sue the tools of fear and violence to suppress the Cambodian people's desire for freedom and democracy. This year's electoral process is already flawed by biased elections commission, restrictions on voter registration, restrictive media access and ongoing intimidation of opposition activists. The potential for democracy in Cambodia is being thwarted by this government and it must realize that, ''its actions will not be allowed to stand.''

As you prepare to participate in the ASEAN Regional Forum in Phnom Penh next week, I trust that you will continue to provide a strong and leading voice for the release of Aung San Suu Kyi. At the same time, I ask that you use the same strong voice to advocate for credible elections in Cambodia—elections that reflect the true will of the Cambodian people.

Sincerely,

SAM RAINSY,
Leader of Parliamentary Opposition,
Kingdom of Cambodia.

UNITED SERVICES ORGANIZATION

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to the United Services Organization for two vivid recent examples of the legendary support and assistance that it provides for the families of members of our Armed Forces when their loved ones are serving away from home.

The USO is rightly renowned for the joy, the comfort, and the happiness it has brought to our troops and their families over the years. It is truly an American treasure, as it has shown once again in its extraordinary support for two Massachusetts families during the recent war in Iraq.

Under the leadership of executive director Alice Harkins, the USO of New England came to the aid of Sergeant Vanessa Turner who became critically ill in Iraq while serving in Operation Enduring Freedom. Upon the onset of her illness, SGT Turner was flown back to Germany and to the community she left. Sergeant Turner's 15-year-old daughter Brittany was left in Germany while her mother was deployed to Iraq. Brittany remained strong, finishing the school year while visiting her mother in the hospital in Landstuhl, Germany. SGT Turner's family in Roxbury, MA, was desperate to fly to her bedside and to comfort Brittany. The USO of New England came to the rescue, arranging for SGT Turner's mother, sister, and brother to fly to Landstuhl, Germany. According to Alice Harkins, this was ''an easy request. Their children are our responsibility; if the service members know that the community is taking care of their children, then they can relax.''

In the second case, the Armours family in Athol, MA, was devastated to learn that Specialist Jamvis Armours had been critically wounded in Iraq and had been flown to the Washington Hospital Center in Washington, DC. Problems arose in getting SP Armours' wife and children to the hospital. Again, the USO came to the rescue. They assisted the family financially and emotionally, and Alice Harkins actually drove from Boston toward Athol to see them and to ensure that they had all they needed for the trip. Going the extra mile is what makes the USO so widely admired throughout our country and by all the members of our Armed Forces wherever they serve.

I commend the USO of New England in all it does so well, and for demonstrating in these two cases that its helping hand is always there when its help is needed most.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, since its inception, the United Service Organization what we all know as the USO has worked to bring a piece of home to the members of our armed forces wherever they may find themselves. From Bob Hope's legendary tours to the latest cyber-canteens that allow service members to stay in contact with family and friends via email, the USO works tirelessly to provide simple pleasures to those who venture into harm's way.

As the population of the armed forces has changed, so too have the services offered by the USO. Today, this great organization provides childcare services for kids whose parents are deployed, travel assistance for the family of wounded service members, prepaid phone cards, the ever-popular celebrity tours, and countless other services for our troops and their families.

Recently, my staff and the staff of Senator KENNEDY had very close contact with the personnel and services of the USO through its New England offices in Boston. Several weeks ago, our staff was contacted by the family of an American soldier who had become gravely ill in Iraq. She had been evacuated to the American hospital at Landstuhl, Germany, where doctors determined she was near death. She was so ill that her doctors ordered her medically retired, making her daughter eligible for retirement benefits. But that reclassification also meant that the Army could no longer pay for her family's travel to Germany to be at her bedside. That decision, made for all the right reasons, had the unintentional and regrettable consequence of bringing only more grief to a family already grappling with the prospect of losing their loved one.

And that is when USO-New England and its director, Alice Harkins, got involved. When the situation was explained to her, Alice replied simply, ''We're going to do this. This is why we exist.'' And, as promised, the USO-New England found the money and paid for the soldier's family to travel to Germany.

Alice Harkins and her capable staff at USO-New England represent the best of us. Through their vigorous efforts, their determination, and their simple desire to help those who serve in our military, they inspire us all. They are people who recognize what's right, and who show their love of country and their love for those who serve with deeds as well as words.

The USO receives no financial support from the U.S. Government. Its success is due to the countless volunteers who contribute time and energy for the men and women of the Armed Forces in times of war and peace and the generosity of sponsors who make its operation possible.

I know I express the sentiment of the Senate and current and former members of the Armed Forces when I say thank you, USO, for your efforts to bring a slice of home to those on the frontlines and for remembering their families while they are away. We should all aspire to make such a contribution. Fortunately, the people of the USO, people like Alice Harkins, do. And we can all be grateful.●

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. On May 1, 2003, 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 in Germantown, MD. A 16-year-old Arab-American girl was physically attacked by a group of unknown young adults on the Campus of Montgomery College on September 14, 2001. This was the first of three hate crimes targeting the student and her family. On September 21, her family was out driving when unknown assailants threw a firecracker in front of their car. On September 28, vandals smashed the rear window of the family's minivan while it was parked in front of their home.

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.

RALLY AGAINST HATE

Mrs. FEINSTEIN. Mr. President, I wish to acknowledge the efforts of my colleagues and many others participating in the Rally Against Hate on Capitol Hill today.

The rally has been organized by Senators EDWARD KENNEDY and GORDON SMITH, along with the Human Rights Campaign and its coalition partners, to show support and build momentum for passage of Federal hate crimes legislation, ''The Local Law Enforcement Enhancement Act.''

Also participating in the rally today is a very brave and amazing constituent of mine, Trev Broudy. Trev is a handsome 34-year old actor from West Hollywood, CA, and he is also the victim of a hate crime motivated by his sexual orientation.

On September 1, 2003, Trev was hugging and saying goodbye to his friend, Teddy Ulett, on the street in West Hollywood when two men jumped out of a car without warning and began swinging at Trev's head with a baseball bat and an iron pipe.

After the attack, Trev was rushed to Cedars-Sinai Medical Center where doctors cleaned away pieces of skull from the back of his head and pieced together other parts of skull that had been crushed. He was then placed in an induced coma for over a week to guard against swelling of his brain.

Today, Trev looks and sounds fine, although he will never fully recover from the attack. He has said, ''People assume because I look all right and I'm healthy and I'm walking and I'm talking, I'm all better, but I'm not.''

When Trev finally left the hospital—10 weeks after the attack—he thought his injuries would eventually heal and he would soon return to work. However, Trev belatedly learned that a major part of his brain had to be removed, leaving him with only half the vision in both of his eyes.

Once having a good career as a voice-over artist, Trev now struggles with the results of his injuries every day and finds it difficult to read even the simplest sentence. He has returned home to his old apartment, but he will never be able to return to his old life.

Yet Trev is an inspiration and a hero to his family and friends back home, and particularly to other gay men and lesbians who see this heinous crime as a personal attack on their community.

Los Angeles' gay and lesbian community even came together and protested the county district attorney's decision not to file hate crime charges against the men suspected of beating Trev. Although the West Hollywood sheriff's station, which investigated the case, initially filed State hate crime charges, the district attorney's office chose not to file hate crimes enhancements in the case.

And, unfortunately, the limitations of current Federal hate crimes law prevent it from helping Trev because it does not extend basic civil rights protections to every American—only to a few and under certain circumstances.

Congress should expand the ability of the Federal Government to investigate hate crimes, and it should expand the ability to prosecute anyone who would target victims because of hate.

We can, and must, do more to prevent these types of hateful threats and acts of violence, and passing The Local Law Enforcement Enhancement Act would do just that.

The Local Law Enforcement Enhancement Act would: expand current Federal protections against hate crimes based on race, religion, and national origin; amend the criminal code to cover hate crimes based on gender, sexual orientation, and disability; authorize grants for State and local programs designed to combat and prevent hate crimes; and enable the Federal Government to assist State and local law enforcement in investigating and prosecuting hate crimes.

Enacting the Local Law Enforcement Enhancement Act is long overdue. It is necessary for the safety and well-being of millions of Americans. Until it is enacted, many hate crime victims and their families may not receive the justice they deserve.

Efforts to enact this legislation have received strong bipartisan support in the past, and the Local Law Enforcement Enhancement Act now has 48 cosponsors in the Senate. We just have not been able to get it to the President's desk for consideration.

Today, I ask all of my colleagues to rally against hate by working to ensure that this legislation is not simply supported but actually passed and signed into law. Let us send a message to all Americans that we will no longer turn a blind eye to hate crimes in this country.

ADDITIONAL STATEMENTS

TRIBUTE TO GREG BUCKNER

• Mr. BUNNING. Mr. President, I honor and pay tribute to one of Kentucky's finer athletes. Greg Buckner, a Hopkinsville native, was inducted into the Kentucky All-Star Hall of Fame for his distinguished accomplishments as a basketball player throughout his high school, college, and professional careers.

As a member of the University Heights Academy basketball team from 1991–1994, Greg led the Blazers to numerous victories including their first State basketball title in 1992 and a game winning record of 30–6 his senior year. At the completion of Greg's high school career, he participated in the Kentucky-Indiana High School All-Star Game. Greg distinguished himself in this contest relieving the Kentucky team of a 54–39 halftime deficit during the first of two games. Unfortunately, Kentucky lost that first game but would redeem itself later during the second game held in Indianapolis. Greg not only relieved Kentucky of a 16 point halftime deficit but made a jump shot with 6.5 seconds remaining to win the game, 75–73.

The experience of the Kentucky-Indiana High School All-Star game would benefit Greg Buckner for many years to come. Greg embraced the high demands inherent of the all-star game demonstrating the mental and physical abilities necessary to achieve success at the college and professional levels of basketball. It was no surprise that Greg's leadership benefitted Clemson during his college career culminating with a trip to the Elite Eight during the 1998 NCAA Tournament. Upon being drafted by the Dallas Mavericks, Greg established himself as a strong defensive player and valuable rebounder. He is now a member of the Philadelphia 76ers.

I am proud of Greg Buckner for his dedication and achievements on and off the court. His example of devotion, teamwork and leadership should be emulated by athletes throughout Kentucky and across America. I thank the Senate for allowing me to recognize Greg and voice his praises.•

IN RECOGNITION OF THE 88th ANNIVERSARY OF THE ASBESTOS WORKERS LOCAL No. 42

• Mr. CARPER. Mr. President, I rise today to commemorate the 88th anniversary of the Asbestos Workers Local No. 42. The International Association of Heat and Frost Insulators and Asbestos Workers and the Local 42 have fought for better working conditions, health protection, employee rights, and to garner better wages for their members. They should be recognized for the work that they do.

The International Association of Heat and Frost Insulators and Asbestos Workers Union dates back to the late 1800s and the emergence of steam power. The expanded use of steam power during this era had a profound effect on the industrial sector leading to better heated and more efficient factories and plants, improved working conditions, and the creation of thousands of new manufacturing jobs.

The widespread use of steam power also created an entirely new industry—the insulation industry. Skilled insulation mechanics were needed to insulate steam boilers in an effort to conserve the precious energy being piped to residential and industrial facilities. The insulation mechanics who provided this craftsmanship worked almost totally without organized representation. By the end of the 19th century, a few localized associations attempted to look after the interests of their members in specific cities.

The first attempt to form a national bond between insulators associations came in 1900, when the Salamander Association of New York sent out an appeal to related crafts in other cities to form a ''National Organization of Pipe and Boiler Covers.'' The initial appeal did spark interest, and 2 years later a much more decisive action was taken by the officers and members of the Pipe Cover's Union, of St. Louis, MO.

The St. Louis group sent out an announcement that it had affiliated with the National Building Trades Council of America, and invited other pipe coverer unions and related trades to join with them in the pursuit of better working conditions, pay that was commensurate with their skills, and the strength that comes from unity. The first appeal of unity was sent to targeted cities where other asbestos workers already were enjoying the benefits of union affiliation such as New York, Chicago, Cleveland, and Detroit. In all, seven local unions from around the Nation responded favorably, and the hard work of laying the foundation for an international union was begun.

With the St. Louis union leading the way, the interested locals met for their first convention on July 7, 1903, in the city of St. Louis. The results of that inaugural convention were impressive; a constitution was drafted and approved; bylaws were adopted; the first president was elected, Thomas Kennedy from Chicago; and a formal name was adopted, the National Association of Heat, Frost and General Insulators and Asbestos Workers of America. On September 22, 1903, the American Federation of Labor issued an official charter designating the Asbestos Workers as a national union.

The goals of the new International Union were spelled out in the charter: ''The object of the International Association of Heat and Frost Insulators and Asbestos Workers shall be to assist its membership in securing employment, to defend their rights, and advance their interests as working men; and by education and cooperation raise them to that position in society to which they are justly entitled.'' Since that time, leaders of the International Union took this objective to grow this small group of local unions to over 120 local unions and a membership in excess of 20,000.

On July 16, 1915, General President Joseph Mullaney organized and delivered Local Charter No. 42 to the Wilmington, DE, Asbestos Workers. Temporary officers were elected and on July 26, 1915, forty permanent officers were elected. Mr. R.E. Mahan was elected as president and N.K. Whaler was elected as secretary. Meetings were held at the Irish-American Hall on French Street every Monday. Local No. 42 began with just thirty members in 1915, with wages averaging $0.32 per hour.

After World War II, the International Union's growth and prosperity was tempered by frightening new evidence that confirmed long-held suspicions by the International Union's leadership. Workers who were exposed to asbestos died in disproportionate numbers from cancer. Since this evidence was proven, the union has fought for passage of new safety and health laws to help protect its members as well as the public. The Environmental Protection Agency has banned the use of asbestos in the insulation industry in the United States. It has also been banned from use in many other products as well. The International Union continues to provide its members with education and training with the latest state-of-the-art work practices in the handling of any and all materials used in the industry.

Since 1915, Local No. 42 has grown to include some 130 active members and approximately 100 retired members. Today, the president, Jeff Smith, helps lead the way in protecting asbestos workers' rights as well as their health.

Through its long and proud history, the Asbestos Workers International Union and Local No. 42 have never shied away from adversity or allowed negative factors to impede the achievement of those admirable goals set out in the international charter of 1910. Through the determination and commitment of their leaders and members, the International Union and Local #42 continues to strive for employment opportunities, equality in the work place, continuing education, and the safety and well being of the membership.•

MASTER SERGEANT ANTHONY PRYOR

• Mr. BUNNING. Mr. President, I honor and pay tribute to one of our Nation's most courageous and admirable heroes. MSG Anthony Pryor, stationed at Fort Campbell, KY, was awarded the Silver Star for his role in a deadly battle in Afghanistan last year. The Silver Star is the third highest military honor, given for valor and gallantry in combat. The inimitable leadership and bravery of MSG Pryor deserves commendation of the highest regard.

On January 25, 2002, MSG Pryor and four other soldiers of the 5th Special

Forces Group were deployed north of Kandahar for a night mission. While al-Qaida and Taliban fighters slept, they were assigned to take over an old schoolhouse building serving as an enemy compound. The mission turned deadly when the enemies awoke and began to shoot, compelling MSG Pryor and his team to return fire.

During the battle MSG Pryor was hit in the shoulder and fell to the ground, losing his night vision goggles. In the hand-to-hand combat that ensued in the dark, MSG Pryor managed to kill his attacker. A total of 21 Taliban and al-Qaida soldiers were killed, and one was detained. Most importantly, none of the Special Forces soldiers were killed.

In a ceremony delayed for over a year because of his deployment to Iraq, MSG Pryor exhibited unparalleled humility. Throughout the battle his concern was primarily for the welfare of his fellow soldiers, and this sentiment is echoed in MSG Pryor's insistence that the Silver Star award be a reflection of the deeds of the entire company.

MSG Anthony Pryor is a paragon of honor, bravery, and valor. His remarkable service to this country should be admired by all Americans. He is a tribute to the U.S. Army and Fort Campbell. I thank the Senate for allowing me to recognize MSG Pryor and extol his praises.●

MESSAGES FROM THE HOUSE

At 11:20 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 703, An act to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the ''Carl T. Curtis National Park Service Midwest Regional Headquarters Building''.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2254, An act to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the ''Bruce Woodbury Post Office Building''.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 220, Concurrent resolution commending Medgar Wiley Evers and his widow, Myrlie Evers-Williams, for their lives and accomplishments.

The message also announced that pursuant to 44 U.S.C. 2702, the Minority Leader appoints the following individual to the Advisory Committee on the Records of Congress for a term of 2 years: Mr. Joseph Cooper of Baltimore, Maryland.

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2312, An act to amend the communications Satellite of 1962 to provide for the orderly dilution of the ownership interest in Inmarsat by former signatories to the Inmarsat Operating Agreement.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The following enrolled bills and joint resolution, previously signed by the Speaker of the House, were signed on today, June 16, 2003, by the President pro tempore (Mr. STEVENS).

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''.

S. 763. An act to designate the Federal building and United States courthouse located at 46 Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse''.

S.J. Res. 8. A joint resolution 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.

MEASURE REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2254. An act to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the ''Bruce Woodbury Post Office Building''; to the Committee on Governmental Affairs.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 17, 2003, she had presented to the President of the United States the following enrolled bill and joint resolution:

S. 763. An act to designate the Federal building and United States courthouse located at 46 Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse''.

S.J. Res. 8. A joint resolution expressing the sense of Congress with respect to raising awareness and encouraging prevent of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

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–2749. A communication from the Assistant Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Management's Report on Internal Control Over Financial Reporting and Certification of Disclosure in Exchange Act Periodic Reports (2126–AI66) (3235–AI79)'' received on June 5, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2750. A communication from the Chairman, Federal Reserve Board, transmitting, pursuant to law, the report relative to the observed trends in the cost and availability of retail banking services, received on June 4, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2751. A communication from the Acting General Counsel, Office of the General Counsel, FEMA, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determination 68 FR 22618 (Doc FEMA–P–7622)''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2752. A communication from the Acting General Counsel, Office of the General Counsel, FEMA, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations 68 FR 22616 (DOC, FEMA–D–7537)''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2753. A communication from the Acting General Counsel, Office of the General Counsel, FEMA, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations 68 FR 22620 (44 CFR 67)''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2754. A communication from the Acting General Counsel, Office of the General Counsel, FEMA, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations 68 FR 22622 (44 CFR 67)''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2755. A communication from the Acting General Counsel, Office of the General Counsel, FEMA, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility 68 FR 23408 (44 CFR 64—Doc. FEMA–7807''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2756. A communication from the Assistant General Counsel, Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Appraiser Qualification for Placement on FHA Single Family Appraiser Roster (2502–AH59) (FR–4620–F–02)''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2757. A communication from the Deputy Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''31 CFR part 594—Global Terrorism Sanctions Regulations'' received on June 3, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2758. A communication from the Director, Office of Congressional and Legislative Affairs, transmitting, pursuant to law, the report of a draft bill entitled ''Resolve Certain Trust Fund Accounting Discrepancies within the Individual Indian Money Investment Pool, and for other purposes'' received on June 3, 2003; to the Committee on Indian Affairs.

EC–2759. A communication from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''29 CFR 1980, Procedures for Handling of Discrimination Complaints under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002 (1218–AC10)'' received on June 9, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–2760. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Change of Address; Technical Amendment'' received on June 9, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–2761. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, the 2003 annual report on the financial status of the railroad unemployment insurance system, received on June 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–2762. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Imidacloprid; Pesticide Tolerance (FRL 7310–8)''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2763. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glyphosate; Pesticide Tolerance (FRL 7308–8)''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2764. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillius Pumilus Strain QST2808; Temporary Exemption From the Requirement of a Tolerance (FRL 7301–1)''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2765. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Hot Water Dip Treatment for Mangoes (02–026–5)''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2766. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Movement and Important of Fruits and Vegetables (00–059–2)''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2767. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Phytosanitary Certificates for Imported Articles of Pelagonium spp. and Solanum spp.o Prevent Introduction of Potato Brown Rot (03–019–1)''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2768. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Exotic Newcastle Disease; Removal of Areas from Quarantine (02–117–6)''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2769. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Exotic Newcastle Disease; Additions to Quarantines Area (02–117–7)''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2770. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Ports Designed for Exportation of Livestock; Portland, OR (02–127–1)''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2771. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Asian Longhorn Beetle; Quarantined Areas and Regulated Articles (03–018–1)''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2772. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2002 Farm Bill—Conservation Reserve Program—Long Term Policy (0560–AG74)''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2773. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Bienergy Program (0560–AG84)''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2774. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of D.C. Act 15–94, ''Inspector General Qualifications Amendment Act of 2003''; to the Committee on Governmental Affairs.

EC–2775. A communication from the Secretary of Energy, transmitting pursuant to law, the report of the Office of Inspector General for the period of October 1, 2002 to March 31, 2003; to the Committee on Governmental Affairs.

EC–2776. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report concerning the Federal Student Loan Repayment Program for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–2777. A communication from the District of Columbia Auditor, transmitting, a report concerning 4800 Addison Road; to the Committee on Governmental Affairs.

EC–2778. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the report of the Office of the Inspector General, and the Chairman's Semiannual Report for the period of October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC–2779. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''NARA Facilities; Phone Numbers'' (RIN3095–AB20) received on June 4, 2003; to the Committee on Governmental Affairs.

EC–2780. A communication from the Director, Office of Personnel Management, transmitting, a draft of proposed legislation entitled ''Federal Employees Pay for Performance Act of 2003''; to the Committee on Governmental Affairs.

EC–2781. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–2782. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period of October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC–2783. A communication from the Chair, Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC–2784. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Bus Testing'' (RIN2132–AA30) received on June 9, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2785. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Buy America Requirements: Amendment to Certification Procedures'' (RIN2132–AA62) received on June 9, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2786. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning the International Labour Conference; to the Committee on Foreign Relations.

EC–2787. A communication from the Under Secretary of Defense, Personnel and Readiness, transmitting, the report of retirements, received on June 8, 2003; to the Committee on Armed Services.

EC–2788. A communication from the Deputy Chief of Naval Operations, Manpower and Personnel, Department of Defense, transmitting, pursuant to law, conversion to contractor performance by 68 Department of Defense Civilian Employees; to the Committee on Armed Services.

EC–2789. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's Fleet Alternate Fuel Vehicle Program Report for Fiscal Year 2002; to the Committee on Energy and Natural Resources.

EC–2790. A communication from the Assistant Secretary of the Interior, Bureau of Land Management, Office of Hearings and Appeals, transmitting, pursuant to law, the report of a rule entitled ''Special Rules Applicable of Public Land Hearings and Appeals; Grazing Administration-Exclusive of Alaska, Administrative Remedies; Grazing Administration-Effect of Wildfire Management Decisions; Administration of Forest Management Decisions'' received on June 5, 2003; to the Committee on Energy and Natural Resources.

EC–2791. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Emergency Reconstruction of Interstate Natural Gas Facilities Under the Natural Gas Act'' (Doc. No. RM03–4–000, AD02–14–000) received on June 5, 2003; to the Committee on Energy and Natural Resources.

EC–2792. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended-Additional International Organization'' (RIN1400–AB53) received on June 9, 2003; to the Committee on the Judiciary.

EC–2793. A communication from the Chief of the Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Customs Broker License Examination Dates'' (RIN1515–AD28) received on June 3, 2003; to the Committee on the Judiciary.

EC–2794. A communication from the Director, Office of Science and Technology Policy, Executive Office of the President, transmitting, pursuant to law, a report concerning visas; to the Committee on the Judiciary.

EC–2795. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled

''Department of Justice Appropriations Authorization Act, Fiscal Years 2004 and 2005''; to the Committee on Governmental Affairs.

EC–2796. A communication from the Administrator, Transportation Security Administration, Department of Transportation, transmitting, pursuant to law, a report on less than lethal weapons; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LOTT, from the Committee on Rules and Administration:

Special Report entitled ''Authorizing Expenditures by Committees of the Senate, with respect to S. Res. 66'' (Rept. No. 108–73).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Ms. COLLINS for the Committee on Governmental Affairs.

*Terrence A. Duffy, of Illinois, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2003.

*Terrence A. Duffy, of Illinois, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2007.

*Michael J. Garcia, of New York, to be an Assistant Secretary of Homeland Security.

*C. Stewart Verdery, Jr., of Virginia, to be an Assistant Secretary of Homeland Security.

*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 for the term of seven years expiring March 1, 2009.

*Albert Casey, of Texas, to be a Governor of the United States Postal Service for a term expiring December 8, 2009.

*James C. Miller III, of Virginia, to be a Governor of the United States Postal Service for the term expiring December 8, 2010.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. LEAHY (for himself, Mr. INOUYE, and Mr. BINGAMAN):

S. 1271. A bill to enhance the criminal penalties for illegal trafficking of archeological resources, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CORZINE (for himself, Mr. BAYH, Mrs. CLINTON, and Mr. KENNEDY):

S. 1272. A bill to amend the Occupational Safety and Health Act of 1970 to modify the provisions relating to citations and penalties; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. DASCHLE, Mr. JEFFORDS, Mr. EDWARDS, Mr. REED, Mrs. CLINTON, Mrs. MURRAY, Mr. BINGAMAN, Mr. DODD, and Mr. HARKIN):

S. 1273. A bill to provide for a study to ensure that students are not adversely affected by changes to the needs analysis tables, and to require the Secretary of Education to consult with the Advisory Committee on Student Financial Assistance regarding such changes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. BAYH, Ms. MIKULSKI, and Mr. ROCKEFELLER):

S. 1274. A bill to reauthorize and reform the national service laws; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (by request):

S. 1275. A bill to establish a comprehensive federal program to provide benefits to U.S. victims of international terrorism, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself and Mrs. DOLE):

S. Res. 172. A resolution honoring the life of media reporting giant David Brinkley, and expressing the deepest condolences of the Senate to his family on his death; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. KYL, Mr. SESSIONS, and Mr. FEINGOLD):

S. Res. 173. A resolution to amend Rule XVI of the Standing Rules of the Senate with respect to new or general legislation and unauthorized appropriations in general appropriations bills and amendments thereto, and new or general legislation, unauthorized appropriations, new matter, or nongermane matter in conference reports on appropriations Acts, and unauthorized appropriations in amendments between the Houses relating to such Acts, and for other purposes; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. GRASSLEY, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1, a bill to amend title XVIII of the Social Security Act to make improvements in the Medicare program, to provide prescription drug coverage under the Medicare program, and for other purposes.

S. 22

At the request of Mr. DASCHLE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 22, a bill to enhance domestic security, and for other purposes.

S. 98

At the request of Mr. ALLARD, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 98, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 480

At the request of Mr. HARKIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 493

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 493, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 610

At the request of Mr. VOINOVICH, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 610, a bill to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes.

S. 617

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor 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. 678

At the request of Mr. AKAKA, the name of the Senator from Utah (Mr. BENNETT) 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. 736

At the request of Mr. ENSIGN, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 780

At the request of Mr. LOTT, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 780, a bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians.

S. 888

At the request of Mr. GREGG, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 888, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 894

At the request of Mr. WARNER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 896

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 896, a bill to establish a public education and awareness program relating to emergency contraception.

S. 939

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 939, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes.

S. 976

At the request of Mr. WARNER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 982

At the request of Mr. SANTORUM, the name of the Senator from Kansas (Mr. BROWNBACK) 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. 982

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 982, supra.

S. 1001

At the request of Mrs. MURRAY, her name 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. 1091

At the request of Mr. DURBIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1091, a bill to provide funding for student loan repayment for public attorneys.

S. 1092

At the request of Mr. CAMPBELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1092, a bill to authorize the establishment of a national database for purposes of identifying, locating, and cataloging the many memorials and permanent tributes to America's veterans.

S. 1110

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1110, a bill to amend the Trade Act of 1974 to provide trade adjustment assistance for communities, and for other purposes.

S. 1121

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1121, a bill to extend certain trade benefits to countries of the greater Middle East.

S. 1166

At the request of Ms. COLLINS, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1166, a bill to establish a Department of Defense national security personnel system and for other purposes.

S. 1186

At the request of Mr. EDWARDS, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1186, a bill to provide for a reduction in the backlog of claims for benefits pending with the Department of Veterans Affairs.

S. 1200

At the request of Ms. CANTWELL, the names of the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1200, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 1222

At the request of Mr. NELSON of Nebraska, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1222, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services, in determining eligibility for payment under the prospective payment system for inpatient rehabilitation facilities, to apply criteria consistent with rehabilitation impairment categories established by the Secretary for purposes of such prospective payment system.

S. 1226

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1226, a bill to coordinate efforts in collecting and analyzing data on the incidence and prevalence of developmental disabilities, and for other purposes.

S. 1248

At the request of Mr. GREGG, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Iowa (Mr. HARKIN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1248, a bill to reauthorize the Individuals with Disabilities Education Act, and for other purposes.

S. CON. RES. 55

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 55, a concurrent resolution expressing the sense of the Congress regarding the policy of the United States at the 55th Annual Meeting of the International Whaling Commission.

S. RES. 119

At the request of Ms. COLLINS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 119, a resolution expressing the sense of the Senate that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residents, and for other purposes.

S. RES. 153

At the request of Mrs. MURRAY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 153, a resolution expressing the sense of the Senate that changes to athletics policies issued under title IX of the Education Amendments of 1972 would contradict the spirit of athletic equality and the intent to prohibit sex discrimination in education programs or activities receiving Federal financial assistance.

S. RES. 164

At the request of Mr. ENSIGN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 164, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. INOUYE, and Mr. BINGAMAN):

S. 1271. A bill to enhance the criminal penalties for illegal trafficking of archaeological resources, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LEAHY. Mr. President, I rise today to introduce the Enhanced Protection of Our Cultural Heritage Act. This legislation was reported last year by the Energy Committee, and I hope that this year it will become law. The bill would increase the maximum penalties for violations of three existing statutes that protect the cultural and archaeological history of the American people, particularly Native Americans. The United States Sentencing Commission asked Congress last year to make these statutory changes, which would complement the Commission's strengthening of Federal sentencing

guidelines to ensure more stringent penalties for criminals who steal from our public lands. Senator INOUYE joins me as a cosponsor.

This bill will increase the maximum penalties for the Archaeological Resources Protection Act, ARPA, 16 USC §470ee, the Native American Graves Protection and Repatriation Act, NAGPRA, 18 USC §1170, and for 18 USC §1163, which prohibits theft from Indian Tribal Organizations. All three statutes currently impose a 5-year maximum sentence, and each includes a lower maximum for a first offense of the statute and/or a violation of the statute involving property of less than a specified value. This bill would create a 10-year maximum sentence for each statute. In response to comments from the administration last year, the bill retains misdemeanor offenses for relatively minor offenses.

The increased maximum sentences would be consistent with similar Federal statutes. For example, the 1994 law proscribing museum theft carries a 10-year maximum sentence, as do the general statutes punishing theft and the destruction of Government property. Moreover, increasing the maximum sentences will give judges and the Sentencing Commission greater discretion to impose punishments appropriate to the amount of destruction a defendant has done.

Making these changes will also enable the Sentencing Commission's 2002 sentencing guidelines to be fully implemented. The Commission has increased sentencing guidelines for cultural heritage crimes, but the statutory maximum penalties contained in current law will prevent judges from issuing sentences in the upper range of the new guidelines. The 2002 guidelines had the enthusiastic support of the Justice and Interior Departments, the Society for American Archeology, the National Trust for Historic Preservation, numerous Native American nations, and many others. Congress should take the steps necessary to see the guidelines take full effect.

Two of the three laws this bill amends protect Native American lands and property. The third, ARPA, protects both public and Indian lands, and provides significant protection to my State of Vermont. For example, ARPA can be used to prosecute those who would steal artifacts from the wrecked military vessels at the bottom of Lake Champlain that date to the Revolutionary War and the War of 1812. U.S. Attorneys can also use ARPA to prosecute criminals who take items that are at least 100 years old from a protected site on Vermont state property without a permit, and then transport those goods into another state. In addition, ARPA protects artifacts found on the approximately 5 percent of Vermont land that is Federal property, land that includes many ''ghost towns'' that have long been abandoned but are an important part of our history.

Those who would pillage the rich cultural heritage of this nation and its people are committing serious crimes. These artifacts are the legacy of all Americans and should not be degraded as garage sale commodities or as fodder for private enrichment.

I would like to thank a number of people for their help and advice about this legislation. Charlie Tetzlaff, as well as the rest of the staff at the Sentencing Commission, helped us understand the importance of this issue, and made protecting our cultural heritage a priority when he served as United States Attorney for Vermont. Art Cohn, the director of the Lake Champlain Maritime Museum, and Giovanna Peebles, Vermont's State Archeologist, were very helpful in explaining how our laws protect the cultural heritage of Vermont and the rest of the nation, and I am grateful for their support for this bill.

Passage of this legislation would demonstrate Congress' commitment to preserving our Nation's history and our cultural heritage. I urge my colleagues to support this common-sense initiative.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1271

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 ''Enhanced Protection of Our Cultural Heritage Act of 2003''.

SEC. 2. ENHANCED PENALTIES FOR CULTURAL HERITAGE CRIMES.

(a) ENHANCED PENALTY FOR EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—Section 1163 of title 18, United States Code, is amended by striking ''five years'' and inserting ''10 years''.

(b) ENHANCED PENALTY FOR ILLEGAL TRAFFICKING IN NATIVE AMERICAN HUMAN REMAINS AND CULTURAL ITEMS.—Section 1170 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''or imprisoned not more than 12 months, or both, and in the case of second or subsequent violation, be fined in accordance with this title, or imprisoned not more than 5 years'' and inserting ''imprisoned not more than 10 years''; and

(2) in subsection (b), by striking ''imprisoned not more than one year'' and all that follows through the end of the subsection and inserting ''imprisoned not more than 10 years, or both; but if the sum of the commercial and archaeological value of the cultural items involved and the cost of restoration and repair of such items does not exceed $500, such person shall be fined in accordance with this title, imprisoned not more than 1 year, or both.''.

(c) ENHANCED PENALTY FOR ARCHAEOLOGICAL RESOURCES.—Section 6(d) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470ee(d)) is amended by striking ''not more than $10,000'' and all that follows through the end of the subsection and inserting ''in accordance with title 18, United States Code, imprisoned not more than 10 years, or both; but if the sum of the commercial and archaeological value of the archaeological resources involved and the cost of restoration and repair of such resources does not exceed $500, such person shall be fined in accordance with title 18, United States Code, imprisoned not more than 1 year, or both.''.

By Mr. CORZINE (for himself, Mr. BAYH, Mrs. CLINTON, and Mr. KENNEDY):

S. 1272. A bill to amend the Occupational Safety and Health Act of 1970 to modify the provisions relating to citations and penalties; to the Committee on Health, Education, Labor and Pensions.

Mr. CORZINE. Mr. President, I rise to introduce the ''Wrongful Death Accountability Act,'' legislation that would, among other things, increase the maximum criminal penalty for those who willfully violate workplace safety laws and cause the death of an employee.

Unbelievably, under existing law, that crime is a misdemeanor, and carries a maximum prison sentence of just 6 months. This legislation would increase the penalty for this most egregious workplace crime to 10 years—making it a felony. The bill also would increase the penalty associated with lying to an OSHA inspector from 6 months to 1 year, and would increase the penalty for illegally giving advance warning of an upcoming inspection from 6 months to 2 years.

In recent months, this Congress has focused on a shocking succession of corporate scandals: Enron, Tyco, WorldCom, to name a few. These revelations of corporate abuse raised the ire and indignation of the American people. But corporate abuses can sometimes go further than squandering employee pension funds and costing shareholder value. Sometimes, corporate abuses can cost lives.

My legislation is based on the simple premise that going to work should not carry a death sentence. Annually, more than 6,000 Americans are killed on the job, and some 50,000 more die from work-related illnesses. Many of those deaths—deaths that leave wives without husbands, brothers without sisters, and children without parents—are completely preventable.

Earlier this year, the New York Times published an eye-opening, multipart series that documented the failure of the Federal government to prosecute violators of workplace safety laws. The articles were deeply disturbing to anyone concerned about the health and well being of workers in America, detailing one company's pattern of recklessly disregarding basic safety rules. The authors linked at least nine employee deaths in five states—New York, New Jersey, Ohio, Alabama, and Texas—over a 7-year period with the failure of a single company, McWane Foundry, to follow established workplace safety regulations. Three of those deaths were judged to have been caused by deliberate and willful violations of federal safety rules.

As a result of that article and a subsequent criminal investigation, McWane has begun to clean up its act.

But no one should be deluded. McWane is not the only company with a record of putting employees at risk. Others—although still the clear minority—continue to flout workplace safety rules and jeopardize the health and well being of workers.

The administration recognized that there was a problem and recently announced its ''enhanced enforcement policy,'' a small step in the right direction. But more needs to be done, and I have requested the support of Secretary Henshaw, Administrator of OSHA, for my legislation.

While many factors contribute to the unsafe working environment that exists at certain jobsites, one easily remedied factor is an ineffective regime of criminal penalties. The criminal statutes associated with OSHA have been on the books since the 1970s, but—over time—the deterrence value of these important workplace safety laws has eroded substantially. With the maximum jail sentence a paltry 6 months, Federal prosecutors have only a minimal incentive to spend time and resources prosecuting renegade employers. According to a recent analysis, since the Occupational Safety and Health Act was enacted, only 11 employers who caused the death of a worker on the job were incarcerated.

The logic behind this legislation is simple. The bill will increase the incentive for prosecutors to hold renegade employers accountable for endangering the lives of their workers and, thereby, help ensure that OSHA criminal penalties cannot be safely ignored. This will provide the OSHA criminal statute with sufficient teeth to deter the small percentage of bad actors who knowingly and willfully place their employees at risk.

I urge my colleagues to support this important piece of legislation and 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. 1272

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 ''Wrongful Death Accountability Act.''

SEC. 2. OSHA CRIMINAL PENALTIES.

Section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666) is amended—

(1) in subsection (e)—

(A) by striking ''fine of not more than $10,000'' and inserting ''fine in accordance with section 3571 of title 18, United States Code,'';

(B) by striking ''six months'' and inserting ''10 years'';

(B) by striking ''fine of not more than $20,000'' and inserting ''fine in accordance with section 3571 of title 18, United States Code,'';

(C) by striking ''one year'' and inserting ''20 years''; and

(E) by inserting ''under this subsection or subsection (i)'' after ''first conviction of such person'';

(2) in subsection (f), by striking ''fine of not more than $1,000 or by imprisonment for not more than six months,'' and inserting ''fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 2 years,''; and

(3) in subsection (g), by striking ''fine of not more than $10,000, or by imprisonment for not more than six months,'' and inserting ''fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 1 year,''.

By Mr. KENNEDY (for himself, Mr. DASCHLE, Mr. JEFFORDS, Mr. EDWARDS, Mr. REED, Mrs. CLINTON, Mrs. MURRAY, Mr. BINGAMAN, Mr. DODD, and Mr. HARKIN):

S. 1273. A bill to provide for a study to ensure that students are not adversely affected by changes to the needs analysis tables, and to require the Secretary of Education to consult with the Advisory Committee on Student Financial Assistance regarding such changes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues, Senator DASCHLE, Senator JEFFORDS, Senator EDWARDS, Senator REED, Senator CLINTON, Senator MURRAY, Senator BINGAMAN and Senator DODD, to introduce legislation to amend the Higher Education Act to require a feasibility and impact study on the recent changes in the state and local tax tables that are the basis for determining need-based aid for college students.

The bill will direct GAO to complete a study in consultation with the Advisory Committee on Student Financial Assistance within 90 days, well in advance of the 04–05 academic year when these changes would take effect. The advisory committee is a non-partisan board appointed by the President, which oversees college financial aid. Any future changes in the tables would have to be considered in consultation with the Advisory Committee.

When decisions are made that affect the cost of college, it is important for Congress to understand the factors that influenced that decision and the practical impact of those decisions on students. In light of the slumping economy, State budget crises, and rising college costs, the Department's proposed changes come at a very difficult time for students and their families. Raising the cost of tuition by a few hundred dollars may well mean that qualified students can no longer afford college. It is our responsibility to see that any such changes are made for sound reasons.

I also urge the Department of Education to work with Congress in the future in making these decisions, so that all of us in the House and Senate will have a reasonable opportunity to consider such changes before they are made.

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. 1273

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

SECTION 1. STUDY AND CONSULTATION.

(a) STUDY.—In order to ensure that students are not adversely affected by the proposed changes to the tables used in the Federal Needs Analysis Methodology to determine a student's expected family contribution for the award year 2004–2005 under part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.), the Comptroller General, in consultation with the Advisory Committee on Student Financial Assistance, shall conduct a study of such proposed changes that shall include an examination of the impact of such changes on students. A report of the findings of the study shall be transmitted to the Secretary of Education and the appropriate committees of Congress not later than 90 days after the date of enactment of this Act.

(b) CONSULTATION.—Section 478 of the Higher Education Act of 1965 (20 U.S.C. 1087rr) is amended by adding at the end the following:

''(i) CONSULTATION REQUIRED.—Prior to publishing any notice or promulgating any regulation with respect to updated tables under this section, the Secretary shall consult with the Advisory Committee on Student Financial Assistance regarding such updated tables.''.

By Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. BAYH, Ms. MIKULSKI, and Mr. ROCKEFELLER):

S. 1274. A bill to reauthorize and reform the national laws; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues in introducing legislation to reauthorize the Corporation for National Service. In 1993 the bipartisan National Service Act created a new program to give citizens of all ages the opportunity to serve their communities. Our goal now is to work with the administration to promote and expand service through the State commissions and the extensive system of national organizations that recruit, train and place volunteers and mentors. The legislation we are introducing, the Call to Service Act, will reauthorize the Corporation for National Service and keep these programs on track to achieve this goal.

Over 250,000 Americans have given a year of service in communities across the country, tutoring young people, connecting people to health care, and building stronger communities. Through the AmeriCorps model, we can give more young people the support they need to dedicate a year of their lives to service. These are active citizens, and our country will benefit immensely from the lessons we learn in serving others.

Community service knows no age limits. Thousands of older Americans volunteer to tutor young people or support others in living independently, or serve in local agencies. Senior citizens are a valuable resource in every community, and service gives them an effective way to continue to be involved

in the communities they helped to build. The Foster Grandparent, Senior Companion, and RSVP programs, enable seniors to contribute every day to their communities.

The Learn and Serve programs enable young men and women to learn early in their lives that serving others is important, and that service is a basic responsibility of citizenship. Children learn the value of community service, and build habits of service that last a lifetime. Service learning programs for elementary and secondary students provide hands-on experiences to supplement traditional school curriculums. The evidence is irrefutable. Service learning works. When students help others in their communities, they do better academically in school too.

In terms of cost effectiveness, the Federal Learn and Serve America program is an excellent investment. In the 2001–2002 school year more than 800,000 students across the country from grades K through 12 had the opportunity to serve their community, raise their academic achievement, and develop social skills. In Massachusetts, over 86,000 students of all ages currently participate in Learn and Serve programs.

Our bill strengthens our commitment to service by increasing the number of volunteers in AmeriCorps, lowering the age for senior service from 60 to 55 and increasing the authorization for Learn and Serve. In addition, our bill creates a new service opportunity for high school students. After completing 300 hours of service to their community, high school students will earn a $1,000 award to use on college. This increases the critical service to communities, builds the habit of serving in young people and sets them on track to continue their education.

I hope that my colleagues will support this legislation.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1274

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 ''Call to Service Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

Sec. 1001. References.

Subtitle A—General Provisions

Sec. 1101. Purposes of Act.
Sec. 1102. Definitions.

Subtitle B—Service-Learning

Sec. 1201. School-based allotments.
Sec. 1202. Higher education provisions.
Sec. 1203. Community-based programs, training, and other initiatives.
Sec. 1204. Service-learning clearinghouse.

Subtitle C—National Service Trust Program

Sec. 1301. Prohibition on grants to Federal agencies; limits on Corporation costs.
Sec. 1302. E-Corps and technical amendments to types of programs.
Sec. 1303. Types of positions.
Sec. 1304. Training and technical assistance.
Sec. 1305. Assistance to State Commissions; challenge grants.
Sec. 1306. Allocation of assistance to States and other eligible entities.
Sec. 1307. Additional authority.
Sec. 1308. State selection of programs.
Sec. 1309. Consideration of applications.
Sec. 1310. Description of participants.
Sec. 1311. Reference to Federal agency.
Sec. 1312. Terms of service.
Sec. 1313. Adjustments to living allowance.

Subtitle D—National Service Trust and Provision of National Service Educational Awards

Sec. 1401. Availability of funds in the National Service Trust.
Sec. 1402. Individuals eligible to receive a national service educational award from the Trust.
Sec. 1403. Determination of the amount of national service educational awards.
Sec. 1404. Disbursement of national service educational awards.
Sec. 1405. Additional uses of national service trust amounts.

Subtitle E—National Civilian Community Corps

Sec. 1501. Purpose.
Sec. 1502. National Civilian Community Corps.
Sec. 1503. Program components.
Sec. 1504. Eligible participants.
Sec. 1505. Summer national service program.
Sec. 1506. Team leaders.
Sec. 1507. Consultation with State Commissions.
Sec. 1508. Permanent cadre.
Sec. 1509. Contract and grant authority.
Sec. 1510. Other departments.
Sec. 1511. Repeal of authority for advisory board and funding limitation.
Sec. 1512. Definitions.
Sec. 1513. Terminology.

Subtitle F—Administrative Provisions

Sec. 1601. Family and medical leave.
Sec. 1602. Additional prohibitions on use of funds.
Sec. 1603. Notice, hearing, and grievance procedures.
Sec. 1604. Resolution of displacement complaints.
Sec. 1605. State Commissions on National and Community Service.
Sec. 1606. Evaluation and accountability.
Sec. 1607. Technical amendment.
Sec. 1608. Additional administrative provisions.

Subtitle G—Corporation for National and Community Service

Sec. 1701. Terms of office.
Sec. 1702. Board of Directors authorities and duties.
Sec. 1703. Peer reviewers.
Sec. 1704. Officers.
Sec. 1705. Nonvoting members; personal services contracts.
Sec. 1706. Donated services.

Subtitle H—Investment for Quality and Innovation

Sec. 1801. Technical amendments to subtitle H.
Sec. 1802. Clearinghouses.
Sec. 1803. Repeal of special demonstration project.

Subtitle I—Additional Authorities

Sec. 1901. America's Promise: The Alliance for Youth.

Subtitle J—Points of Light Foundation

Sec. 1911. Purposes.
Sec. 1912. Board of Directors.
Sec. 1913. Grants to the Foundation.

Subtitle K—Authorization of Appropriations

Sec. 1921. Authorization.

TITLE II—AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

Sec. 2001. References.

Subtitle A—National Volunteer Antipoverty Programs

Sec. 2101. Purpose.
Sec. 2102. Purpose of the VISTA program.
Sec. 2103. Applications.
Sec. 2104. Terms and periods of service.
Sec. 2105. Sections repealed.
Sec. 2106. Redesignation.
Sec. 2107. University Year for VISTA Program.
Sec. 2108. Conforming amendment.

Subtitle B—National Senior Service Corps

Sec. 2201. Change in name.
Sec. 2202. Purpose.
Sec. 2203. Grants and contracts for volunteer service projects.
Sec. 2204. Foster Grandparent Program grants.
Sec. 2205. Senior Companion Program grants.
Sec. 2206. Technical amendments.
Sec. 2207. Programs of national significance.
Sec. 2208. Additional provisions.

Subtitle C—Administration and Coordination

Sec. 2301. Nondisplacement.
Sec. 2302. Definitions.
Sec. 2303. Protection against improper use.
Sec. 2304. Income verification.
Sec. 2305. Sections repealed.
Sec. 2306. Redesignations.

Subtitle D—Authorization of Appropriations

Sec. 2401. Authorization of appropriations for VISTA and other purposes.
Sec. 2402. Authorization of appropriations for National Senior Service Corps.
Sec. 2403. Administration and coordination.
Sec. 2404. Redesignations.

TITLE III—AMENDMENTS TO OTHER LAWS

Sec. 3001. Inspector General Act of 1978.

TITLE IV—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

Sec. 4001. Table of contents for the National and Community Service Act of 1990.
Sec. 4002. Table of contents for the Domestic Volunteer Service Act of 1973.

TITLE V—EFFECTIVE DATE AND SENSE OF CONGRESS

Sec. 5001. Effective date.
Sec. 5002. Service assignments and agreements.
Sec. 5003. Sense of Congress.
Sec. 5004. Recruitment and application materials in languages other than English.

TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

SEC. 1001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the reference shall be considered to be made to a provision of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

Subtitle A—General Provisions

SEC. 1101. PURPOSES OF ACT.

Section 2(b) (42 U.S.C. 12501(b)) is amended—

(1) in paragraph (7), by striking ''citizens; and'' and inserting ''citizens;'';

(2) in paragraph (8), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(9) expand and strengthen service-learning programs to improve the education of children and youth and to maximize the benefits of national and community service;

''(10) support efforts to assist the nonprofit sector in becoming more effective in meeting the unmet human, educational, environmental, and public safety needs of the United States; and

''(11) assist in coordinating and strengthening Federal and other citizen service opportunities, including opportunities for participation in homeland security preparedness and response, including training for limited duration national service.''.

SEC. 1102. DEFINITIONS.

Section 101 (42 U.S.C. 12511) is amended—

(1) in paragraph (13), by striking ''section 101(a) of the Higher Education Act of 1965'' and inserting ''sections 101(a) and 102(a)(1) of the Higher Education Act of 1965'';

(2) in paragraph (19), by striking ''section 198, 198C, or 198D'' and inserting ''section 198 or 198C''; and

(3) in paragraph (21)(B)—

(A) by striking ''section 602(a)(1)'' and inserting ''section 602(3)''; and

(B) by striking ''20 U.S.C. 1401(a)(1)'' and inserting ''20 U.S.C. 1401(3)''.

Subtitle B—Service-Learning

SEC. 1201. SCHOOL-BASED ALLOTMENTS.

Part I of subtitle B of title I (42 U.S.C. 12521 et seq.) is amended to read as follows:

''PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS

''Subpart A—Programs for Students

''SEC. 111. ASSISTANCE TO STATES AND INDIAN TRIBES.

''(a) ALLOTMENTS TO STATES, TERRITORIES, AND INDIAN TRIBES.—The Corporation, after consultation with the Secretary of Education, may make allotments to State educational agencies (including such educational agencies of States described in section 112(a)) and Indian tribes to pay for the Federal share of—

''(1) planning and building the capacity within the State or tribe to implement service-learning programs that are based principally in elementary schools and secondary schools, including—

''(A) providing high-quality training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the utilization of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

''(B) developing service-learning curricula, consistent with State or local student academic achievement standards, to be integrated into academic programs, including an age-appropriate learning component that provides participants an opportunity to analyze and apply their service experiences;

''(C) forming local partnerships described in paragraph (2) or (4)(E) to develop school-based service-learning programs in accordance with this subpart;

''(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on communities; and

''(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities;

''(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, professional development, training, supervision, placement, salaries, and benefits of service-learning coordinators, through distribution by State educational agencies and Indian tribes of Federal funds made available under this subpart to projects operated by local partnerships among—

''(A) local educational agencies; and

''(B) 1 or more community partners that—

''(i) shall include a public or private nonprofit organization that—

''(I) has a demonstrated expertise in the provision of services to meet unmet human, educational, environmental, or public safety needs; and

''(II) will make projects available for participants, who shall be students;

''(ii) may include an Indian tribe; and

''(iii) may include a private for-profit business or private elementary school or secondary school;

''(3) planning of school-based service-learning programs, through distribution by State educational agencies and Indian tribes of Federal funds made available under this subpart to local educational agencies, which planning may include paying for the cost of—

''(A) the salaries and benefits of service-learning coordinators; or

''(B) the recruitment, professional development, training, supervision, and placement of service-learning coordinators (who may be participants in a program under subtitle C or eligible to receive a national service educational award under subtitle D),

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2); or

''(4) implementing, operating, or expanding school-based service-learning programs to utilize service-learning to improve the education of students, through distribution by State educational agencies and Indian tribes of Federal funds made available under this subpart to—

''(A) local educational agencies;

''(B) public or private nonprofit organizations;

''(C) other educational agencies;

''(D) Indian tribes; or

''(E) partnerships of local educational agencies and entities described in subparagraphs (B), (C), and (D).

''(b) DUTIES OF SERVICE-LEARNING COORDINATOR.—A service-learning coordinator referred to in paragraph (2) or (3) of subsection (a) shall provide services to a recipient of financial assistance under this subpart that may include—

''(1) providing technical assistance and information to, and facilitating the training of, teachers who want to use service-learning in their classrooms;

''(2) assisting local partnerships described in subsection (a) in the planning, development, and execution of service-learning projects; and

''(3) carrying out such other duties as the recipient of financial assistance under this subpart may determine to be appropriate.

''(c) RELATED EXPENSES.—A recipient of financial assistance under this subpart may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, and evaluations, and of other reasonable expenses related to the activities.

''SEC. 112. ALLOTMENTS.

''(a) INDIAN TRIBES AND TERRITORIES.—Of the funds appropriated to carry out this subpart for any fiscal year, the Corporation shall reserve an amount of not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs.

''(b) ALLOTMENTS TO STATES.—After reserving an amount under subsection (a), the Corporation shall use the remainder of the funds appropriated for any fiscal year to carry out this subpart as follows:

''(1) ALLOTMENTS.—

''(A) SCHOOL-AGE YOUTH.—The Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the number of school-age youth in the State bears to the total number of school-age youth of all States.

''(B) ALLOCATION UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the allocation to the State for the previous fiscal year under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) bears to the total of such allocations to all States.

''(2) DEFINITION.—Notwithstanding section 101(26), in this subsection, the term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(c) REALLOTMENT.—If the Corporation determines that the allotment of a State or Indian tribe under this section will not be required for a fiscal year because the State or Indian tribe did not submit an application for the allotment under section 113 that meets the requirements of such section and such other requirements as the Chief Executive Officer may determine to be appropriate, the Corporation shall make such allotment available for reallotment in accordance with subsections (a) and (b) to such other States and Indian tribes, with approved applications submitted under section 113, as the Corporation may determine to be appropriate.

''SEC. 113. APPLICATIONS.

''To be eligible to receive an allotment under this subpart, a State or Indian tribe shall submit an application to the Corporation at such time, in such manner, and containing such information as the Chief Executive Officer may reasonably require, including—

''(1) a proposal for a 3-year plan promoting service-learning through the programs described in section 111, which shall contain such information as the Chief Executive Officer may reasonably require, including how the applicant will integrate service opportunities into the academic program of the participants;

''(2) information, in applicable cases, about the applicant's efforts to—

''(A) include in the programs opportunities for students, enrolled in schools or other programs providing elementary or secondary education under State law, to participate in service-learning programs and ensure that such service-learning programs include opportunities for such students to serve together;

''(B) involve participants in the design and operation of the programs;

''(C) promote service-learning in areas of greatest need, including low-income areas; and

''(D) ensure that students of different ages, races, sexes, ethnic groups, disabilities, and economic backgrounds have opportunities to serve together; and

''(3) assurances that the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and the grievance procedure requirements of section 176(f).

"SEC. 114. CONSIDERATION OF APPLICATIONS.

''In considering applications under this subpart, the Corporation shall use criteria that include those approved by the Chief Executive Officer, after consideration of criteria recommended by the Board of Directors.

"SEC. 115. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

''(a) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of carrying out a program for which an allotment is made under this subpart may not exceed 50 percent of the total cost of carrying out the program.

''(2) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of an allotment under this subpart—

''(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(B) may provide for such share through State sources or local sources.

''(b) WAIVER.—The Chief Executive Officer may waive the requirements of subsection (a) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

"SEC. 116. LIMITATIONS ON USES OF FUNDS.

''(a) LIMITATION.—Not more than 5 percent of the amount of assistance provided to a State or Indian tribe that is the original recipient of an allotment under subsection (a), (b), or (c) of section 112 for a fiscal year may be used to pay for administrative costs incurred by—

''(1) the original recipient; or

''(2) the entity carrying out the service-learning programs supported with the assistance.

''(b) RULES ON USE.—The Chief Executive Officer may by rule prescribe the manner and extent to which—

''(1) such assistance may be used to cover administrative costs; and

''(2) that portion of the assistance available to cover administrative costs shall be distributed between—

''(A) the original recipient; and

''(B) the entity carrying out the service-learning programs supported with the assistance.

"Subpart B—Community Corps Demonstration Program

"SEC. 118. DEMONSTRATION PROGRAM.

''(a) IN GENERAL.—The Corporation, after consultation with the Secretary of Education, shall establish and carry out a Community Corps Demonstration Program.

''(b) GRANT PROGRAM AUTHORIZED.—In carrying out the program, the Corporation shall make grants on a competitive basis to eligible entities, for planning, implementing, operating, or expanding school-based service-learning programs, operated in partnership with nonprofit organizations or educational agencies, that—

''(1) require all students, as a condition of secondary school graduation, to complete a substantial service experience; and

''(2) provide high-quality opportunities to meet such requirement through—

''(A) 1 or more mandatory service-learning courses in an academic curriculum;

''(B) service-learning programs that—

''(i) require students to perform service after school, on weekends, or during summer vacations; and

''(ii) utilize appropriately trained adults to identify service opportunities for students within the community involved, to disseminate information about such opportunities, and to ensure that students have substantial structured opportunities for reflection on their service experiences;

''(C) service-learning programs that enroll students in teams or corps after school, on weekends, or during summer vacations; or

''(D) other types of service-learning programs approved by the Corporation.

''(c) APPLICATIONS.—To be eligible to receive a grant under this section, an entity shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Corporation may reasonably require. Such application shall include a 5-year strategic plan for developing high-quality opportunities of the type specified in subsection (b).

''(d) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall be—

''(1) a State, acting through the State educational agency;

''(2) an Indian tribe;

''(3) a local educational agency; or

''(4) a nonprofit organization meeting such requirements as the Corporation may specify, acting in partnership with 1 or more States, Indian tribes, or local educational agencies.

''(e) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to applicants with programs that—

''(1) meet unmet human, educational, environmental, or public safety needs;

''(2) foster an ethic of civic responsibility, personal character development, and leadership skills;

''(3) serve jurisdictions or portions of jurisdictions having a high percentage of low-income families; or

''(4) meet such other criteria as the Corporation may by regulation specify.

''(f) REPORT.—Not later than 2 years after the date of enactment of the Call to Service Act, the Corporation shall submit a report to Congress regarding the degree to which programs carried out under this section have succeeded in meeting the goals specified in paragraphs (1) and (2) of subsection (e).

''(g) FUNDING.—From funds appropriated to carry out this part for fiscal years 2003 through 2007, the Corporation shall reserve not less than $12,000,000 for each fiscal year to carry out this section.''.

SEC. 1202. HIGHER EDUCATION PROVISIONS.

Section 119 (42 U.S.C. 12561) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.—

''(1) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of the cost described in subsection (b) may not exceed 50 percent.

''(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost, each recipient of a grant or contract under this part—

''(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(ii) may provide for such share through State sources or local sources.

''(2) WAIVER.—The Chief Executive Officer may waive the requirements of paragraph (1) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.''; and

(2) by striking subsections (e) through (g) and inserting the following:

''(e) FEDERAL WORK-STUDY.—To be eligible for assistance under this part, an institution of higher education shall demonstrate that the institution meets the minimum requirements under section 443(b)(2)(B) of the Higher Education Act of 1965 (42 U.S.C. 2753(b)(2)(B)) relating to the participation in community service activities of students participating in work-study programs, or has received a waiver of those requirements from the Secretary of Education.

''(f) PRIORITY.—In making grants and entering into contracts under subsection (b), the Corporation—

''(1) shall give priority to an applicant that submits an application containing a proposal that—

''(A) demonstrates the commitment of the institution of higher education involved, other than by demonstrating the commitment of the students, to supporting the community service projects carried out through the program;

''(B) specifies the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;

''(C) specifies the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools;

''(D) describes any partnership that will participate in the community service projects, such as a partnership comprised of—

''(i) the institution;

''(ii)(I) a community-based agency;

''(II) a local government agency; or

''(III) a nonprofit entity that serves or involves school-age youth or older adults; and

''(iii) a student organization;

''(E) demonstrates community involvement in the development of the proposal;

''(F) describes research designed to identify best practices and other methods to improve service-learning;

''(G) specifies that the institution will use the assistance made available through such a grant or contract to strengthen the service infrastructure in institutions of higher education; or

''(H) with respect to a project involving delivery of services, specifies a project that involves leadership development of school-age youth;

''(2) shall give priority to an institution or partnership that can demonstrate a commitment to community service through measures such as—

''(A) carrying out ongoing community service projects involving students or facility;

''(B) exceeding the requirements of section 443(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 2753(b)(2)(B)) relating to the percentage of certain work-study funds used for community service; or

''(C) carrying out integrated service-learning programs or training teachers and community leaders in service-learning; and

''(3) shall, to the extent practicable, give special consideration to applicants who are historically Black colleges or universities, Hispanic-serving institutions, and tribally controlled colleges or universities.

''(g) DEFINITIONS.—In this part:

''(1) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

''(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' means a part B institution, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

''(3) STUDENT.—Notwithstanding section 101, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.

''(4) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—The term 'tribally controlled college or university' has the meaning given the term in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801).''.

SEC. 1203. COMMUNITY-BASED PROGRAMS, TRAINING, AND OTHER INITIATIVES.

Subtitle B of title I (42 U.S.C. 12521 et seq.) is amended by adding at the end the following:

''PART III—COMMUNITY-BASED PROGRAMS, TRAINING, AND OTHER INITIATIVES

''SEC. 120. COMMUNITY-BASED PROGRAMS, TRAINING, AND OTHER INITIATIVES.

''(a) IN GENERAL.—From the funds appropriated to carry out this part for a fiscal year, the Corporation may make grants to, or enter into contracts or cooperative agreements with, eligible entities.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive assistance under this part, an entity shall be—

''(1) a public or private nonprofit organization, a State educational agency, a State Commission, or an institution of higher education; or

''(2) a consortium of entities described in paragraph (1).

''(c) AUTHORIZED ACTIVITIES.—An entity that receives assistance under this part may use the assistance to—

''(1) conduct community-based programs that provide for meaningful human, educational, environmental, or public safety service by school-age youth;

''(2) provide training or technical assistance to support service-learning;

''(3) involve students in emergency preparedness and homeland security activities;

''(4) promote the recognition of students who perform outstanding community service and schools that have implemented outstanding service-learning programs; and

''(5) carry out demonstration programs, research, and evaluation related to service-learning.

''(d) LIMITATION ON FEDERAL SHARE OF COMMUNITY-BASED ACTIVITY COSTS.—

''(1) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in paragraph (3), the Federal share of the cost of carrying out an activity for which a grant is made, or a contract or cooperative agreement is entered into, under this part may not exceed 50 percent of the total cost of carrying out the program.

''(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such an activity, each recipient of assistance under this part—

''(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(ii) may provide for such share through State sources or local sources.

''(2) WAIVER.—The Chief Executive Officer may waive the requirements of paragraph (1) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

''(3) EXEMPTION.—The requirements of paragraph (1) shall not apply to an entity that receives a grant or enters into a contract or cooperative agreement to provide training or technical assistance, promote recognition, or carry out demonstration programs, research, or evaluation under this part.''.

SEC. 1204. SERVICE-LEARNING CLEARINGHOUSE.

Subtitle B of title I (42 U.S.C. 12521 et seq.), as amended by section 1203, is further amended by adding at the end the following:

''PART IV—CLEARINGHOUSE

''SEC. 120A. SERVICE-LEARNING CLEARINGHOUSE.

''(a) IN GENERAL.—The Corporation shall provide financial assistance, from funds appropriated under section 501(a)(2) to carry out subtitle H, to organizations described in subsection (b) to establish a clearinghouse, which shall carry out activities, either directly or by arrangement with another such organization, with respect to information about service-learning.

''(b) PUBLIC OR PRIVATE NONPROFIT ORGANIZATIONS.—Public or private nonprofit organizations that have extensive experience with service-learning, including use of adult volunteers to foster service-learning, shall be eligible to receive assistance under subsection (a).

''(c) FUNCTION OF CLEARINGHOUSE.—An organization that receives assistance under subsection (a) may—

''(1) assist entities carrying out State or local service-learning programs with needs assessments and planning;

''(2) conduct research and evaluations concerning service-learning;

''(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and

''(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

''(4) facilitate communication among entities carrying out service-learning programs and participants in such programs;

''(5) provide information, curriculum materials, and technical assistance relating to planning and operation of service-learning programs, to States and local entities eligible to receive financial assistance under this title;

''(6) provide information regarding methods to make service-learning programs accessible to individuals with disabilities;

''(7)(A) gather and disseminate information on successful service-learning programs, components of such successful programs, innovative youth skills curricula related to service-learning, and service-learning projects; and

''(B) coordinate the activities of the clearinghouse established in accordance with subsection (a) with appropriate entities to avoid duplication of effort;

''(8) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs;

''(9) assist organizations in recruiting, screening, and placing service-learning coordinators; and

''(10) carry out such other activities as the Chief Executive Officer determines to be appropriate.''.

Subtitle C—National Service Trust Program

SEC. 1301. PROHIBITION ON GRANTS TO FEDERAL AGENCIES; LIMITS ON CORPORATION COSTS.

Section 121 (42 U.S.C. 12571) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting ''RESTRICTIONS ON'' before ''AGREEMENTS WITH FEDERAL AGENCIES'';

(B) in paragraph (1)—

(i) in the first sentence, by striking ''by the agency.'' and inserting ''by the agency, including programs of the Public Lands Corps and Urban Youth Corps as described in section 122(a)(2).''; and

(ii) by striking the second sentence;

(C) by striking paragraph (2) and inserting the following:

''(2) PROHIBITION ON GRANTS.—The Corporation may not provide a grant under this section to a Federal agency.''; and

(D) in paragraph (3)—

(i) by striking ''receiving assistance under this subsection'' and inserting ''operating a national service program under such a contract or agreement''; and

(ii) by striking ''using such assistance'' and inserting ''under the contract or agreement'';

(2) in subsection (c), in the matter preceding paragraph (1), by striking ''assistance under subsections (a) and (b)'' and inserting ''assistance under subsection (a)''; and

(3) in subsection (d)—

(A) in paragraph (1), by striking ''or (b)''; and

(B) in paragraph (2)(A), by striking ''or (b)''.

SEC. 1302. E-CORPS AND TECHNICAL AMENDMENTS TO TYPES OF PROGRAMS.

Section 122 (42 U.S.C. 12572) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''and each Federal agency receiving assistance under section 121(b)'';

(B) in paragraph (9), by striking ''between the ages of 16 and 24 years of age'' and inserting ''age 16 through 25'';

(C) by redesignating paragraph (15) as paragraph (19); and

(D) by inserting after paragraph (14) the following:

''(15) An E-Corps program that involves participants who provide service in a community by developing and assisting in carrying out technology programs.

''(16) A program that engages citizens in public safety, public health, homeland security, and disaster relief and preparedness activities.

''(17) A program (including an initiative or a partnership program) that seeks to expand the number of young people with mentors, either through provision of direct mentoring services or through activities that build the capacity of mentoring organizations to serve more young people.

''(18) A community service program that—

''(A) enables secondary school students to carry out service activities in their communities during the summer or throughout the year;

''(B) may be a residential program;

''(C) is administered by a political subdivision of a State, a secondary school, an institution of higher education, a community-based agency, or a faith-based organization; and

''(D) is carried out in a low-income rural or urban area.'';

(2) in subsection (c)(1)—

(A) in subparagraph (A)—

(i) by striking ''after reviewing the strategic plan approved under section 192A(g)(1)'' and inserting ''after reviewing the strategic plan approved under section 192A(g)(2)''; and

(ii) by striking ''subsection (b) or (d) of''; and

(B) in subparagraph (B), by striking ''section 129(a)(1)'' and inserting ''section 129(f)''; and

(3) by adding at the end the following:

''(d) HIGH SCHOOL DEGREE REQUIRED FOR TUTORS.—The Corporation shall require that recipients of assistance under this subtitle or subtitle A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) to operate tutoring programs involving elementary school or secondary school students shall certify that each individual serving in an approved national service position as a tutor in such a program has obtained a high school diploma or its recognized equivalent, or is enrolled in a program leading to obtaining a high school diploma.

''(e) LITERACY PROGRAMS.—

''(1) PROGRAMS.—Literacy programs that receive assistance under this subtitle or subtitle A of title I of the Domestic Volunteer

Service Act of 1973 shall be based on scientifically based reading research and provide instruction based on the essential components of reading instruction as defined in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

''(2) TRAINING REQUIRED FOR READING TUTORS.—The Corporation shall require that recipients of assistance under this subtitle or subtitle A of title I of the Domestic Volunteer Service Act of 1973 to operate tutoring in reading programs shall provide training to participants serving in approved national service positions as tutors in such programs that incorporates the recommendations of the National Reading Panel.

''(f) CITIZENSHIP TRAINING.—The Corporation shall establish requirements, after consultation with State Commissions, for recipients of assistance under this subtitle or subtitle A of title I of the Domestic Volunteer Service Act of 1973 that—

''(1) relate to the promotion of citizenship and civic engagement among individuals serving in approved national service positions; and

''(2) are consistent with the principles on which citizenship programs administered by the Immigration and Naturalization Service are based.

''(g) OATH.—Any oath given under this subtitle shall be consistent with the principles of the Federal oath of office as provided in section 3331 of title 5, United States Code.

''(h) CONSULTATION.—The Corporation shall consult with the Secretary of Homeland Security to determine ways of promoting homeland security, including providing disaster relief and preparedness activities, and promoting public health and public safety, through national service programs carried out under this subtitle.''.

SEC. 1303. TYPES OF POSITIONS.

Section 123 (42 U.S.C. 12573) is amended—

(1) in paragraph (1), by striking ''subsection (a) or (b) of section 121'' and inserting ''section 121(a)'';

(2) in paragraph (2)(A), by striking ''an institution of higher education, or a Federal agency'' and inserting ''or an institution of higher education''; and

(3) in paragraph (5), by inserting ''National'' before ''Civilian Community Corps''.

SEC. 1304. TRAINING AND TECHNICAL ASSISTANCE.

Section 125 (42 U.S.C. 12575) is amended by adding at the end the following:

''(c) UNDERSERVED AREAS AND POPULATIONS.—In complying with the requirements of this section, the Corporation shall ensure that the training and technical assistance needs of programs that focus on and provide service opportunities for underserved rural and urban areas and populations are addressed.''.

SEC. 1305. ASSISTANCE TO STATE COMMISSIONS; CHALLENGE GRANTS.

Section 126 (42 U.S.C. 12576) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''between $125,000 and $750,000'' and inserting ''not less than $200,000 and not more than $1,000,000''; and

(B) by striking paragraph (2) and inserting the following:

''(2) MATCHING REQUIREMENT.—In making a grant to a State under this subsection, the Corporation shall require the State to provide matching funds in the following amounts:

''(A) FIRST $100,000.—For the first $100,000 of the grant amount provided by the Corporation, the State shall not be required to provide matching funds.

''(B) AMOUNTS GREATER THAN $100,000.—If the grant amount provided by the Corporation is more than $100,000, for the portion of the grant amount that is more than $100,000 and not more than $200,000, the State shall provide $1 from non-Federal sources for every $2 provided by the Corporation through the grant.

''(C) AMOUNTS GREATER THAN $200,000.—If the grant amount provided by the Corporation is more than $200,000, for the portion of the grant amount that is more than $200,000, the State shall provide $1 from non-Federal sources for every $1 provided by the Corporation through the grant.

''(D) WAIVER OR ALTERATION OF REQUIREMENTS.—The Corporation may waive or alter the matching fund requirements described in subparagraphs (B) and (C) for a State if the State is under serious budget constraints.''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''to national service programs that receive assistance under section 121'' and inserting ''to recipients of assistance for programs supported under section 121 that expand service and volunteering by increasing and strengthening the capacity of community-based agencies (including increasing and strengthening that capacity through the use of regional organizations that facilitate the involvement of small community groups) or by promoting high-quality teaching programs serving low-income students''; and

(B) by striking paragraph (3) and inserting the following:

''(3) AMOUNT OF ASSISTANCE.—

''(A) MATCHING FUNDS.—For a challenge grant made under this subsection, a recipient described in paragraph (1) shall provide (in addition to any amounts required to be provided by the recipient to satisfy other matching funds requirements under this subtitle)—

''(i) for an initial 3-year grant period, not less than $1 in cash from private sources for every $1 of Federal funds provided under the grant; and

''(ii) for a subsequent grant period, not less than $2 in cash from private sources for every $1 of Federal funds provided under the grant.

''(B) APPLICATION.—The Corporation may permit the use of local or State funds as matching funds under subparagraph (A) if the Corporation determines that such use would be equitable due to a lack of available funds from private sources at the local level.

''(C) LIMIT ON AMOUNT.—The Corporation shall establish a ceiling on the amount of assistance that may be provided to a recipient for a challenge grant made under this subsection.''.

SEC. 1306. ALLOCATION OF ASSISTANCE TO STATES AND OTHER ELIGIBLE ENTITIES.

Section 129 (42 U.S.C. 12581) is amended to read as follows:

''SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

''(a) AMERICORPS POSITIONS.—The Corporation, after consultation with members of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate shall increase, by 25,000 each year, the number of approved national service positions, with priority given to increasing the number of such positions for individuals performing full-time national service. Of the approved national service positions provided for a fiscal year, not more than 30 percent may be positions for which the participants are eligible to receive national service educational awards and no other benefits for service in the positions.

''(b) ONE PERCENT FOR ALLOTMENTS FOR CERTAIN TERRITORIES.—

''(1) IN GENERAL.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve 1 percent for grants to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The Corporation may make such a grant from an allotment made under paragraph (2).

''(2) ALLOTMENTS.—The Corporation shall allot to each territory described in paragraph (1) for a fiscal year an amount that bears the same ratio to 1 percent of the allocated funds for that fiscal year as the population of the territory bears to the total population of such territories.

''(c) NOT LESS THAN ONE PERCENT FOR COMPETITIVE GRANTS FOR INDIAN TRIBES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve not less than 1 percent for grants to Indian tribes, awarded by the Corporation on a competitive basis in accordance with their respective needs.

''(d) NOT LESS THAN 20 PERCENT FOR NATIONAL GRANTS.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve not less than 20 percent for grants to nonprofit organizations to operate a program in 2 or more States.

''(e) NOT MORE THAN 33 PERCENT FOR STATE COMPETITIVE GRANTS.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve not more than 33 percent for grants to States, awarded by the Corporation on a competitive basis for innovative activities.

''(f) 45 PERCENT FOR ALLOTMENTS FOR CERTAIN STATES.—

''(1) GRANTS.—Using the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall make a grant, from an allotment made under paragraph (2), to each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(2) ALLOTMENTS.—The Corporation shall allot to each such State for a fiscal year an amount that bears the same ratio to 45 percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, subject to paragraph (3).

''(3) MINIMUM AMOUNT.—Notwithstanding paragraph (2), the minimum grant made available to each eligible State under paragraph (1) for each fiscal year shall be not less than $500,000.

''(g) ADJUSTMENTS.—

''(1) RESERVATION OF FUNDS.—Notwithstanding subsections (e) and (f), the Corporation shall ensure that the Corporation reserves an aggregate amount of funds for allotments to States under subsection (f) for a fiscal year that is not less than the total amount of funds provided to all States described in subsection (f) for allotments under this subtitle for fiscal year 2002.

''(2) FORMULA GRANTS.—In order to meet the requirements of paragraph (1) during a fiscal year for which the aggregate amount of funds for allotments to States under subsection (f) is less than the total amount of funds provided to all States described in subsection (f) for allotments under this subtitle for fiscal year 2002, the Corporation shall reduce the amount available for State competitive grants under subsection (e).

''(h) EFFECT OF FAILURE TO APPLY.—If a State (including a territory described in subsection (b)) fails to apply for, or fails to give notice to the Corporation of its intent to apply for an allotment under subsection (b) or (f), the Corporation may use the amount that would have been allotted under subsection (b) or (f) to the State to—

''(1) make grants (including providing approved national service positions in connection with such grants) under section 121 to other eligible entities that propose to carry out national service programs in the State; and

''(2) make grants under section 121(a) from allotments made in accordance with subsections (b) and (f)(2) to other States with approved applications submitted under section 130.

''(i) APPLICATION REQUIRED.—The Corporation may provide assistance and approved national service positions to a recipient under section 121 only pursuant to an application submitted by a State or other applicant under section 130.

''(j) APPROVAL OF POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not approve positions as approved national service positions under this subtitle for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year, taking into consideration funding needs for national service educational awards under subtitle D based on completed service. If appropriations are insufficient to provide the maximum allowable number of national service educational awards under subtitle D for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules.

''(k) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—

''(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into an agreement with a person or entity who offers to sponsor national service positions and be responsible for supplying the funds necessary to provide national service educational awards for the positions. The distribution of those approved national service positions shall be made pursuant to the agreement, and the creation of those positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under section 121.

''(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

''(l) RESERVATION OF FUNDS FOR SPECIAL ASSISTANCE.—From amounts appropriated for a fiscal year pursuant to section 501(a)(2) and subject to the limitations in such section, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under sections 125 and 126.

''(m) RESERVATION OF FUNDS TO INCREASE THE PARTICIPATION OF INDIVIDUALS WITH DISABILITIES.—From amounts appropriated for a fiscal year pursuant to section 501(a)(2) and subject to the limitations in section 501(a)(2)(B), the Corporation shall reserve a portion that is not less than 1 percent of such amounts (except that the portion reserved may not exceed $10,000,000), for the purpose of making grants under section 121(a) to public or private nonprofit organizations to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose.''.

SEC. 1307. ADDITIONAL AUTHORITY.

Part II of subtitle C of title I (42 U.S.C. 12581 et seq.) is amended by inserting after section 129 the following:

''SEC. 129A. EDUCATION AWARDS PROGRAM.

''(a) IN GENERAL.—From amounts appropriated for a fiscal year pursuant to section 501(a)(2) and consistent with the restriction in subsection (b), the Corporation may provide operational assistance to programs that receive approved national service positions but do not otherwise receive funds under section 121(a).

''(b) LIMIT ON CORPORATION GRANT FUNDS.—Operational assistance provided under this section may not exceed $400 per individual enrolled in an approved national service position.

''(c) INAPPLICABLE PROVISIONS.—The following provisions shall not apply to programs that receive operational assistance under this section:

''(1) The limitation on administrative costs under section 121(d).

''(2) The matching funds requirements under sections 121(e) and 140.

''(3) The living allowance and other benefits under sections 131(e) and section 140 (other than individualized support services for disabled members under section 140(f)).''.

SEC. 1308. STATE SELECTION OF PROGRAMS.

Section 130 (42 U.S.C. 12582) is amended—

(1) in subsection (a), by striking ''the national service programs to be carried out using the assistance'' and all that follows through ''or Federal agency'' and inserting ''national service programs under this subtitle, an applicant'';

(2) in subsection (b)(11), by striking ''receive'' and inserting ''be eligible to receive'';

(3) in subsection (c)(1), by striking ''jobs or'';

(4) in subparagraphs (A) and (B) of subsection (d)(1), by striking ''subsection (a) or (b) of section 121'' and inserting ''section 121(a) (other than operational assistance described in section 129A)'';

(5) in subsection (e)—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2);

(6) in subsection (f)—

(A) in paragraph (1), by striking ''a program applicant'' and inserting ''an applicant'';

(B) in paragraph (2)—

(i) in the paragraph heading, by striking ''PROGRAM APPLICANT'' and inserting ''APPLICANT''; and

(ii) in the matter preceding subparagraph (A), by striking ''program applicant'' and inserting ''applicant''; and

(C) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education'' each place it appears; and

(7) in subsection (g), by striking the period and inserting ''or is already receiving financial assistance from the Corporation.''.

SEC. 1309. CONSIDERATION OF APPLICATIONS.

Section 133 (42 U.S.C. 12585) is amended—

(1) in subsection (b)(2)(B), by striking ''jobs or'';

(2) in subsection (c)—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following:

''(8) If applicable, as determined by the Corporation, the extent to which the program generates the involvement of volunteers.'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''to be conducted in those urban and rural areas in a State with the highest rates of poverty'' and inserting ''in urban and rural areas with the highest rates of poverty'';

(B) in paragraph (2)—

(i) in the first sentence, by striking ''section 129(d)(2)'' and inserting ''section 129(d)'';

(ii) by striking subparagraphs (A) and (G);

(iii) by redesignating subparagraphs (B) through (F) as subparagraphs (A) through (E), respectively;

(iv) in subparagraph (D) (as redesignated by clause (iii)), by adding ''and'' at the end; and

(v) in subparagraph (E) (as redesignated by clause (iii)), by striking ''; and'' and inserting a period; and

(C) in paragraph (3), by striking ''section 129(d)(2)'' and inserting ''section 129(d)'';

(D) by striking paragraph (4);

(4) in subsection (e), in the matter preceding paragraph (1), by striking ''subsections (a) and (d)(1) of section 129'' and inserting ''subsections (b), (c), (e), and (f) of section 129''; and

(5) in subsection (f)—

(A) in paragraph (1), by striking ''section 129(a)(1)'' and inserting ''section 129(f)''; and

(B) in paragraph (3), by striking ''section 129(a)'' and inserting ''section 129(f)''.

SEC. 1310. DESCRIPTION OF PARTICIPANTS.

Section 137 (42 U.S.C. 12591) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3);

(B) in paragraph (4), by inserting ''or will serve in an approved national service position with a program described in section 122(a)(18)'' before the semicolon; and

(C) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(2) in subsection (b)—

(A) in paragraph (1), by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(B) in paragraph (2), by striking ''between the ages of 16 and 25'' and inserting ''a 16-year-old out-of-school youth or an individual between the ages of 17 and 25''; and

(3) by striking subsection (c) and inserting the following:

''(c) SELF-CERTIFICATION AND WAIVER.—The Corporation may—

''(1) consider an individual to have satisfied the requirement of subsection (a)(4) if the individual informs the Corporation that such requirement has been satisfied; or

''(2) waive the requirement of subsection (a)(4) with respect to an individual if the program in which the individual seeks to become a participant conducts an independent evaluation demonstrating that the individual is incapable of obtaining a high school diploma or its recognized equivalent.''.

