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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. CHOCOLA).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 15, 2003.

I hereby appoint the Honorable CHRIS CHOCOLA to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1233. An act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center

S. 1280. An act to amend the PROTECT Act to clarify certain volunteer liability.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

RECESS

The SPEAKER pro tempore. There being no requests for morning hour debates, pursuant to clause 12(a), rule I, the House will stand in recess until 10 a.m.

Accordingly (at 9 o'clock and 4 minutes a.m.) the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHAW) at 10 a.m.

PRAYER

Dr. Barry C. Black, Chaplain, United States Senate, offered the following prayer:

God of grace and glory, You bless us in so many ways. You hold our lives in Your hands and oversee the movements of the seasons. You give us Your peace in the midst of life's storms. You read even our unworthy thoughts, and yet You invite us to meet with You.

Lord, thank You for leading us in life's precarious places, providing us with inspiring promises. Help us to live worthy of Your generous providence. May we remember to cast our burdens on You, for You have promised to sustain us. We pray this in Your strong name, Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. MCNULTY led the Pledge of Allegiance as follows:

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

BULLETPROOF VEST PARTNERSHIP GRANT

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

Mr. BURNS. Mr. Speaker, I rise today in support of our Nation's police officers. They champion homeland security every day, and quite often they stand in the line of fire.

Between 1992 and 2001, 594 police officers were shot in the line of duty. Of those officers, half were not wearing body armor. Their agency could not afford it. They were not wearing the bulletproof vest that could have saved their lives.

Thanks to the Bulletproof Vest Partnership Grant program, 700,000 more officers are wearing life-saving body armor today than just 4 years ago. This initiative provides police officers an additional degree of safety in their job that they deserve. I ask my colleagues to cosponsor H.R. 1708 to help us continue this vital program and keep our police officers protected as they protect us.

CELEBRATING THE 48TH ANNUAL BEAUFORT COUNTY WATER FESTIVAL

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

Mr. WILSON of South Carolina. Mr. Speaker, as one of the greatest honors of representing the Second District of South Carolina, I will soon be in Beaufort, the Palmetto State's second oldest city and the home of Second Congressional District Communications

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Director Wesley Denton attending the 48th annual Beaufort County Water Festival. I will join Geordie Madlinger, this year's Commodore, in this historic celebration of South Carolina's Lowcountry, which takes place in Beaufort's Waterfront Park.

Southern hospitality, Lowcountry culture, and family traditions are all on full display at each year's festivities. The Water Festival brings together young and old from all over the Lowcountry to enjoy dances and concerts, fine arts and crafts, an antique show, boat races, sporting events of all kinds, historic home and museum tours, the Blessing of the Fleet, a grand parade and a Lowcountry Supper with fresh local seafood.

Each summer I enjoy spending time at the lemonade social at the home of South Carolina State Representative Catherine Ceips and this year attending the Change of Command Ceremony hosted by Brantley and Helen Harvey. Also, I would like to commend Beaufort Mayor Bill Rauch, Greater Beaufort Chamber of Commerce's Executive Director Libby Barnes, and Beaufort County Council's Vice Chairman Skeet Von Harton for their hard work in making this year's festival a success.

I ask all of my colleagues to join me in wishing the residents of Beaufort County a wonderful 48th Annual Water Festival.

In conclusion, God bless our troops.

YELLOWSTONE AMENDMENT TO INTERIOR APPROPRIATIONS

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, this week we will be voting on a spending bill for the Department of the Interior, the agency entrusted with the management and stewardship of our national parks. Unfortunately, this agency seems to have forgotten the stewardship portion of their mission.

The Department has decided to ignore 10 years of scientific study by the National Park Service, which concluded that the best way to protect and preserve Yellowstone and Grand Teton National Parks, two of our greatest national treasures, would be to phase out the use of snowmobiles. They have decided to ignore the conclusion that emissions produced by snowmobiles force park rangers to wear respirators, adversely affect the health of visitors, and obscure visibility around the famous Old Faithful geyser.

This decision is an affront to the health of our national park system. That is why I strongly support an amendment to the Interior appropriations bill that will call for a phaseout of the use of snowmobiles in these parks.

Our national parks are irreplaceable. We need to act now so that we can ensure that they are protected for generations to come.

IRAQ AND WEAPONS OF MASS DESTRUCTION

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

Mr. KUCINICH. Mr. Speaker, today at 11 a.m. in Rayburn 2203 I will be hosting a briefing featuring two veteran intelligence officers to discuss the Bush administration's misuse of intelligence to justify the war in Iraq. The first speaker, Ray McGovern, is a 27-year veteran of the analytic ranks of the CIA who cofounded the Veteran Intelligence Professionals for Sanity. The second speaker, Andrew Wilkie, was a senior intelligence analyst at Australia's Office of National Assessment until his resignation a week before the war.