SEC. 1311. REFERENCE TO FEDERAL AGENCY.

Section 138(a) (42 U.S.C. 12592(a)) is amended by striking ''Federal agency,''.

SEC. 1312. TERMS OF SERVICE.

Section 139 (42 U.S.C. 12593) is amended—

(1) in subsection (a), by striking ''full- or part-time'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''not less than 9 months and'';

(B) in paragraph (2), by striking ''during a period of—'' and all that follows and inserting ''during a period of not more than 2 years.''; and

(C) by adding at the end the following:

''(4) SECONDARY SCHOOL COMMUNITY SERVICE.—Notwithstanding paragraphs (1) through (3), an individual performing service in an approved national service position in a program described in section 122(a)(18) shall agree to participate in the program for not less than 300 hours during a period of not more than 1 year.'';

(3) in subsection (c)—

(A) in paragraph (1)(A), by striking ''as demonstrated by the participant'' and inserting ''as determined by the recipient or program, if the participant has otherwise performed satisfactorily and has completed at least 15 percent of the original term of service'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''provide to the participant that portion of the national service educational award'' and inserting ''certify the participant's eligibility for that portion of the national service educational award''; and

(ii) in subparagraph (B)—

(I) by striking ''to allow return to the program with which the individual was serving in order to''; and

(II) by striking ''obtain'' and inserting ''become eligible for''; and

(C) in paragraph (3), by striking ''not receive'' and inserting ''not be eligible to receive''.

SEC. 1313. ADJUSTMENTS TO LIVING ALLOWANCE.

Section 140 (42 U.S.C. 12594) is amended—

(1) in subsection (a), by adding at the end the following:

''(7) OTHER FEDERAL FUNDS.—

''(A) RECIPIENT REPORT.—A recipient of assistance under section 121 that is subject to the limitation on the Federal share of the annual living allowance in paragraph (2) shall report to the Corporation the amount and source of any Federal funds other than those provided by the Corporation used to pay the annual living allowance under paragraph (1).

''(B) CORPORATION REPORT.—The Corporation shall report to Congress on an annual basis information regarding each recipient that uses Federal funds other than those provided by the Corporation to pay the annual living allowance under paragraph (1), including the amounts and sources of the other Federal funds.''; and

(2) by striking subsection (h) and inserting the following:

''(h) STIPENDS FOR SECONDARY SCHOOL COMMUNITY SERVICE PROGRAM.—A recipient of assistance under section 121 to carry out a program described in section 122(a)(18) may provide a stipend, transportation services, and educational support services to each participant in the program, in lieu of benefits described in subsections (a), (d), and (e).''.

Subtitle D—National Service Trust and Provision of National Service Educational Awards

SEC. 1401. AVAILABILITY OF FUNDS IN THE NATIONAL SERVICE TRUST.

Section 145 (42 U.S.C. 12601) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''and'';

(ii) in subparagraph (B), by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(C) service-based scholarships for secondary school students, as described in section 149A;''; and

(B) in paragraph (2), by striking ''pursuant to section 196(a)(2)'' and inserting ''pursuant to section 196(a)(2), if the terms of such donations direct that the amounts be deposited in the National Service Trust'';

(2) in subsection (c), by striking ''for payments of national service educational awards in accordance with section 148.'' and inserting ''to pay for—

''(1) national service educational awards in accordance with section 148;

''(2) interest in accordance with section 148(e); and

''(3) the Federal share of service-based scholarships to secondary school students in accordance with section 149A.''; and

(3) in subsection (d)—

(A) in paragraph (3)(B), by striking ''and'';

(B) in paragraph (4)—

(i) by striking ''awards to'' and inserting ''awards for''; and

(ii) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(5) identify the number of students who have received service-based scholarships to secondary school students in accordance with section 149A, and specify the amount of Federal and matching funds expended on an annual basis on the service-based scholarships.''.

SEC. 1402. INDIVIDUALS ELIGIBLE TO RECEIVE A NATIONAL SERVICE EDUCATIONAL AWARD FROM THE TRUST.

Section 146 (42 U.S.C. 12602) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''receive'' and inserting ''be eligible to receive''; and

(ii) by striking ''if the individual'' and inserting ''if the organization responsible for the individual's supervision for a national service program certifies that the individual'';

(B) by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) met the applicable eligibility requirements for the approved national service position in which the individual served;

''(2)(A) successfully completed the required term of service described in subsection (b) in the approved national service position; or

''(B)(i) satisfactorily performed prior to being granted a release for compelling personal circumstances under section 139(c); and

''(ii) completed at least 15 percent of the original required term of service described in subsection (b); and''; and

(C) by redesignating paragraph (4) as paragraph (3);

(2) in subsection (b), by striking ''full- or part-time'';

(3) by striking subsection (c) and inserting the following:

''(c) LIMITATION ON RECEIPT OF EDUCATIONAL AWARDS.—An individual may be eligible to receive, through national service educational awards made under this subtitle, a total amount that is not more than the aggregate value of 2 national service educational awards made for full-time service.'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting ''(or a family member of the individual designated in accordance with subsection (g))'' after ''under this section''; and

(ii) by striking the period and inserting ''(or, in the case of an individual who served in a program described in section 122(a)(18), the end of the 5-year period beginning on that date).''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting ''(or a family member of the individual designated in accordance with subsection (g))'' after ''an individual''; or

(II) by striking ''that the individual—'' and inserting ''that—'';

(ii) in subparagraph (A)—

(I) by inserting ''the individual (or family member)'' after ''(A)''; and

(II) by inserting ''(or 5-year period)'' before the semicolon; and

(iii) in subparagraph (C), by inserting ''the individual'' after ''(B)''; and

(5) by adding at the end the following:

''(g) TRANSFERS.—

''(1) DEFINITION.—In this subsection, the term 'family member', used with respect to an individual, means a spouse, son, daughter, or grandchild of the individual.

''(2) ABILITY TO TRANSFER.—An individual who is eligible to receive a national service educational award in accordance with this section may designate a family member of the individual to use the award in accordance with section 148. The designated person may submit an application under section 148 for disbursement of the award. On verifying the eligibility of the individual under this section, and determining that the designated person is a family member of the individual and is otherwise eligible to receive the award under this section, the Corporation shall disburse the award on behalf of the designated person in accordance with section 148.''.

SEC. 1403. DETERMINATION OF THE AMOUNT OF NATIONAL SERVICE EDUCATIONAL AWARDS.

Section 147(a) is amended—

(1) in subsections (a) and (b), by striking ''shall receive'' and inserting ''shall be eligible to receive'';

(2) in subsection (a), by striking '', for each of not more than 2 of such terms of service'' and all that follows and inserting ''of $5,250.'';

(3) in subsection (c)—

(A) by striking ''full-time or part-time''; and

(B) by striking ''provide the individual with'' and inserting ''provide for the individual''; and

(4) by adding at the end the following:

''(d) AMOUNT FOR SECONDARY SCHOOL COMMUNITY SERVICE.—Notwithstanding subsections (a), (b), and (c), an individual described in section 146(a) who successfully completes a required term of service described in section 139(b)(4) in an approved national service position in a program described in section 122(a)(18) shall receive a national service educational award having a value, for each of not more than 4 of such terms of service, equal to $1000.''.

SEC. 1404. DISBURSEMENT OF NATIONAL SERVICE EDUCATIONAL AWARDS.

Section 148 (42 U.S.C. 12604) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''and'';

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

''(4) to pay expenses incurred in enrolling in an educational institution or training establishment that meets the requirements of chapter 36 of title 38, United States Code; and'';

(2) in subsection (b)—

(A) in paragraph (2), by striking ''has earned'' and inserting ''is eligible to receive''; and

(B) in paragraph (7)—

(i) in subparagraph (A), by striking '', other than a loan to a parent of a student pursuant to section 428B of such Act (20 U.S.C. 1078–2); and'' and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) any loan (other than a loan described in subparagraph (A) or (B)) determined by an institution of higher education to be necessary to cover a student's educational expenses and made, insured, or guaranteed—

''(i) by an eligible lender, as defined in section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085);

''(ii) under the direct student loan program under part D of title IV of such Act (20 U.S.C. 1087a et seq.); or

''(iii) by a State agency.'';

(3) in subsection (e), by striking ''subsection (b)(6)'' and inserting ''subsection (b)(7)'';

(4) in subsection (f), by striking ''Director'' and inserting ''Chief Executive Officer''; and

(5) by adding at the end the following:

''(h) RULE.—References in this section to an individual (other than the third and fourth such references in subsection (e)) shall be considered to include references to a family member of the individual designated under section 146(g).''.

SEC. 1405. ADDITIONAL USES OF NATIONAL SERVICE TRUST AMOUNTS.

Subtitle D of title I (42 U.S.C. 12601 et seq.) is amended by adding at the end the following:

''SEC. 149. USE BY PARTICIPANTS WITH DISABILITIES.

''Notwithstanding any other provision of this subtitle, the Corporation may disburse

from the National Service Trust some or all of a national service educational award directly to an individual (or a family member of the individual designated in accordance with section 146(g)) who provides a certification that—

''(1) the individual (or family member) is—

''(A) entitled to disability insurance benefits under section 223 of the Social Security Act (42 U.S.C. 423);

''(B) entitled to monthly insurance benefits under section 202 of the Social Security Act (42 U.S.C. 402) based on such individual's (or family member's) disability (as defined in section 223(d) of such Act (42 U.S.C. 423(d)); or

''(C) eligible for supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) on the basis of blindness (as described in section 1614(a)(2) of such Act (42 U.S.C. 1382c(a)(2)) or disability (as described in section 1614(a)(3) of such Act (42 U.S.C. 1382c(a)(3)); and

''(2) the individual (or family member) will use the disbursed funds to pay for education, training, or work-related activities designed to make the individual (or family member) self-supporting.

''SEC. 149A. SERVICE-BASED SCHOLARSHIPS TO SECONDARY SCHOOL STUDENTS.

''(a) PROGRAM AUTHORIZED.—The Corporation may use amounts in the National Service Trust to support a service-based scholarship program to recognize secondary school juniors and seniors who are engaged in outstanding community service and scholarship.

''(b) APPROVED USE OF SCHOLARSHIPS.—In supporting the program, the Corporation may use the amounts to pay for not more than 50 percent of the costs of a scholarship that also receives local funding, to help cover an individual's postsecondary education or job training costs.

''(c) CORPORATION SHARE.—The Corporation's share of an individual's scholarship under the program may not exceed $500.

Subtitle E—National Civilian Community Corps

SEC. 1501. PURPOSE.

Section 151 (42 U.S.C. 12611) is amended to read as follows:

''SEC. 151. PURPOSE.

''It is the purpose of this subtitle to authorize the operation of, and support for, residential service programs that combine the best practices of civilian service with the best aspects of military service, including leadership and team building, to meet national and community needs, particularly concerns related to national security. The needs to be met under such programs include needs related to natural and other disasters, which shall be addressed through activities coordinated with the Federal Emergency Management Agency and other public and private organizations.''.

SEC. 1502. NATIONAL CIVILIAN COMMUNITY CORPS.

Subtitle E of title I (42 U.S.C. 12611 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

''Subtitle E—National Civilian Community Corps'';

(2) by striking ''Civilian Community Corps'' each place it appears and inserting ''National Civilian Community Corps'';

(3) by striking ''**CIVILIAN COMMUNITY CORPS**'' each place it appears and inserting ''**NATIONAL CIVILIAN COMMUNITY CORPS**''; and

(4) in section 155(b) (42 U.S.C. 12615(b)), by striking ''CIVILIAN COMMUNITY CORPS'' and inserting ''NATIONAL CIVILIAN COMMUNITY CORPS''.

SEC. 1503. PROGRAM COMPONENTS.

Section 152 (42 U.S.C. 12612) is amended—

(1) in the section heading, by striking ''**DEMONSTRATION**'';

(2) in subsections (a) and (b), by striking ''Demonstration''; and

(3) in subsection (c), in the subsection heading, by striking ''PROGRAMS'' and inserting ''COMPONENTS''.

SEC. 1504. ELIGIBLE PARTICIPANTS.

Section 153 (42 U.S.C. 12613) is amended—

(1) in subsection (a), by striking ''Demonstration'';

(2) in subsection (b), by striking ''if the person'' and all that follows and inserting ''if the person will be at least age 18 by December 31 of the calendar year in which the individual enrolls in the program.'';

(3) in subsection (c), in the subsection heading, by striking ''BACKROUNDS'' and inserting ''BACKGROUNDS''; and

(4) by striking subsection (e).

SEC. 1505. SUMMER NATIONAL SERVICE PROGRAM.

Section 154(a) (42 U.S.C. 12614(a)) is amended by striking ''Demonstration''.

SEC. 1506. TEAM LEADERS.

Section 155 (42 U.S.C. 12615) is amended—

(1) in subsection (a), by striking ''Demonstration''; and

(2) in subsection (b), by adding at the end the following:

''(4) TEAM LEADERS.—The Director may select from Corps members individuals with prior supervisory or service experience, to be team leaders within units in the National Civilian Community Corps and to perform service that includes leading and supervising teams of Corps members. Team leaders shall—

''(A) be members of the National Civilian Community Corps; and

''(B) be provided the rights and benefits applicable to Corps members, except that the amount of the living allowance provided to a team leader under section 158(b) shall be not more than 10 percent greater than the amount established under section 158(b).''.

SEC. 1507. CONSULTATION WITH STATE COMMISSIONS.

Section 157 (42 U.S.C. 12617) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B), by inserting ''community-based agencies and'' before ''representatives of local communities''; and

(B) in paragraph (2), by inserting ''State commissions,'' before ''and persons involved in other youth service programs.''; and

(2) in subsection (c), by adding at the end the following:

''(3) DISASTER ASSISTANCE.—In selecting the projects, the Director shall place appropriate emphasis on projects in support of disaster relief efforts.''.

SEC. 1508. PERMANENT CADRE.

Section 159(a) (42 U.S.C. 12619(a)) is amended by striking ''Demonstration''.

SEC. 1509. CONTRACT AND GRANT AUTHORITY.

Section 161(a) (42 U.S.C. 12621(a)) is amended by striking ''perform any program function under this subtitle'' and inserting ''carry out the National Civilian Community Corps program''.

SEC. 1510. OTHER DEPARTMENTS.

Section 162(a)(2)(A) (42 U.S.C. 12622(a)(2)(A)) is amended—

(1) by striking ''to be recommended for appointment'' and inserting ''from which individuals may be selected for appointment by the Director''; and

(2) by striking ''members and former members of the Armed Forces referred to in section 151(3) who are commissioned officers, noncommissioned officers, former commissioned officers, or former noncommissioned officers.'' and inserting ''individuals who are—

''(i)(I) members and former members of the Armed Forces who are entitled or, except for not having attained the minimum age required under section 12731(a) of title 10, United States Code, would be entitled to retired or retainer pay payable out of the Department of Defense Military Retirement Fund under section 1463 of such title or to retired pay referred to in subsection (a)(2) of such section 1463 that is payable by the Secretary of Homeland Security;

''(II) former members of the Armed Forces who were discharged from the Armed Forces or released from active duty during a period of a reduction in size of the Armed Forces;

''(III) former members of the Armed Forces who were discharged, and members of the Armed Forces who have been transferred, from the Selected Reserve of the Ready Reserve during a period of a reduction in size of the Armed Forces; or

''(IV) other members of the Armed Forces not on active duty and not actively participating in a reserve component of the Armed Forces; and

''(ii) commissioned officers, noncommissioned officers, former commissioned officers, or former noncommissioned officers of the Armed Forces.''.

SEC. 1511. REPEAL OF AUTHORITY FOR ADVISORY BOARD AND FUNDING LIMITATION.

Sections 163 and 165 (42 U.S.C. 12623 and 12625) are repealed.

SEC. 1512. DEFINITIONS.

Section 166 (42 U.S.C. 12626) is amended—

(1) by striking paragraphs (3) and (9);

(2) by redesignating paragraphs (2), and (4) through (8), as paragraphs (4) through (9) respectively;

(3) by inserting after paragraph (1) the following:

''(2) CAMPUS.—The term 'campus' means the facility or central location established as the operational headquarters and boarding place for particular Corps units.

''(3) CAMPUS DIRECTOR.—The term 'campus director', with respect to a campus, means the head of the campus under section 155(d).''; and

(4) in paragraphs (4), (5), and (8) (as redesignated by paragraph (2)), by striking ''Demonstration'' each place it appears.

SEC. 1513. TERMINOLOGY.

Subtitle E of title I (42 U.S.C. 12611 et seq.) is amended—

(1)(A) in section 155 (42 U.S.C. 12615)—

(i) in subsection (d)(2), in the paragraph heading, by striking ''CAMP SUPERINTENDENT'' and inserting ''CAMPUS DIRECTOR''; and

(ii) in subsection (f)—

(I) in paragraph (2)(A), by striking ''superintendent's'' and inserting ''director's''; and

(II) in paragraph (3), by striking ''camp superintendent'' and inserting ''campus director'';

(B) in section 157(c)(2) (42 U.S.C. 12617(c)(2)), by striking ''camp superintendents'' and inserting ''campus directors''; and

(C) except as provided in subparagraphs (A) and (B), by striking ''superintendent'' each place it appears and inserting ''campus director''; and

(2)(A) by striking ''Corps camp'' each place it appears and inserting ''campus'';

(B) by striking ''camp'' each place it appears and inserting ''campus'';

(C) by striking ''camps'' each place it appears and inserting ''campuses''; and

(D) in section 155 (42 U.S.C. 12615)—

(i) in subsections (d) and (e), in the subsection headings, by striking ''CAMPS'' and inserting ''CAMPUSES''; and

(ii) in subsection (d)—

(I) in paragraph (1), in the paragraph heading, by striking ''CAMPS'' and inserting ''CAMPUSES''; and

(II) in paragraph (3), in the paragraph heading, by striking ''CAMP'' and inserting ''CAMPUS''.

Subtitle F—Administrative Provisions

SEC. 1601. FAMILY AND MEDICAL LEAVE.

Section 171 (42 U.S.C. 12631) is amended—

(1) in subsection (a)(1), by striking ''with respect to a project'' and inserting ''with respect to a project authorized under subtitle C, or part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.)'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(3) by inserting after subsection (a) the following:

''(b) SERVICE SPONSORS.—Participants or volunteers in a project authorized under subtitle C, or title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000 et seq.), shall not be considered to be employees for purposes of determining whether a service sponsor is an employer under subsection (a)(2).''.

SEC. 1602. ADDITIONAL PROHIBITIONS ON USE OF FUNDS.

Section 174 (42 U.S.C. 12634) is amended by adding at the end the following:

''(d) SEX EDUCATION PROGRAMS.—No assistance made available under the national service laws shall be used—

''(1) to develop or distribute materials or operate programs or courses of instruction, directed at youth, that are designed to promote or encourage sexual activity;

''(2) to distribute or aid in the distribution by any organization of obscene materials to minors on school grounds;

''(3) to provide in schools—

''(A) sex education, unless such education is age appropriate and includes discussion of the health benefits of abstinence; and

''(B) HIV-prevention instruction, unless such instruction is age appropriate, includes discussion of the health benefits of abstinence, and includes discussion of the health risks of the human papillomavirus, consistent with the provisions of section 317P(c) of the Public Health Service Act (42 U.S.C. 247b-17(c)); or

''(4) to operate a program of contraceptive distribution in schools.''.

SEC. 1603. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

Section 176 (42 U.S.C. 12636) is amended—

(1) by striking ''this title'' each place it appears and inserting ''the national service laws'';

(2) in subsection (a)(2)(A), by striking ''30 days'' and inserting ''1 or more periods of 30 days, but not more than a total of 90 days''; and

(3) in subsection (f)—

(A) in paragraph (1), by striking ''A State or local applicant'' and inserting ''An entity''; and

(B) in paragraph (6)—

(i) in subparagraph (C), by striking ''and'';

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

''(D) for a grievance filed by an individual applicant or participant—

''(i) the applicant's selection or the participant's reinstatement, as the case may be; and

''(ii) other changes in the terms and conditions of the service involved; and''.

SEC. 1604. RESOLUTION OF DISPLACEMENT COMPLAINTS.

Section 177 (42 U.S.C. 12637) is amended—

(1) in subsections (a) and (b), by striking ''under this title'' each place it appears and inserting ''under the national service laws''; and

(2) by striking subsection (e) and inserting the following:

''(e) STANDARDS OF CONDUCT.—

''(1) IN GENERAL.—Programs that receive assistance under the national service laws shall establish and stringently enforce standards of conduct at the program sites to promote proper moral and disciplinary conditions, and shall consult with the parents or legal guardians of children in developing and operating programs that include children as participants and serve children.

''(2) PARENTAL PERMISSION.—A program that receives assistance under the national service laws shall, consistent with State law, before transporting a minor child, provide the reason for the transportation to, and obtain written permission from, the child's parents.''.

SEC. 1605. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

Section 178 (42 U.S.C. 12638) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by adding at the end the following:

''(J) A representative of the volunteer sector.''; and

(B) in paragraph (3), by striking '', unless the State permits the representative to serve as a voting member of the State Commission or alternative administrative entity'';

(2) in subsection (d)(6)(B), by striking ''section 193A(b)(11)'' and inserting ''section 193A(b)(10)'';

(3) by striking subsection (e)(1) and inserting the following:

''(1) Preparation of a national service plan that—

''(A)(i) is developed through an open and public process (such as through regional forums, hearings, and other means) that provides for maximum participation and input from nonprofit organizations and public agencies; and

''(ii) uses service and volunteerism as strategies to meet critical community needs, including service through programs funded under the national service laws;

''(B) covers a 3-year period, the beginning of which may be set by the State;

''(C) is subject to approval by the Chief Executive Officer;

''(D) includes measurable goals and outcomes, including performance measures established under section 186;

''(E) ensures outreach to community and religious organizations, including such organizations that serve underrepresented populations;

''(F) provides for the effective coordination of funding applications submitted by the State, and others within the State, under the national service laws; and

''(G) identifies potential changes in practices and policies that would improve the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State.'';

(4) by redesignating subsections (f) through (j) as subsections (g) through (k), respectively; and

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

''(f) RELIEF FROM ADMINISTRATIVE REQUIREMENTS.—Upon approval of a State national service plan prepared under subsection (e)(1), the Chief Executive Officer may waive, or specify alternatives to, administrative requirements (other than requirements of statutory provisions) otherwise applicable to grants made to States under the national service laws, including those requirements identified by a State as impeding the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State.''.

SEC. 1606. EVALUATION AND ACCOUNTABILITY.

Section 179 (42 U.S.C. 12639) is amended—

(1) in subsection (a), by striking ''to determine—'' and all that follows and inserting ''to determine the effectiveness of programs that received assistance under the national service laws in achieving stated goals and the costs associated with each of the programs, and for research and evaluation regarding the role of service and civic engagement as a means of fostering healthy civic organizations.'';

(2) in subsection (g)—

(A) in paragraph (3), by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(B) in paragraph (9), by striking ''to public service'' and all that follows and inserting ''to engage in service that benefits the community.''; and

(3) by adding at the end the following:

''(j) RESERVED PROGRAM FUNDS FOR ACCOUNTABILITY.—In addition to amounts appropriated under section 501 and made available to carry out this section, the Corporation may reserve up to 1 percent of total program funds appropriated for a fiscal year under the national service laws to support program accountability activities.''.

SEC. 1607. TECHNICAL AMENDMENT.

Section 181 (42 U.S.C. 12641) is amended by striking ''Section 414'' and inserting ''Section 422''.

SEC. 1608. ADDITIONAL ADMINISTRATIVE PROVISIONS.

Subtitle F of title I (42 U.S.C. 12631 et seq.) is amended by adding at the end the following:

''SEC. 185. CONSOLIDATED APPLICATION AND REPORTING REQUIREMENTS.

''To promote efficiency and eliminate duplicative requirements, the Corporation, after consultation with State Commissions and the Director of the National Senior Service Corps may consolidate or modify application procedures and reporting requirements for programs and activities funded under the national service laws.

''SEC. 186. ACCOUNTABILITY FOR RESULTS.

''(a) MEASURES.—

''(1) ESTABLISHMENT OF MEASURES.—The Corporation shall establish, after consultation with recipients of assistance under the national service laws, performance measures for each recipient (or subrecipient).

''(2) CONTENT.—The performance measures described in paragraph (1)—

''(A) shall include, for each program carried out with such assistance—

''(i) the number of participants enrolled and completing terms of service;

''(ii) specific performance indicators showing the outcome of the service activity, such as—

''(I) the number of children tutored;

''(II) an indicator of academic gains, related to the degree of beneficiary participation in services provided through the service activity;

''(III) the number of housing units renovated;

''(IV) the number of vaccines administered;

''(V) the number of individuals assisted through disaster preparedness or response activities; or

''(VI) other quantitative and qualitative measures as determined to be appropriate by the recipient or subrecipient, as appropriate, for the program; and

''(iii) a measure of community support;

''(B) may include, for each program—

''(i) an indicator of change in attitude by beneficiaries of the program;

''(ii) the number of volunteers recruited; and

''(iii) the numbers of participants who failed to complete their terms of service; and

''(C) shall include an established level of performance for each measure described in subparagraph (A) or (B).

''(3) SOURCE.—The Corporation may determine whether a recipient (or subrecipient)

has achieved the performance measures described in paragraph (1) on the basis of self-reported data from the recipient (or subrecipient) and independent data collected by the Corporation.

''(b) PLAN FOR FAILURE TO ACHIEVE PERFORMANCE MEASURES.—

''(1) PROGRAMS IN EXISTENCE FOR 3 YEARS OR LONGER.—A recipient (or subrecipient) of assistance described in subsection (a)(1), for a program carried out under subtitle C that—

''(A) has been in existence for not less than 3 years; and

''(B) fails to achieve the performance measures described in subsection (a) during fiscal year 2004 or a subsequent fiscal year,

shall submit a corrective plan to the Corporation that addresses the performance measures that the program failed to achieve, with detailed information on how the recipient (or subrecipient) will ensure that the program will achieve the measures.

''(2) PROGRAMS IN EXISTENCE FOR LESS THAN 3 YEARS.—A recipient (or subrecipient) of assistance described in subsection (a)(1), for a program carried out under subtitle C that—

''(A) has been in existence for less than 3 years; and

''(B) fails to achieve the performance measures described in subsection (a) during—

''(i) the later of fiscal year 2004 or the first fiscal year in which the program is in existence; or

''(ii) a subsequent fiscal year,

shall receive technical assistance from the Corporation to address targeted performance problems relating to the performance measures that the program failed to achieve, and shall provide quarterly reports on the program's progress in achieving the performance measures described in subsection (a) to the appropriate State and the Corporation.

''(c) MEASURES FOR FAILURE TO ACHIEVE PERFORMANCE MEASURES.—

''(1) PROGRAMS IN EXISTENCE FOR 3 YEARS OR LONGER.—If, after a period for correction approved by the Corporation, a recipient (or subrecipient) described in subsection (b)(1) of assistance described in subsection (a)(1) fails to achieve the performance measures for a program, the Corporation shall—

''(A) reduce the annual amount of the assistance for the program to the underperforming recipient (or subrecipient) by not less than 25 percent; or

''(B) terminate assistance for the program to the underperforming recipient (or subrecipient), consistent with subsections (a), (b), (c), and (f) of section 176.

''(2) PROGRAMS IN EXISTENCE FOR LESS THAN 3 YEARS.—If, after 2 years, a recipient (or subrecipient) described in subsection (b)(2) fails to show progress in achieving the performance measures described in subsection (a) for a program, the Corporation shall make the reduction described in subparagraph (A), or the termination described in subparagraph (B), of paragraph (1).

''(d) REPORTS TO CONGRESS.—The Corporation shall submit a report to Congress not later than 2 years after the date of enactment of this section, and annually thereafter, containing information, for the year covered by the report, on the number of—

''(1) recipients and subrecipients implementing corrective plans under this section;

''(2) recipients and subrecipients for which the Corporation terminates assistance for a program under this section; and

''(3) recipients and subrecipients achieving (including exceeding) performance measures under this section.

''SEC. 187. SUSTAINABILITY.

''(a) GOALS.—To ensure that recipients of assistance under the national service laws are carrying out sustainable projects, the Corporation, the Corporation, after collaboration with State Commissions and the Director of the National Senior Service Corps and after consultation with recipients of assistance under the national service laws, may set sustainability goals by establishing policies and procedures to—

''(1) build the capacity of the projects receiving the assistance to meet community needs;

''(2) provide technical assistance to assist the recipients in acquiring non-Federal funds for the projects; and

''(3) implement measures to ascertain whether the projects are generating sufficient community support.

''(b) ENFORCEMENT.—If a recipient described in subsection (a) does not meet the sustainability goals for a project, the Corporation may suspend or terminate assistance for the project to the recipient, consistent with subsections (a), (b), (c), and (f) of section 176.

''SEC. 188. CAPACITY BUILDING.

''Participants in programs supported under the national service laws, including individuals serving in approved national service positions, may engage in activities, including recruiting and managing volunteers, that increase the capacity of organizations that receive assistance under the national service laws to address unmet human, educational, environmental, or public safety needs.

''SEC. 188A. EXPENSES OF ATTENDING MEETINGS.

''Notwithstanding section 1345 of title 31, United States Code, funds authorized under the national service laws shall be available for expenses of attendance of meetings that are concerned with the functions or activities for which the funds are appropriated or that will contribute to improved conduct, supervision, or management of those functions or activities.

''SEC. 188B. GRANT PERIODS.

''Unless otherwise specifically provided, the Corporation has authority to make a grant, or enter into a contract or cooperative agreement, under the national service laws for a period of 3 years.

''SEC. 188C. LIMITATION ON PROGRAM GRANT COSTS.

''(a) LIMITATION ON GRANT AMOUNTS.—Except as otherwise provided by this section, the amount of funds approved by the Corporation for a grant to operate a nonresidential program authorized under the national service laws supporting individuals serving in approved national service positions may not exceed $16,000 per full-time equivalent position.

''(b) COSTS SUBJECT TO LIMITATION.—The limitation in subsection (a) applies to the Corporation's share of participant support costs, staff costs, and other costs borne by the recipient or a subrecipient of the funds to operate a program.

''(c) COSTS NOT SUBJECT TO LIMITATION.—The limitation in subsection (a) shall not apply to expenses that are not covered by the grant award.

''(d) ADJUSTMENTS FOR INFLATION.—The amount specified in subsection (a) shall be increased each year after 2004 for inflation as measured by the Consumer Price Index for All Urban Consumers published by the Secretary of Labor.

''(e) WAIVER AUTHORITY AND REPORTING REQUIREMENT.—

''(1) WAIVER.—The Chief Executive Officer may waive the requirements of subsections (a) through (d), if necessary to meet the compelling needs of a particular program, such as—

''(A) exceptional training needs for a program serving disadvantaged youth;

''(B) increased costs relating to the participation of individuals with disabilities; and

''(C) start-up costs associated with a first-time recipient of funds for a program described in subsection (a).

''(2) REPORTS.—The Chief Executive Officer shall submit reports to Congress annually on all waivers granted under this section, with explanations of the compelling needs justifying such waivers.

''SEC. 188D. NOTICE REQUIREMENT.

''(a) NOTICE.—The Corporation shall ensure that the following notice is included in all application materials, announcements of grants, contracts, and other agreements, and other materials containing information regarding application for assistance provided under the national service laws: 'The Civil Rights Act of 1964 (42 U.S.C. 2000 et seq.) prohibits employers with 15 or more employees from engaging in employment practices that discriminate against an individual on the basis of religion. Under section 702(a) of the Civil Rights Act of 1964, this prohibition generally does not apply to a religious corporation, association, educational institution, or society. However, as a requirement of receiving funding under the national service laws, any such religious entity shall not discriminate on the basis of religion against a new employee who is paid with funds received under the national service laws, pursuant to section 175(c) of the National and Community Service Act of 1990 (42 U.S.C. 12635(c)) and section 417(c) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5057(c)).'.

''(b) CONFIRMATION.—Before providing assistance to a private entity referred to in the notice specified in subsection (a), the Corporation shall ensure that the entity provides written confirmation, separate from any other document required by law or regulation, acknowledging that the entity has read and understands that notice.

''(c) CONSTRUCTION.—Subsections (a) and (b) shall not be construed to amend, or supersede or otherwise affect rights, protections, or duties under, any law, other than this Act.

''SEC. 188E. AUDITS AND REPORTS.

''The Corporation shall comply with applicable audit and reporting requirements as provided in chapters 5 and 91 of title 31, United States Code (relating to the Office of Management and Budget and government corporations). The Corporation shall report to the Congress any failure to comply with the requirements relating to such audits.

''SEC. 188F. CONSTRUCTION.

''An individual participating in service in a program described in section 122(a)(18) shall not be considered to be an employee engaged in employment for purposes of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).''.

Subtitle G—Corporation for National and Community Service

SEC. 1701. TERMS OF OFFICE.

Section 192 (42 U.S.C. 12651a) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) TERMS.—Subject to subsection (e), each appointed member of the Board shall serve for a term of 5 years.''; and

(2) by adding at the end the following:

''(e) SERVICE UNTIL APPOINTMENT OF SUCCESSOR.—An appointed member of the Board whose term has expired may continue to serve until the earlier of—

''(1) the date on which a successor has taken office; or

''(2) the date on which the Congress adjourns sine die to end the session of Congress that commences after the date on which the member's term expired.''.

SEC. 1702. BOARD OF DIRECTORS AUTHORITIES AND DUTIES.

Section 192A(g) (42 U.S.C. 12651b(g)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (1) as paragraph (2);

(3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

''(1) have responsibility for setting overall policy for the Corporation;'';

(4) in paragraph (5)(B), by striking ''the annual strategic plan referred to in paragraph (1), the proposals referred to in paragraphs (2) and (3)'' and inserting ''the annual strategic plan referred to in paragraph (2), the proposal referred to in paragraph (3)'';

(5) in paragraph (9), by inserting ''and'' after ''Corporation;'';

(6) in paragraph (10), by striking ''; and'' and inserting a period; and

(7) by striking paragraph (11).

SEC. 1703. PEER REVIEWERS.

Section 193A (42 U.S.C. 12651d) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(B), by striking ''after receiving and reviewing an approved proposal under section 192A(g)(2),'';

(B) in paragraph (8)(B)—

(i) in clause (i), by striking ''section 192A(g)(1)'' and inserting ''section 192A(g)(2)''; and

(ii) in clause (ii), by striking ''proposals approved by the Board under paragraph (2) or (3) of section 192A(g)'' and inserting ''proposal approved by the Board under section 192A(g)(3)''; and

(C) in paragraph (9)(C), by striking the semicolon and inserting ''; and'';

(D) by striking paragraph (10); and

(E) by redesignating paragraph (11) as paragraph (10);

(2) in subsection (c)—

(A) in paragraph (9), by striking ''and'' at the end;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

''(10) obtain the opinions of peer reviewers in evaluating applications to the Corporation for assistance under this title; and'';

(3) by striking subsection (f); and

(4) by redesignating subsection (g) as subsection (f).

SEC. 1704. OFFICERS.

Section 194(d) (42 U.S.C. 12651e(d)) is amended, in the subsection heading, by striking ''NATIONAL SENIOR VOLUNTEER CORPS'' and inserting ''NATIONAL SENIOR SERVICE CORPS''.

SEC. 1705. NONVOTING MEMBERS; PERSONAL SERVICES CONTRACTS.

Section 195 (42 U.S.C. 12651f) is amended—

(1) in subsection (c)(3)—

(A) in the paragraph heading, by striking ''MEMBER'' and inserting ''NON-VOTING MEMBER''; and

(B) by inserting ''non-voting'' before ''member''; and

(2) by adding at the end the following:

''(g) PERSONAL SERVICES CONTRACTS.—The Corporation may enter into personal services contracts to carry out research, evaluation, and public awareness projects related to the national service laws.''.

SEC. 1706. DONATED SERVICES.

Section 196(a) (42 U.S.C. 12651g(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

''(A) ORGANIZATIONS AND INDIVIDUALS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the voluntary services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws, and may provide to members of such organizations and such individuals the travel expenses described in section 192A(d).'';

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking ''Such a volunteer'' and inserting ''A person who is a member of an organization, or is an individual, covered by subparagraph (A)'';

(ii) in clause (i), by striking ''a volunteer under this subtitle'' and inserting ''such a person'';

(iii) in clause (ii), by striking ''volunteers under this subtitle'' and inserting ''such persons''; and

(iv) in clause (iii), by striking ''such a volunteer'' and inserting ''such a person''; and

(C) in subparagraph (C)(i), by striking ''Such a volunteer'' and inserting ''Such a person''; and

(2) by striking paragraph (3).

Subtitle H—Investment for Quality and Innovation

SEC. 1801. TECHNICAL AMENDMENTS TO SUBTITLE H.

Section 198 (42 U.S.C. 12653) is amended—

(1) in subsection (a), by striking ''subsection (r)'' and inserting ''subsection (q)'';

(2) in subsection (e)—

(A) in the subsection heading, by striking ''IMPROVE ABILITY TO APPLY FOR ASSISTANCE'' and inserting ''TRAINING AND TECHNICAL ASSISTANCE''; and

(B) by striking ''and other entities'' and all that follows and inserting ''and other entities, including those in underserved rural and urban areas, to enable them to apply for funding under one of the national service laws, to conduct high-quality programs, to evaluate such programs, to support efforts to improve the management of nonprofit organizations and community groups, and for other purposes.'';

(3) in subsection (i)—

(A) by striking ''conduct a campaign to''; and

(B) by striking ''to promote'' and inserting ''may promote'';

(4) by striking subsection (q) and redesignating subsections (r) and (s) as subsections (q) and (r), respectively;

(5) in subsection (q) (as redesignated by paragraph (4)), in the subsection heading, by striking ''ASSISTANCE FOR HEAD START'' and inserting ''AGREEMENTS CONCERNING FOSTER GRANDPARENT PROGRAMS''; and

(6) by adding at the end the following:

''(s) VOLUNTEER SERVICE TECHNOLOGY PROGRAMS.—The Corporation may make available not more than $5,000,000 per year to make grants to Internet volunteer recruiting entities, to pay for the Federal share of the cost of programs to assist the entities to locate, promote, and match volunteers with, local service and volunteer organizations. The Federal share of the cost shall be 75 percent. The non-Federal share of the cost shall be provided from State or local sources.''.

SEC. 1802. CLEARINGHOUSES.

Section 198A(a) (42 U.S.C. 12653a(a)) is amended by striking ''section 118'' and inserting ''section 120A''.

SEC. 1803. REPEAL OF SPECIAL DEMONSTRATION PROJECT.

Section 198D (42 U.S.C. 12653d) is repealed.

Subtitle I—Additional Authorities

SEC. 1901. AMERICA'S PROMISE: THE ALLIANCE FOR YOUTH.

Title I (42 U.S.C. 12511) is amended by adding at the end the following:

''Subtitle J—America's Promise: The Alliance for Youth

''SEC. 199N. AUTHORITY TO PROVIDE ASSISTANCE.

''(a) IN GENERAL.—Subject to the availability of appropriations, the Corporation may make a grant to America's Promise: The Alliance for Youth (referred to in this section as the ''alliance'') to support its activities relating to mobilizing communities to ensure that young people become productive, responsible adults.

''(b) USE OF FUNDS.—The alliance may use the funds made available through the grant to pay for costs attributable to the development or operation of programs, consistent with the terms of the grant.

''(c) CHIEF EXECUTIVE OFFICER AS EX OFFICIO MEMBER OF BOARD OF DIRECTORS.—The Chief Executive Officer may serve as an ex officio, nonvoting member of the Board of Directors of the alliance.''.

Subtitle J—Points of Light Foundation

SEC. 1911. PURPOSES.

Section 302 (42 U.S.C. 12661) is amended to read as follows:

''SEC. 302. PURPOSES.

''The purposes of this title are—

''(1) to encourage every individual and every institution in the Nation to help solve critical social problems by volunteering time, energies, and services through community and volunteer service projects and initiatives;

''(2) to identify successful and promising community and volunteer service projects and initiatives, and to disseminate information, training, and technical assistance concerning such projects and initiatives to other communities in order to promote and sustain the adoption of the projects and initiatives nationwide;

''(3) to discover and encourage new leaders and develop individuals and institutions that serve as strong examples of a commitment to serving others, and to convince all people in the United States that a successful life includes serving others;

''(4) to encourage and facilitate the development of new volunteer centers in designated communities; and

''(5) to strengthen the aggregate infrastructure of our Nation's volunteer centers in order to maximize recruitment, management, and retention.''.

SEC. 1912. BOARD OF DIRECTORS.

Section 303 (42 U.S.C. 12662) is amended—

(1) in subsection (a), by striking ''Corporation'' and inserting ''Corporation for National and Community Service (referred to in this title as the 'Corporation')'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) CHIEF EXECUTIVE OFFICER AS EX OFFICIO MEMBER OF BOARD OF DIRECTORS.—The Chief Executive Officer of the Corporation may serve as an ex officio nonvoting member of the Foundation's Board of Directors.''.

SEC. 1913. GRANTS TO THE FOUNDATION.

Section 304 (42 U.S.C. 12663) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''a department or agency in the executive branch'' and all that follows through ''the President—'' and inserting ''the Corporation—''; and

(2) by adding after subsection (b) the following:

''(c) ENDOWMENT.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, from the funds made available each fiscal year under sections 303 and 501(b), the Foundation may use not more than 25 percent to establish or support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in this title. The Foundation may invest the corpus and income only in federally insured bank savings accounts or comparable interest-bearing accounts, certificates of deposit, money market funds, mutual funds,

obligations of the United States, or other market instruments and securities, but not in real estate.

''(2) END OF OPERATIONS.—The Chief Executive Officer shall obtain from the Foundation complete and accurate records of Federal funds deposited in an endowment fund established or supported in accordance with paragraph (1). The corpus of such an endowment fund shall revert to the Treasury if the Chief Executive Officer determines that—

''(A) the Foundation has ceased operations; or

''(B) the Foundation is no longer capable of carrying out the activities described in section 302.

''(d) GRANTS TO SUPPORT COMMUNITY-BASED VOLUNTEER CENTERS.—From funds made available under sections 303 and 501(b), the Foundation may make grants to—

''(1) community-based organizations for the purpose of facilitating the development of volunteer centers; and

''(2) community-based volunteer centers to support their ability to recruit, manage, and retain volunteers.''.

Subtitle K—Authorization of Appropriations

SEC. 1921. AUTHORIZATION.

Section 501 (42 U.S.C. 12681) is amended to read as follows:

''SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

''(a) TITLE I.—

''(1) SUBTITLE B.—

''(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I, $55,000,000 for fiscal year 2004, $58,000,000 for fiscal year 2005, $61,000,000 for fiscal year 2006, $65,000,000 for fiscal year 2007, and such sums as may be necessary for fiscal year 2008.

''(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year—

''(i) not more than 50 percent shall be available to provide financial assistance under part I of subtitle B of title I;

''(ii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle; and

''(iii) not less than 25 percent shall be available to provide financial assistance under part III of such subtitle.

''(2) SUBTITLES C, D, AND H.—

''(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, to administer the National Service Trust and provide national service educational awards and service-based scholarships for secondary school students under subtitle D of title I, and to carry out such audits and evaluations as the Chief Executive Officer or the Inspector General of the Corporation may determine to be necessary, $415,000,000 for fiscal year 2004, and such sums as may be necessary for fiscal years 2005 through 2008.

''(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year, not more than 15 percent shall be made available to provide financial assistance under section 125, under subsections (b) and (c) of section 126, and under subtitle H of title I.

''(C) SUBTITLE C.—Of the amount appropriated under subparagraph (A) for fiscal year 2004, not more than $315,000,000 shall be made available to provide financial assistance under section 121.

''(3) SUBTITLE E.—There are authorized to be appropriated to operate the Civilian Community Corps and provide financial assistance under subtitle E of title I, $30,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.

''(4) SUBTITLE J.—There are authorized to be appropriated to provide financial assistance under subtitle J of title I $7,500,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.

''(5) ADMINISTRATION.—

''(A) IN GENERAL.—There are authorized to be appropriated for the administration of this Act, including the provision of financial assistance under section 126(a), $34,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.

''(B) CORPORATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year—

''(i) not more than 60 percent shall be made available to the Corporation for the administration of this Act; and

''(ii) the remainder shall be available to provide financial assistance under section 126(a).

''(b) TITLE III.—There are authorized to be appropriated to carry out title III $10,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.

''(c) AVAILABILITY OF APPROPRIATIONS.—Funds appropriated under this section shall remain available until expended.''.

TITLE II—AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

SEC. 2001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the reference shall be considered to be made to a provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

Subtitle A—National Volunteer Antipoverty Programs

SEC. 2101. PURPOSE.

The second sentence of section 2(b) (42 U.S.C. 4950(b)) is amended by striking ''local agencies'' and inserting ''local agencies, expand relationships with, and support for, the efforts of civic, community, and educational organizations,''.

SEC. 2102. PURPOSE OF THE VISTA PROGRAM.

Section 101 (42 U.S.C. 4951) is amended—

(1) in the second sentence, by striking ''afflicted with'' and inserting ''affected by''; and

(2) in the third sentence, by striking ''local level'' and all that follows and inserting ''local level, to support efforts by local agencies and community organizations to achieve long-term sustainability of projects initiated or expanded under the VISTA program, and to strengthen local agencies and community organizations to carry out the purpose of this part, consistent with the provisions of section 187 of the National and Community Service Act of 1990.''.

SEC. 2103. APPLICATIONS.

Section 103 (42 U.S.C. 4953) is amended—

(1) in subsection (a)(2)—

(A) by striking ''handicapped'' and inserting ''disabled''; and

(B) by striking ''handicaps'' and inserting ''disabilities'';

(2) in subsection (b)(1), by striking ''recruitment and placement procedures'' and inserting ''recruitment and placement procedures that involve sponsoring organizations and'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''personnel described in subsection (b)(2)(C)'' and inserting ''personnel described in subsection (b)(2)(C) and sponsoring organizations''; and

(ii) in subparagraph (F), by striking ''National and Community Service Trust Act of 1993'' and inserting ''National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.)''; and

(B) in paragraph (3), by striking ''this subsection with those'' and inserting ''this subsection, and related recruitment and public awareness activities carried out under the national service laws, with the recruitment and public awareness activities'';

(4) in subsection (g), by striking ''and has been submitted to the Governor'' and all that follows and inserting a period; and

(5) by adding at the end the following:

''(i) The Director may enter into agreements under which public and private nonprofit organizations with sufficient financial capacity and size pay for all or a portion of the costs of supporting the service of volunteers under this title, consistent with the provisions of section 187 of the National and Community Service Act of 1990.''.

SEC. 2104. TERMS AND PERIODS OF SERVICE.

Section 104 (42 U.S.C. 4954) is amended—

(1) by striking subsection (a) and inserting the following:

''(a)(1) Except as provided in paragraphs (2) through (4), volunteers serving under this part shall be required to make a full-time personal commitment to combating poverty and poverty-related problems. To the maximum extent practicable, that requirement for a full-time personal commitment shall include a commitment to live among and at the economic level of the people served, and to remain available for service without regard to regular working hours, at all times during the periods of service, except for authorized periods of leave.

''(2) The Director may exempt volunteers serving under this part for fiscal year 2003 or 2004 from the requirements of paragraph (1), but the requirements shall apply to—

''(A) not less than 75 percent of such volunteers for fiscal year 2003; and

''(B) not less than 50 percent of such volunteers for fiscal year 2004.

''(3) Not later than September 30, 2004, the Comptroller General of the United States shall submit a report to Congress on whether the exemptions permitted under paragraph (2) have had a material and adverse effect on the ability of the VISTA program to combat poverty and poverty-related problems, such as an increased attrition rate among volunteers, and difficulty in recruiting volunteers, to serve under this part.

''(4)(A) Except as provided in subparagraph (B), the Director may exempt volunteers serving under this part for fiscal year 2005 or a subsequent fiscal year from the requirements of paragraph (1), but the requirements shall apply to not less than 25 percent of such volunteers for fiscal year 2005.

''(B) Subparagraph (A) shall not apply if the Comptroller General of the United States determines, in the report described in paragraph (3), that the exemptions permitted under paragraph (2) have had a material and adverse effect on the ability of the VISTA program to combat poverty and poverty-related problems.'';

(2) in subsection (b)(2), by striking ''if the Director determines'' and all that follows and inserting ''if they are enrolled for periods of at least 1,700 hours for service to which the requirements of subsection (a)(1) do not apply.''; and

(3) in subsection (d)—

(A) in the first sentence, by striking ''with the terms and conditions of their service.'' and inserting ''with the terms and conditions of their service or any adverse action, including termination, proposed by the sponsoring organization involved. The procedure shall provide for an appeal to the Director of any proposed termination from service.''; and

(B) in the last sentence, by striking ''and the terms and conditions of their service''.

SEC. 2105. SECTIONS REPEALED.

Sections 109 and 124 (42 U.S.C. 4959 and 4995) are repealed.

SEC. 2106. REDESIGNATION.

Part A of title I (42 U.S.C. 4951 et seq.) is amended by redesignating section 110 as section 109.

SEC. 2107. UNIVERSITY YEAR FOR VISTA PROGRAM.

Section 111(b) (42 U.S.C. 4971(b)) is amended in the third sentence by striking ''agencies, institutions, and situations'' and inserting ''agencies and institutions, including civic, community, and educational organizations,''.

SEC. 2108. CONFORMING AMENDMENT.

Section 121 is amended in the second sentence by striking ''agencies, institutions, and situations'' and inserting ''agencies and institutions, including civic, community, and educational organizations,''.

Subtitle B—National Senior Service Corps

SEC. 2201. CHANGE IN NAME.

Title II (42 U.S.C. 5000 et seq.) is amended in the title heading by striking ''NATIONAL SENIOR VOLUNTEER CORPS'' and inserting ''NATIONAL SENIOR SERVICE CORPS''.

SEC. 2202. PURPOSE.

Section 200 (42 U.S.C. 5000) is amended to read as follows:

''SEC. 200. STATEMENT OF PURPOSE.

''It is the purpose of this title to provide—

''(1) opportunities for senior service to meet unmet local, State, and national needs in the areas of education, public safety, health and human needs, and the environment;

''(2) for the National Senior Service Corps, comprised of the Retired and Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program, and demonstration and other programs to empower older individuals to contribute to their communities through service, enhance the lives of those who serve and those whom they serve, and provide communities with valuable services;

''(3) opportunities for people 55 years of age or older, through the Retired and Senior Volunteer Program, to share their experiences, abilities, and skills for the betterment of their communities and themselves;

''(4) opportunities for people 55 years of age or older, through the Foster Grandparent Program, to have a positive impact on the lives of children in need;

''(5) opportunities for people 55 years of age or older, through the Senior Companion Program, to provide critical support services and companionship to adults at risk of institutionalization and who are struggling to maintain a dignified independent life; and

''(6) for research, training, demonstration, and other program activities to increase and improve opportunities for seniors to meet unmet needs, including those related to emergency preparedness, public safety, public health, and disaster relief, in their communities.''.

SEC. 2203. GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS.

Section 201 (42 U.S.C. 5001) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''avail themselves of opportunities for volunteer service in their community'' and inserting ''share their experiences, abilities, and skills for the betterment of their communities and themselves''; and

(B) in paragraph (2), by striking '', and individuals 60 years of age or older will be given priority for enrollment,'';

(2) by striking subsection (c); and

(3) by redesignating subsection (d) as subsection (c).

SEC. 2204. FOSTER GRANDPARENT PROGRAM GRANTS.

Section 211 (42 U.S.C. 5011) is amended—

(1) in subsection (a), by striking ''low-income persons aged sixty or over'' and inserting ''low-income and other persons aged 55 or over'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''shall have the exclusive authority to determine, pursuant to the provisions of paragraph (2) of this subsection—'' and inserting ''may determine—'';

(ii) in subparagraph (A), by striking ''and'';

(iii) in subparagraph (B), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) whether it is in the best interests of a child receiving, and of a particular foster grandparent providing, services in such a project, to continue such relationship after the child reaches the age of 21, if such child was receiving such services prior to attaining the age of 21.'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2);

(D) in paragraph (2) (as redesignated by subparagraph (C) of this section), by striking ''paragraphs (1) and (2)'' and inserting ''paragraph (1)''; and

(E) by adding at the end the following:

''(3) If an assignment of a foster grandparent is suspended or discontinued, the replacement of that foster grandparent shall be determined through the mutual agreement of all parties involved in the provision of services to the child.'';

(3) in subsection (d)—

(A) in the first sentence, by striking ''low-income persons serving as volunteers under this part, such allowances, stipends, and other support'' and inserting ''low-income persons and persons eligible under subsection (h) serving as volunteers under this part, such stipends or allowances''; and

(B) by striking the second sentence and all that follows and inserting the following: ''Any stipend or allowance provided under this part shall not exceed 75 percent of the minimum wage under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), with the Federal share not to exceed $2.65 per hour, except that the Director shall adjust the Federal share once prior to December 31, 2008, to account for inflation.'';

(4) in subsection (e)(1), by striking ''125'' and inserting ''200'';

(5) by striking subsection (f) and inserting the following:

''(f)(1) Subject to the restrictions in paragraph (3), individuals who are not low-income persons may serve as volunteers under this part. The regulations issued by the Director to carry out this part (other than regulations relating to stipends or allowances to individuals authorized by subsections (d) and (h)) shall apply to all volunteers under this part, without regard to whether such volunteers are eligible to receive a stipend or allowance under subsection (d) or (h).

''(2) Except as provided under paragraph (1), each recipient of a grant or contract to carry out a project under this part shall give equal treatment to all volunteers who participate in such project, without regard to whether such volunteers are eligible to receive a stipend or allowance under subsection (d) or (h).

''(3) An individual who is not a low-income person may not become a volunteer under this part if allowing that individual to become a volunteer under this part would prevent a low-income person from becoming a volunteer under this part or would displace a low-income person from being a volunteer under this part.''; and

(6) by adding at the end the following:

''(g) The Director may also provide a stipend or allowance in an amount not to exceed 10 percent more than the amount established under subsection (d) to leaders who, on the basis of past experience as volunteers, special skills, and demonstrated leadership abilities, may coordinate activities, including training, and otherwise support the service of volunteers under this part.

''(h) The Director may provide payments under subsection (d) for up to 15 percent of volunteers serving in a project under this part for a fiscal year who do not meet the definition of 'low-income' under subsection (e), upon certification by the recipient of a grant or contract that it is unable to effectively recruit and place low-income volunteers in the number of placements approved for the project.''.

SEC. 2205. SENIOR COMPANION PROGRAM GRANTS.

Section 213 (42 U.S.C. 5013) is amended—

(1) in subsection (a), by striking ''low-income persons aged 60 or over'' and inserting ''low-income and other persons aged 55 or over'';

(2) in subsection (b), by striking ''Subsections (d), (e), and (f)'' and inserting ''Subsections (d) through (h)''; and

(3) by striking subsection (c)(2)(B) and inserting the following:

''(B) Senior companion volunteer trainers and leaders may receive a stipend or allowance consistent with subsections (d), (g), and (h) of section 211, as approved by the Director.''.

SEC. 2206. TECHNICAL AMENDMENTS.

(a) NATIONAL SENIOR SERVICE CORPS.—

(1) SECTION 221.—Section 221 (42 U.S.C. 5021) is amended in the heading by striking ''VOLUNTEER'' and inserting ''SERVICE''.

(2) SECTION 224.—Section 224 (42 U.S.C. 5024) is amended—

(A) in the heading by striking ''VOLUNTEER'' and inserting ''SERVICE''; and

(B) by striking ''Volunteer'' and inserting ''Service''.

(b) CHANGE IN AGE ELIGIBILITY.—Section 223 (42 U.S.C. 5023) is amended by striking ''sixty years and older'' and inserting ''55 years and older''.

SEC. 2207. PROGRAMS OF NATIONAL SIGNIFICANCE.

Section 225(b) (42 U.S.C. 5025(b)) is amended by adding at the end the following:

''(19) Programs that strengthen community efforts in support of homeland security.''.

SEC. 2208. ADDITIONAL PROVISIONS.

Part D of title II (42 U.S.C. 5021 et seq.) is amended by adding at the end the following:

''SEC. 228. PARTICIPATION AND INCOME LEVEL.

''(a) RESTRICTION ON PARTICIPATION.—

''(1) IN GENERAL.—Except as provided in subsection (b), participation in programs and activities under this title shall be open to a senior whose income level does not exceed 200 percent of the poverty line for a single individual.

''(2) DEDUCTION FOR MEDICAL EXPENSES.—For purposes of determining the income level of a senior under paragraph (1), such income level shall be reduced by an amount that is equal to 50 percent of the amount of such senior's medical expenses during the year preceding the year during which the eligibility determination is made.

''(b) WAIVER.—The Corporation may waive the requirement of subsection (a) with respect to not to exceed 15 percent of the participants in programs and activities under this title for each fiscal year.

''SEC. 229. CONTINUITY OF SERVICE.

''To ensure the continued service of individuals in communities served by the Retired and Senior Volunteer Program, Foster

Grandparent Program, and Senior Companion Program prior to the date of enactment of this section, in making grants under this title the Corporation shall take actions it considers necessary to maintain service assignments for such seniors and to ensure continuity of service for communities.

"SEC. 229A. TRAINING AND RESEARCH.

''From funds appropriated each fiscal year to carry out this title, the Corporation may reserve not more than $15,000,000 to support research and training designed to improve the effectiveness of programs supported under this title.''.

Subtitle C—Administration and Coordination

SEC. 2301. NONDISPLACEMENT.

Section 404(a) is amended by striking ''displacement of employed workers'' and inserting ''displacement of employed workers or volunteers (other than participants under the national service laws)''.

SEC. 2302. DEFINITIONS.

Section 421 (42 U.S.C. 5061) is amended—

(1) in paragraph (11), by striking ''417'' and inserting ''410'';

(2) in paragraph (13), by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(3) in paragraph (14)—

(A) by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(B) by striking ''parts A, B, C, and E of''.

SEC. 2303. PROTECTION AGAINST IMPROPER USE.

Section 425 (42 U.S.C. 5065) is amended by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''.

SEC. 2304. INCOME VERIFICATION.

Title IV (42 U.S.C. 5043 et seq.) is amended by adding at the end the following:

"SEC. 426. INCOME VERIFICATION.

''Each organization that receives assistance under this Act may verify the income eligibility of volunteers based on a confidential declaration of income and with no requirements for verification.''.

SEC. 2305. SECTIONS REPEALED.

Sections 412 and 416 (42 U.S.C. 5052 and 5056) are repealed.

SEC. 2306. REDESIGNATIONS.

Title IV (42 U.S.C. 5043 et seq.) is amended by redesignating sections 403, 404, 406, 408, 409, 410, 411, 414, 415, 417, 418, 419, 421, 422, 423, 424, 425, and 426 as sections 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, and 418, respectively.

Subtitle D—Authorization of Appropriations

SEC. 2401. AUTHORIZATION OF APPROPRIATIONS FOR VISTA AND OTHER PURPOSES.

Section 501 (42 U.S.C. 5081) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking '', excluding section 109'' and all that follows and inserting ''$90,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.'';

(B) by striking paragraphs (2) and (4) and redesignating paragraphs (3) and (5) as paragraphs (2) and (3), respectively; and

(C) in paragraph (2) (as redesignated by subparagraph (B) of this section), by striking '', excluding section 125'' and all that follows and inserting ''$5,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.''; and

(2) by striking subsection (e).

SEC. 2402. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SENIOR SERVICE CORPS.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. NATIONAL SENIOR SERVICE CORPS.

''(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II $58,884,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.

''(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II $110,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.

''(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II $46,563,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.

''(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II $400,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.''.

SEC. 2403. ADMINISTRATION AND COORDINATION.

Section 504 (42 U.S.C. 5084) is amended to read as follows:

"SEC. 504. ADMINISTRATION AND COORDINATION.

''There are authorized to be appropriated for the administration of this Act $33,568,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.''.

SEC. 2404. REDESIGNATIONS.

Title V (42 U.S.C. 5081 et seq.) is amended by redesignating sections 504 and 505 as sections 503 and 504, respectively.

TITLE III—AMENDMENTS TO OTHER LAWS

SEC. 3001. INSPECTOR GENERAL ACT OF 1978.

Section 8F(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National and Community Service Trust Act of 1993'' and inserting ''National and Community Service Act of 1990''.

TITLE IV—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

SEC. 4001. TABLE OF CONTENTS FOR THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

Section 1(b) of the National and Community Service Act of 1990 (42 U.S.C. 12501 note) is amended to read as follows:

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

''Sec. 1. Short title and table of contents.
''Sec. 2. Findings and purpose.

''TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

''Subtitle A—General Provisions

''Sec. 101. Definitions.

''Subtitle B—School-Based and Community-Based Service-Learning Programs

''PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS

''SUBPART A—PROGRAMS FOR STUDENTS

''Sec. 111. Assistance to States and Indian tribes.
''Sec. 112. Allotments.
''Sec. 113. Applications.
''Sec. 114. Consideration of applications.
''Sec. 115. Federal, State, and local contributions.
''Sec. 116. Limitations on uses of funds.

''SUBPART B—COMMUNITY CORPS DEMONSTRATION PROGRAM

''Sec. 118. Demonstration program.

''PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

''Sec. 119. Higher education innovative programs for community service.

''PART III—COMMUNITY-BASED PROGRAMS, TRAINING, AND OTHER INITIATIVES

''Sec. 120. Community-based programs, training, and other initiatives.

''PART IV—CLEARINGHOUSE

''Sec. 120A. Service-learning clearinghouse.

''Subtitle C—National Service Trust Program

''PART I—INVESTMENT IN NATIONAL SERVICE

''Sec. 121. Authority to provide assistance and approved national service positions.
''Sec. 122. Types of national service programs eligible for program assistance.
''Sec. 123. Types of national service positions eligible for approval for national service educational awards.
''Sec. 124. Types of program assistance.
''Sec. 125. Training and technical assistance.
''Sec. 126. Other special assistance.

''PART II—APPLICATION AND APPROVAL PROCESS

''Sec. 129. Provision of assistance and approved national service positions.
''Sec. 129A. Education awards program.
''Sec. 130. Application for assistance and approved national service positions.
''Sec. 131. National service program assistance requirements.
''Sec. 132. Ineligible service categories.
''Sec. 133. Consideration of applications.

''PART III—NATIONAL SERVICE PARTICIPANTS

''Sec. 137. Description of participants.
''Sec. 138. Selection of national service participants.
''Sec. 139. Terms of service.
''Sec. 140. Living allowances for national service participants.
''Sec. 141. National service educational awards.

''Subtitle D—National Service Trust and Provision of National Service Educational Awards

''Sec. 145. Establishment of the National Service Trust.
''Sec. 146. Individuals eligible to receive a national service educational award from the Trust.
''Sec. 147. Determination of the amount of the national service educational award.
''Sec. 148. Disbursement of national service educational awards.
''Sec. 149. Use by participants with disabilities.
''Sec. 149A. Service-based scholarships to secondary school students.

''Subtitle E—National Civilian Community Corps

''Sec. 151. Purpose.
''Sec. 152. Establishment of National Civilian Community Corps program.
''Sec. 153. National service program.
''Sec. 154. Summer national service program.
''Sec. 155. National Civilian Community Corps.
''Sec. 156. Training.
''Sec. 157. Service projects.
''Sec. 158. Authorized benefits for Corps members.
''Sec. 159. Administrative provisions.
''Sec. 160. Status of Corps members and Corps personnel under Federal law.
''Sec. 161. Contract and grant authority.
''Sec. 162. Responsibilities of other departments.
''Sec. 164. Annual evaluation.
''Sec. 166. Definitions.

''Subtitle F—Administrative Provisions

''Sec. 171. Family and medical leave.
''Sec. 172. Reports.
''Sec. 173. Supplementation.
''Sec. 174. Prohibition on use of funds.
''Sec. 175. Nondiscrimination.
''Sec. 176. Notice, hearing, and grievance procedures.

''Sec. 177. Nonduplication and nondisplacement.
''Sec. 178. State Commissions on National and Community Service.
''Sec. 179. Evaluation.
''Sec. 180. Engagement of participants.
''Sec. 181. Contingent extension.
''Sec. 182. Partnerships with schools.
''Sec. 183. Rights of access, examination, and copying.
''Sec. 184. Drug-free workplace requirements.
''Sec. 185. Consolidated application and reporting requirements.
''Sec. 186. Accountability for results.
''Sec. 187. Sustainability.
''Sec. 188. Capacity building.
''Sec. 188A. Expenses of attending meetings.
''Sec. 188B. Grant periods.
''Sec. 188C. Limitation on program grant costs.
''Sec. 188D. Notice requirement.
''Sec. 188E. Audits and reports.
''Subtitle G—Corporation for National and Community Service
''Sec. 191. Corporation for National and Community Service.
''Sec. 192. Board of Directors.
''Sec. 192A. Authorities and duties of the Board of Directors.
''Sec. 193. Chief Executive Officer.
''Sec. 193A. Authorities and duties of the Chief Executive Officer.
''Sec. 194. Officers.
''Sec. 195. Employees, consultants, and other personnel.
''Sec. 196. Administration.
''Sec. 196A. Corporation State offices.
''Subtitle H—Investment for Quality and Innovation
''Sec. 198. Additional Corporation activities to support national service.
''Sec. 198A. Clearinghouses.
''Sec. 198B. Presidential awards for service.
''Sec. 198C. Military installation conversion demonstration programs.
''Subtitle I—American Conservation and Youth Service Corps
''Sec. 199. Short title.
''Sec. 199A. General authority.
''Sec. 199B. Limitation on purchase of capital equipment.
''Sec. 199C. State application.
''Sec. 199D. Focus of programs.
''Sec. 199E. Related programs.
''Sec. 199F. Public lands or Indian lands.
''Sec. 199G. Training and education services.
''Sec. 199H. Preference for certain projects.
''Sec. 199I. Age and citizenship criteria for enrollment.
''Sec. 199J. Use of volunteers.
''Sec. 199K. Living allowance.
''Sec. 199L. Joint programs.
''Sec. 199M. Federal and State employee status.
''Subtitle J—America's Promise: The Alliance for Youth
''Sec. 199N. Authority to provide assistance.
''TITLE II—MODIFICATIONS OF EXISTING PROGRAMS
''Subtitle A—Publication
''Sec. 201. Information for students.
''Sec. 202. Exit counseling for borrowers.
''Sec. 203. Department information on deferments and cancellations.
''Sec. 204. Data on deferments and cancellations.
''Subtitle B—Youthbuild Projects
''Sec. 211. Youthbuild projects.
''Subtitle C—Amendments to Student Literacy Corps
''Sec. 221. Amendments to Student Literacy Corps.
''TITLE III—POINTS OF LIGHT FOUNDATION
''Sec. 301. Short title.
''Sec. 302. Purposes.
''Sec. 303. Authority.
''Sec. 304. Grants to the Foundation.
''Sec. 305. Eligibility of the Foundation for grants.
''TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS
''Sec. 401. Projects.
''TITLE V—AUTHORIZATION OF APPROPRIATIONS
''Sec. 501. Authorization of appropriations.
''TITLE VI—MISCELLANEOUS PROVISIONS
''Sec. 601. Amtrak waste disposal.
''Sec. 602. Exchange program with countries in transition from totalitarianism to democracy.''.

SEC. 4002. TABLE OF CONTENTS FOR THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.

Section 1(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 note) is amended to read as follows:

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

''Sec. 1. Short title; table of contents.
''Sec. 2. Volunteerism policy.
''TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAM
''PART A—VOLUNTEERS IN SERVICE TO AMERICA
''Sec. 101. Statement of purpose.
''Sec. 102. Authority to operate VISTA program.
''Sec. 103. Selection and assignment of volunteers.
''Sec. 104. Terms and periods of service.
''Sec. 105. Support service.
''Sec. 106. Participation of beneficiaries.
''Sec. 107. Participation of younger and older persons.
''Sec. 108. Limitation.
''Sec. 109. Applications for assistance.
''PART B—UNIVERSITY YEAR FOR VISTA
''Sec. 111. Statement of purpose.
''Sec. 112. Authority to operate University Year for VISTA program.
''Sec. 113. Special conditions.
''PART C—SPECIAL VOLUNTEER PROGRAMS
''Sec. 121. Statement of purpose.
''Sec. 122. Authority to establish and operate special volunteer and demonstration programs.
''Sec. 123. Technical and financial assistance.
''TITLE II—NATIONAL SENIOR SERVICE CORPS
''Sec. 200. Statement of purposes.
''PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM
''Sec. 201. Grants and contracts for volunteer service projects.
''PART B—FOSTER GRANDPARENT PROGRAM
''Sec. 211. Grants and contracts for volunteer service projects.
''PART C—SENIOR COMPANION PROGRAM
''Sec. 213. Grants and contracts for volunteer service projects.
''PART D—GENERAL PROVISIONS
''Sec. 221. Promotion of National Senior Service Corps.
''Sec. 222. Payments.
''Sec. 223. Minority group participation.
''Sec. 224. Use of locally generated contributions in National Senior Service Corps.
''Sec. 225. Programs of national significance.
''Sec. 226. Adjustments to Federal financial assistance.
''Sec. 227. Multiyear grants or contracts.
''Sec. 228. Participation and income level.
''Sec. 229. Continuity of service.
''Sec. 229A. Training and research.
''PART E—DEMONSTRATION PROGRAMS
''Sec. 231. Authority of Director.
''Sec. 232. Prohibition.
''TITLE IV—ADMINISTRATION AND COORDINATION
''Sec. 401. Political activities.
''Sec. 402. Special limitations.
''Sec. 403. Labor standards.
''Sec. 404. Joint funding.
''Sec. 405. Prohibition of Federal control.
''Sec. 406. Coordination with other programs.
''Sec. 407. Prohibition.
''Sec. 408. Distribution of benefits between rural and urban areas.
''Sec. 409. Application of Federal law.
''Sec. 410. Nondiscrimination provisions.
''Sec. 411. Eligibility for other benefits.
''Sec. 412. Legal expenses.
''Sec. 413. Definitions.
''Sec. 414. Audit.
''Sec. 415. Reduction of paperwork.
''Sec. 416. Review of project renewals.
''Sec. 417. Protection against improper use.
''Sec. 418. Income verification.
''TITLE V—AUTHORIZATION OF APPROPRIATIONS
''Sec. 501. National volunteer antipoverty programs.
''Sec. 502. National Senior Service Corps.
''Sec. 503. Administration and coordination.
''Sec. 504. Availability of appropriations.
''TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS
''Sec. 601. Supersedence of Reorganization Plan Number 1 of July 1, 1971.
''Sec. 602. Creditable service for civil service retirement.
''Sec. 603. Repeal of title VIII of the Economic Opportunity Act.
''Sec. 604. Repeal of title VI of the Older Americans Act.''.

TITLE V—EFFECTIVE DATE AND SENSE OF CONGRESS

SEC. 5001. EFFECTIVE DATE.

Unless specifically provided otherwise, the amendments made by this Act shall take effect on the date of enactment of this Act.

SEC. 5002. SERVICE ASSIGNMENTS AND AGREEMENTS.

(a) SERVICE ASSIGNMENTS.—Changes pursuant to this Act in the terms and conditions of terms of service and other service assignments under the national service laws (including the amount of the education award) shall apply only to individuals who enroll or otherwise begin service assignments not earlier than the date that is 90 days after the date of enactment of this Act, except when agreed upon by all interested parties.

(b) AGREEMENTS.—Changes pursuant to this Act in the terms and conditions of grants, contracts, or other agreements under the national service laws shall apply only to such agreements entered into not earlier than the date that is 90 days after the date of enactment of this Act, except when agreed upon by all the parties to such agreements.

SEC. 5003. SENSE OF CONGRESS.

It is the sense of Congress that the Corporation should, in all of its communications, distinguish individuals receiving stipends or allowances from volunteers by—

(1) referring to participants in AmeriCorps under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) as ''members'';

(2) referring to participants in the Foster Grandparent Program as ''Foster Grandparents''; and

(3) referring to participants in the Senior Companion Program as ''Companions''.

SEC. 5004. RECRUITMENT AND APPLICATION MATERIALS IN LANGUAGES OTHER THAN ENGLISH.

It is the sense of Congress that the programs established or authorized by this Act,

and those which receive funding under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) or the Domestic and Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) are encouraged to provide recruitment and application materials in languages other than English, if applicable, in order to serve communities of limited English proficiency, and that such programs may use such funding to provide and distribute such materials.

Mr. MCCAIN. Mr. President, I am grateful to join my colleagues, Senators EVAN BAYH, TED KENNEDY, and BARBARA MIKULSKI in reintroducing the Call to Service Act of 2003. This important legislation significantly expands opportunities for citizens to serve their country as community volunteers and in homeland security functions.

This legislation expands legislation that I introduced with senator BAYH in 2001. A key component of the original McCain/Bayh proposal became law last year. To meet the changing personnel needs of today's military, the Defense Department will now have a new, shorter-term enlistment option. Individuals who volunteer to serve under this new program serve on active duty for 15 months after their initial military training and can complete the remainder of their obligation by choosing service on active duty, in the Selected Reserve or in the Individual Ready Reserve, which can be fulfilled by in a civilian national service program such as the Peace Corps or AmeriCorps). In return for service, the legislation provides loan up to $18,000, an educational allowance under the Montgomery GI Bill. I am encouraged by the excitement expressed by the Pentagon in meetings about the implementation of the program.

Two months after our legislation was introduced, President Bush made service programs a centerpiece of his 2002 State of the Union address. Unfortunately, since the speech, there has not been much followthrough on the part of this Administration.

From the time President Bush was the Governor of Texas, through his experience as President, he has proudly pointed out the successes of this program. Yet the Fiscal Year 2003 Omnibus Appropriations bill he sent to the Congress forced cuts in the program. Combined with a 50,000 cap placed on the number of AmeriCorps volunteers, AmeriCorps now faces a crisis.

My office has been inundated by phone calls from nervous AmeriCorps volunteers in recent days. They are all expressing the same fear that they will not have the opportunity to continue their service to our communities. Idealistic young men and women in this country got excited when they heard the President promise increased opportunities to serve. It is now time for the Congress and the President to expand opportunities to serve.

There is no shortage of causes that volunteers are eager to fix. We have failing schools, desperate for good teachers. Children in our poorest communities are growing up in need of mentors. Millions of elderly Americans desperately want to stay in their homes and out of nursing facilities, but cannot do so without help with the small tasks of daily life. More and more of our communities are being devastated by natural disasters. Many of the AmeriCorps volunteers work for chronically understaffed organizations such as Boys and Girls Clubs, Habitat for Humanity and the Red Cross. I have to ask why would anyone think we should do anything except increase AmeriCorps to provide opportunities for as many people as possible to serve?

Not only does the community as a whole suffer when AmeriCorps is cut, but those who are eager to serve are affected as well. Currently, over 490 individuals serve in Arizona. Many of Arizona's AmeriCorps volunteers take advantage of the educational opportunities that go along with their service. To date, over 2,100 Arizona residents have taken advantage of the $4,725 to help pay for college or pay back student loans. The fewer the number of slots available for AmeriCorps volunteers, the fewer the number of men and women who will be able to take advantage of this important opportunity.

I am grateful Senators BOND and MIKULSKI are working to ensure that the OMB ruling on the use of the education trust fund is used. This will ensure that the cut in the number of volunteers is less than originally feared. However make no mistake, there will be far fewer volunteers in 2003.

Our legislation seeks to increase the opportunity to serve in AmeriCorps. The Call to Service Act increases the number of people who volunteer for AmeriCorps by 25,000 per year until 175,000 people are serving in AmeriCorps each year for a five year period. This is a 125,000 increase in volunteers over the current 50,000 volunteers. Many of these new positions will be dedicated to homeland security. This legislation links AmeriCorps to Homeland Defense by directing the Corporation for National Service to work with the Department of Homeland Security to determine ways of promoting national security through service programs.

This legislation also expands eligibility for willing and able seniors to volunteer in a variety of capacities through Senior Corps, including senior companion programs, tutoring, providing long-term care, and serving as foster grandparents.

During my failed Presidential campaign in 2000, I had the opportunity to meet with students all across the country. I was deeply moved by the strong desire these young men and women expressed to serve their country. While I encourage military service to those I meet, I recognize this type of service is not for all. Our legislation increases the opportunities for these citizens.

The response to the terrorist attacks of 9/11 brought out the best in the citizens of the United States. Americans reached out to their friends, neighbors and those in their communities. Many examples of serving causes greater than their self interest abound. This dedication to volunteer service is still alive today. We cannot continue to wait to provide expanded opportunities for national service. Congress should no longer delay in taking action on legislation to provide opportunities for Americans to serve.

Mr. BAYH. Mr. President, I am privileged to reintroduce the ''Call to Service Act'' with my colleagues, Senator JOHN MCCAIN, Senator TED KENNEDY and Senator BARBARA MIKULSKI—all great leaders on national service. I am proud to join with them today to offer this significant expansion of national service opportunities for all Americans—young and old, affluent, people of more modest means, all united in their devotion to serving America.

In November 2001, Senator MCCAIN and I introduced the ''Call to Service Act'' in an attempt to harness the spirit and overwhelming patriotism of our citizens after September 11. We wanted to give concrete opportunities to the countless Americans who were asking what they could do to give back to their country.

Weeks after we introduced our bill, we were encouraged when the President made his own more modest service proposals a rhetorical centerpiece of his 2002 State of the Union address. In that speech, President Bush promised a significant expansion of the AmeriCorps program. He said, ''We want to be a nation that serves goals larger than self. We've been offered a unique opportunity, and we must not let this moment pass.''

Unfortunately, the President is in danger of letting the moment pass. And now, almost a year and a half later, the promises of that speech sound hollow. The administration's efforts to expand service have been disappointingly lackluster. National Service expansion was held hostage in the last Congress by members of the President's own party on the far right, while he stood idly by.

In fact, Americans now have fewer opportunities to serve than before. In my State of Indiana, we are facing a 92 percent cut in AmeriCorps positions. Last year, there were nearly 400 full-time equivalent positions available to serve in Indiana. This year, there will only be fewer than 40 positions. This will have a dramatic impact on the AmeriCorps programs throughout Indiana and on Hoosiers throughout the State. It is a very real possibility that Indiana will only have one AmeriCorps program this year. Children are not going to be tutored and mentored, homes are not going to be built, neighborhoods are not going to be cleaned up, and communities are going to be left behind. Indiana is not unique, States across the country are facing similar reductions in programs and services.

I am grateful to Senators MIKULSKI and BOND for their efforts to ensure

that the OMB method of accounting is used to determine the number of AmeriCorps positions available this year. With this change, there will still be large reductions in AmeriCorps, but the damage will not be quite as severe.

As AmeriCorps faces its greatest challenge since it was created, it is important to restate our commitment to this program. Our legislation will expand AmeriCorps by 25,000 additional members each year for a total of 175,000 members in five years. It will continue to utilize volunteers to support homeland security functions to help meet our Nation's new security challenges in a smart, cost-efficient manner. Our legislation includes strong accountability measures to ensure that the funds and the volunteers will be devoting themselves to activities and programs that really make a difference, really work. It expands opportunities for our seniors to serve, so that as the baby boom generation retires they can give back to their country.

We stand here today to offer this consensus approach because we know we have arrived at a critical juncture in the cause of expanding national service. We are at risk of missing the moment if we don't act.

Frankly, what is called for here is leadership. We are attempting to provide that today by offering this consensus approach, Republicans and Democrats, leader of the committee, those of us who are not on the committee.

But the President must get engaged. He's said all the right things, now it is important that he do the right thing. If we're going to get a significant commitment to national service it is going to take more than lip service, and I hope that he will step forward and provide the kind of leadership that is necessary before this opportunity slips away from us.

The moment has not yet passed us. Americans are eager to serve. We are eager to enact this legislation, put an end to this sad chapter for national service, and build toward a Nation where the great energies and good intentions of our citizens are put to productive use.

By Mr. LUGAR (by request):

S. 1275. A bill to establish a comprehensive federal program to provide benefits to U.S. victims of international terrorism, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, by request, I introduce for appropriate reference a bill to establish a comprehensive Federal program to provide benefits to U.S. victims of international terrorism.

This proposed legislation has been requested by the Department of State, and I am introducing it in order that there may be a specific bill to which members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as to make any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD together with a letter addressed to me from the Assistant Secretary of State for Legislative Affairs.

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

S. 1275

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

SEC. 101. SHORT TITLE.

This Act may be cited as the ''Benefits for Victims of International Terrorism Act of 2003''.

SEC. 102. ESTABLISHMENT OF PROGRAM.

There is established the Benefits for Victims of International Terrorism Program (''Program'') under which monetary awards shall be made in accordance with this Act to eligible individuals who are physically injured, killed, or held hostage as a result of an act of international terrorism.

SEC. 103. DEFINITIONS.

In this Act, the following definitions apply:

(a) ACT OF INTERNATIONAL TERRORISM.—The term ''act of international terrorism'' means an activity that constitutes terrorism within the definition provided in Section 2(15) of the Homeland Security Act of 2002 and that was committed by foreign nationals for foreign governments (or the agents thereof) and directed, in whole or in part, at the United States or at an individual because of the individual's status as a national of the United States.

(b) CLAIMANT.—The term ''claimant'' means an individual filing a claim for benefits under this Act. In the case of an individual who died as the direct result of the act of international terrorism, any individual who is eligible to recover under section 107(a) may be a claimant. In the case of an individual who suffered physical injury or was held hostage as the direct result of an act of international terrorism, the claimant shall be the individual who suffered the physical injury or was held hostage, except that a parent or legal guardian may file a claim on behalf of an individual who is less than 18 years of age, incompetent or incapacitated.

(c) CHILD.—The term ''child'' shall have the meaning given to it by 42 U.S.C. 3796b(2).

(d) DEPARTMENT.—The term ''Department'' means the Department of State.

(e) NATIONAL OF THE UNITED STATES.—The term ''national of the United States'' has the meaning given in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(f) PHYSICAL INJURY.—The term ''physical injury'' means an injury to the body, from a source external to the body, that directly results in partial or total physical disability, incapacity, or disfigurement.