The Bush Administration's recent blame shifting and back-pedaling on the Iraq uranium claim is profoundly embarrassing to this Nation. In an effort to protect the Bush presidency, Secretary Rumsfeld and National Security Advisor Rice have decided to blame CIA Director Tenet for not removing the ''16 words'' from the President's State of the Union address.

They, of course, have completely neglected to mention that the claim was disputed by Tenet in October, 2002, and that the Vice President's office learned of the forged evidence back in February of 2002. They have refused to divulge what transpired during Vice President CHENEY's multiple unusual visits to meet personally with CIA Iraq analysts, in which they reportedly felt pressured.

It is time for the American people to know the truth, and today at 11 a.m. in Rayburn 2203 we are going to continue on the path to get the truth.

THE TRUTH STILL MATTERS

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

Mr. PENCE. Mr. Speaker, even here in Washington, D.C., the truth still matters. And despite what my colleague from Ohio just suggested, the truth is that Iraq had a program of weapons of mass destruction in the months and years prior to operation Iraqi Freedom. Saddam Hussein himself admitted in 1991 to the possession of 10,000 nerve gas warheads, 1,500 chemical weapons, and 412 tons of chemical weapons agents. The truth is President Clinton attacked Saddam Hussein in 1998 to confront his biological, chemical and nuclear weapons programs. The truth is that Great Britain's intelligence community confirmed Iraq's efforts to obtain enriched uranium in Africa. The truth is it was that intelligence report that the President spoke of on this floor, and the truth is that Iraq had a weapons of mass destruction program and that Operation Iraqi Freedom was our finest and noblest and most necessary hour in these recent times.

RESOLUTION DISMISSING ELECTION CONTEST AGAINST ED CASE OF HAWAII

Mr. NEY, from the Committee on House Administration, submitted a privileged report (H. Rept. 108–207) on the resolution (H. Res. 317) dismissing the election contest against Ed Case, which was referred to the House Calendar and ordered to be printed.

Mr. NEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 317) dismissing the election contest relating to the office of Representative from the Second Congressional District of Hawaii.

The Clerk read the title of the resolution.

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

The Clerk read as follows:

H. RES. 317

Resolved, That the election contest relating to the office of Representative from the Second Congressional District of Hawaii is dismissed.

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

Mr. LARSON of Connecticut. Mr. Speaker, reserving my right to object, I yield to the distinguished chairman to explain the purpose of this resolution.

Mr. NEY. Mr. Speaker, I want to thank the gentleman from Connecticut, our ranking member, for yielding.

I rise in support of House Resolution 317, a bill to dismiss an election contest filed against Representative ED CASE of Hawaii's Second Congressional District. There is bipartisan and complete agreement that the contest fails to state grounds sufficient to change the result of the election and therefore should be dismissed.

The contestant challenged the late Representative Patsy Mink in the 2002 Democrat primary, where he received 15 percent of the vote. The contestant argues that Representative Mink, who was seriously ill at the time of the primary and passed away 1 week later, should have been disqualified as a primary candidate, that he should have been declared the Democrat nominee by default and that as the nominee he therefore would have been the inevitable general election winner.

The Federal Contested Elections Act does not contemplate considering Notices of Contest that are based on the conduct of primary elections. Consequently, the committee concludes that the basis for the contestant's Notice of Contest falls outside the scope of the FCEA, and it was totally agreed to without any dissension.

Mr. LARSON of Connecticut. Mr. Speaker, further reserving my right to object, I rise in support of the resolution reported unanimously by the Committee on House Administration to dismiss this frivolous election contest

against our colleague from Hawaii ED CASE.

Representative CASE won a special election with 44 candidates on the ballot on January 4, 2003, by an overwhelming margin; and I want to commend the gentleman from Ohio (Chairman NEY) for the bipartisan cooperation that has been demonstrated throughout this process.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H. Res. 317.

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

There was no objection.

RESOLUTION DISMISSING ELECTION CONTEST AGAINST BART GORDON OF TENNESSEE

Mr. NEY, from the Committee on House Administration, submitted a privileged report (H. Rept. 108–208) on the resolution (H. Res. 318) dismissing the election contest against BART GORDON, which was referred to the House Calendar and ordered to be printed.

Mr. NEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (H. Res. 318) dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee.

The Clerk read the title of the resolution.

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

The Clerk read as follows:

H. RES. 318

Resolved, That the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee is dismissed.

□ 1015

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

Mr. LARSON of Connecticut. Mr. Speaker, reserving the right to object, I yield to the distinguished chairman, the gentleman from Ohio (Mr. NEY), to explain the purpose of this resolution.