(g) UNITED STATES.—The term ''United States'' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Mariana Islands, the territories and possession of the United States, the territorial sea of the United States, and the airspace above them.

SEC. 104. ADMINISTRATION.

(a) THRESHOLD DETERMINATION.—

(1) Upon the occurrence of a terrorist incident, the Secretary of State, in consultation with the Attorney General and the Secretaries of Defense, Homeland Security and the Treasury, shall promptly determine in writing whether an act of international terrorism as defined in section 103(a) of this Act has taken place. Any such determination shall be published in the Federal Register.

(2) The Secretary of State's determination under this section shall be final and conclusive, and it shall not be subject to review in any judicial, administrative or other proceedings.

(b) ADJUDICATION AND PAYMENT.—When a threshold determination set forth in subsection (a) is made, the Department shall have jurisdiction to receive, examine, adjudicate, and render final decisions, and pay awards with respect to claims filed under section 105 in accordance with the provisions of this Act.

SEC. 105. FILING OF CLAIMS.

(a) IN GENERAL.—Claims for benefits under the Program shall be filed with the Department on the form developed under subsection (b).

(b) CLAIM FORM.—

(1) The Department shall develop a form that claimants shall use when submitting claims under subsection (a).

(2) The claim form at a minimum shall request—

(A) in the case of a claim filed for a death benefit with respect to a decedent, information demonstrating the decedent's death as a direct result of the act of international terrorism and information demonstrating that the claimant is eligible to recover under the Act;

(B) in the case of a claim not involving a death, information demonstrating the physical harm that the claimant suffered as a direct result of the act of international terrorism or information demonstrating the period the claimant was held hostage as a direct result of the act of international terrorism; and

(C) in the case of a claim filed by a parent or legal guardian, information demonstrating the claimant's status a parent or legal guardian.

(3) The claim form shall state clearly and conspicuously the information contained in section 112(c) of this Act.

SEC. 106. ELIGIBILITY.

(a) IN GENERAL.—The Department shall review each claim filed under this Program and determine whether the claimant is an eligible individual under subsection (b) of this section or has filed a claim on account of the death of an eligible individual under subsection (b).

(b) ELIGIBLE INDIVIDUALS.—An eligible individual is a victim who, as of the date on which the act of international terrorism occurred,

(1) was a national of the United States; and

(2)(A) died as the direct result of the act of international terrorism,

(B) suffered physical injury as the direct result of the act of international terrorism, or

(C) was held hostage as a direct result of an act of international terrorism and not solely for ransom.

(c) EXCLUSION FOR PARTICIPANTS OR CONSPIRATORS IN ACTS OF TERRORISM.—A participant or conspirator in any act of international terrorism, or a representative of such individual, shall not be an eligible individual.

(d) EXCLUSION FOR MILITARY PERSONNEL.—This Program does not apply to any claim arising out of injury, death, or period as a hostage sustained by a member of the U.S. Armed Forces while serving on active duty.

(e) SEPTEMBER 11TH VICTIM COMPENSATION FUND.—Notwithstanding any other provision in this Act, no individual who is or was eligible to recover under the September 11th Victim Compensation Fund of 2001 shall be eligible to recover under this Act.

SEC. 107. NATURE OF AWARDS.

(a) DEATH BENEFITS.—In any case in which the Department determines, under regulations issued pursuant to this Act, that an eligible individual has died as the direct and proximate result of an act of international terrorism, the Department shall award a benefit to the survivor or survivors in the same manner and the same amount as death benefits are paid pursuant to the Public Safety Officers' Benefits Program under subpart 1 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.).

(b) INJURY OR HOSTAGE BENEFIT.—In the event the claimant was physically injured or held hostage as a direct result of an act of international terrorism, the Department shall award a benefit to the claimant in an amount determined by the Department up to, but not to exceed, the amount provided for under the preceding subsection. The Secretary of State may issue regulations regarding the amount of benefits to be provided under this subsection for categories of injuries or for durations of time as a hostage.

(c) NO FAULT PROGRAM.—Awards shall be made without regard to the negligence or any other theory of liability of the claimant or of the individual on whose behalf the claimant is filing a claim.

(d) REVERSION OF AMOUNTS TO THE FUNDS.—If no person is entitled to receive the amount awarded under the above subsections, the amount shall revert to the Fund.

SEC. 108. LIMITATIONS ON CLAIMS.

(a) PROHIBITION ON DOUBLE RECOVERY.—No benefit is payable under this Act with respect to a victim having been injured or held hostage if a benefit is payable under this Act with respect to the death of such victim. In the event that a payment is made under this Act on account of death or period as a hostage and a death benefit subsequently becomes payable for the death of the same victim, such death benefit shall be reduced by amounts previously awarded.

(b) TIME LIMITATION FOR FILING.—No claim may be filed on the basis of an act of international terrorism after the date that is 2 years after the date of publication in the Federal Register of the relevant determination under section 104(a) of this Act.

SEC. 109. INTERNATIONAL TERRORISM BEFORE EFFECTIVE DATE.

(a) INTERNATIONAL TERRORISM BEFORE EFFECTIVE DATE.—Benefits may be awarded under this Act, subject to the provisions of subsection (b) of this section, to eligible individuals for acts of international terrorism that took place before the effective date of this Act and which occurred on or after November 1, 1979.

(b) DETERMINATION.—The Secretary of State, in consultation with the Attorney General and the Secretaries of Defense, Homeland Security and the Treasury, shall issue, promptly upon the request of a claimant potentially covered under subsection (a), a determination whether an incident that occurred on or after November 1, 1979, and before the date of enactment of this Act was an act of international terrorism. Such requests will be considered only if made within one year after the date of enactment of this Act. Any such determination shall be published in the Federal Register.

SEC. 110. AUTHORIZATION.

(a) AUTHORIZATION.—There is established for the purpose of providing benefits under this Act a Victims of International Terrorism Benefits Fund (''Fund''). In addition to amounts otherwise authorized to be appropriated for the Department of State, there are authorized to be appropriated to the Department of State for deposit into the Fund such sums as may be necessary to pay awards under this Act and to administer this Program.

(1) Amounts in the Fund shall be available until expended.

(2) CONTRIBUTIONS.—The Secretary of State is authorized to accept such amounts as may be contributed by individuals, business concerns, foreign governments, or other entities for the payment of awards certified under this Act and such amounts may be deposited directly into the Fund.

(3) Unexpended balances of expired appropriations available to the Department of State may be transferred directly into the Fund for the payment of awards under this Act and, to the extent and in such amounts as provided in appropriations acts, for the costs to administer this Program.

SEC. 111. SUBROGATION.

The United States shall be subrogated, to the extent of the payments, to any recovery in litigation or settlement of litigation related to an injury, death, or period of a hostage for which payment was made under the Program. Any amounts recovered under this subsection shall be deposited into the Fund established by section 110(a).

SEC. 112. ADMINISTRATIVE PROVISIONS.

(a) RULE AND PROCEDURES.—The Secretary of State may issue such rules and procedures as may be necessary to carry out this Act, including rules with respect to choice of law principles, admitting agents or other persons to representation before the Department of claimants under this Act, and the nature and maximum amount of fees that such agent or other person may charge for such representation.

(b) ACTS COMMITTED TO OFFICER'S DISCRETION.—Any action taken or omitted by an officer of the United States under this Act is committed to the discretion of such officer.

(c) CIVIL ACTIONS AGAINST FOREIGN STATES.—

(1) A person who by a civil action has obtained and received full satisfaction of a judgment against a foreign state or government or its agencies or instrumentalities, or against the United States or its agencies or instrumentalities, for death, injury, or period as a hostage due to an act of international terrorism shall not receive an award under this Act based on the same act of international terrorism.

(2) A person who has accepted benefits pursuant to an award under this Act relating to an act of international terrorism shall not thereafter commence or maintain in a court of the United States a civil action based on the same act of international terrorism against a foreign state or government or its agencies or instrumentalities or against the United States or its agencies or instrumentalities.

SEC. 113. NO JUDICIAL REVIEW.

Decisions made under this Act shall not be subject to review in any judicial, administrative or other proceeding.

SEC. 114. CONFORMING AMENDMENTS.

(a) Section 201 of the Terrorism Risk Insurance Act of 2002 (Public Law 107–297) is amended by adding the following as new subsection (e):

''(e) Subsection (a) shall not apply to any judgment obtained pursuant to a complaint filed after [the date of submission of the Benefits for Victims of International Terrorism Act of 2003].''

(b) Section 1610(f) of Title 28, United States Code (28 U.S.C. 1610(f)), is amended by adding the following at the end as new subparagraph (4):

''(4) Subsection (f) shall not apply to any judgment obtained pursuant to a complaint filed after [the date of submission of the Benefits for Victims of International Terrorism Act of 2003].''

U.S. DEPARTMENT OF STATE,
Washington, DC, June 5, 2003.

Hon. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: We are transmitting for your consideration a draft bill to establish a program to provide benefits for United States victims of international terrorism.

The proposed legislation is based on the following three principles:

The program should provide the same benefits to those with low incomes as those with greater means;

Victims should receive compensation as quickly as possible; and

The amount of compensation should be on par with that provided to families of public safety officers killed in the line of duty (currently $262,000).

Thus, the government program should not be designed as the primary means of compensating victims and victims' families for their losses, but rather should complement life insurance, savings, and other private financial measures.

In contrast to a mechanism that uses blocked assets and rewards those that can secure judgements before such assets are exhausted, a fund based on the above principles would provide compensation for all victims fairly and equitably. It also preserves the President's prerogatives in the area of foreign affairs.

The proposed fund would be administered within the Department of State. The legislation includes authorization for appropriations necessary to compensate victims. In addition to these costs, a benefits adjudication unit will be established within the Department soon after enactment.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this proposal to Congress.

We urge your support for passage of this legislation, which provides compensation for U.S. victims of international terrorism in a fair and rational way.

Sincerely,

PAUL V. KELLY,
Assistant Secretary, Legislative Affairs.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 172—HONORING THE LIFE OF MEDIA REPORTING GIANT DAVID BRINKLEY, AND EXPRESSING THE DEEPEST CONDOLENCES OF THE SENATE TO HIS FAMILY ON HIS DEATH

Mr. MCCONNELL (for himself and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 172

Whereas the Senate has learned with sadness of the death of David Brinkley;

Whereas David Brinkley, born in Wilmington, NC, greatly distinguished himself as a newspaper reporter, radio correspondent, and television correspondent;

Whereas David Brinkley attended the University of North Carolina and served in the North Carolina National Guard;

Whereas David Brinkley's first job in Washington was covering the White House in 1943 for NBC as a radio reporter;

Whereas David Brinkley co-anchored ''The Huntley-Brinkley Report,'' along with Chet

Huntley, which was widely popular during the 1960's;

Whereas David Brinkley hosted ''This Week with David Brinkley'' for fifteen years and it was the number one Sunday program when he retired in 1996;

Whereas David Brinkley covered eleven presidents, four wars, 22 political conventions, a moon landing and three assassinations;

Whereas David Brinkley wrote three books, won ten Emmy awards, six Peabody Awards, and in 1992, the Presidential Medal of Freedom, the nation's highest civilian honor;

Whereas David Brinkley is considered by many to be the premier broadcast journalist of his time;

Whereas David Brinkley was well known for his wry sense of humor, fundamental decency, gentlemanly charm, and his one-of-a-kind writing style will forever be remembered by his friends, colleagues, and the countless members of the television audience he touched week to week over his more than fifty year career: Now, therefore, be it

Resolved, That the Senate—

(1) pay tribute to the outstanding career of David Brinkley

(2) expresses its deepest condolences to his family; and

(3) directs the Secretary of the Senate to direct an enrolled copy of this resolution to the family of David Brinkley.

SENATE RESOLUTION 173—TO AMEND RULE XVI OF THE STANDING RULES OF THE SENATE WITH RESPECT TO NEW OR GENERAL LEGISLATION AND UNAUTHORIZED APPROPRIATIONS IN GENERAL APPROPRIATIONS BILLS AND AMENDMENTS THERETO, AND NEW OR GENERAL LEGISLATION, UNAUTHORIZED APPROPRIATIONS, NEW MATTER, OR NONGERMANE MATTER IN CONFERENCE REPORTS ON APPROPRIATIONS ACTS, AND UNAUTHORIZED APPROPRIATIONS IN AMENDMENTS BETWEEN THE HOUSES RELATING TO SUCH ACTS, AND FOR OTHER PURPOSES

Mr. MCCAIN (for himself, Mr. KYL, Mr. SESSIONS, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 173

Be it Resolved, That paragraph 1 of Rule XVI of the Standing Rules of the Senate is amended to read as follows:

''1. (a) On a point of order made by any Senator:

''(1) No new or general legislation nor any unauthorized appropriation may be included in any general appropriation bill.

''(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

''(3) No new or general legislation nor any unauthorized appropriation, new matter, or nongermane matter may be included in any conference report on a general appropriation bill.

''(4) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general appropriation bill.

''(b)(1) If a point of order under subparagraph (a)(1) against a Senate bill is sustained, then—

''(A) the new or general legislation or unauthorized appropriation shall be struck from the bill; and

''(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly.

''(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained, then an amendment to the House bill is deemed to have been adopted that—

''(A) strikes the new or general legislation or unauthorized appropriation from the bill; and

''(B) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly.

''(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, then the amendment shall be out of order and may not be considered.

''(d) If the point of order against a conference report under subparagraph (a)(3) is sustained, then—

''(1) the new or general legislation, unauthorized appropriation, new matter, or nongermane matter in such conference report shall be deemed to have been struck;

''(2) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck shall be deemed to have been made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be deemed to be reduced accordingly;

''(3) when all other points of order under this paragraph have been disposed of—

''(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck (together with any modification of total amounts appropriated and reduction in the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) deemed to have been made);

''(B) the question shall be debatable; and

''(C) no further amendment shall be in order; and

''(4) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

''(e)(1) If a point of order under subparagraph (a)(4) against a Senate amendment is sustained, then—

''(A) the unauthorized appropriation shall be struck from the amendment;

''(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the amendment shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly; and

''(C) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the amendment as so modified.

''(2) If a point of order under subparagraph (a)(4) against a House amendment is sustained, then—

''(A) an amendment to the House amendment is deemed to have been adopted that—

''(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

''(ii) modifies, if necessary, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly; and

''(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

''(f) The disposition of a point of order made under any other paragraph of this Rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

''(g) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

''(h) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a general appropriation bill, a conference report on a general appropriation bill, or an amendment between the Houses on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (g), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

''(i) Notwithstanding any provision of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), no point of order provided for under that Act shall lie against the striking of any matter, the modification of total amounts to reflect the deletion of matter struck, or the reduction of an allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) to reflect the deletion of matter struck (or to the bill, amendment, or conference report as affected by such striking, modification, or reduction) pursuant to a point of order under this paragraph.

''(j) For purposes of this paragraph:

''(1)(A) The term 'unauthorized appropriation' means an appropriation—

''(i) not specifically authorized by law or Treaty stipulation (unless the appropriation

has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

''(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

''(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that—

''(i) discriminates against other persons, programs, projects, entities, or jurisdictions similarly situated that would be eligible, but for the restriction, direction, or authorization, for the amount appropriated; or

''(ii) is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction,

unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.

''(2) The term 'new or general legislation' has the meaning given that term when it is used in paragraph 2 of this Rule.

''(3) The terms 'new matter' and 'nongermane matter' have the same meaning as when those terms are used in Rule XXVIII.''.

SEC. 2. STATEMENT REGARDING EFFECT OF REPORT LANGUAGE.

Paragraph 7 of Rule XVI of the Standing Rules of the Senate is amended by adding at the end ''It shall not be in order to proceed to the consideration of a general appropriation bill if the report on that bill contains matter that requires or permits the obligation or expenditure of any amount appropriated in that bill for the benefit of an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that—

''(A) discriminates against other persons, programs, projects, entities, or jurisdictions similarly situated that would be eligible, but for the requirement or permission, for the amount appropriated; or

''(B) it applies only to a single identifiable person, program, project, entity, or jurisdiction,

unless the identifiable person, program, project, entity, or jurisdiction is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law).''.

SEC. 3. STATEMENT REGARDING EFFECT OF JOINT EXPLANATORY STATEMENT LANGUAGE.

Rule XXVIII of the Standing Rules of the Senate is amended—

(1) by striking ''The'' in paragraph 1 and inserting ''Except as provided in paragraph 7, the''; and

(2) by adding at the end the following:

''7. It shall not be in order to proceed to the consideration of a conference report on a general appropriations bill if the joint explanatory statement contains matter that requires or permits the obligation or expenditure of any amount appropriated in that bill for the benefit of an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that—

''(A) discriminates against other persons, programs, projects, entities, or jurisdictions similarly situated that would be eligible, but for the restriction or direction, for the amount appropriated; or

''(B) is so restricted or directed that it applies only to a single identifiable person, program, project, entity, or jurisdiction,

unless the identifiable person, program, project, entity, or jurisdiction to which the restriction or direction applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law).''.

SEC. 4. READING OF CONFERENCE REPORT AND JOINT EXPLANATORY STATEMENT.

(a) VITIATING THE STANDING ORDER OF THE SENATE REGARDING THE READING OF CONFERENCE REPORTS.—The Standing Order of the Senate regarding the reading of conference reports established by the second sentence of section 903 of Division A of Appendix D—H.R. 5666 of the Consolidated Appropriations Act, 2001 (114 Stat. 2763A-198) is vitiated.

(b) READING OF JOINT EXPLANATORY STATEMENT.—There is established, as a Standing Order of the Senate, that the presentation of a conference report includes the presentation of the joint explanatory statement of the conferees required by paragraph 4 of Rule XXVIII of the Standing Rules of the Senate, and that a demand for the reading of the joint explanatory statement be subject to the same rules, precedents, and procedures as apply to a demand for the reading of the conference report.

Mr. MCCAIN. Mr. President, the resolution I am submitting today is a resolution to amend the Standing Rules of the Senate to give every Member the ability to raise points of order in objection to unauthorized appropriations or locality-specific earmarks that would circumvent the authorizing or competitive award process. I am pleased to be joined in this effort by my colleagues, Senators KYL, SESSIONS, and FEINGOLD.

Specifically, the resolution would establish a new procedure, modeled in part after the Byrd Rule, which would allow a point of order to be raised against any new or general legislation or unauthorized appropriations, including earmarks, in any general appropriations bills or amendments to general appropriations bills. It also would allow a point of order to be raised against any new or general legislation or unauthorized appropriations, new matter, or nongermane matter in any appropriations conference reports, and against unauthorized appropriations in amendments between the Houses.

Unless a point of order is waived by the affirmative vote of 60 votes, the unauthorized provision would be extracted from the measure, and the overall cost of the bill would be reduced by the corresponding amount. Furthermore, if a point of order is sustained against a provision in a conference report, that provision also would be stricken. The legislative process would continue, however, and the legislation would revert to a nonamendable Senate amendment, which would be the conference agreement without the objectionable material, and the measure could then be sent back to the House.

The proposed rules change also includes two exemptions to points of order that currently apply to amendments to appropriations bills under rule XVI: appropriations that had been included in the President's budget request or would be authorized by a bill already passed by the Senate during that session of Congress. Such appropriations would not be subject to points of order under the proposed rules change.

Finally, as my colleagues know, the reports accompanying appropriations bills and the statements of managers that accompany conference reports are chock full of unauthorized appropriations and site-specific earmarks, typically far exceeding those in the bill language. There has been a growing tendency over the years for these reports to be viewed by Federal agencies as statutory directives. The fact is, of course, the Appropriations Committee reports and statements of managers are advisory only. Unless a device for curtailing such earmarking in report language is also implemented, the new rule could be rendered almost meaningless. Therefore, under our proposal, it would not be in order to consider an appropriations bill or conference report if the accompanying documents include unauthorized or earmarked items.

The proposal would not be self-enforcing but, rather, it would allow any Member to raise a point of order in an effort to extract objectionable unauthorized provisions. Our goal is to reform the current system by empowering all Members with a tool to rid appropriations bills of unauthorized funds, porkbarrel projects, and legislative policy riders.

For many years, I have worked to call attention to the wasteful practice of congressional earmarking whereby parochial interests are placed above national interests. Unfortunately, congressional earmarks have continued to rise year after year. In fact, according to information compiled from the CRS, the Congressional Research Service, the total number of earmarks has grown from 4,126 in fiscal year 1994, to 10,540 in fiscal year 2002. That is an increase of over 150 percent. And for the year 2003, the increase in number, from our preliminary estimates, is somewhere around 1,300 earmarks.

Our current economic situation and our vital national security concerns require that now, more than ever, we prioritize our Federal spending.

By the way, the earmarked funds have gone up a commensurate amount from $26.8 billion in fiscal year 1994, to $44.6 billion earmarked in 2002. I think

what this chart shows is as important as the earmarks, given the fact that we are now up close to $50 billion in earmarked funds in our appropriations bills.

And this chart does not include the number of fundamental policy changes that are made in the appropriations process because they cannot get through the authorizing process, which is the proper process. And they, many times—as in a case that I will mention in a few minutes—often cost hundreds of millions of dollars to the taxpayers. Language included in the Department of Defense appropriations bill for fiscal year 1998 is a classic example. There were no funds earmarked in that bill that would show up here. It did show up as one policy change.

What it did do, in the Defense appropriations bill, is it granted a legal monopoly for American Classic Voyages to operate as the only U.S.-flagged operator among the Hawaiian Islands. After receiving the monopoly, American Classic Voyages secured a $1.1 billion loan guarantee from the U.S. Maritime Administration's title XI loan guarantee program for the construction of two passenger vessels known as Project America.

Project America's subsequent failure 4 years later resulted in the U.S. Maritime Administration paying out $187.3 million of the taxpayers' money to cover the project's loan default and recovering only $2 million from the sale.

I am not alone in the opinion that the earmarking process has reached the breaking point. Consider the administration's recently submitted proposal to reauthorize the multiyear highway transit and safety programs which will expire in September 30, 2003. Interestingly, that proposal, entitled the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003, SAFETEA, proposes to largely eliminate discretionary programs that currently exist under the Department's authority.

Why is that? One would think the Secretary of Transportation would be advocating the growth of discretionary programs so that he can award Federal grants for projects based on a meritorious selection process.

But over the years, such discretion has been assumed by the appropriators during the annual transportation appropriations process and all but nullified any role on the part of the Secretary and his ability to award discretionary grants.

Transportation Secretary Mineta, in testimony before the Senate Commerce Committee, stated:

> SAFETEA eliminates most discretionary highway grant programs and makes these funds available under the core formula highway grants programs. States and localities have tremendous flexibility and certainty of funding under the core programs. Unfortunately, Congressional earmarking has frustrated the intent of most of these discretionary programs, making it harder for States and localities to think strategically about their own transportation problems.

To further illustrate the enormity of the earmarking situation, my colleagues need only consider the transportation earmarking that has occurred during the past 5 years. According to the Department of Transportation inspector general, Congress appropriated $18 billion in discretionary funding for highway transit and aviation discretionary programs during fiscal years 1998 through 2002. Of that amount, $11 billion or 60 percent was earmarked by Congress.

Let me just offer a few specific examples of recent earmarks: From the war supplemental appropriations conference report, $110 million for modernization of the Agriculture Research Service, and Animal and Plant Health Inspection Service Facilities near Ames, IA. That was from a war supplemental appropriations conference report, specifically for the war in Iraq and homeland security. From the 2003 omnibus appropriations conference report, $1 million for a bear DNA sampling study in Montana; $280,000 for asparagus technology and production in Washington; $220,000 to research future foods in Illinois; $10 million for a seafood marketing program in Alaska; $250,000 for research on the interaction of grapefruit juice and drugs; $50,000 to combat feral hogs in Missouri; $2 million for the Biomass Gasification Research Facility in Birmingham, AL; $500,000 for the gasification of switchgrass in Iowa; $1 million for the National Agriculture-Based Industrial Lubricants Center in Iowa; and $202,500 to continue rehabilitation of the former Alaska Pulp Company mill site in Sitka, AK.

I usually make a lot of fun and jokes about these things, but it is getting out of hand. It is really getting out of hand. When we are looking at a $400 billion deficit this year, can we afford $1 million for a bear DNA sampling study in Montana?

The conference report also included an agricultural policy change to make catfish producers eligible for payments under the livestock compensation program even though hog, poultry, or horse producers are not eligible.

Further, the conference agreement contained provisions which allow a subsidiary of the Malaysian-owned Norwegian Cruise Lines the exclusive right to operate several large foreign-built cruise vessels in the domestic cruise trade. This provides an unfair competitive advantage to a foreign company at the expense of all other cruise ship operators and creates a de facto monopoly for NCL in the Hawaiian cruise trade.

From the fiscal year 2002 transportation appropriations conference report, nearly $1 billion in highway program funding authorized to be distributed to the States by formula at the discretion of the Secretary was instead, for the first time, redirected and earmarked for projects such as $1.5 million for the Big South Fork Scenic Railroad enhancement project in Kentucky; $2 million for a public exhibition on ''America's Transportation Stories'' in Michigan; and $3 million for the Odyssey Maritime Project, a museum, in Washington. That was out of highway funds.

The National Corridor Planning & Development & Corridor Border Infrastructure Program was authorized at $140 million. But the appropriators provided an additional $333.6 million over the authorized level for a total of $492.2 million in funding. The conferees then earmarked 100 percent of the funding for 123 projects in 38 States. Earmarks included, surprisingly, $54 million for three projects in West Virginia; $43 million for 18 projects in Kentucky; $34.5 million for seven projects in Mississippi; $34 million for five projects in Washington; and $27 million for six projects in Alabama. Twelve States received zero funding under any program: Arizona, Colorado, Delaware, Hawaii, Nebraska, Nevada, North Dakota, Rhode Island, South Carolina, Utah, Vermont, and Wyoming.

I could go on citing examples of arbitrary earmarks. I will refrain for now. But something has to be done to put a halt to the alarming increase in earmarking.

I went over the rules changes and what they meant, but I would just like to give a most recent example. An issue that has arisen which is of great concern to many Americans is the issue of media concentration. We have had several hearings in the Commerce Committee. We had the FCC Commissioners up before the committee after they made a ruling. It has probably aroused more interest than any other issue ever before the Federal Communications Commission, certainly in recent memory.

Seven hundred fifty thousand Americans contacted the FCC on this issue of media concentration. The issue is difficult. It is complex. We have had many hearings on it. Over time, I have become convinced that this issue is a serious one. I believe there are serious problems with radio concentration. I am not sure what the answer is and exactly how we go about addressing the issue of both vertical and horizontal concentration, cross-ownership of newspapers, and television stations and cable stations and radio stations. But the committee will continue to explore it.

Last week, three of my colleagues from the Senate held a press conference: My dear friend Senator HOLLINGS, ranking member of the Commerce Committee, former chairman; Senator STEVENS of Alaska, second ranking member of the committee; and Senator LOTT, a very distinguished member of the committee. At the time, they said they were introducing legislation to freeze the ownership at 35 percent which would then counteract and repeal the rule raising media concentration levels to 45 percent by FCC.

The only reason I mention this is immediately in answer to the first question, they said: If we don't get it

through the committee, we can always put it on an appropriations bill. That was the comment made.

Mr. President, that is not the right way to do business on a major fundamental policy change, to tack it on as one line, as was described by Senator HOLLINGS, that we can always just zero out the funding. That is not the way we should be doing business.

This issue should be decided by all 100 Senators on the floor of the Senate. I am not saying the sponsors of the legislation are wrong. But this has to do with billions of dollars in acquisitions, or nonacquisitions, with fundamental changes within the media. The answer was, well, we will put it on an appropriations bill if we cannot get it through committee. The committee will be marking it up on Thursday. I don't know if it will get to the floor. That is up to the majority leader but, more importantly up to my colleagues who may put holds on it.

These are serious issues that impact greatly the United States of America, and they are being decided on appropriations bills, stuck in without even so much as a hearing many times. I will be on the floor many times on this issue because it is a long way from us being able to remove this power from the Appropriations Committee and put it back into the authorizing committees where it belongs.

Finally, some of the proudest and most intense and enjoyable moments of my political career have been as chairman of the Commerce Committee. I believe the Commerce Committee is well suited to address these issues. I believe the Commerce Committee is well suited to authorize major programs and address major policy challenges that confront the Nation, whether it is commerce, science, transportation, information technology, telecommunications, aviation, or all of the other issues. I don't think they should be decided by the Appropriations Committee, as far as policy is concerned. As far as the amounts of money are concerned, that is their job. I pretend to have no ambitions on that issue.

We have to get this out-of-control—and I mean totally out-of-control—situation under control. The situation has been dramatically exacerbated by the fact that we are now looking, in sheer whole numbers, at the highest deficits in the history of this country. As far as a percent of GNP, they are not the highest, but we are talking about at least $400 billion this year.

We are about to—I am happy to say—pass a Medicare prescription drug program that will cost about $400 billion or more over a 10-year period. We are looking at Social Security and Medicare. We cannot afford this high cost anymore. I believe the chairman of the Rules Committee will be holding a hearing on this issue. I don't believe it would get through the Rules Committee, but I am very grateful to Senator LOTT that he would allow a hearing on this issue. But I do not intend to give up on it. We will be discussing it and debating it for a long time.

My constituents—and every American—do not expect us to act in this fashion, which in many cases is totally irresponsible.

I yield the floor.

Mr. KYL. Mr. President, the Congressional Budget Act, Rule 21 of the House of Representatives, and Rule 16 of the Senate are all designed to establish a balance between authorizing legislation and appropriations bills that would allow Congress to consider authorizing legislation in a timely and thoughtful manner, and prevent the year-ending appropriations process from degenerating into a venue for policymaking and provincialism.

Yet, according to CBO, over the past several years, the total amount of unauthorized appropriations has ranged between about $90 billion and $120 billion annually, and since 1998, the number of earmarks has risen by 150 percent to 10,540, which cost $44.6 billion in 2002 alone. This trend has made a mockery of our institutional arrangement and beckons us to take action to fix the system.

The bill introduced today is not perfect, but it recognizes the deficiencies in current procedure and represents an earnest and thoughtful attempt to correct them. It would improve Rule 16 to close the loophole that currently insulates Senate appropriations committee-reported bills containing unauthorized appropriations and legislative language from points of order, while preserving the Senate's ''defense of germaneness'' to amend legislative language in House-passed appropriations bills.

It would also preserve balance between the Houses by allowing any Senator to raise a point of order against unauthorized appropriations included in a House-passed appropriations bill, conference report, or amendment between Houses. Finally, the bill attempts to regulate the practice of using committee or conference report language to earmark funds.

We have a problem; I think that much is clear. If other Members of this chamber do not agree with specific provisions of this bill, I ask that they offer constructive suggestions as to how best to breathe life back into Rule 16 and the institutional balance between authorization and appropriations. In the midst of the War on Terrorism and projected budget deficits, it would be an abrogation of our role as elected officials to allow the status quo to persist.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 18, 2003, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on Native American Sacred Places.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, June 17, 2003, at 10:00 a.m., to hear testimony on the ''Implementation of U.S. Bilateral Free Trade Agreements with Singapore and Chile.''

COMMITTEE ON FOREIGN RELATIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 17, 2003, at 9:30 a.m., to hold a hearing on ''Treaties Related to Aviation and the Environment.''

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, June 17, 2003, at 10:00 a.m., to hold a business meeting to consider pending Committee business.

Agenda

Legislation: S. 481, the Kurtz Bill; S. 589, Homeland Security Workforce Act; S. 610, NASA Workforce Flexibility Act of 2003; S. 678, Postmasters Equity Act of 2003; S. 908, United States Consensus Council; S. 910, Non-Homeland Security Mission Performance Act of 2003; S. 926, Federal Employee Student Loan Assistance Act; S. 1166, National Security Personnel System Act; and S. 1245, Homeland Security Grant Enhancement Act.

Post Office Naming Bills: S. 508, a bill to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the ''Floyd Spence Post Office Building''; S. 708, a bill to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the ''Michael J. Healy Post Office Building''; S. 867, a bill to designate the facility of the United States Postal Service located at 710 Wicks Lane in Billings, Montana, as the ''Ronald Reagan Post Office Building''; S. 1145, a bill to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the ''Patsy Takemoto Mink Post Office Building''; S. 1207, a bill to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the ''Walt Disney Post Office Building''; H.R. 825, an act to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the ''Michael J. Healy Post Office Building''; H.R. 917, an act to designate the facility of the United States Postal Service located at 1830 South

Lake Drive in Lexington, South Carolina, as the ''Floyd Spence Post Office Building''; H.R. 925, an act to designate the facility of the United States Postal Service located at 1859 South Ashland Avenue in Chicago, Illinois, as the ''Cesar Chavez Post Office''; H.R. 981, an act to designate the facility of the United States Postal Service located at 141 Erie Street in Linesville, Pennsylvania, as the ''James R. Merry Post Office''; H.R. 985, an act to designate the facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, as the ''Delbert L. Latta Post Office Building''; H.R. 1055, an act to designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the ''Dr. Roswell N. Beck Post Office Building''; H.R. 1368, an act to designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the ''Norman D. Shumway Post Office Building''; H.R. 1465, an act to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the ''General Charles Gabriel Post Office''; 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''; H.R. 1609, an act 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''; 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''; and H.R. 2030, an act to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the ''Patsy Takemoto Mink Post Office Building.''

Nominations: Michael J. Garcia to be Assistant Secretary for Immigration and Customs Enforcement, Department of Homeland Security; C. Steward Verdery, Jr. to be an Assistant Secretary of Homeland Security; Susanne Marshall to be Chairman of the Merit Systems Protection Board; Neil McPhie to be a Member of the Merit Systems Protection Board; Terrence A. Duffy to be a Member of the Federal Retirement Thrift Investment Board; Peter Eide to be General Counsel for the Federal Labor Relations Authority; Albert Casey to be a Governor for the United States Postal Service; and James C. Miller, III to be a Governor for the United States Postal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''The FTC Study on Barriers to Entry in the Pharmaceutical Marketplace,'' on Tuesday, June 17, 2003, at 10:00 a.m., in the Dirksen Senate Office Building Room 226.

Witness List

Panel 1: The Honorable Timothy J. Muris, Esq., Chairman, Federal Trade Commission, Washington, DC; Mr. Dan Troy, Esq., Chief Counsel for Food and Drugs, Food and Drug Administration, Rockville, MD; Mr. Sheldon T. Bradshaw, Esq., Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice, Washington, DC.

Panel 2: The Honorable Howard M. Metzenbaum, Esq.; Former U.S. Senator, [D–OH], Chairman, Consumer Federation of America, Washington, DC; Ms. Kathleen Jaeger, Esq., President and CEO, Generic Pharmaceutical Association, Washington, DC; Mr. Bruce Kuhlik, Esq., General Counsel, Pharmaceutical Research and Manufacturers of America, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''The Dark Side of a Bright Idea: Could Personal and National Security Risks Compromise the Potential of Peer-to-Peer Fine-Sharing Networks?'' on Tuesday, June 17, 2003, at 2:00 p.m., in the Dirksen Senate Office Building Room 226.

Tentative Witness List

Panel I: The Honorable Dianne Feinstein, U.S. Senator, [D–CA]; The Honorable Tom M. Davis, III, U.S. Representative, [D–VA, 11th District], Chairman, House Committee on Government Reform.

Panel II: Nathaniel S. Good, Graduate Student, School of Information Science, University of California at Berkeley, Berkeley, CA; Aaron Krekelberg, Lead Web Developer, University of Minnesota, Minneapolis, MN; Randy Saaf, MediaDefender, Inc., Los Angeles, CA; Alan Morris, Executive Vice President, Sharman Networks, Ltd., London, England; Chris Murray, Esq., Legislative Counsel, Consumers Union, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, June 17, 2003, at 9:30 a.m., to conduct a hearing on Senate Resolution 151, requiring public disclosure of notices of objections, holds, to proceedings to motions or measures in the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, June 17, 2003, for a hearing to consider the nominations of Mr. Alan G. Lance, Sr., and Mr. Lawrence B. Hagel, to be Judges, U.S. Court of Appeals for Veterans' Claims. The hearing will take place in room 418 of the Russell Senate Office Building at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 17, 2003, at 2:30 p.m. to hold an open confirmation hearing on Frank Libutti to be Under Secretary for Information Analysis and Infrastructure Protection, Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BENNETT. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on June 17, 2003, from 10 a.m.–12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS AND PRODUCT LIABILITY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs and Product Liability be authorized to meet on Tuesday, June 17, 2003, from 2:30 pm on Reauthorization of the Consumer Product Safety Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet on Tuesday, June 17 at 9:30 am to conduct a hearing to receive testimony on S. 525, the National Aquatic Invasive Species Act at 2003, a bill to reauthorize the nonindigenous Aquatic Nuisance Prevention and Control Act. The hearing will take place in SD 406, Hearing Room.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BREAUX. Mr. President, at this time, I ask unanimous consent that the following fellows and interns on the Finance Committee be granted floor privileges for the duration of the debate on the Prescription Drug Medicare Improvement Act of 2003: Patrick Straub, Nadija Porobic, Kathy Laubach, Autumn Engellant, Constantine Tujios.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent to allow floor privileges for Daniel Crimmins, a Robert

Woods Johnson health policy fellow in my office during deliberations on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. I ask unanimous consent that the privilege of the floor be granted to Erica Buehrens, a fellow in Senator JOHN EDWARDS' office, during the pendency of S. 1, the Medicare prescription drug benefit bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE LIFE OF MEDIA REPORTING GIANT DAVID BRINKLEY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 172, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 172) honoring the life of media reporting giant David Brinkley, and expressing the deepest condolences of the Senate to his family on his death.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I spend many of my Sunday mornings having coffee with Tony Snow, Tim Russert and Bob Schieffer. The Sunday morning talk shows are a chance for me—and I'm sure every Senator in this Chamber—to listen and participate in some of the best and most lively debates in America. While today's hosts are some of the best in the business, their foundation was built by a legend.

''This Week with David Brinkley'' was that foundation. His show was the first Sunday talk show I remember watching. David had a passion for politics and it showed on the air. He set a pattern for all the other hosts to follow. Last Wednesday, when David passed away at the age of 82, America lost a friend.

David's interest in journalism and politics started at a very early age. He was born in Wilmington, NC, on July 10 1920. David's first job in journalism was at the Wilmington Morning Star, where he wrote for the newspaper while still in high school. Following graduation, he attended the University of North Carolina and served in the North Carolina National Guard. In 1943, after his discharge from the service, David moved to Washington, DC, and landed a job with NBC as a radio reporter covering President Franklin D. Roosevelt at the White House.

In 1956, David got his big break. He became a co-anchor with Chet Huntley during the Democratic and Republican political convention. I remember tuning in to David every night; in fact, I was probably the only 14-year-old in America that watched the conventions from gavel to gavel.

David did such an outstanding job during the conventions that NBC decided to promote him to the nightly news. ''The Huntley-Brinkley Report'' premiered on October 29, 1956. This was NBC's nightly newscast, and it was the show that made David Brinkley a household name. Millions of Americans tuned in to the program nightly to get their news. Their show was so popular that, in the 1960s, David and Chet both had higher name recognition than the Beatles and John Wayne.

What most Americans remember about the show was the way they signed off each night: ''Goodnight, Chet . . . Goodnight, David.'' It became one of the country's first catchphrases.

David permanently said ''goodnight'' to ''The Huntley-Brinkley Report'' in 1970. He stayed at NBC for another 11 years, continuing to report, anchor and host a magazine show.

In 1981, ABC arrived on the scene. The network offered him a Sunday morning talk show. ''This Week with David Brinkley'' was the first of its kind—an hour rather than 30 minutes, and it became a huge ratings hit.

During his long and outstanding career, David covered 11 presidents, 4 wars, 22 political conventions, a moon landing, and 3 assassinations. He wrote 3 books, won 10 Emmy awards, 6 Peabody awards, and in 1992, the Presidential Medal of Freedom—the Nation's highest civilian honor.

David was just as well known for his wry sense of humor, fundamental decency and gentlemanly charm as he was for his one-of-a-kind writing style. I am told that he wrote all of his own scripts, which is rare, especially in today's world of the 24-hour news channels. In 1987, he said: ''it's the way I've written all my life, since I was 6 years old and working part-time at a local newspaper. I write the way I talk. Occasionally, rarely, because something happened while I was already on the air and I couldn't write it myself, somebody's written something and brought it to me. And I cannot read it. Can not!. . . And it's not that the writing is so terrible. It's just that . . . I can't read anything that isn't mine.''

My prayers and deepest condolences go out to David's family and friends for their loss. Mr. President, I close by asking my colleagues to join me in paying tribute to David Brinkley's life and his contribution to journalism and politics. There will never be another one like him. He will be missed.

''Goodnight, David.''

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 172) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 172

Whereas the Senate has learned with sadness of the death of David Brinkley;

Whereas David Brinkley, born in Wilmington, NC, greatly distinguished himself as a newspaper reporter, radio correspondent, and television correspondent;

Whereas David Brinkley attended the University of North Carolina and served in the North Carolina National Guard;

Whereas David Brinkley's first job in Washington was covering the White House in 1943 for NBC as a radio reporter;

Whereas David Brinkley co-anchored ''The Huntley-Brinkley Report,'' along with Chet Huntley, which was widely popular during the 1960's;

Whereas David Brinkley hosted ''This Week with David Brinkley'' for fifteen years and it was the number one Sunday program when he retired in 1996;

Whereas David Brinkley covered eleven presidents, four wars, 22 political conventions, a moon landing and three assassinations;

Whereas David Brinkley wrote three books, won ten Emmy awards, six Peabody Awards, and in 1992, the Presidential Medal of Freedom, the nation's highest civilian honor;

Whereas David Brinkley is considered by many to be the premier broadcast journalist of his time;

Whereas David Brinkley was well known for his wry sense of humor, fundamental decency, gentlemanly charm, and his one-of-a-kind writing style will forever be remembered by his friends, colleagues, and the countless members of the television audience he touched week to week over his more than fifty year career: Now, therefore, be it

Resolved, That the Senate—

(1) pay tribute to the outstanding career of David Brinkley;

(2) expresses its deepest condolences to his family; and

(3) directs the Secretary of the Senate to direct an enrolled copy of this resolution to the family of David Brinkley.

ORDERS FOR TOMORROW

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., June 18. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 10 a.m. with the time equally divided between the two leaders, or their designees, provided that at 10 a.m. the Senate resume consideration of S. 1, the prescription drug benefits bill.

Mr. REID. Mr. President, reserving the right to object, does the Senator from Kentucky have information that the scoring will be completed sometime during the night?

Mr. MCCONNELL. I am told that we believe it will be ready by the time we resume consideration of the bill in the morning.

Mr. REID. I think the debate today has been very constructive. I hope that in the next 10 days or so it is the same. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I say to the Democratic whip, as he knows, the intent of

the majority leader is to finish this bill by the July 4 recess. We hope to make great progress and, obviously, we will need to do that in the next 10 days.

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, tomorrow morning, following morning business, the Senate will resume consideration of S. 1, the prescription drug benefits bill. We have had a good debate on the issue so far yesterday and today, and a number of Members have come to the floor to speak on the merits of the bill.

Tomorrow, we expect to begin the amending process. Senators who wish to offer amendments are encouraged to contact the chairman or the ranking member of the Finance Committee so they may schedule time for consideration of their amendments.

I also advise our colleagues that rollcall votes are anticipated throughout tomorrow's session. Senators will be notified on when the first vote is scheduled.

In addition, I alert all Senators that votes are expected each day this week. As I indicated a few moments ago, we intend to complete this vital measure before we have the Fourth of July recess.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of the senior Senator from Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I shall be short under the circumstances because I assume we will have another occasion to speak on the McCain amendment.

Parliamentary inquiry. I am informed it is the pending amendment.

The PRESIDING OFFICER. It is a resolution that was submitted and referred to committee.

Mr. STEVENS. It was referred to committee.

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I was improperly informed, but I would like to speak for a minute or two on that matter.

The PRESIDING OFFICER. That is in order. The Senate is in morning business.

AMENDMENT TO RULE XVI OF THE STANDING RULES OF THE SENATE

Mr. STEVENS. Mr. President, everyone should understand the scope of the proposed resolution of the Senator from Arizona. I have before me some books. The books with white covers are requests I received as chairman of the Appropriations Committee on one bill last January, when we talked about the defense portion of what we call the omnibus bill.

The Chair will recall we had 11 bills that had to be put together. This is the portion pertaining just to the foreign assistance subcommittee dealing with matters of foreign assistance. Every one of those pages is a letter from a Member of the Senate asking our committee to change a portion of the appropriations bill for the specific subcommittee received from the administration. The President sends us a budget, and the budget is broken into 13 separate bills. These represent the requests received from Senators to change just 2 of those 11 bills.

Senator MCCAIN's proposal would, in effect, say if any one of these requests were granted, it would be subject to a point of order and it would take 60 votes to allow that amendment to stay in the bill.

In other words, a Senator could make a motion after the Senate or the committee had agreed to one of these requests, and that motion would be to take it out. It would take 60 votes to sustain it. I think the Constitution assures a majority can pass any amendment. This is a procedure that is unheard of in terms of parliamentary procedure and one I want the Senate to know if it possibly comes up on the floor, I think we shall demonstrate what a good old-fashioned filibuster is all about. I thank the Chair.

AUTOMATIC DEFIBRILLATION IN ADAM'S MEMORY ACT

Mr. STEVENS. Mr. President, I ask unanimous consent, notwithstanding the previous order, that the HELP Committee be discharged from further consideration of H.R. 389 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 389) to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 389) was read the third time and passed.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, I renew the request of the distinguished assistant leader.

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

There being no objection, the Senate, at 6:34 p.m., adjourned until Wednesday, June 18, 2003, at 9:30 a.m.

EXTENSIONS OF REMARKS

HONORING MR. JOHN H. BETJEMANN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I congratulate one of the most selfless and caring citizens of the First Congressional District of Indiana, Mr. John H. Betjemann. John has spent the past 23 years dedicating his life to promoting healthcare development and community service to all of Northwest Indiana. His career as President and CEO of the Methodist Hospitals in Gary, Merrillville, and surrounding communities has allowed him the opportunity to touch the lives of numerous people. In honor of his gracious service to his community, there will be a celebration of his accomplishments on June 26, 2003 at St. Timothy's Church in Gary, Indiana.

John Betjemann has accomplished many visionary goals throughout his career. He has focused his work on Neuroscience and Oncology medical services for diagnostics and treatment of cancer, brain tumors, and many other diseases. He has also provided Northwest Indiana with the Midlake Campus, which helps in the development services for children and new paramedic training for employees. He has also assured the identification of youth who are at risk of sudden cardiac trauma by providing high school athletic screening programs at no charge. Also in 1999, John established the Smoke-Free Hospital Policy to help promote better healthcare environments for the patients, employees, and visitors of Methodist Hospitals.

Along with the countless service organizations and programs that John has initiated, he has also been involved in many community organizations and projects. He has been a powerful member of the Horace Mann Ambridge Neighborhood Improvement Organization, which rehabilitates homes in the Northlake Campus area for low income, disabled families, and provides resources for repair and maintenance to these homes. He has also been a strong leader of the Adopt-A-Park Project, which along with IVY Tech, Gary Parks Department, and Lake County Job Training, helps to enhance Gary City parks by installing modern play equipment.

Along with his many other accomplishments, John has also received numerous community service and leadership awards. In 1988, John was given the Community Service Award by the Tolle-Mann Business Association. In 1995, he was the recipient of the Crystal Globe Award, which was given by the Asian American Medical Society. The Wellness Council also acknowledged him in 2000 for implementing the Health Institute.

Mr. Speaker, John has given his time and efforts selflessly to his employees and patients throughout his years of service. He has taught every member of his staff the true meaning of service to all members of the Northwest Indiana community. I respectfully ask that you and my other distinguished colleagues join me in congratulating Mr. John Betjemann for his outstanding contributions to Indiana's First Congressional District. I am proud to commend him for his lifetime of service and dedication.

SUPPORT NATIONAL PROFESSIONAL SOCIAL WORK MONTH

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. RODRIGUEZ. Mr. Speaker, as a social worker, I rise to highlight the beneficial work performed every day by social workers across this country. Social work is a unique profession, which combines a diverse skill set to serve individuals, families, groups, communities, organizations, as well as society-at-large.

Social workers help people address a wide variety of concerns, from homelessness, substance dependence and abuse, and mental illnesses to community development, employee assistance programs, emergency preparedness, and disaster relief. They work directly with individuals, couples, families, and groups to identify and overcome these and other challenges. Many social workers also aid communities, organizations, and systems in the improvement of services and the administration of social and health programs. As a result, social workers may be found in a variety of settings, among them, private practice, health and mental health, education, community, public welfare, agency administration, and policy and planning.

Social workers hold almost 500,000 jobs, with one in three found in State, county, or municipal government agencies, primarily in departments of health and human services, mental health, social services, child welfare, housing, education, and corrections. In the private sector, social workers provide services in hospitals, nursing homes, home health agencies, and other health centers or clinics. An increasing number have successfully sought elected offices in local, State, and Federal Government, to further contribute to the welfare of our country and our society. I would like to commend our colleagues, Representatives BARBARA LEE, SUSAN DAVIS, and ED TOWNS, who are exemplary professional social workers, and are among the almost two hundred publicly elected social workers serving their communities.

The Bureau of Labor Statistics reports that employment of social workers is expected to increase faster than the average for all occupations through 2010. The elderly population is increasing rapidly, creating greater demand for health and social services, resulting in particularly rapid job growth among gerontology social workers. Social workers also will be needed to help the large baby-boom ''sandwich'' generation deal with the resulting pressures, depression and mental health concerns stemming from mid-life, career, or other personal and professional difficulties. In addition, continuing concern about crime, juvenile delinquency, and services for the mentally ill, the mentally retarded, the physically disabled, AIDS patients, and individuals and families in crisis, will spur demand for social workers.

Hospitals, long-term care facilities, and home healthcare services will continue to depend on social workers to coordinate and provide aftercare services for their clients. The popularity of assisted-living communities among the expanding senior population requires the expertise of social work gerontology specialists. Social workers with substance abuse and addiction skills offer those seeking treatment a better chance at successful reintegration into society. Employment of school social workers is expected to grow in order to address rising student enrollments. Outcomes-based treatment provided by social workers facilitates the cost effectiveness goals of managed care organizations, enabling those in private practice to be heavily utilized and increase access to services. The increase in employee assistance programs (EAP) has also fueled the demand for private practitioners, many of whom are contracted with small and large corporations, local, State, and Federal agencies. With the September 11 attacks and its aftermath, EAP social workers have helped survivors to deal with the uncertainty and trauma of terrorism and war, and continue to support employees and their families.

Earlier this year, I reintroduced H.R. 844, the National Center for Social Work Research Act. This act would establish a center within the National Institutes of Health to coordinate ongoing social work research, develop new methods to help social workers provide effective services to the public, and promote the use of social work research to improve public policy.

Social work research, through the coordinated efforts of the National Center, will undeniably advance both the delivery and quality of health care and social services in this country. Fiscal responsibility and accountability demand that the best practices are determined through, and grounded in, empirically-based research. Consumers, practitioners, and policymakers must demand service effectiveness and cost efficiency, facilitated by the establishment of a National Center for Social Work Research. Social workers, as front-line professionals, compile information that seeks to understand the dynamics that lead to social issues, provide empirical support for best practice approaches to improve service delivery, and translate them into public policy decisions. With the limited resources available, policy makers must depend on these problem solvers to address many complex social issues such as poverty, welfare dependence, and drug abuse.

The social work profession is truly multifaceted. As dedicated advocates for the rights

of children, minorities, the disabled, crime victims, workers, patients, women and many others, social workers continue to lead efforts that enhance human, and thereby societal, well-being. They shape programs and policies that strengthen individual lives and improve the society in which we all live.

HONORING CORNELL SCOTT FOR HIS LIFETIME OF CONTRIBUTIONS TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many family, friends, and community leaders who have gathered to pay tribute to one of New Haven's most respected community leaders and one of my dear friends, Cornell Scott. His lifetime of dedication and compassion has made a real difference in the lives of thousands.

Chief Executive Officer of the Hill Health Center in New Haven, Scotty has been the driving force behind its success for the last thirty-four years. His tireless efforts have literally changed the face of healthcare in this community and across the nation. I have had the privilege of working with Scotty over the years and I am in awe of his endless energy. He is an inspiration to so many and I consider myself fortunate to call him my friend.

Established in 1968, the Hill Health Center is a private, non-profit community health center—the first of its kind in the State of Connecticut—which provides some of our most vulnerable citizens with the medical, dental, and behavioral health services. Too often, those children, families, and individuals most in need do not have access to critical healthcare programs and services. Now operating in eighteen locations throughout Greater New Haven, Hill Health Center has become an irreplaceable asset to our community. Scotty's leadership, vision, and enduring tenacity has been the backbone of the Hill Health Center—and for that we owe him a debt of gratitude.

In addition to his professional career, Scotty has also played an integral role in many local service organizations—helping to shape our community and improve the quality of life for all New Haven residents. The Community Foundation of Greater New Haven, the New Haven Housing Authority, the Connecticut Association for Human Services are just a few of the area agencies which have benefitted from his time and energies.

I am proud to stand today to join the many who have gathered today to pay tribute to my good friend, Cornell Scott, for his lifetime of invaluable contributions. He has left an indelible mark on this community and a legacy that will not soon be forgotten.

RECOGNIZING PATUXENT HIGH SCHOOL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. HOYER. Mr. Speaker, I rise today to recognize Patuxent High School in Calvert County, Maryland for its ranking among the Nation's top 700 most demanding public schools as reported by Newsweek. I would like to commend Patuxent High School on incorporating a curriculum that challenges and advances the abilities of all students who attend this public school.

The Challenge Index rated each school by analyzing the number of advanced placement or International Baccalaureate tests taken by students in the high school and the number graduating from that school in a given year. Those schools that received a rating of 1.0, which meant that the number of students graduating was less than the number of tests given, were considered above average and included in the index. Based on this ratings scale, Patuxent High School achieved the ranking of 697th of schools across the Nation who met this 1.0 rating.

The Advanced Placement (AP) and International Baccalaureate (IB), a European based program, are courses students can take which have a challenging curriculum and prepare the students for their endeavors at the collegiate level. In addition, these exams allow the individual students to earn college credits depending on what score they receive on the exam.

In 2003 the Patuxent High School student body numbered 1775 students with a senior class of 371. It offers fifteen AP courses as well as numerous honors courses that challenge their students. This year twenty-seven percent of the graduating class will attend a four-year college or university with forty percent attending a two-year college. In 2001, Patuxent High School was honored for receiving the top average SAT scores in Calvert County.

Principal Robert F. Dredger along with the four Vice Principals: Nancy Highsmith, Steve King, Christian Hodge, and Robert Lawrence, have established an environment that motivates and challenges each and every student. Without the hard work of the administration, staff, and students this honor could not have been obtained.

Mr. Speaker, Patuxent High School has demonstrated an outstanding commitment to its entire student body by offering numerous courses that provoke the minds of each and every student. I would like to congratulate Patuxent High School on achieving such an honor and wish the faculty, staff, and students continued success in the future.

A SPECIAL TRIBUTE TO SPANGLER DUM DUM POPS® ON OCCASION OF THE 50TH ANNIVERSARY CELEBRATION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding Ohio corporation, Spangler Candy Company, and the 50th anniversary celebration of the Spangler Dum Dum Pop. Considered the largest selling penny pop in the Midwest, the Dum Dum Pop came to Bryan, Ohio in the spring of 1953, when Spangler purchased the machinery, equipment and trade name from the Akron Candy Company of Bellevue, Ohio. By 1956, the Dum Dum Pop was a nationally acclaimed candy.

Mr. Speaker, on June 4, 1953, Bryan celebrated the acquisition of the Dum Dum Pop with a declared ''Dum Dum Day.'' On this special occasion, thousands of free lollipops were distributed to children and families gathered on the front lawn of the Spangler plant.

In August 1957, Spangler announced its ''largest production day ever'' of 1,545,750 Dum Dum Pops. In 1959, Spangler introduced a new program, encouraging children to save their Dum Dum wrappers and send them in with money for prizes. Today, the ''save wraps'' continues to function in a modified version.

By 1979, Spangler was producing 2.8 million Dum Dum Pops on a daily basis. By 1989, Dum Dums were the third largest selling lollipop in the country.

During the summer of 2001, a warehouse in Archbold, Ohio burned to the ground, costing Spangler more than 110,000 cases of Dum Dum Pops ready for shipment. In the months following the devastating fire, Spangler employees worked long hours to replace the loss, producing approximately 10 million Dum Dum Pops a day. After the Archbold fire, Spangler workers proved their dedication to the industry of Dum Dum Pops in their efforts to compensate for the lost products. Demonstrating pride and civic duty, factory workers and distributors proved their allegiance to Spangler and Dum Dum Pop consumers.

Today, Spangler generates about 8 million Dum Dum Pops each day, distributing cases of lollipops world-wide. Available in a variety of packaging sizes, ranging from 7 ounces to bulk cases of more than 2,000-count, consumers can purchase Dum Dums in food, drug, and mass market retail stores, as well as on the Spangler Candy Co. website.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Spangler Candy Co. In producing Dum Dum Pops®, the Spangler Candy Co. has provided jobs and a positive work environment not only for the Bryan community, but for members of communities nationwide. We wish Spangler Candy Co. all the best as we acknowledge one of our State's finest companies and all of their accomplishments.

HONORING MR. WALLACE E. EVANS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. VISCLOSKY. Mr. Speaker it is with great pride and honor that I congratulate Mr. Wallace E. Evans on his contribution to the residents of Northwest Indiana. Wallace will be retiring on July 1, 2003 as Local 881 United Food and Commercial Workers (UFCW) International Union's Executive Vice President. There will be a celebration dedicated to honoring his achievements on Friday, June 27 in Oak Brook, Illinois.

After 13 years of working as a Frozen Foods manager at Burger Supermarkets in Munster, Indiana, he was hired on full-time as the Organizer and Business Representative for Local 1460 of the Retail Clerks Union of Lake County. In 1980, Wallace became the President of Local 1460, and the first contract he negotiated as President increased the membership wage by $2.10 over the three-year contract. During his tenure, he dedicated himself to improving the working and financial conditions of the membership. After his time served as President, he became the Secretary-Treasurer of Local 1550 of UFCW, from 1986–1989.

After the merger of Local 1550 and Local 881 of UFCW in 1989, Wallace served as a Collective Bargaining Negotiator until he was named Director of Collective Bargaining in 1994. In 1996, he was named Executive Vice President and Director of Collective Bargaining.

Not only has Wallace had many positive accomplishments in his career with the union, he has also actively contributed to his community through many service organizations. He has served as the Union Trustee for the UFCW Union and Employers Calumet Region Insurance Fund since 1974, as well as holding the office of Democratic Precinct Committeeman in Highland, Indiana. He has also been a community leader through his role as Vice President of the Northwest Indiana Federation of Labor AFL–CIO (Retail Wholesale Sector). Although Wallace has dedicated his life to his career and his community, he has never neglected to provide support and love for his family. Wallace and his wife, Sheila, have been married for 36 years, and have two sons, Steven and Jason.

Mr. Speaker, Wallace Evans has been an active force in his union, as well as a positive leader for the Northwest Indiana community. I respectfully ask that you and my other distinguished colleagues join me in congratulating him on his well-deserved retirement. His service to his career and devotion to Indiana's First Congressional District deserves the highest commendation, and I am proud to represent him in Congress.

IN HONOR OF EXCELLENCE IN TEACHING, LINDA MILLER—TEACHER

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. RODRIGUEZ. Mr. Speaker, I rise to pay tribute to Linda Miller, an inspirational and loving teacher in San Antonio, TX at Theodore Roosevelt High School. Today Linda Miller, who dedicates her life to the success and education of her students, is honored with Time Warner Cable's National Teachers Awards Division Crystal Apple Award.

Each year Time Warner Cable honors 20 classroom projects, and the teachers who develop them, with the Crystal Apple Award. This award recognizes outstanding teachers who create learning experiences using cable technology. Ms. Miller's project embraced Japanese animation's historical and cultural heritage as well as technology's impact on its popularity.

Linda Miller has a record of achievement reflecting her passion for teaching. She has received the Teacher of the Year award presented to her by the American legion, as well as being identified as an Outstanding Teacher by the Rotary Club. Linda Miller's immense dedication to her students speaks for itself as Roosevelt High School presented her with the Humanitarian award for identifying students with special needs and pairing them with the mainstream students, in a buddy system. According to one fellow teacher, she surprised many of her colleagues who did not even realize that special needs students even attended.

Time Warner Cable seeks ways to support the educators and institutions that help shape our Nation. By enabling the power of cable television's 21st century technology and high-quality programming to unite teachers, students and parents, both in the classroom and for the benefit of the community, Time Warner strives to enhance the level of education in the classroom. It is, however, remarkable teachers such as Linda Miller who make this possible.

Mr. Speaker, it is my distinguished pleasure to honor Linda Miller because I recognize that it is the perseverance and dedication of teachers like her that will lead our youth to a brighter future.

HONORING LIEUTENANT GEOFFREY CHENEY FERRIS AS HE IS REMEMBERED FOR HIS OUTSTANDING MILITARY SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Ms. DELAURO. Mr. Speaker, today at the Headquarters of the 1st Battalion, 33rd Field Artillery of the United States Army in Bamberg, Germany many have gathered to pay tribute to a true hero and a New Haven, Connecticut native, Lieutenant Geoffrey Cheney Ferris. Today, the actions of Lieutenant Ferris will be memorialized with the dedication of the Headquarters in his honor. I am proud to stand today to join the members of the 33rd Field Artillery Regiment in paying tribute to Lieutenant Ferris, who made the ultimate sacrifice in defending our nation during World War II.

On the morning of May 6, 1943, Lieutenant Ferris, an artillery observer, reported to Company E, 26th Infantry during an assault of a strongly held enemy position in Dj El Deba, Tunisia. As an artillery observer, Lieutenant Ferris' duties included securing observation posts from which artillery strikes on the enemy could be called. In the breaking light of the morning, Lieutenant Ferris determined it impossible for a suitable observation post to be secured in the area occupied by Company E, and—as described by his commanding officer and others—with extreme disregard for his own safety advanced alone in front of Company E to establish an observation post. Determined and unyielding, Lieutenant Ferris advanced over an area of several hundred yards beyond the closest of infantrymen and was just short of an excellent observation post when he was mortally wounded by enemy fire.

Lieutenant Ferris' heroic attempt to advance his fellow soldiers was recognized by our nation with the award of the Distinguished Service Cross—the second highest award for valor and heroism in action which can be bestowed. Today, his former company, the ''Golden Lions'' of the 1st Battalion, 33rd Field Artillery again pay tribute to Lieutenant Ferris' memory and selfless sacrifice with the dedication of their headquarters in his honor.

It is my honor and privilege to rise today to join the 33rd Field Artillery, Governor John Rowland of Connecticut, and all of those who have gathered to recognize Lieutenant Geoffrey Cheney Ferris—one of Connecticut's sons—for his unparalleled courage and distinguished service in the United States Army. I am proud to present this statement and a flag which has been flown over the United States Capitol to be displayed at the Battalion Headquarters. Lieutenant Ferris is a true American hero whose story and legacy of heroism is sure to inspire generations to come.

THOMAS STONE HIGH SCHOOL, A TOP AMERICAN HIGH SCHOOL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. HOYER. Mr. Speaker, I rise today to recognize Thomas Stone High School in Charles County Maryland, for its ranking among the nation's top 700 most demanding public schools as reported in Newsweek. I would like to commend Thomas Stone High School on incorporating a curriculum that challenges and advances the abilities of all students who attend this public school.

The 2003 Challenge Index rated each school by analyzing the number of advanced placement or International Baccalaureate tests taken by students in the high school and the number of graduating seniors from that school in a given year. Those schools who received a rating of 1.0, which meant that the number of students graduating was less than the number of tests given, were considered above average and included in the index. Based on this ratings scale, Thomas Stone High School achieved the ranking of 364th in schools across the nation who met this 1.0 rating.

The Advanced Placement (AP) and International Baccalaureate (IB), a European based program, are courses students can take which have a more challenging curriculum and prepare the students for their endeavors at the collegiate level. In addition to this, these exams also allow the individual students to earn college credit depending on the score they receive on the exam.

Thomas Stone High School includes 1916 students with 392 of those graduating this year. Out of those 392 students graduating, the school expects 72 percent to attend a college or university. To aid students in continuing their education the school estimates that nearly 4.2 million dollars has been spent on scholarships. Students are allowed to participate in nineteen Advanced Placement courses, as well as scholar's courses and the JROTC. Thomas Stone High School has a student who sits on the State Board of Education as well as the County Board of Education. The school has Board Certified teachers and the Principal, Mr. Heath Morrison, was named the Maryland Association of Student Council's Principal of the Year. It is easy to

see how such remarkable students can thrive at Thomas Stone High School.

The faculty and staff, along with the students, are responsible for this honor. Principal Heath Morrison as well as the five Vice Principals: Janice Johnson, Ellen Linton, Curry Werkheiser, Wendell Martin, and Frazier Nelson all helped to encourage the students to strive for and achieve their goals.

Mr. Speaker, Thomas Stone High School has demonstrated an outstanding commitment to its entire student body by offering numerous courses that provoke the minds of each and every student. I would like to congratulate Thomas Stone High School on achieving such an honor and wish the faculty, staff, and students continued success in the future.

IN SPECIAL RECOGNITION OF ALISA L. FELLHAUER ON HER APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young woman from Ohio's Fifth Congressional District. I am happy to announce that Alisa L. Fellhauer of Port Clinton, OH, has been offered an appointment to attend the United States Air Force Academy.

Mr. Speaker, Alisa's offer of appointment poises her to attend the United States Air Force Academy with the incoming cadet class of 2007. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Alisa brings a special mix of leadership, service, and dedication to the incoming class of Air Force Academy cadets. While attending Port Clinton High School, Port Clinton, OH, Alisa has attained a grade point average of 3.88, which places her thirteenth in her class of one hundred sixty one students. During her time at Port Clinton High School, Alisa has received several commendations for her superior scholastic efforts. During her first year, she received the Kiwanis Scholar Athlete Award. Her second year was marked by her being again awarded the Kiwanis Scholar Athlete Award as well as being inducted into the National Honor Society. Alisa went on in her senior year to maintain her role in the National Honor Society as well being selected for participation in a highly selective biology program.

Outside the classroom, Alisa has distinguished herself as an excellent student-athlete and dedicated citizen of Port Clinton. On the fields of friendly strife, Alisa has participated in Varsity Cross County, Varsity Basketball, and Varsity Softball. She is a three time Cross Country letter recipient and served as the Team Captain her senior year. In addition to her athletic accomplishments, Alisa is an active member in her community participating in Key Club, Future Professionals in Medicine, National Honor Society, Relay for Life, and the Buckeye Girl's State.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Alisa L. Fellhauer. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Alisa will do very well during her career at Air Force and I wish her the very best in all of her future endeavors.

HONORING MR. JOHN WINGATE GRIFFIN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great pride that I congratulate Mr. John Wingate Griffin on his retirement from the Federal Government after 32 years of dedicated service to this great country. His career exemplifies selfless public service at its best and is a model for existing and future Federal employees. He retired at the end of May 2003.

A fifth generation native Californian, Mr. Griffin was born on December 2, 1946. After graduating from high school in Ojai, California, he later continued his studies at Ventura College earning an Associate Degree in economics. He received his bachelor's degree of International Relations and Economics in June 1973 from California State University.

Mr. Griffin served his country honorably in the military for over 3 years with the United States Army. He continued his Federal career for an additional 28 plus years as an economist with the United States Army Corps of Engineers in Sacramento and San Francisco, California. When he retired from the Corps, he was serving as Chief of Civil Works Program Development for the South Pacific Division where he had been employed since September 1986. In addition to leading a staff of economists and program analysts, Mr. Griffin presided over the largest Corps' Civil Works General Investigations program covering all or part of ten of the Nation's largest States and was a special advisor to the Division Commander. He provided regional oversight to four district program development activities located in Sacramento, San Francisco and Los Angeles, California and Albuquerque, New Mexico. His knowledge of the General Investigations program, coupled with his analytical capabilities, placed him in a class by himself as a program expert. He maintained a personable attitude that contributed to overcoming numerous challenges and made even the most difficult tasks doable. As he is fond of saying, ''one can disagree without being disagreeable.'' His advice was always on the mark.

Mr. Griffin will retire to his hometown of Auburn, California where he and his beloved wife, Daniela, had been active in their community for well over 30 years. Individually or together, they touched the lives of many in the community by serving on the planning commission, teaching in the public schools, contributing to fine dining experiences in Auburn through operation of their elegant restaurant, enjoying ballroom dancing, or helping others with expert mechanical advice on automobiles. They were the perfect couple and we express our deepest sorrow at Mr. Griffin's loss of Daniela earlier this year. We wish him a healthy, happy, and well-deserved retirement.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating Mr. John Wingate Griffin on his retirement as he concludes a successful Federal career. We thank him again for a job well done, and for his many contributions to the Corps, the Army, and the Nation.

IN MEMORIAM OF MALDEF FOUNDER PETE TIJERINA

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. RODRIGUEZ. Mr. Speaker, 35 years ago Pete Tijerina, a bold and idealistic lawyer from, Laredo, Texas, started down a path that eventually led millions of Hispanics in this country towards access to educational and democratic opportunities and recognition in the eyes of the law. Today, it is with great sadness and a profound sense of gratitude that I rise to recognize the life of Pete Tijerina, who died on May 14, 2003. His legacy is our future.

As a graduate of St. Mary's Law School in San Antonio, Texas, Mr. Tijerina dedicated his career to fighting discrimination. His first efforts came as the State Civil Rights Chairman for San Antonio's LULAC Council, an organization he joined in 1946. While with the organization, he sought political solutions at the local level through interaction with school boards, city councils, and police departments. Hungry for change, Mr Tijerina grew frustrated with the pace and progress of his efforts. He continued, however, to work diligently through the channels available to him until he could take no more.

In 1966, Mr. Tijerina took a bold step. At the time, he was representing an injured woman who lost half of her leg in an accident in Jourdanton, Texas. Mr. Tijerina prepared his client and his case for trial. As trial drew near, it became clear that the court would not empanel a single Hispanic juror. He brought the matter to the attention of the local judge and was promised a more diverse jury pool.

When the trial reconvened at the end of that summer, the court produced two Hispanic jurors: one had been dead for 10 years and the other spoke no Spanish.

This experience led Mr. Tijerina on a crusade to end juror discrimination and secure the equal protection of the law for the Hispanic community. Armed with determination and faith in the American judicial system, Mr. Tijerina placed his own financial well being on the line and attempted to secure funds to protect the rights of Hispanics in the Southwestern United States.

After sending a young colleague to an NAACP convention to learn more about current legal tactics used to combat discrimination, Mr. Tijerina decided that what the Hispanic community needed was its own lawyers fighting its own cases. Because the community varied so much, nationwide, he believed that recruiting young Hispanics, who understood the unique challenges present in their neighborhoods, into the legal profession was crucial to ending discrimination once and for all. Mr. Tijerina worked closely with the NAACP to develop a strategy and find financial support.

His efforts produced the seeds of what would become the Mexican American Legal Defense and Educational Fund (MALDEF), the first national Hispanic legal advocacy program, which Mr. Tijerina founded in 1968. Over the past 35 years, MALDEF has grown and to this day leads us on the path towards legal equality for Hispanics in areas like education, employment, and political access.

Mr. Speaker, it is because of pioneers like Mr. Tijerina and his vision for a brighter future for all Hispanics that many of us have had the opportunity we enjoy. He helped clear the way for generations of Hispanics, so that they would not feel the burden of oppression or fear to speak out against injustice. He sought change through our judicial system, using our courts as agents of justice.

It is with our heads bowed and grief in our hearts that we say thank you to this pioneer. We can only hope to continue along the path he began.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained. Had I been present, I would have voted ''yes'' on rollcall Nos. 276, 277, and 278.

FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT OF 2003

SPEECH OF

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes,

Mr. PITTS. Mr. Chairman, it is important that in determining the EAS eligibility for a small airport the Secretary define a consistent standard for identifying the commonly used route.

It is my hope that the Secretary would use the most reliable mapping capability to determine this route, such as the Rand McNally mapping system.

Further, to ensure that small airports receive a fair shake in the EAS eligibility process, my amendment requires that the Secretary consult with the Governor of the State or the Governor's designee.

In appointing a designee if the Governor so chooses, the Governor should consider designating a metropolitan planning organization (MPO) to submit a plan for the most commonly used route. An MPO knows the routes that people take from one point to another in a particular region.

My amendment was drafted to ensure that, while the Secretary of Transportation has discretion, the local community should not be shut out of the process.

COMMEMORATING 80 YEARS OF AVIATION SERVICE AT SHEPHERD AIRFIELD

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mrs. CAPITO. Mr. Speaker, I rise today to commemorate 80 years of aviation service at Shepherd Airfield in Martinsburg, WV by the Berkeley County Airport Authority and the Experimental Aircraft Association, Chapter 1071.

On June 17, 1923, Captain St. Clair Streett, accompanied by flight mechanic Sergeant Roy Hooe, landed their U.S. Army D.H. 4 at Shepherd Field in Martinsburg, WV. This event was the result of many years of dedicated effort by aviation enthusiasts in Berkeley County to bring Shepherd Field into the mainstream of modern aviation. This historic landing 80 years ago today spurred many important developments at Shepherd Field, including the establishment of the 167th Air National Guard Unit and the Eastern West Virginia Regional Airport. With a major expansion planned for the 167th and the construction of a new commercial terminal at the Regional Airport, the airport in Berkeley County will continue its role in protecting our national security while also improving economic opportunity for all of West Virginia.

In honor of 80 years of aviation service at Shepherd Airfield, I ask my friends in West Virginia and my colleagues here in Congress to join me in recognizing June 17, 2003 as a day to celebrate the history of aviation in the eastern panhandle of West Virginia. Thank you.

PERSONAL EXPLANATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. COBLE. Mr. Speaker, on Monday, June 16, 2003, I missed rollcall votes 276–278. Had I been present on this date, I would have voted ''aye'' on all rollcall Nos. 276, 277, 278. On this date, my flight coming back to Washington, DC, was canceled due to inclement weather and I was not able to get back to town in time for these votes.

HONORING THE VIETNAM VETERANS GATHERING

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mrs. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Vietnam Veterans Gathering. They have developed rich friendships and camaraderie between themselves that years and distance cannot weaken.

On Saturday, June 14, I was honored to attend the 6th Annual Vietnam Veterans Gathering at South Levy Recreation Park. This park has a rich history. After fighting in the jungles of Vietnam, veterans gathered at this scenic location to share their stories, to heal old wounds, and to enjoy the company of others who knew what it meant to be a soldier.

As part of this commemorative event, The Moving Wall, a tribute to the more than 58,000 Americans that gave their lives during the war, was on display.

Mr. Speaker, I commend the Vietnam Veterans Gathering for the great service they have given to our Nation. I recognize the sacrifices that they have made. These men are truly great Americans, and I am proud to call them my constituents.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. GALLEGLY. Mr. Speaker, on June 12, 2003, I was unable to vote on the Motion to Instruct Conferees on the Tax Relief, Simplification, and Equity Act (H.R. 1308). Had I been present, I would have voted ''nay'' (rollcall 275).

RECOGNIZING THE ACHIEVEMENTS OF STANTON COLLEGE PREPARATORY SCHOOL IN JACKSONVILLE, FL

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. CRENSHAW. Mr. Speaker, I would like to take this opportunity to recognize the school administrators, teachers, and students at Stanton College Preparatory School in Jacksonville, FL, for their outstanding achievement in providing, guiding, and demonstrating a quality education.

Stanton College Preparatory School was recently highlighted by Newsweek magazine (The Best 100 High Schools in America, May 26, 2003), as the second best school in the nation, as measured by the Challenge Index. This index takes the number of Advanced Placement or International Baccalaureate tests taken by all of the students at a school in 2002 and divides them by the number of graduating seniors.

The editors of Newsweek said they used participation in the Advanced Placement or International Baccalaureate tests as benchmarks because ''these tests are more likely to stretch young minds—which should be the fundamental purpose of education.''

Stanton College Preparatory School is clearly providing the curricula, support, and leadership in learning that is so very important to our young people.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in applauding Stanton College Preparatory School and all of those schools that strive to prepare their students for higher education and thusly, a higher quality of life. Moreover, I would like to commend the school administrators, superintendents, teachers, and all of the students who have committed themselves to a quality education. As John F. Kennedy once stated, leadership and learning are indispensable to each other.

It is my privilege to recognize Stanton College Preparatory School for its outstanding achievements.

TRIBUTE TO RUTH GALANTER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to my dear friend, Ruth Galanter, on the occasion of her retirement from the Los Angeles City Council. Ruth is an amazing, passionate and intelligent person who has accomplished so much in her political career without ever compromising her impeccable integrity or diminishing her idealism. I have had the pleasure of working with her since the 1970's when she was a prominent environmental activist and later as a member of the California Coastal Commission. I not only respect her professionally, but I value her friendship and advice.

Elected in 1987 to the Los Angeles Sixth City Council District, Ruth has spent the last 15 years shaping and improving the city of Los Angeles. Ruth was President Pro Tem for 4 years and became president of the council in 2001. She is admired and well-respected by her friends, colleagues and associates. In addition to her legendary success in solving constituent problems and her well-known legislative prowess, Ruth has made a name for herself protecting the environment. She spearheaded the city's recycling program, authored the city's major water conservation programs and led the effort to fluoridate the city's water supply. She also directed the city's conservation efforts to ensure an adequate safe water supply for the next century.

Early in her tenure, Ruth created a network of Community Planning Advisory Committees which assisted her in significant land use decisions throughout the city. Also, as chair of the Council's Committee on Commerce, Energy and Natural Resources, she worked to negotiate the challenges posed by electricity deregulation and the current energy crisis facing the State. And, as the city council's expert on aviation and airport issues, Ruth's futurist vision has improved the quality of life for all who live in southern California. She knows that the decisions made today regarding airport capacity and other transportation services directly impact our quality of life today and in the future.

Born in New York City, Ruth received a bachelor of arts degree from the University of Michigan and a Masters Degree in Urban Planning from Yale. Los Angeles has been blessed to have her at the helm, and I am proud to call her my friend.

Mr. Speaker, I invite my colleagues to join me in thanking Ruth Galanter for all she has done and wishing her continued success in all her future endeavors.

INTRODUCTION OF PUERTO RICO KARST CONSERVATION ACT OF 2003

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. ACEVEDO-VILÁ. Mr. Speaker, today, I introduced the Puerto Rico Karst Conservation Act of 2003. This bipartisan legislation is a common sense legislative approach that will protect a vital ecosystem in Puerto Rico, the Karst Region. The region is comprised of a unique geological and hydrological system of limestone caves, sinkholes and underground rivers, collectively known as karst, and is widely valued to the livelihood of Puerto Rico.

The Karst Region of Puerto Rico, located along the North and Northwest coasts of the Island, has many outstanding features. This region is home to the largest remaining tropical rainforests in Puerto Rico, and has a greater density of tree species than anywhere else on the Island. These forests provide habitat to a wide array of plants and animals, too many of which are endangered or threatened. In fact, the Karst Region has been identified as a secondary habitat for the restoration of the Puerto Rican parrot, a bird that is among the ten most endangered birds in the world, and the existence of which has plummeted to only 24 birds in the wild.

In addition to the extraordinary flora and fauna of the Karst Region, the water and watersheds are the most unique feature of the Karst Region. While rivers and streams are widespread throughout Puerto Rico, the vast majority of the water in the Karst Region flows underground. Where this water flows out of the ground, from springs and along the coast, it provides fresh water to nearly one-quarter of the Puerto Rico population. In addition, specific manufacturing and industrial sectors, such as the pharmaceutical industry, rely on the Karst Region's supply of clean water for their business. Without a doubt, the Karst Region sustains a large percentage of wildlife, human life, and the economy of Puerto Rico.

Yet Puerto Rico has among the highest population densities of any jurisdiction in the United States. Large, undeveloped tracts of land are becoming increasingly less common on the Island. However, the Karst Region has remained rural in nature, and has not been beset by the development and growth of the rest of Puerto Rico. The hills and unique geology of the Karst Region have forestalled similar population growth. Unfortunately, threats to the Karst Region are growing. Continued population growth will create increasing pressure on the conservation of this important region. Development of roads, resorts and other infrastructure in the region would fragment wildlife habitat, reduce water quality, and would reduce the preserved nature of the Karst Region for the rest of time.

But the Puerto Rico Karst Conservation Act will help conserve the lands and waters of the Karst Region, and stave off the threats of development. This bill, I believe, is an ideal piece of preservation policy. It places the responsibility of conservation and management not with any single entity, but requires that lands in the Karst Region be acquired and managed in a cooperative fashion.

Using funds collected in a fund established on the books of the U.S. Treasury, the Karst Fund, the U.S. Department of Agriculture will distribute grants to the Commonwealth of Puerto Rico, conservation organizations and others for the purpose of acquiring and managing lands for conservation in the Karst Region. Acquired lands, purchased only from willing sellers, may only be managed for conservation, and the bill includes provisions that will protect those lands from development. Resources in the Karst Fund are derived from the existing programs of the Land and Water Conservation Fund and the Forest Legacy Program, from receipts generated from the Caribbean National Forest and GSA sale of property in Puerto Rico, from donations, direct appropriations, and from interest derived in the Fund. While the U.S. Forest Service is authorized to acquire lands, authority that in fact exists in current law, the agency focus will be on technical assistance and management guidance rather than actual land acquisition.

It is my belief that this bill is the most appropriate manner of approaching the conservation needs of the Karst. The Federal Government can bring important resources and experience to the table, yet the land will be primarily acquired and managed by local entities, who are best able to relate to, understand, and advocate for the conservation of the lands of the Karst Region.

I am proud and honored by the support that this bill has gained from my colleagues. Congressman JIMMY DUNCAN of Tennessee has joined me, along with six of my distinguished Democratic colleagues, to introduce this bill in the House, and I greatly appreciate their support. In addition, Senator TOM HARKIN and Senator RICHARD LUGAR, recognizing the vital importance of protecting the Karst Region, have introduced companion legislation in Senate. Their support is essential to the eventual success of this bill, and I appreciate their leadership on this issue.