Mr. NEY. Mr. Speaker, I thank the ranking member for yielding.

In keeping with the tradition of the dismissal of ''Election Contest Day'' here in the U.S. House, I rise in support of House Resolution 318, a bill to dismiss an election contest filed against the gentleman from Texas (Mr. GORDON) in Tennessee's sixth district.

The contestant, a candidate on the November 2002 ballot against the gentleman from Tennessee (Mr. GORDON), filed a notice of contest under the Federal Contested Elections Act contending that the gentleman from Tennessee (Mr. GORDON) is unqualified for the office because the Constitution bars an incumbent from running for reelection without first resigning his or her seat and being an inactive member of the State Bar Association. The contestant makes no allegations of irregularities, fraud, or wrongdoing in respect to the election of the sixth congressional seat.

The committee finds that challenges to the qualifications of a Member-elect to serve in the Congress fall outside the purview of the FCEA, which was designed to consider allegations relating to the actual conduct of an election. Consequently, the committee concludes that the contestant's arguments regarding the qualifications of the gentleman from Tennessee (Mr. GORDON) to serve in Congress do not constitute grounds sufficient to change the results of the election and, therefore, recommends that this election contest be dismissed.

Again, in the frame of the other resolution, we had full support on this and deem it to be frivolous.

Mr. LARSON of Connecticut. Mr. Speaker, further reserving my right to object, I rise in support of this resolution reported unanimously by the Committee on House Administration, dismissed as a frivolous election contest against our colleague, the gentleman from Tennessee (Mr. GORDON). The gentleman from Tennessee (Mr. GORDON) was reelected with 66 percent of the vote.

Again, I would like to commend the gentleman from Ohio (Chairman NEY) for his fair-handed and fair-minded bipartisan cooperation that has been demonstrated throughout this process.

Mr. NEY. Mr. Speaker, if the gentleman will yield again briefly under his reservation, I would like to thank our ranking member, the gentleman from Connecticut (Mr. LARSON), and members of the committee for their work on these two issues.

Mr. LARSON of Connecticut. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 318.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later in the day today.

PERMITTING USE OF THE ROTUNDA TO COMMEMORATE THE UNVEILING OF THE STATUE OF SAKAKAWEA PROVIDED BY THE STATE OF NORTH DAKOTA FOR DISPLAY IN STATUARY HALL

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 236) permitting the use of the rotunda of the Capitol for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota for display in Statuary Hall.

The Clerk read as follows:

H. CON. RES. 236

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on October 16, 2003, for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota for display in Statuary Hall. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

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

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

Mr. Speaker, I rise in support of House Concurrent Resolution 236. This legislation permits the use of the rotunda of the Capitol on October 16, 2003, for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota.

In 1864, Congress enacted and created National Statuary Hall providing for the contribution of statues by the States. Each State is allowed to donate two statues to the Capitol of their most prominent citizens. North Dakota is one of three States which has not donated a second statue. Out of the 97 statues throughout the Capitol, there are only five women and three native Americans. North Dakota's current statue is John Burke, former Governor, U.S. Treasurer, and State Supreme Court Justice, which was donated in 1963.

The story of how the original statue of Sakakawea in North Dakota was

created dates back to the centennial commemoration of the Lewis and Clark expedition at the turn of the 20th century. In 1904, St. Louis hosted a Louisiana Purchase Exposition; and in 1905, Portland hosted the Lewis and Clark Centennial and the America Pacific Exposition and Fair. The State of North Dakota spent funds for pavilions and exhibits at these events. Given the prominence of Sakakawea statues at these events, the idea of a similar statue to stand in North Dakota was therefore born.

Mattie Davis, the superintendent of schools in Cass County, suggested an appropriate recognition needed to be given to the only woman to accompany the expedition of Lewis and Clark. The idea was endorsed by the Fargo City Federation of Women's Clubs which presented it to the North Dakota Federation. A resolution was passed calling for the placement of a statue on the State Capitol grounds in Bismarck.

Sakakawea, simply put, was a leader of leaders. She was a key part of the boldest and most dangerous expedition in American history. She served as an interpreter, guide, and provider to Lewis and Clark; but her most important role was that of a peacemaker. As a woman and a mother, her presence made it clear that Lewis and Clark were not leading a war party. As Clark wrote in his journal: ''Our interpreter we find reconciles all the Indians as to our friendly intentions. A woman with a party of men is a token of peace.'' She was courageous and indomitable, but it was her gentle spirit and interpretive skills that appeased potential enemies.

Before reserving my time, Mr. Speaker, I just want to point out and give a lot of credit to Mattie Davis, the superintendent of schools of Cass County, who suggested this idea by the Fargo City Federation of Women's Clubs which presented it to the North Dakota Federation. It is local people getting together to promote ideas such as this to preserve our history that need to have encouragement from us and tribute for all of their offerings on this particular statue.