Protecting the Karst Region of Puerto Rico is a large and important task. However, this legislation that I have introduced today will enable resources to be brought to the protection and conservation of the lands and water of the Karst Region. As many regions in the United States are now suffering due to a lack of water resources, affording this protection to the Karst Region will help ensure water quality and availability into the future. The cooperative nature of this conservation effort will, in my mind, enable it to succeed, and through this unique partnership, the magnificent and unique Karst Region will be preserved for this, and future generations of Puerto Rico.

COMMENDING MEDGAR WILEY EVERS AND MYRLIE EVERS-WILLIAMS FOR THEIR LIVES AND ACCOMPLISHMENTS

SPEECH OF

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise today to honor Medgar Wiley Evers and Myrlie Evers-Williams. These two great Americans fought tirelessly for equality and justice. It is because of efforts such as theirs that I can stand before you today as the first African-American woman to serve in Congress from the State of Ohio.

They knew the importance of voting and worked to mobilize African-Americans so that they would have the opportunity to exercise this right that so many had fought for. They organized civil rights rallies and boycotts of local businesses and schools to advocate for the underserved and under represented in this country.

Though murdered in 1963, Medgar Evers' legacy lives on through his children and his widow, Myrlie Evers-Williams, who went on to establish the Women's Political Caucus and become the first woman chair of the NAACP Board of Directors.

It is because of these reasons that I am so honored to stand here today in support of this resolution commending Medger Wiley Evers & Myrlie Evers-Williams. It is on their shoulders that I stand.

PERSONAL EXPLANATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. BRADY of Texas. Mr. Speaker, I regret that I missed rollcall vote Nos. 276, 277 and 278 on the evening of June 16, 2003. I was traveling in between my District (TX–08) and Washington. My flight was delayed almost 2 hours, causing me to miss the aforementioned votes.

Had I been present, I would have voted ''yes'' on all three bills: H.R. 2254, to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the ''Bruce Woodbury Post Office Building'', H. Con. Res. 220, commending Medgar Wiley Evers and his widow, Myrlie Evers-Williams, for their lives and accomplishments, and S. 703, to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the ''Carl T. Curtis National Park Service Midwest Regional Headquarters Building''.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. MENENDEZ. Mr. Speaker, I regret that a family matter yesterday forced me to miss rollcall votes 276, 277, and 278. Had I been present, I would have voted ''yea'' on rollcall votes 276–278.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. ORTIZ. Mr. Speaker, due to unforeseen weather conditions, my flight back to Washington, DC, was unavoidably delayed and I was therefore not able to make it in time for rollcall votes. Had I been present I would have voted: No: 276—''yes''; No. 277—''yes''; and No. 278—''yes.''

A TRIBUTE TO JEANETTE ''JAY'' BLACKSHAW

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. SCHIFF. I rise today to honor a truly outstanding member of the 29th Congressional District, Mrs. Jeanette ''Jay'' Blackshaw. For 22 years, Mrs. Blackshaw has dedicated herself to serving the people of the City of Pasadena.

Originally from Chicago, IL, Jay moved to Pasadena, CA in 1968. She and her husband, Bill Blackshaw, have seven children, Julie, Mary Grace, John, Gina, Annie, Peter, Amy, and nine grandchildren.

In 1981, Jay began her service to the City of Pasadena as the District 4 Field Representative for Pasadena Mayor Jess Houston. After Mayor Houston's term ended, she continued as field representative for his successor, Mayor Bill Paparian. Jay currently works for City Councilmember Steve Haderlein. During Jay's tenure with the City of Pasadena, she has assisted in the construction of bike paths throughout Pasadena, the renovation of the Pasadena Senior Center, and the construction of Pasadena's U.S. Marine Reserve Center.

Jay's passion for community volunteerism, especially on behalf of children and education, is evident in the many organizations she has been involved in over the years. As a young mother, she was active in Pasadena's public schools, participating in several Parent Teacher Associations, including serving as PTA Council President. Currently, Jay is a board member of the Pasadena Educational Foundation and Pasadena City College's Community Board.

Some of the other organizations Mrs. Blackshaw participates in are the Pasadena Sister Cities Committee, the Sierra Madre Villa Neighborhood Association, the Young Women's Christian Association (YWCA), and the Huntington Hospital Community Board. Mrs. Blackshaw is also active in her church, All Saints Episcopal Church, as well as in various political organizations. In 1995, she was honored as a YWCA Woman of Excellence for her steadfast commitment to eradicating racism and improving the lives of the women and children of Pasadena.

Jay will be retiring from her position as Field Representative to Councilmember Haderlein in June of 2003. Although she will be greatly missed by her colleagues at the City of Pasadena, she will continue to be active in the community.

I ask all Members of Congress to join me today in honoring a remarkable woman of California's 29th Congressional District, Jeanette ''Jay'' Blackshaw. The entire community joins me in thanking Jay Blackshaw for her continued efforts to make the 29th Congressional District a better place in which to live.

A TRIBUTE TO AL DAVIS

SPEECH OF

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 2003

Mr. McDERMOTT. Mr. Speaker, this body lost someone very important when we lost Al Davis. We lost a man who helped fix the course of the House Ways and Means Democrats. We lost a man of ideas and a man of data, a combination that is too uncommon. Al was a man of endless information, which the Committee Democrats used to tack and jibe through the political storms that erupt so often in the Ways and Means Committee.

Al Davis passed away after 56 years of life. I didn't know him well outside of his briefings, his memos, and his witty analysis but I don't think that anyone had to be particularly close to Al to know how much he cared for those who have the least among us. I now know that he loved to go sailing.

Members of Congress are often generalists. Our knowledge is usually a mile wide but only an inch deep. I frequently could not fathom the amount of memory and facts that Al retained. When it came to taxes and our economy, Al Davis increased the depth of my understanding about the issues and how changing public policies would affect working class Americans.

Things move fast in the House and in the Committee on Ways and Means. Members often find themselves confronted with complex and multifarious issues, which can be quite challenging. Al was just the type of person that our committee needed. He liked to linger down in his ''engine room'' to make certain that the ship and its crew had all it required. Al was a harbor in a tempest. I could go to Al, and he could, within a few sentences, quickly and easily break down a complex issue for me.

Some say that statistics lie and liars use statistics. Al would say that it doesn't have to be that way. Whether it came from the Bush Administration, or elsewhere, Al was not a fan of distorting data for political gain.

Recently during President Bush's campaign to sell another tax cut, the President said that his plan would on average cut everyone's yearly taxes by $1,083. As soon as President Bush said that, Al quickly rattled off a memo to me correcting the misleading data that was being used by the President. In the memo, Al said that when Bush refers to the ''average'' tax cut in his proposal, it ''is like saying that every farmer in the nineteenth century got the average of a mule, if a few farmers were given a team of draft horses and most farmers got a small dog, instead.''

I will miss Al Davis. I will miss his talent, his wisdom, and his humor. But I think that most of all, I will miss the trust that Al invested in Ways and Means Democrats. Al trusted that we would use our best effort to honestly employ the information he gave us to improve the well-being of the average American. We'll sail on without Al. But I feel that, at least for a while, our ship is heading into the wind, and against the tide, because we are without our navigator.

HONORING THE SACRIFICE OF JORDAN FERRELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. McINNIS. Mr. Speaker, as the battle for freedom rages across the globe, the United States has stepped forward to defend the

world against tyranny and aggression. This includes sending forth brave men and women to protect the sovereignty that we hold dear. One of these brave souls has been wounded in battle, and his courageous actions and determination deserve the admiration of this body of Congress and of this nation.

Jordan Ferrell, a 19-year-old soldier from Moffat County, Colorado was wounded in the service of his country during Operation Iraqi Freedom. As a member of the Army's 82nd Airborne, Jordan was wounded by shrapnel when a grenade exploded on the roof of his Jeep. After being injured, Jordan wanted nothing more than to return to active duty, so he began the long road to recovery. I am proud to say that through hard work and determination, Jordan has resumed active duty, and is once again protecting the freedoms we enjoy.

Upon completion of his military service, Jordan wants to pursue a career in computers. His mother hopes he might consider creative writing. Regardless of the profession he chooses, if Jordan displays the same determination and drive, I know he will achieve much success in his life.

Mr. Speaker, I cannot fully express my deep sense of gratitude for the sacrifice and heroism of this soldier and his family. Jordan has served his country well, and it is soldiers like him who make the United States military the best in the world. Jordan has done all Americans proud and I know he has the respect, admiration, and gratitude of all of my colleagues here today. Thank you, Jordan, for your honorable and admirable service to this nation.

TRIBUTE TO JULIANA BELLINGER OF GRAND RAPIDS, MI, EXCEPTIONAL TEACHER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. SMITH of Michigan. Mr. Speaker, education is the key for our Nation's future prosperity and security. The formidable responsibility of molding and inspiring young minds to the avenues of hope, opportunity and achievement rests partly in the hands of our teachers. Today I would like to recognize a teacher from Grand Rapids, Michigan.

Mrs. Juliana Bellinger teaches Theatre Arts and Literature at Forest Hills Northern and Central High Schools. She is credited for building ensembles and unity within classrooms and within casts. She is one of the most loved teachers on staff as evidenced by senior classes choosing her as their main speaker at Baccalaureate. Student enrollment in her classes increased every year in every school where she taught, further evidence of her skill and knowledge of her subjects.

Her commitment to professionalism is well-known by students and faculty alike. She is described as loving, committed, dynamic, exceptional, inspiring, insightful, and extraordinary. One colleague writes, ''To watch her present and teach is truly a wonderful experience.'' In over twenty years of teaching she has directed numerous plays, coached young actors, and educated others on new technologies for the drama classroom. As a well-respected educator she has been invited to teach teachers at seminars and conferences on techniques and skills to increase student interest and performance in literature.

Mrs. Bellinger's excellence in teaching both challenges and inspires students to move beyond the teen-age tendency toward surface study and encourage deeper thought and connections to the real world. No profession is more important in its influence and daily interaction with the future leaders of our community and our country, and Juliana Bellinger's impact on her students is certainly deserving of recognition.

On behalf of the Congress of the United States of America, I am proud to extend our highest praise to Mrs. Juliana Bellinger as a master teacher. We thank her for her continuing dedication to teaching and her willingness and ability to challenge and inspire students.

RELATING TO CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1308. TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2003

Mr. UDALL of New Mexico. Mr. Speaker. I cannot say that I'm surprised by the actions of the Majority today. I cannot say that I'm surprised that instead of voting on the Senate-passed Child Tax Credit legislation, we're voting on something else. I cannot say that I'm surprised that once again, the GOP leadership is cynically manipulating the process to ensure that we pass even more tax cuts that will drive up the federal deficit and continue to expand our national debt. Once again, they're playing politics when what we need is tax relief for working families.

Let's review what we're talking about here. First, the President tried to convince us that the tax bill would help every working American. Sadly, though, the House Leadership gutted one of the few provisions that helped those most in need—the refundable Child Tax Credit—from the previous tax package at the last minute. Yes, in a bill that was supposed to be an effort to stimulate the economy, we didn't do anything for those taxpayers most likely to spend the money. Amazingly, workers who earn between $10,500 and $26,625 were left behind in a backroom deal. I cannot think of anyone who is more likely to spend that money than these working families struggling to make ends meet. What this sneaky deal means to New Mexico is that nearly 90,000 families and 157,000 children aren't going to benefit under current law. The Republican plan also left behind many in our military, who would have benefited from this break.

Once the secret was out, though, the outcry from across the country was clear. Nearly everyone realized how bad a deal this really was, and nearly everyone knew a quick fix was needed. However, it seems like the House Leadership are the only ones in the country who don't get it. The Senate voted nearly unanimously to pass a simple clean bill to give this benefit to the most needy. And, most importantly, the Senate bill won't increase the national debt by one penny. It's totally paid for. Even President Bush realizes how unfair this situation is, and has called on the House to pass a clean bill and let him sign it.

Not surprisingly, though, the House Leadership insists on passing a bill that cannot make it through the other chamber. The saddest part of this entire charade is that this bill—just like all the tax cuts this House has passed—will actually hurt American children much more than it helps them. In the long run, this $82 billion tax-cut plan will further saddle our children and grandchildren with even more debt. So, we're giving them a small check now, but it pales in comparison to the huge bill they're going to see later in life. It's not only unfair; it's irresponsible.

I urge my colleagues to vote against this bill. I urge my colleagues to demand that we vote on the Senate-passed bill immediately. We shouldn't delay another minute. It's too important to play these cynical political games.

RECOGNITION OF STEPHEN PIFER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize Stephen Pifer of Edwardsville, Illinois for winning the Triple Crown in Illinois high school long distance track.

Last November, Stephen won the Class AA cross-country championship for the State of Illinois. Then, at the 109th annual Illinois High School Association track and field State finals held in May, Stephen won the Class AA 1,600-meter and 3,200-meter runs to secure the Triple Crown. Winds gusting up to 30 miles per hour made stable running tricky for all competitors at the State finals, but Stephen's determination and spirit kept him head and shoulders above the rest of the field at Eastern Illinois University's O'Brien Stadium that night.

Just five other runners in State history have won the Triple Crown. Stephen joins names like Craig Virgin, David Merrick, Tom Graves, John Jacobsen, and Donald Sage; each Illinois track stars in their own right. Stephen's uncle and Edwardsville assistant coach Tim Flamer praised his nephew saying, ''It's admirable for Stephen to come through time and time again. He's now among the legends of State track. He carved that out today.'' Three-time Olympian and two-time World Cross Country champion Craig Virgin calls Stephen the best runner to come out of Illinois since him, and not many disagree.

The mayor of Edwardsville has given Stephen the key to the city, but that will definitely not be the last of the awards he receives. Stephen has represented Southern Illinois well in his years at Edwardsville High School, but his time there is over as he graduated last May. He plans to move on to the University of Colorado, where he will undoubtedly continue performing well in competition. Stephen's future looks incredibly bright, and I wish him the best in all he does.

COMMENDING MEDGAR WILEY EVERS AND MYRLIE EVERS-WILLIAMS FOR THEIR LIVES AND ACCOMPLISHMENTS

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. CUMMINGS. Mr. Speaker, today, I rise to applaud Congressman BENNIE G. THOMPSON (D–MS) for introducing H. Con. Res. 220, a resolution to honor Medgar Evers and his wife Myrlie Evers-Williams for their accomplishments in fighting for equality in civil rights for African-Americans.

While many history books rightfully acknowledge the Rev. Martin Luther King Jr., Malcolm X and Rosa Parks as central leaders of the Civil Rights Movement, Evers was also an initial pioneer in the fight for racial justice.

Born July 2, 1925 near Decatur, Mississippi, Evers received a Bachelor of Arts degree from Alcorn Agricultural and Mechanical College. In response to the 1954 landmark Supreme Court case, Brown, which declared segregation in educational institutions unconstitutional, Evers applied for admission to the formerly segregated University of Mississippi Law School. Despite the ruling, and despite being qualified, he was denied admission. Upon this denial, Evers began working for the National Association for the Advancement of Colored People (NAACP) as the Mississippi Field Secretary in order to effect change. This position included registering people to vote in Mississippi, organizing students at nearby colleges, coordinating and leading protest marches, and challenging bus segregation. Despite his professional successes with the NAACP, Evers was never able to pursue an advanced degree before his death.

Like many other civil rights activists of the time, brutality was often brought upon Evers. In fact, he was arrested, beaten, and jailed for his unswerving efforts to combat prejudice and discrimination. Tragically, on June 12, 1963, Evers was violently shot and killed in front of his home. Since his death, his widow, Myrlie Evers-Williams continues to speak out against discrimination and injustice. In 1995, Myrlie Evers-Williams was elected as the first woman chair of the NAACP.

So, Mr. Speaker it is only fitting that we gather to remember Medgar Evers for his contribution as a remarkable civil rights leader and for making the ultimate sacrifice in fighting for civil rights—his life.

This resolution speaks volumes about the state of civil rights in this nation forty years after Evers' assassination. I support this resolution wholeheartedly and urge all of my colleagues to support H. Con. Res. 220.

HONORING WESLEY UHLAND

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. MCINNIS. Mr. Speaker, I stand before this body of Congress today to honor a man who has been wounded on the field of battle while in the service of his nation. Wesley Uhland, a 26-year-old Army Specialist, is a mechanic who received a bullet to the abdomen after an ambush by Iraqi soldiers. However, doctors have assured Wesley and his family that he will make a full recovery. As he recuperates, I would like to recognize his admirable service before this Congress and this nation today.

Wesley graduated from Canon City High School in 1994 and joined the Army in 2000. He was stationed out of Fort Carson and was deployed in Operation Iraqi freedom on April 11, 2003. As a mechanic, Wesley is responsible for the care and maintenance of tanks, Humvees, and Bradley Fighting Vehicles. During the ambush in which he was shot, four of Wesley's companions were also wounded, though all were lucky enough to survive the incident. Wesley is recuperating in an Iraqi hospital and is to be transferred to Germany before traveling home to Colorado.

Mr. Speaker, I cannot fully express the gratitude and respect I feel for Wesley Uhland. Each generation must renew its commitment to defend our liberties. Today in Iraq, a new generation of young Americans is fighting bravely for the freedom of others. I know that those who seek the true meaning of duty, honor, and sacrifice will find it in dedicated servants like Wesley Uhland. This Congress and all Americans should feel proud that we have soldiers like Wesley Uhland defending our great Nation. Thank you, Wesley, for putting your life on the line to honorably serve our country.

TRIBUTE TO CHRIS IAVELLI OF BATTLE CREEK, MICHIGAN, EXCEPTIONAL TEACHER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. SMITH. Mr. Speaker, Education is the key for our Nation's future prosperity and security. The formidable responsibility of molding and inspiring young minds to the avenues of hope, opportunity and achievement rests partly in the hands of our teachers. Today I would like to recognize a teacher from Battle Creek, Michigan that most influenced and motivated exceptional students in academics and leadership that were winners of the LeGrand Smith scholarship.

Miss Chris Iavelli teaches English at Harper Creek High School in Battle Creek, Michigan. She is credited for instilling in students an enthusiasm for the subject and for life itself. In one student's own words, ''Miss Iavelli has taught me to seek the deeper meaning in all things and has encouraged me to always follow my dreams.'' The respect and gratitude of her students speaks well of Miss Iavelli's ability to challenge young minds to stretch the mental muscles and strive to achieve the best that is in them.

Chris Iavelli's excellence in teaching challenges and inspires students to move beyond the teen-age tendency toward surface study and encourage deeper thought and connections to the real world. No profession is more important in its influence and daily interaction with the future leaders of our community and our country, and Chris Iavelli's impact on her students is certainly deserving of recognition.

On behalf of the Congress of the United States of America, I am proud to extend our highest praise to Miss Chris Iavelli as a master teacher. We thank her for her continuing dedication to teaching and her willingness and ability to challenge and inspire students for leadership and success.

CLASS ACTION FAIRNESS ACT OF 2003

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 12, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill, (H.R. 1115) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in strong opposition to H.R. 1115, the Class Action Fairness Act of 2003. This bill is the third piece of legislation in a succession of tort reform vehicles offered by the majority this Congress. In offering H.R. 1115 today, the majority again seeks to manipulate our judicial system for the benefit of corporate America.

The Administration also strongly supports this bill. Yet, while both the Administration and the majority espouse the virtues of federalism and states' rights, this bill would severely limit, if not automatically remove, state court jurisdiction in the majority of class action cases. The anticipated result of this reduction caused Supreme Court Chief Justice William Rehnquist, long-time a devout Federalist, and the Judicial Conference of the United States, to openly denounce this bill because it would increase the caseload of the already overcrowded federal courts. And, because federal courts must expedite criminal matters over civil matters, this bill would make a plaintiff's remedy more costly due to the increased amount of time their case is kept pending on the federal docket.

Furthermore, besides giving jurisdiction over most class action lawsuits to federal district courts, this bill would also be applied retroactively so that pending cases would be subjected to its provisions. This would effectively include cases pending against Enron Corp., Worldcom Inc., and Tyco International Ltd. At a time of heightened concern over corporate wrongdoing, now is not the time for Congress to make it more difficult for injured consumers to bring class-action lawsuits.

Considering the above, this legislation further illuminates the majority's willingness to erode an individual's protections from corporate wrongdoing through the manipulation of our judiciary systems. As a result, I oppose passage of this bill and urge my colleagues to do so as well.

A SALUTE TO THE BONSALL FAMILY REUNION

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. WELDON of Pennsylvania. Mr. Speaker, family reunions are an important part of our personal histories. On June 21 and 22, 2003, the Bonsall Family Reunion will be held at Stagecoach Farm in Cheyney, Pennsylvania in the 7th Congressional District of Pennsylvania. This will be the 320th anniversary of Richard, Mary and Obadiah Bonsall sailing out of Liverpool, England to America, arriving on the *Duke of Yorke* in the spring of 1683. I am proud to salute the Bonsall family on this important occasion.

Their story begins when Richard Bonsall and his wife, Mary (nee Wood) and their five young daughters ages 1 to 6 boarded a sailing vessel in Liverpool and endured a six to ten week voyage across the Atlantic Ocean with great hardships and danger. They arrived in Chester, Pennsylvania in the spring of 1683. Richard had received a Land Grant from William Penn in the area east of Chester Creek in what is now part of Lansdowne and part of Darby, Pennsylvania. Mary's parents had arrived in 1682 and had landed next to Richard's family. Richard built a dam on Chester Creek and established a Grain and Saw Mill. Richard and Mary added three sons and another daughter to the family. Richard and their other Quaker neighbors established the Darby Friends Meeting in 1699. Their children produced sixty-one (61) grandchildren and so started a very large family, many of whom served in every war that the United States was involved in from the Revolution to the recent conflict in Iraq.

Reuben Fayette Bonsall, a seventh generation descendant of Richard was born and raised just outside of Media, Pennsylvania in what is now Elwyn and had a large family of fourteen (14) children. In 1934 the descendants of Reuben held their first Reunion in honor of their parents. The tradition has continued each year since 1934 and is now held at Peggy Bonsall's home called Stagecoach Farm on Tanguy Road in Cheyney, Pennsylvania on the Sunday following Father's Day. In 1983 a worldwide reunion was held at Rose Tree Park and it was attended by nearly 1,000 descendants and family. There were genealogy displays, skits depicting some outstanding Bonsall's, Amos (explorer, soldier), Joseph (librarian, third library in America), Philip (last U.S. Ambassador to Cuba), bus tours to the ancestral homes (many are still being occupied), games for all ages and a dinner at Springton School.

After the reunion a committee was formed to establish a plan to keep the family aware of their heritage and contributions to America. It was decided to continue the regional yearly reunion and plan a U.S.A. reunion every ten years. The first ten year reunion was held in 1993, celebrating 310 years since Richard came to America and now we are celebrating the second ten-year Reunion on June 21 and 22, 2003 at Stagecoach Farm, 87 Tanguy Road, Cheyney, Pennsylvania. The program will include entertainment, games, genealogy displays, speakers, singers and depictions of famous Americans, William Penn, Ben Franklin and George Washington, all of whom knew Bonsall in early America.

The Bonsall's are planning for 300 descendants and family to attend this 320th anniversary of Richard and Mary (Wood) Bonsall arriving in America. These committed descendants represent nearly every state in our country. I am pleased that a very large population of Bonsall's still live, work and play in Delaware County, Pennsylvania. There are over 35 streets named after various Bonsalls in the Delaware Valley. There are three states that have towns named Bonsall or Bonsal.

Mr. Speaker, family reunions offer a special time for families to come together for celebration and renewal of the ties that bind them. Although the Bonsall Family has endured trials and tribulations over the years, the family has maintained their love, devotion, and commitment to one another. I am certain that this year's reunion will be a very special and joyous occasion.

Mr. Speaker, I ask my colleagues to join with me in extending best wishes to the entire Bonsall Family for a successful and heartwarming family reunion.

PAYING TRIBUTE TO MARY ROSE CLARK WALKER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I stand before this body of Congress to pay tribute to an outstanding woman from my district. Mary Clark Walker passed away recently at the amazing age of 108. Mary was one of a small number who had witnessed the dawn of two centuries, and the astounding advancement of technology in the United States over that time. Mary was lucky enough to see the beginning of the airplane, the television, and the modern automobile.

At a very young age, Mary moved from California to Ouray, Colorado where her original house on Oak Street still stands today. Mary gained a reputation as a hard worker. At a very young age, Mary began working to provide her family with extra spending money. She would often travel by train to Montrose, Colorado, where she would work a week at a time for the Ashenfelter Ranch. Mary sometimes stayed at the ranch for up to a month before she would return home to her family. It was this kind of work ethic that garnered Mary the respect of her town, which congratulated her by throwing a special 100th birthday party in her honor. Mary was also blessed with two sons, Jack and Lester, who claim her secret for a long and healthy life was nothing more than clean living and hard work.

Mr. Speaker, it is people like Mary that constitute the heart of our great nation as well as the spirit of the West and I am honored to recognize her life before this body of Congress and this nation. While we are all saddened by the loss of such a great woman, we can take some solace in knowing that she lived a long and happy life. My thoughts and prayers go out to Mary's friends and family during their time of mourning.

TRIBUTE TO RICHARD D. FAUBLE, SUPERINTENDENT OF TECUMSEH PUBLIC SCHOOLS

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. SMITH of Michigan. Mr. Speaker I rise today to honor Richard Fauble of Tecumseh, Michigan for his distinguished service to the community, most recently as the Superintendent of Tecumseh Public Schools.

As the Superintendent of the second largest district in Lenawee County, Richard Fauble oversaw the building of a new high school and extensive renovations to the middle school and four elementary schools. Both projects were successfully completed under budget.

Mr. Fauble distinguished himself both personally and professionally through his commitment to education. He earned his B.A. Degree from Central Michigan University and his Masters Degree in educational administration from the University of Michigan. He has also completed extensive coursework throughout the country.

Richard Fauble has made the most of his extensive education and training, serving in a variety of teaching and administrative positions. In the last 30 years, he has taught high school social studies, served as principals and superintendents in Wyoming, Wisconsin, Florida and Michigan. In each post, he offered his experience and expertise to improving the learning environment for students.

Education is the key for our Nation's future prosperity and security. The formidable responsibility of molding and inspiring young minds to the avenues of hope, opportunity and achievement rests in good part with our schools. Richard Fauble's impact on the future leaders of our community and our country is certainly deserving of recognition.

On behalf of the Congress of the United States of America, I am proud to honor Mr. Richard Fauble for his commitment and dedication to improving education. We thank him for his contributions to helping our young people become good citizens, and fit for the technology-based world of tomorrow.

TRIBUTE TO ROBERT A. WILLIAMS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to a great community activist and humanitarian. Mr. Robert Williams, the exceptional leader of the Sports Foundation Inc. in the Bronx, has given 34 years of service to the youth of his community.

Mr. Williams helped found the Sports Foundation with the mission of promoting the development of youth through participation in community programs that involve sports, counseling, mentoring and education. The motto: ''Building Social Responsibility through Sports'' drives SFI to function as a model youth development organization, utilizing and providing prevention strategies and positive alternatives to substance use and anti-social behavior.

In addition to his work with the Sports Foundation in the Bronx, Mr. Williams has served

as Director of the Youth Development Program which began the first publicly elected youth council in the country. He has served as Director of the College Opportunity and Educational Development program in Harlem and was the first Black Assistant Varsity Basketball Coach at New York University. He is also the author of The Student Athlete Handbook, which was published in 1993.

Mr. Speaker, Mr. Williams has dedicated the majority of his adult life to serving his community. For four years he served as special assistant to the Bronx Borough President where he was responsible for all educational matters, including community school districts, institutions of higher education, libraries and cultural institutions.

Those who take the time to improve the lives of youth are special people. I am proud to say that our nation is a better place because of people like Mr. Robert Williams.

I thank Mr. Williams for 34 years of service to the youth of our community and I ask my colleagues to join me in recognizing him as a model American.

PAYING TRIBUTE TO DON GEORGE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. McINNIS. Mr. Speaker, I have the pleasure to stand before this body to pay tribute to a great individual who, even at a very young age, understood the price of freedom. His story is one of honor, selflessness, and sacrifice, and I am honored to tell it to this Congress today.

In 1946, while just 15 years old, Don George had an exciting future ahead of him. Although just a high school freshman, he was already a starter on his high school basketball team. His country was finally at peace, having just defeated the Germans in Europe and the Japanese in Asia to close out World War II. Although he was too young to fight in the war, Don was old enough to understand how much his countrymen had sacrificed to help keep America free. So, he went off in the service of his country, pretending to be older than he was in order to meet the military's age requirements.

After his return from the service, Don came home and married the love of his life, Helen, to whom he has been married for 53 years. Don forged a career in the oil refinery business before retiring to pursue the things he and Helen love, such as country line dancing, bowling, and playing cards. Don is blessed with three children, six grandchildren, and six great-grandchildren.

Don sacrificed his diploma in order to serve his nation. However, a new law in Colorado enables veterans to receive their high school diplomas, and now Don, who is 72-years-old, will walk across the stage with his graduating class, the class of 2003 at Fruita Monument High School in Colorado.

Mr. Speaker, I am proud to recognize the achievement of Don's upcoming commencement. The drive and dedication that Don has displayed in pursuing this diploma is extremely impressive, and his determination, along with his sacrifice to his country, is an outstanding example for America's youth. Don is truly a dedicated patriot and citizen, and I am honored to recognize his accomplishments.

TRIBUTE TO THE BARABOO PUBLIC LIBRARY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to extend congratulations to the Baraboo Public Library in Baraboo, Wisconsin for 100 years of service to the community. Constructed in 1903, this library has been an integral part of democratic society in Baraboo.

A public library serves as the cornerstone of democracy. A library fosters intellectual freedom and makes available to all citizens an extensive information network. In a local setting, citizens have access to global resources of information. The educational importance of a public library is immensely important in improving the community by providing access to higher learning. A library is a requirement for a cultivated democratic society.

A public library allows citizens to perform their civic duties placed upon them in our noble democratic Nation. It not only provides free worldwide access to information, but also is a place where residents can obtain information about their community, and where internet access, tax forms and voter registration forms are provided. The role of the public library is essential in supporting a democratic state. The Baraboo Public Library has gone beyond its civic duty in providing these services for the public.

Baraboo Public Library's vast success in the past 100 years has led it to develop a distinguished reputation within its community. It is evident that the library's dedication towards free information and democracy will allow the city of Baraboo to continue to foster higher education and diversity in society. I join Baraboo residents in celebrating the 100th anniversary of the Baraboo Public Library.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. RYUN of Kansas. Mr. Speaker, Unfortunately, I missed the votes in the House of Representatives on June 16, 2003. Had I been in attendance I would have made the following votes:

H.R. 2254, the Bruce Woodbury Post Office Building Designation Act. Had I been in attendance, I would have voted ''yea.''

H. Con. Res. 220, Commending Medgar Wiley Evers and his widow, Myrlie Evers-Williams, for their lives and accomplishments. Had I been in attendance, I would have voted ''yea.''

S. 703, the Carl T. Curtis National Park Service Midwest Regional Headquarters Building Designation Act. Had I been in attendance, I would have voted ''yea.''

PAYING TRIBUTE TO KRISTOPHER ENTZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I honor the life and memory of an outstanding young man from my district. Kristopher Entz, a 17-year-old student from Center, Colorado passed away recently. As his family and friends mourn their loss, I would like to pay tribute to the memory of Kristopher before this body of Congress and this nation.

Kristopher was a well-rounded, perpetually happy, all-American teenager, liked and admired by all. His sense of humor and penchant for pranks made him one of the most popular students at Sangre de Cristo High School. He was an outstanding student, as evidenced by his membership in the National Honor Society and his participation in Knowledge Bowl, an extra-curricular academic competition. Kristopher excelled in athletics as well, and was a terrific football player who also liked snowboarding, golf, and lifting weights.

Kristopher is survived by his parents Mike and Rhonda, his older sister Brynna, and a loving extended family, and my thoughts and prayers are with them during this difficult time. Kristopher's good-natured spirit will live on in the many lives he has touched in the San Luis Valley. His love, laughter, and dedication to his family, friends, school, and community will be greatly missed.

CONGRATULATING PAUL SABLAN DUENAS ON HIS GRADUATION FROM THE UNITED STATES NAVAL ACADEMY CLASS OF 2003

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Ms. BORDALLO. Mr. Speaker, I rise today to commend Ensign Paul Sablan Duenas on his graduation from the United States Naval Academy with a Bachelor of Science degree in Political Science on May 23, 2003 and for his commissioning as Ensign in the United States Navy. Paul now joins his brother John, who also graduated from the Naval Academy, as a Naval Officer.

As a young man growing up on Guam, Paul demonstrated tremendous success as a student and leader at every academic level. He attended Cathedral Grade School in Hagatna, Guam and St. Francis School in Yona, Guam before enrolling at Father Duenas Memorial School, where he completed his secondary education. During high school career, Paul excelled in academics and was inducted into the National Honor Society. Outside of the classroom, he further developed his leadership talents by serving as Cadet Commanding Officer for the Father Duenas Naval Junior Reserve Officer Training Corp (NJROTC) during his senior year. Upon graduating from Father Duenas Memorial School in 1999, Paul accepted an appointment to the U.S. Naval Academy.

Today I join friends and family of Ensign Paul Sablan Duenas in congratulating him on

his graduation from the United States Naval Academy. He has received orders to report on-board the new *USS Mason* (DDG–87) in Norfolk, Virginia as a Surface Warfare Officer (SWO). I am confident that Paul will be an outstanding officer in the United States Navy, and I commend him for his distinguished academic career and his self-less dedication and commitment to the service of our Nation.

CELEBRATING THE BIRTH OF MARTIN TAYLOR WHITMER III

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I want to send my personal congratulations to Julie Thurmond Whitmer and Martin Whitmer on the birth of their first son, Martin Taylor Whitmer III. This is a very special young boy, as he is the first grandson of 100-year old Senator Strom Thurmond, South Carolina's living legend.

According to The State's Lee Bandy, ''Martin Taylor Whitmer III was born at 1:59 p.m. Monday (June 16, 2003), at Sibley Hospital in Washington, D.C. He weighed 9 pounds, 5 ounces and was 20.5 inches long . . . Young Taylor already has a nickname—Tate.''

I am so happy for the Whitmer family, grandmother Nancy Thurmond and Senator Thurmond, who's life has been full of milestones. There is no doubt that his grandson will inherit his strength, courage and patriotism.

CARL T. CURTIS NATIONAL PARK SERVICE MIDWEST REGIONAL HEADQUARTERS BUILDING

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to add my voice in support of S. 703, the Carl T. Curtis National Park Service Midwest Regional Headquarters Building Designation Act.

Carl Curtis served in Congress longer than any other Nebraskan—16 years in the House followed by 24 years in the Senate. In those 40 years, he built a strong legacy of legislative accomplishments. One of his greatest was the creation of the Pick-Sloan Plan for the Missouri basin, which was the blueprint for flood control and irrigation along the Missouri River. In addition, he came to be widely regarded as an authority on tax policy. He also transformed the Senate Republican Conference, making it the research body it is today, providing relevant information on national issues for the members of his caucus.

Politically, he was a force to be reckoned with. Having defeated two incumbent governors, one former governor, one governor-to-be, and two former House members, Carl Curtis is known by many as ending or sidetracking many a political career. But for me, Mr. Speaker, it is just the opposite. I credit Mr. Curtis with having given life to my political career by virtue of the fact that he sponsored me as a Senate page. I served 4 years as a page, and have since gone on to serve in a number of political positions—in the Nixon Administration, Fairfax County Supervisor, and of course my current role as the Representative for the 11th District of Virginia. Along the way, though, we all remember the person who gave us our first break. For me, that person was Senator Carl Curtis.

Senator Curtis passed away on January 24, 2000. I still owe him a debt of gratitude, and appreciate this opportunity to express my continuing appreciation.

PAYING TRIBUTE TO SAM SUPLIZIO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. McINNIS. Mr. Speaker, it is my pleasure to stand before this body of Congress to honor a man known as Colorado's ''Mr. Baseball.'' Sam Suplizio of Grand Junction, Colorado has spent his life playing, coaching, and promoting the game. As he retires from his position as Director and Chairman of the National Junior College World Series, I would like to pay tribute to this outstanding leader.

Fifty years ago, Sam was one of the top amateur baseball players in the nation. Following a brilliant collegiate career in which he became the University of New Mexico's first All-American baseball player, the New York Yankees signed Sam and quickly labeled him as their top prospect. As a minor leaguer in 1955, Sam hit more home runs than Roger Maris, and the next year the Yankees called him up to the big leagues. Unfortunately, only three days after joining the team, Sam suffered a career-ending injury while sliding into second base.

Despite the setback, Sam rebounded to become a professional scout, coach, and manager with the California Angels and Milwaukee Brewers. He coached superstars Paul Molitor, Robin Yount, and Bo Jackson, participated in selecting members of the U.S. Olympic Baseball Team, and earned a World Series Ring in 1982 with the Brewers.

While his association with professional baseball lasted 50 years, Sam always took the time to give back to the community. In addition to four decades of leadership with the Junior College World Series, thousands of little leaguers, high school, and college players in Colorado benefited from the free clinics Sam frequently conducted. As co-chairman of the Colorado Baseball Commission, Sam led the effort to bring the Rockies to Colorado and was instrumental in the building of Coors Field. He was so effective in that role that Colorado's Governor appointed him to help build a new stadium for the Denver Broncos as well.

Mr. Speaker, athletics teach our young people important life lessons about dedication, sacrifice, and teamwork, and I am proud to pay tribute to a man who has spent five decades imparting these values to our youth. Sam is a true public servant who has done so much for the game of baseball and the state of Colorado, and I am proud to honor him before this body of Congress today.

TRIBUTE TO DR. JOAN HINDE STEWART

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a woman who is an exceptional scholar, a renowned literary commentator and a distinguished leader at the University of South Carolina. Dr. Joan Hinde Stewart, Dean of the College of Liberal Arts at the USC, is leaving in July to accept a position as the 19th president and first-ever female president of Hamilton College in Clinton, New York, and I ask you to join me in commending her for a job well done.

Dr. Stewart's accomplishments during her tenure at USC have been astonishing. She has led the university's largest and most academically diverse college, and served as a member of the Provost's Strategic Directives and Initiatives Committee that financially restructured the university last year. Dr. Stewart's leadership helped the college boast the highest increase this year in funds attained through research grants at a time when the university is shifting its focus toward technological and biomedical research.

Dr. Stewart's merit not only benefits the university at-large but also touches individual students. As a professor of French, she is known for her extensive historical perspectives on French literature and for bringing her latest analysis of some long neglected writers into her classroom.

Before coming to USC, Dr. Stewart headed the Department of Foreign Languages and Literatures for 12 years at North Carolina State University. She has lectured on French literature and culture at numerous universities, including Oxford, Columbia, and Yale, which is where she earned her Ph.D.

Mr. Speaker, Dr. Stewart is an extraordinary example of leadership in higher education. She has excelled in academia and administration at the University of South Carolina, and her unique talents will be missed. I ask you and my colleagues to join me in applauding Dr. Joan Stewart's contributions to USC and wishing her the best of luck in her new position at Hamilton College.

TRIBUTE IN HONOR OF WOMEN'S RIGHTS PIONEER, REP. MARTHA CRIFFITHS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, tonight we honor former Congresswoman Martha Griffiths. I appreciate this opportunity to share with my colleagues my admiration for one of Michigan's and this nation's most distinguished leaders.

Martha Griffiths is the woman most responsible for the inclusion of women in the Civil Rights Act of 1964. The Act was a landmark piece of legislation that outlawed discrimination on the basis of sex, race, ethnicity, or religion in the election process, employment, public accommodations, or in Federally-assisted

programs. It opened the doors of opportunity to women throughout the United States and spurred women across the world to fight for similar laws in their home countries.

She was the first woman appointed to the Detroit Recorder's Court, the first woman sent to Congress from her district, the first woman seated on the House Ways and Means Committee in 1954 and the first woman chosen to serve as Michigan's Lieutenant Governor. As the first woman and the first African-American to ever represent the Dallas, TX area in Congress, I have learned a great deal from her empathetic approach to public policy and political leadership. She never forgot that the bills we considered and the policies we crafted affected real people with real families. She always considered how a bill might affect our community's most disadvantaged families.

Martha's greatest legislative victory came when she engineered the inclusion of a ban on sex discrimination in the landmark 1964 civil rights legislation, which paved the way for a number of laws and Supreme Court rulings on issues ranging from equal pay to freedom from sexual harassment.

She displayed considerable political savvy in 1970 when she employed a little-known parliamentary tactic to blast the ERA out of the House Judiciary Committee, where it had been stalled for 47 years.

As a legislator, I admire Martha Griffiths. She earned the respect of her colleagues for both her intelligence and independence; they have described her as ''tough as alligator skin'' with ''a steel-trap mind.''

Mr. Speaker, Representative Martha Griffiths has been a clear, strong and consistent voice for women and women's issues. I am proud to stand here in honor of Martha Griffiths and her legacy.

PAYING TRIBUTE TO EDDIE VALENTINELLI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. MCINNIS. Mr. Speaker, it is with a solemn heart that I rise before this body of Congress today to pay tribute to the life and passing of Eddie Valentinelli of Grand Junction, Colorado. Eddie's passion for life was reflected in the time and effort that he devoted to the Junior College World Series (JUCO). As his family and friends mourn his loss, I would like to commend Eddie for his enthusiasm for the game and pay tribute to the impact that he had on his community.

Eddie attended every JUCO World Series game from the time the series began in 1958. He arrived at the ballpark at 5 a.m. every Saturday to help the grounds crew, loving to socialize with the players and coaches throughout the day. Fans have noted that the series would not be the same without Eddie's presence in his usual seat. Eddie's dedication to JUCO has extended beyond his own lifetime, as he had made the JUCO World Series Organization a major benefactor in his will. While the financial benefit from his contribution was welcomed, the sentimental value of the gesture is what individuals associated with JUCO will always remember.

Mr. Speaker, I am proud to stand before this body of Congress today to pay tribute to Eddie's dedication and commitment to his fellow Coloradans. Individuals like Eddie provide the strength of spirit and character that make this nation great. While he will be dearly missed, Eddie's spirit will live on through the lives of those whom he has touched. I extend my deepest sympathies to Eddie's family and friends during this difficult time.

HONORING MISS LUCILE BLUFORD UPON HER DEATH, PUBLISHER AND EDITOR OF THE CALL NEWSPAPER

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mrs. MCCARTHY of Missouri. Mr. Speaker, it is with great pride and respect that I rise today to honor Miss Lucile Bluford, editor and publisher of The Call newspaper in Kansas City, Missouri. Miss Bluford passed away Friday, June 13. She had been an employee of The Call for 71 years and editor/publisher since 1955. She would have been 92 years young this July 1.

Miss Bluford, as she was known by everyone, was a trail blazer and pioneer for civil rights and equality for African-Americans. She fought both personally and professionally to end segregation and advance opportunities for our community. Through her fight to access graduate journalism school for herself and other minorities and her leadership in the civil rights and journalism communities, Miss Bluford left an enduring mark in her advocacy for equality.

Miss Bluford graduated from the University of Kansas School of Journalism in 1932 and joined The Call shortly thereafter as a reporter. In 1938, she filed a mandamus suit against the University of Missouri Graduate School of Journalism for being denied admittance because of her color. Miss Bluford wrote and fought for racial and social justice ever since. She reported about the plight of those unfortunate enough to help themselves, the poor and disenfranchised. Miss Bluford had an effect on making our community and nation better aware of the inequalities existing.

Miss Bluford had the ear of those who were wealthy and those who were not, and conversed with the common citizen or those of stature. I met with Lucile many times and I always treasured her company and conversation. I invariably would leave with a much more valuable insight on the issues of the day as well as the rich history she lived—especially her struggles in the civil rights movement.

Miss Bluford's leadership and accomplishments have been recognized on numerous occasions, including receiving the Medal for Distinguished Service in Journalism from the University of Missouri. Last fall she was honored by the Greater Kansas City Chamber of Commerce as ''Kansas Citian of the Year for 2002.'' Awards she received throughout her career include the Distinguished Service Award from the national NAACP, an Honorary Doctorate degree from Lincoln University in Jefferson City, Missouri, the Southern Christian Leadership Conference (SCLC) Martin Luther King Award, University of Missouri Distinguished Service Medal of Honor, and the Recognition Award for Unsurpassed and Dedicated Service to the Community by the Northwest Missouri Division of the African Methodist and Episcopal Church.

One of the honors she cherished most was the University of Kansas establishment of the Lucile H. Bluford Scholarship Fund for students interested in studying journalism. This lasting legacy to Miss Bluford will provide future generations with the opportunity to fulfill their dream of journalism.

Miss Bluford has been recognized for her service to our community and nation. She had served as a juror Pulitzer Prize for Journalism, was a member of the National Board of Directors of the National Association for the Advancement of Colored People (NAACP), and had been selected to make a trip to Israel in 1972 with a group of American newspaper editors. Miss Bluford served on the Governor's Committee for ''Jobs for Missourians,'' was a board member and Secretary of the Missouri Commission of Human Rights from 1957 to 1969, and served on the Governor's Task Force on the role of Private Higher Education in Missouri. She served on local boards of United Way, NAACP, Kansas City Council on Crime Prevention, Kansas City Cancer Society, Kansas City Area Hospital Association, Model Cities Day Care Corporation, Legal Aid and Defender Society, and the University of Missouri at Kansas City Cockefair Chair Board of Directors.

As publisher and editor of The Call newspaper, she elevated the awareness of the African-American community in relation to its role in the broader majority society. Miss Bluford was a dedicated journalist from her humble beginnings as a reporter to the position of publisher and editor—she never forgot her roots. I fondly remember how she would dutifully take notes on her reporter's pad with her ever present red pen. As a role model and a journalist, I remember Miss Bluford for her fairness and unassuming manner. She was never one to seek out the spotlight or glory. She spoke her mind to the powerful and stood by her beliefs without hesitation.

Miss Bluford has been an inspiration to me. Her dedication and commitment to public service served as an example to all of us who work to make our community better. Mr. Speaker, please join me in honoring her for her service to our community and the nation.

Miss Bluford can never be replaced, but her ideals and principals will remain as a fundamental foundation for our community. My thoughts and prayers go out to her family members, co-workers, and friends. All of our lives are richer for having known Miss Lucile H. Bluford.

INTRODUCTION OF THE NATIONWIDE GUN BUYBACK ACT OF 2003

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Ms. NORTON. Mr. Speaker, today I am encouraged to introduce the Nationwide Gun Buyback Act of 2003, NGBA, by the actions of the District of Columbia residents on Father's Day last Sunday. Citizens who had lost relatives and representatives of 20 advocacy and victim-support groups gathered at Freedom

Plaza, a stone's throw from the White House, to declare their own moratorium on murder for the Father's Day weekend.

Not only did their moratorium have important symbolic value; in fact there was only one murder last weekend. Of primary importance was the fact that the moratorium was symbolic and entirely citizen initiated. Residents themselves must take responsibility for crime and not regard criminal activity as a matter for the police alone. I am pleased that the D.C. Council and the Mayor responded with a resolution supporting the moratorium, but the event got its importance from its origin with residents. The moratorium was initiated by Kenneth E. Burnes whose son was murdered in his U Street store and became one of 233 residents killed in 2001. This year's homicide rate is 9 percent ahead of last year's rate. Almost all of the killings here and elsewhere are committed by handguns.

The bill, however, does not conflict with Member's positions on the controversial issue of gun control. The bill would simply allow people who desire to get guns out of their homes to do so without incurring criminal penalties for possession. Families, and especially mothers, have feared guns in their homes, but often do not know how to get rid of them. In most jurisdictions, a grandmother petrified that there is a gun in the house for example, or her grandson, who may possess the illegal weapons cannot turn it in without subjecting herself or her grandson to prosecution. This is reason enough for gun buyback efforts.

Like tax amnesty, gun amnesty puts a premium on the ultimate goal. When the goal is taxes, the government puts a premium on getting the amount owned. When the goal is guns, the premium is on getting deadly weapons off the streets and out of people's homes. This bill is entirely voluntary and does not compel anyone to give up a handgun, even one that is illegally held.

This bill would provide Federal funds to local jurisdictions to engage in gun buyback programs like the successful programs conducted by the District of Columbia a few years ago. Under the bill, funds would be distributed through the Department of Housing and Urban Development, HUD. After evaluation of proposals, added weight would be given to jurisdictions with the greatest incidence of gun violence. The NGBA would require that a jurisdiction certify that it is capable of destroying the guns within 30 days, that it can conduct the program safely, and that an amnesty appropriate for the jurisdiction will be offered. Not only individuals, but groups such as gangs could take advantage of the buyback provisions to encourage street gangs to disarm themselves.

This bill is necessary because, despite the extraordinary demonstrated success of the gun buyback program in the District, local jurisdictions have no readily available funds for similar programs. The District was forced to find money on an ad hoc basis and ran out of funds despite residents who still desired to turn in guns. Initially, the District conducted a pilot program using funds from HUD. Confronted with long lines of residents, the Police Department then took the program citywide, using drug asset forfeiture funds. Even so, after using $290,000, the city ran out of funds, but not of guns, that could have been collected. The guns were a ''good buy'' but hard-pressed jurisdictions, especially big cities, should not have to rob Peter to pay Paul when it comes to public safety. The Federal Government can play a unique and noncontroversial role in reducing gun violence by providing the small amount authorized by my bill, $50 million, to encourage buyback efforts where a local jurisdiction believes they can be helpful.

The Nation's Capital has successfully demonstrated a faster and easier way to put guns under the control of law enforcement where criminals cannot use them and children and adults cannot misuse them. Gun buyback efforts are not new, but the recent, dramatic impact of the District's program has special bipartisan and natural appeal today because the program is voluntary and requires no change in local or Federal gun laws. A gun buyback bill is certainly no substitute for gun safety legislation, but my bill is based on demonstrated and successful experience in a number of cities that have achieved voluntary compliance by citizens with local laws.

The extraordinary success of the buyback programs in the District and around the country has shown that these programs should now be readily available to jurisdictions that desire to use them. In a market economy, efforts to buy back guns have special appeal. We may disagree on the various approaches as to gun violence, but Democrats and Republicans alike can agree to this sensible approach.

I urge my colleagues to support this vital legislation.

PAYING TRIBUTE TO FLORENCE FRIGETTO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. McINNIS. Mr. Speaker, I stand before this body of Congress today to recognize the twenty-two years of service that Florence Frigetto has dedicated to the children of Montrose, Colorado. Florence is retiring after having served as the Director of Food Service for the Montrose County School District for the last thirteen years. As we mark her retirement, I would like to commend Florence for the devotion that she has shown to her students over the years.

Florence became the district's food service administrator after making meals from scratch for the local schools for nearly a decade. Florence's co-workers estimate that she has served or supervised nearly thirteen million meals over her career. In her time as a food service administrator, she has focused on maintaining the quality of the food along with its nutritious value. Florence, a respected baker, ensures that all the bread eaten by her students is freshly baked in the school's kitchen.

Mr. Speaker, it is an honor to recognize the contributions Florence Frigetto has made to the health and well being of Colorado's children. Florence will certainly be missed by the children under her care, as well as by her co-workers who have come to know and admire her remarkable dedication. Florence, I wish you all the best in your retirement and thank you for your many years of exemplary service.

RECOGNIZING THE ACCOMPLISHMENTS OF JUSTIN SEAMAN OF CLAYSVILLE, PENNSYLVANIA

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. MURPHY. Mr. Speaker, I rise today to acknowledge an exceptional young man from Claysville, Pennsylvania, in my district. Mr. Justin Seaman has recently distinguished himself and has earned several honors as a talented and successful film producer and writer. Justin owns and manages his own film company, Nevermore Production, which has produced two movies that earned tremendous accolades for their powerful themes and serious messages. And while others have won awards for such accomplishments, what is unique about Justin, however, is the fact that he is still in high school. In fact, his projects have struck a chord with his friends and fellow teens, so much so that Justin has enlisted the support of many fellow students at McGuffey High School in producing his work. Films, like one Justin produced about the catastrophic consequences of drinking and driving are changing lives for the better. Using art, Justin is making a real difference in our community.

Mr. Speaker, I am very pleased to take this opportunity to recognize the example one great young man is setting for teens across Southwestern Pennsylvania. Too often when we in Congress talk about teens, we focus on the negative influences affecting them today: drug addiction, alcohol abuse, teen pregnancies, and on and on. But young men like Justin Seaman are standing up for a generation. They are determined to set the right example and to do it with style. We ought to stop and recognize the positive influences of these young leaders more often in America. Our country is a far better place for being home to such inspiring and responsible young adults as Justin.

Justin's accomplishments have been recognized on a National level. Just last week he was invited to the John F. Kennedy Center for Performing Arts along with hundreds of his peers from across the nation for special recognition. His recognitions include the Robert Morris College TVT Award of Excellence, the Critics Award for Excellence in acting, four national honors at the Scholastic Inc. Art & Writing competition, one gold award for a personal essay, ''A Guarantee in Life'' and last, but not least, a silver award as well as the American Visions award for his mixed media entry in Scholastic Inc.'s national competition. Justin's list of honors and awards confirms his dedication to furthering excellence in the arts and has rightfully earned him recognition as a leader in the competitive performing arts arena. Justin desires to direct films one day in hopes of reaching the caliber of renowned director, Wes Craven. This coming senior year, Justin has already lined up five films to produce. I have no doubt that Justin's ambition, drive and devotion to the arts will prove fruitful as he continues to pursue his dream of making films. I wish him the best of luck and all the success that his efforts award him and I thank him for being a true role model for teens everywhere across our country.

PAYING TRIBUTE TO HOWARD CULP

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 17, 2003

Mr. McINNIS. Mr. Speaker, it is with great joy that I recognize an individual today who has spent his life in the service of our youth. Howard Culp has spent 33 years as an educator in Colorado's Four Corner's region. As Howard begins his retirement, I would like to thank him for his contributions to the community before this body of Congress and this nation.

Howard is one of those special people in our society who chooses his profession based not on the amount of money he can make but rather the difference he can make in the lives of his students. As a fifth and sixth grade teacher for eight years and the principal at Mancos Elementary and Kemper Elementary Schools in Southwest Colorado for a combined 25 years, Howard has positively impacted the lives of thousands of young people.

The commitment Howard has exhibited throughout his 33 years of service in Colorado's schools is truly inspirational. It is clear, based on the impact Howard has had on his students, that his presence will be truly missed.

Mr. Speaker, our society owes a debt to the Howard Culps of this nation who sacrifice so much to give our youth the tools they need to succeed in life. I am truly honored to recognize Howard here today and to wish him all the best in his retirement.

Daily Digest

HIGHLIGHTS

House Committee ordered reported the Homeland Security and the Military Construction appropriations for fiscal year 2004.

Senate

Chamber Action

Routine Proceedings, pages S7943–S8008

Measures Introduced: Five bills and two resolutions, were introduced, as follows: S. 1271–1275, and S. Res. 172–173. **Page S7980**

Measures Reported:

Special Report entitled "Authorizing Expenditures by Committees of the Senate, with respect to S. Res. 66". (S. Rept. No. 108–73) **Page S7980**

Measures Passed:

Honoring David Brinkley: Senate agreed to S. Res. 172, honoring the life of media reporting giant David Brinkley, and expressing the deepest condolences of the Senate to his family on his death. **Page S8007**

Automatic Defibrillation in Adam's Memory Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H.R. 389, to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools, and the bill was then passed, clearing the measure for the President. **Page S8008**

Prescription Drug and Medicare Improvement Act: Senate continued consideration of S. 1, to amend title XVIII of the Social Security Act to make improvements in the Medicare program, to provide prescription drug coverage under the Medicare program. **Pages S7947–74**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m., on Wednesday, June 18, 2003. **Page S8007**

Messages From the House: **Page S7978**

Measures Referred: **Page S7978**

Enrolled Bills Presented: **Page S7978**

Executive Communications: **Pages S7978–80**

Executive Reports of Committees: **Page S7980**

Additional Cosponsors: **Pages S7980–81**

Statements on Introduced Bills/Resolutions: **Pages S7981–S8005**

Additional Statements: **Pages S7977–78**

Notices of Hearings/Meetings: **Page S8005**

Authority for Committees to Meet: **Pages S8005–06**

Privilege of the Floor: **Pages S8006–07**

Adjournment: Senate met at 9:30 a.m., and adjourned at 6:34 p.m., until 9:30 a.m., on Wednesday, June 18, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8008.)

Committee Meetings

(Committees not listed did not meet)

CPSC AUTHORIZATION

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Affairs and Product Safety concluded hearings on proposed legislation authorizing funds for the Consumer Product Safety Commission, after receiving testimony from Hal Stratton, Chairman, and Mary Sheila Gall and Thomas Moore, both a Commissioner, and William Duross, General Counsel, all of the Consumer Product Safety Commission; R. David Pittle, Consumers Union, Yonkers, New York; Rachel Weintraub, Consumer Federation of America, Alan Korn, National Safe Kids Compaign, Stephen Gold, National Association of Manufacturers, Gary S. Klein, on behalf of the Toy Industry Association, and Robert Polk, on behalf of the National Association of State Fire Marshals, all of Washington, D.C.

NATIONAL AQUATIC INVASIVE SPECIES ACT

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Water concluded hearings on S. 525, to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act, after receiving testimony from Senator Levin; Barry T. Hill, Director, Natural Resources and Environment, General Accounting Office; Joseph J. Angelo, Director of Standards, U.S. Coast Guard, Department of Homeland Security; Matthew Hogan, Assistant Director, U.S. Fish and Wildlife Service, Lori Williams, Executive Director, National Invasive Species Council, both of the Department of the Interior; Timothy R.E. Keeney, Deputy Assistant Secretary of Commerce for Oceans and Atmosphere/National Oceanic and Atmospheric Administration; G. Tracy Mehan III, Assistant Administrator for Water, Environmental Protection Agency; Michael W. Hauser, Vermont Department of Environmental Conservation, Waterbury; James M. Beers, Centreville, Virginia, on behalf of the American Land Rights Association; Sebastian Hargrove, Nature Conservancy of Idaho, Hailey; and James H.I. Weakley, Lake Carriers' Association, Cleveland, Ohio.

BILATERAL FREE TRADE AGREEMENTS

Committee on Finance: Committee held hearings to examine the implementation of the U.S. Bilateral Free Trade Agreements with Singapore and Chile, focusing on efforts to expand trade worldwide, market access for services, trade in goods and agriculture, electronic commerce, protections for U.S. investors, intellectual property rights, receiving testimony from Senator Bond; Peter F. Allgeier, Deputy U.S. Trade Representative; Jeffrey R. Shafter, Citigroup Global Markets, on behalf of the U.S. Singapore Free Trade Agreement Business Coalition, Sandra Polaski, Carnegie Endowment for International Peace, and Paul L. Joffee, National Wildlife Federation, all of Washington, D.C.; Norman Sorensen, Principal International, Inc., Des Moines, Iowa, on behalf of the Coalition of Service Industries; Jim Jarrett, Intel Corporation, Santa Clara, California, on behalf of the Business Software Alliance and High-Tech Trade Coalition; Larry Liebenow, Quaker Fabric Corporation, Fall River, Massachusetts, on behalf of the U.S. Chamber of Commerce; Jon Caspers, National Pork Producers Council, Swaledale, Iowa; Keith Schott, Montana Grain Growers Association, Broadview, on behalf of the Montana Stockgrowers Association; and David Johnson, Warner Music Group, New York, New York, Entertainment Industry Coalition for Free Trade.

Hearings recessed subject to the call.

AVIATION AND ENVIRONMENT TREATIES

Committee on Foreign Relations: Committee concluded hearings to examine the Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal May 28, 1999 (Treaty Doc. 106–45), Protocol to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on October 12, 1929, done at The Hague September 28, 1955 (The Hague Protocol) (Treaty Doc. 107–14), Stockholm Convention on Persistent Organic Pollutants, with Annexes, done at Stockholm, May 22–23, 2001 (Treaty Doc. 107–5), Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, with Annexes, done at Rotterdam, September 10, 1998 (Treaty Doc. 106–21), Agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population done at Washington on October 16, 2001 (Treaty Doc. 107–10), Agreement Amending the Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges done at Washington May 26, 1981 (the "Treaty"), effected by an exchange of diplomatic notes at Washington on July 17, 2002, and August 13, 2002 (the "Agreement"); enclosed is the report of the Secretary of State on the Agreement and a related agreement, effected by an exchange of notes at Washington on August 21, 2002, and September 10, 2002, amending the Annexes to the Treaty (Treaty Doc. 108–1), and Amendments to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, with Annexes and agreed statements, done at Port Moresby, April 2, 1987, done at Koror, Palau, March 30, 1999, and at Kiritimati, Kiribati, March 24, 2002. Also transmitted, related Amendments to the Treaty Annexes, and the Memorandum of Understanding (Treaty Doc. 108–2), after receiving testimony from Jeffrey N. Shane, Under Secretary of Transportation for Policy; and John R. Byerly, Deputy Assistant Secretary for Transportation Affairs, and John F. Turner, Assistant Secretary for Oceans and International Environmental and Scientific Affairs, both of the Department of State.

BUSINESS MEETING

Committee on Governmental Affairs: Committee ordered favorably reported the following business items:

S. 481, to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity

computations are adjusted by 1 percentage point relating to periods of receiving disability payments;

S. 589, 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. 610, to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, with an amendment in the nature of a substitute;

S. 678, 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, with an amendment;

S. 908, to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, with an amendment;

S. 910, to ensure the continuation of non-homeland security functions of Federal agencies transferred to the Department of Homeland Security, with an amendment;

S. 926, to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies;

S. 1166, to establish a Department of Defense national security personnel system, with amendments;

S. 1245, to provide for homeland security grant coordination and simplification, with amendments;

S. 508, to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the ''Floyd Spence Post Office Building'';

S. 708, to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the ''Michael J. Healy Post Office Building'';

S. 867, to designate the facility of the United States Postal Service located at 710 Wick Lane in Billings, Montana, as the ''Ronald Reagan Post Office Building'';

S. 1145, to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the ''Patsy Takemoto Mink Post Office Building'';

S. 1207, to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the ''Walt Disney Post Office Building'';

H.R. 825, to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the ''Michael J. Healy Post Office Building'';

H.R. 917, to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the ''Floyd Spence Post Office Building'';

H.R. 925, to redesignate the facility of the United States Postal Service located at 1859 South Ashland Avenue in Chicago, Illinois, as the ''Cesar Chavez Post Office'';

H.R. 981, to designate the facility of the United States Postal Service located at 141 Erie Street in Linesville, Pennsylvania, as the ''James R. Merry Post Office'';

H.R. 985, to designate the facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, as the ''Delbert L. Latta Post Office Building'';

H.R. 1055, to designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the ''Dr. Roswell N. Beck Post Office Building'';

H.R. 1368, to designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the ''Norman D. Shumway Post Office Building'';

H.R. 1465, to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the ''General Charles Gabriel Post Office'';

H.R. 1596, 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'';

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'';

H.R. 1740, 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'';

H.R. 2030, to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the ''Patsy Takemoto Mink Post Office Building''; and

The nominations of Michael J. Garcia, of New York, to be an Assistant Secretary of Homeland Security for Immigration and Customs Enforcement, C. Stewart Verdery, Jr., of Virginia, to be an Assistant Secretary of Homeland Security, Susanne T. Marshall, of Virginia, to be Chairman, and Neil McPhie,

of Virginia, to be a Member, both of the Merit Systems Protection Board, Terrence A. Duffy, of Illinois, to be a Member of the Federal Retirement Thrift Investment Board, Albert Casey, of Texas, to be a Governor of the United States Postal Service, and James C. Miller III, of Virginia, to be a Governor of the United States Postal Service.

PHARMACEUTICAL MARKETPLACE BARRIERS

Committee on the Judiciary: Committee concluded hearings to examine the legislative and regulatory responses to the Federal Trade Commission Study on barriers to entry in the pharmaceutical marketplace, after receiving testimony from former Senator Howard Metzenbaum; Timothy J. Muris, Chairman, Federal Trade Commission; Dan Troy, Chief Counsel for Food and Drugs, Food and Drug Administration, Department of Health and Human Services; Sheldon T. Bradshaw, Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice; and Kathleen Jaeger, Generic Pharmaceutical Association, and Bruce Kuhlik, Pharmaceutical Research and Manufacturers of America, both of Washington, D.C.

PEER-TO-PEER FILE SHARING

Committee on the Judiciary: Committee concluded hearings to examine whether personal and national security risks compromise the potential of Peer-to-Peer File-Sharing programs, which are Internet applications that allow users to download and share electronic files from other users on the same network, after receiving testimony from Senator Feinstein; Representatives Tom Davis and Waxman; Randy Saaf, MediaDefender, Inc., Los Angeles, California; Alan Morris, Sharman Networks Limited, Sydney, Australia; Chris Murray, Consumers Union, Washington, D.C.; Nathaniel Good, University of California, Berkeley; and Aaron Krekelberg, University of Minnesota, Minneapolis.

SECRET HOLDS

Committee on Rules and Administration: Committee concluded hearings to examine Senate Resolution 151, requiring public disclosure of notices of objections (holds) to proceedings to motions or measures in the Senate, focusing on reforms, unanimous consent, bargaining tactics, leaders, and alternative approaches, after receiving testimony from Senators Grassley and Wyden; Walter J. Stewart, Secretary of the United States Emeritus, and Sarah A. Binder, Brookings Institution, both of Washington, D.C.; Joseph Cooper, Johns Hopkins University Department of Political Science, Baltimore, Maryland; C. Lawrence Evans, College of William and Mary, Williamsburg, Virginia; and Steven S. Smith, Washington University Murray Weidenbaum Center on the Economy, Government, and Public Policy; St. Louis, Missiouri.

NOMINATIONS

Committee on Veterans' Affairs: Committee concluded hearings to examine the nominations of Alan G. Lance, Sr., of Idaho, who was introduced by Senators Craig and Crapo, and Lawrence B. Hagel, of Virginia, both to be a Judge of the United States Court of Appeals for Veterans Claims, after the nominees testified and answered questions in their own behalf.

NOMINATION

Select Committee on Intelligence: Committee concluded hearings to examine the nomination of Frank Libutti, of New York, to be Under Secretary for Information Analysis and Infrastructure Protection, Department of Homeland Security, after the nominee testified and answered questions in his own behalf.

SENIOR HOUSING

Special Committee on Aging: Committee concluded oversight hearings to examine the Department of Housing and Urban Development Section 202 Supportive Housing Services program which targets the housing needs of low- to very low-income elderly, focusing on Federal efforts to provide affordable housing for low-income seniors, after receiving testimony from John Weicher, Assistant Secretary of Housing and Urban Development and Federal Housing Administration Commissioner; David G. Wood, Director of Financial Markets and Community Investment, General Accounting Office; Cynthia Robin Keller, Volunteers of America, Alexandria, Virginia; Tom Herlihy, National Church Residences, Columbus, Ohio; and Lee Ann Hubanks, Plano Community Homes, Inc., Plano, Texas, on behalf of the American Association of Homes and Services for the Aging.

House of Representatives

Chamber Action

Measures Introduced: 13 public bills, H.R. 2488–2500; and 1 resolution, H. Con. Res. 221, were introduced. **Page H5467**

Additional Cosponsors: **Pages H5468–69**

Reports Filed:

Reports were filed today as follows:

H. Res. 281, providing for consideration of H.R. 8, to make the repeal of the estate tax permanent (H. Rept. 108–157);

H. Res. 282, providing for consideration of H.R. 1528, to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service (H. Rept. 108–158); and

H.R. 2330, to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, amended (H. Rept. 108–159, Pt. 1). **Page H5467**

Guest Chaplain: The prayer was offered by the guest Chaplain, Dr. David Halpern, Rabbi, Flatbush Park Jewish Center of Brooklyn, New York. **Pages H5416–17**

Recess: The House recessed at 11:10 a.m. and reconvened at 12 noon. **Page H5416**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Commending the University of Minnesota Duluth Bulldogs for winning the NCAA Women's Ice Hockey Championship: H. Res. 171, commending the University of Minnesota Duluth Bulldogs for winning the NCAA 2003 National Collegiate Women's Ice Hockey Championship (agreed to by ⅔ yea-and-nay vote of 423 yeas with none voting "nay", Roll No. 280); **Pages H5418–21, H5437–38**

SEC Accountant, Compliance, and Enforcement Staffing Act: H.R. 658, to provide for the protection of investors, increase confidence in the capital markets system, and fully implement the Sarbanes-Oxley Act of 2002 by streamlining the hiring process for certain employment positions in the Securities and Exchange Commission (agreed to by ⅔ yea-and-nay vote of 423 yeas with none voting "nay", Roll No. 281); and" **Pages H5421–24, H5438**

Support for Activities to Provide Decent Homes for the People of the United States: S. Con. Res. 43, expressing the sense of Congress that Congress should participate in and support activities to provide decent homes for the people of the United States (agreed to by ⅔ yea-and-nay vote of 421 yeas to 1 nay, Roll No. 283). **Pages H5424–31, H5444**

Keeping Children and Families Safe Act: The House agreed to the conference report on Consideration of the conference report on S. 342, to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act by yea-and-nay vote of 421 yeas to 3 nays, Roll No. 282. **Pages H5439–44**

The House agreed to H. Res. 276, the rule that waived points of order against the conference report by voice vote. Earlier agreed to order the previous question by yea-and-nay vote of 226 yeas to 200 nays, Roll No. 279. **Pages H5431–37**

Availability of Classified Documents: Chairman Goss announced that the Permanent Select Committee on Intelligence has authorized access to any Member of the House who wishes to review certain documents provided to the Committee by the Director of Central Intelligence relating to the available intelligence concerning Iraq's weapons of mass destruction program and Iraq's ties to terrorist groups prior to the commencement of hostilities in Iraq. Chairman Goss also announced that the Permanent Select Committee on Intelligence ordered H.R. 2417, the Intelligence Authorization Act for Fiscal Year 2004, reported favorably to the House with an amendment. The Classified Schedule of Authorizations and the Classified Annex that accompanies the bill will be available for review by Members after the bill is filed. **Pages H5438–39**

Recess: The House recessed at 3:34 p.m. and reconvened at 4:45 p.m. **Page H5443**

Late Report: The Permanent Select Committee on Intelligence received permission to have until midnight on June 17 to file a report on H.R. 2417, Intelligence Authorization Act for Fiscal year 2004. **Page H5445**

Senate Message: Message received from the Senate today appear on pages H5411.

Referral: S. 246, S. 500, S. 520, S. 625, S. 635, S. 1015. **Page H5466**

Quorum Calls—Votes: Five yea-and-nay votes and recorded votes developed during the proceedings of the House today and appear on pages H5436–37, H5437–38, H5438, H5443–44, H5444–45. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 8:34 p.m.

Committee Meetings

FOOD SECURITY ACT AMENDMENTS; BIOTECHNOLOGY IN AGRICULTURE

Committee on Agriculture: Subcommittee on Conservation, Credit, Rural Development and Research approved for full Committee action, as amended, H.R. 11907, to amend the Food Security Act of 1985 to ensure the availability of funds to provide technical assistance for certain conservation programs of the Department of Agriculture.

The Subcommittee also held a hearing to review Biotechnology in Agriculture. Testimony was heard from David Hegwood, Special Counsel to the Secretary, USDA; Lester M. Crawford, Deputy Commissioner, Food and Drugs, FDA, Department of Health and Human Services; and Stephen L. Johnson, Assistant Administrator, Office of Prevention, Pesticides, and Toxic Substances, EPA.

HOMELAND SECURITY AND MILITARY CONSTRUCTION APPROPRIATIONS; SUBALLOCATION OF BUDGET ALLOCATIONS REPORTS

Committee on Appropriations: Ordered reported the following appropriations for fiscal year 2004; Homeland Security; and Military Construction.

The Committee also approved the following: Revised Suballocation of Budget Allocations Report, Fiscal Year 2003; and the Suballocation of Budget Allocations Report, Fiscal Year 2004.

AGRICULTURE, RURAL DEVELOPMENT, FDA AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies approved for full Committee action the Agriculture, Rural Development, Food and Drug Administration and Related Agencies appropriations for Fiscal Year 2004.

ULLICO SCANDAL—IMPLICATIONS FOR U.S. WORKERS

Committee on Education and the Workforce: Held a hearing on "The ULLICO Scandal and its Implications for U.S. Workers." Testimony was heard from Warren E. Nowlin, Partner, Williams Mullen and Damon Silvers, Special Counsel to the Chairman, ULLICO Inc.

In failing to respond to questions, Robert A. Georgine, former President, Chairman and CEO, ULLICO Inc., invoked constitutional privileges.

OCCUPATIONAL SAFETY AND HEALTH-FAIRNESS ACT

Committee on Education and Workforce: Subcommittee on Workforce Protections held a hearing on H.R. 1583, Occupational Safety and Health-Fairness Act of 2003, focusing on Small Business and Workplace Safety. Testimony was heard from public witnesses.

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT

Committee on Energy and Commerce: Began consideration of H.R. 2473, Medicare Prescription Drug and Modernization Act of 2003.

Will continue tomorrow.

FAIR CREDIT REPORTING ACT—BACKGROUND CHECKS AND MEDICAL INFORMATION

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on the role of FCRA in employee background checks and the collection of medical information. Testimony was heard from public witnesses.

SECTION 8 HOUSING ASSISTANCE PROGRAM

Committee on Financial Services: Subcommittee on Housing and Community Opportunity continued hearings on Section 8 Housing Assistance Program: Promoting Decent Affordable Housing for Families and Individuals who Rent. Testimony was heard from public witnesses.

FEDERAL DEBT MANAGEMENT—ARE AGENCIES USING COLLECTION TOOLS EFFECTIVELY?

Committee on Government Reform: Subcommittee on Government Efficiency and Financial Management held a hearing on "Federal Debt Management—Are Agencies Using Collection Tools Effectively?" Testimony was heard from Richard L. Gregg, Commissioner, Financial Management Service, Department of the Treasury; William H. Campbell, Assistant Secretary, Management, Department of Veterans Affairs; Theresa S. Shaw, Chief Operating Officer, Federal Student Aid, Department of Education; and a public witness.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported H. Res. 277, expressing support for freedom in Hong Kong.

The Committee also unfavorably reported H. Res. 260, requesting the President to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents

or other materials in the President's possession relating to Iraq's weapons of mass destruction.

TRANSATLANTIC RELATIONS FUTURE

Committee on International Relations: Subcommittee on Europe held a hearing on the Future of Transatlantic Relations: A View from Europe. Testimony was heard from public witnesses.

INTELLECTUAL PROPERTY RESTORATION ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on H.R. 2344, Intellectual Property Restoration Act of 2003. Testimony was heard from MaryBeth Peters, Register of Copyrights, Library of Congress; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 1616, Martin Luther King, Junior, National Historic Land Exchange Act; and H.R. 1964, Highland Stewardship Act. Testimony was heard from Representatives Lewis of Georgia, Frelinghuysen, Garrett, Kelly and Saxton; Randy Jones, Deputy Director, National Park Service, Department of the Interior; David Tenny, Deputy Under Secretary, Natural Resources and the Environment, USDA; and public witnesses.

DEATH TAX REPEAL PERMANENCY ACT

Committee on Rules: Granted, by voice vote, a modified closed rule providing 1 of debate in the House on H.R. 8, Death Tax Repeal Permanency Act of 2003. The rule provides for consideration of the amendment in the nature of a substitute printed in the Rules Committee report accompanying the resolution, if offered by Representative Pomeroy or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Dunn, Leach, Pomeroy and Hooley of Oregon.

TAXPAYER PROTECTION AND IRS ACCOUNTABILITY ACT

Committee on Rules: Committee granted, by voice vote a modified closed rule providing 1 hour of debate in the House on H.R. 1528, Taxpayer Protection and IRS Accountability Act of 2003. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Ways and Means, as modified by the amendment printed in Part A of the Rules Committee report accompanying the resolution, shall be considered as read. The rule waives all points of order against the bill, as amended. The rule provides for consideration of the amendment printed in Part B of the report, if offered by Representative Rangel or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in Part B of the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representative Portman and Visclosky.

SMALL BUSINESS HEALTH FAIRNESS ACT

Committee on Rules: Heard testimony from Chairman Boehner and Representatives Andrews, Woolsey, Hinojosa, Kind and Kucinich, but action was deferred on H.R. 660, Small Business Health Fairness Act of 2003.

TASK FORCE REPORT—IMPROVE HEALTH CARE DELIVERY FOR VETERANS

Committee on Veterans' Affairs: Concluded hearings on the Report of the Administration's Task Force to improve Health Care Delivery for our Nation's Veterans. Testimony was heard from Leo S. Mackay, Jr., Deputy Secretary, Department of Veterans Affairs; David S.C. Chu, Under Secretary, Personnel and Readiness, Department of Defense; the following officials of the President's Task Force to Improve Health Care: Charles R. Anthony, Mack G. Fleming, Susan M. Schwartz, Robert W. Spanogle and Harry N. Walters, all Commissioners; and representatives of veterans organizations.

MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT

Committee on Ways and Means: Ordered reported, as amended, H.R. 2473, Medicare Prescription Drug and Modernization Act of 2003.

BRIEFING—NSA OPERATIONS

Permanent Select Committee on Intelligence: Subcommittee on Technical and Tactical Intelligence met in executive session to receive a briefing on NSA Operations. The Subcommittee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 18, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: business meeting to consider the nominations of Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation, vice Jill L. Long, resigned, and Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development, 9:30 a.m., SR–328A.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the New Basel Capital Accord, a proposal issued by the Basel Committee on Banking Supervision to make final modifications for a new capital adequacy framework, 10 a.m., SD–538.

Full Committee, business meeting to consider S. 498, to authorize the President to posthumously award a gold medal on behalf of Congress to Joseph A. De Laine in recognition of his contributions to the Nation, and the proposed Check Truncation Act of 2003, 2 p.m., SD–538.

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine the development of democracy in Burma, to be immediately followed by full committee hearings to examine the nominations of Robert W. Fitts, of New Hampshire, to be Ambassador to Papua New Guinea, Solomon Islands, and Vanuatu, and Greta N. Morris, of California, to be Ambassador to the Marshall Islands, 2:30 p.m., SD–419.

Full Committee, to hold hearings to examine the nominations of John E. Herbst, of Virginia, to be Ambassador to Ukraine, Tracey Ann Jacobson, of the District of Columbia, to be Ambassador to Turkmenistan, and George A. Krol, of New Jersey, to be Ambassador to the Republic of Belarus, 4 p.m., S–116, Capitol.

Committee on Governmental Affairs: to hold hearings to examine the nominations of Fern Flanagan Saddler, Judith Nan Macaluso, Joseph Michael Francis Ryan III, and Jerry Stewart Byrd, all of the District of Columbia, each to be an Associate Judge of the Superior Court of the District of Columbia, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Employment, Safety, and Training, to hold hearings to examine proposed legislation authorizing funds for the Workforce Investment Act, 10 a.m., SD–430.

Committee on Indian Affairs: to hold oversight hearings to examine Native American sacred places, 10 a.m., SR–485.

Committee on the Judiciary: Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine the NewsCorp/DirecTV deal, focusing on global distribution, 2:30 p.m., SD–226.

House

Committee on Agriculture, hearing to review multilateral and bilateral agricultural trade negotiations, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies, hearing on FBI Reorganization, 1 p.m., 2359 Rayburn.

Subcommittee on Defense, executive, to mark up appropriations for fiscal year 2004, 3 p.m., H–140 Capitol.

Subcommittee on Interior and Related Agencies, to mark up appropriations for fiscal year 2004, 10 a.m., B–308 Capitol.

Committee on Armed Services, hearing on worldwide U.S. military commitments, 1 p.m., 2118 Rayburn.

Committee on the Budget, hearing on Waste, Fraud and Abuse in Federal Mandatory Programs, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, to mark up H.R. 2210, School Readiness Act of 2003, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to continue consideration of H.R. 2473, Medicare Prescription Drug and Modernization Act of 2003, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing on H.R. 2420, Mutual Funds Integrity and Fee Transparency Act of 2003, 10 a.m., 2128 Rayburn.

Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, to consider H.R. 2243, to provide for the participation of the United States in the thirteenth replenishment of the resources of the International Development Associate, the seventh replenishment of the resources of the Asian Development Fund, and the ninth replenishment of the resources of the African Development Fund, 2 p.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on National Security, Emerging Threats and International Relations, hearing on "Visa Revocations: Catching the Terrorists Among Us," 11:30 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on East Asia and the Pacific, hearing on Reauthorizing the Compacts of Free Association with Micronesia and the Marshall Islands, 1:30 p.m., 2172 Rayburn.

Committee on Resources, hearing on the following bills: H.R. 884, Western Shoshone Claims Distribution Act; and H.R. 1409, Eastern Band of Cherokee Indians Land Exchange Act of 2003, 10 a.m., 1324 Longworth.

Committee on Rules, to report the rule on H.R. 660, Small Business Health Fairness Act of 2003, 1:30 p.m., H–313 Capitol.

Committee on Small Business, hearing on the Globalization of White-Collar Jobs: Can America Lose These Jobs and Still Prosper? 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, to mark up the following: Reauthorizing the Economic Development Administration; and other pending business, 10 a.m., 2253 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing to assess the Department of Veterans Affairs' management of the human subject protections maintained in its nationwide research programs, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, hearing on Iraq WMD, 12 p.m., H–405 Capitol.

Subcommittee on Intelligence Policy and National Security, executive, briefing on Counterproliferation and Counternarcotics, 2 p.m., H–405 Capitol.

Subcommittee on Terrorism and Homeland Security, executive, hearing on Terrorist Financing, 10 a.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, June 18

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will continue consideration of S. 1, to amend title XVIII of the Social Security Act to make improvements in the Medicare program, to provide prescription drug coverage under the Medicare program.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, June 18

House Chamber

Program for Wednesday: Consideration of H.R. 8, Death Tax Repeal Permanency Act (modified closed rule, one hour of general debate); and

Consideration of H.R. 1528, Taxpayer Protection and IRS Accountability Act (modified closed rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

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