I want to thank the gentleman from Connecticut (Mr. LARSON), our ranking member, and the members of the Committee on House Administration, and also the gentleman from North Dakota (Mr. POMEROY) for their work on this legislation. I urge full support of House Concurrent Resolution 236.

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

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume to associate myself with the remarks of the distinguished chairman, the gentleman from Ohio (Mr. NEY).

Mr. Speaker, I am pleased to yield such time as he may consume to the distinguished gentleman from North Dakota (Mr. POMEROY), the sponsor of the concurrent resolution, who has worked so hard over the years to make this placement of the statue a reality.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time. I thank the ranking member and chairman for their support of this issue, a resolution important to the State of North Dakota.

Since 1964, Congress has entertained the statues advanced by the States and allowing their positioning throughout the Capitol. Without question, they enhance the atmosphere here and remind us of truly the history that has gone on before us, both in this Capitol and throughout the country, as leaders of each of the 50 States have made their indelible imprint on our collective history as a Nation. Yet we found in North Dakota that we only had a single statue. Unlike the two per State, we were one of four States that had a single statutory representative, former Governor and Treasurer John Burke.

It occurred to me that we could not do better to have as the second representative of North Dakota Sakakawea, and not just any statue of Sakakawea, but an identical replica to the statue Sakakawea that has graced our Capitol grounds for nearly a century. The statue, initially sculptured by Leonard Crunell from France, is a statue whose model was Sakakawea's granddaughter, Hannah Leavings Grant, also known as Mink Woman. Extraordinarily enough, at a recent July 4 celebration on the grounds of the State Capitol as we viewed the statue that will come under this resolution to represent North Dakota in this great place, there were relatives of Mink Woman present.

So this is an act that has such immediate relevance to especially the Native Americans and the three affiliated tribes, but also to all of us in the State of North Dakota. Sakakawea, I believe, was an actual person, but one of almost legendary and mythical dimensions. She was integrally linked to the success of the Lewis and Clark expedition, an expedition whose bicentennial we are recognizing in these days.

Hers is an extraordinary story. She was the young wife of a fur trader that signed on to be the expedition's guide, but Lewis and Clark found the real value of this was the role Sakakawea went on to play in the expedition. She served as translator. She served as guide. She served as a representative of the peaceful nature of the expedition as they encountered Native American tribes through the balance of the journey. She even rescued the journals of Clark. When the canoe swamped and the men bolted for safety, it was Sakakawea who saved the journals from ruin and contributed, therefore, to history. To think about a young woman making this contribution to an expedition entirely composed of men is remarkable enough, but the fact that she carried with her her 11-month-old infant, John Baptiste, is even more remarkable.

My colleagues will like this statue. It is a dignified and beautiful rendition of Sakakawea.

We like to think that the statue speaks even beyond the contribution of this remarkable woman, to the experience of the expedition with Native Americans in North Dakota as a history of cooperation. It was a history of teaching. In fact, many suggest that Lewis and Clark would not have had the successful expedition they had but for the learning of ways of hunting, navigation, and winter survival that they acquired in the winter of 1804 in North Dakota, living with the Mandan Indians. It means a great deal to us to have this statue, the first Native American woman to represent a State in this Capitol; and I urge my colleagues' favorable consideration of this resolution.

The resolution also sets the date of October 16 as the day we will recognize and unveil the statue in the rotunda. It is a date I would urge my colleagues to put on their calendars to hear a more full exposition of this through the Native Americans from North Dakota who will be present at that time.

I thank the ranking member, I thank the chairman, and I thank my colleagues for their consideration.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from North Dakota (Mr. POMEROY) for all of his diligence on pushing, I think, a very, very important statue and an important commemoration for our history. I thank him for his work.

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

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

I again would like to congratulate the distinguished gentleman from North Dakota for his very vivid and historical explanation of what, for sure, is going to be yet another treasure we will be able to add to Statuary Hall. President Kennedy was fond of saying that a people reveal an awful lot about themselves in the monuments and the memorials that they create. The residents and citizens of North Dakota can stand justifiably proud today by the enactment of this piece of legislation; and, clearly, all Americans will be enriched as they get to pass through Statuary Hall and look at this outstanding monument to this truly great American.

Mr. Speaker, I support House Concurrent Resolution 236, which would authorize the use of the Capitol rotunda on October 16, 2003, for a ceremony to unveil the statue of Sakakawea, the Shoshone Indian guide, translator and diplomat who helped to guide the Lewis and Clark expedition of exploration, for display as part of the National Statuary Hall Collection.

This will be North Dakota's second statue for the Statuary Hall Collection, completing its allotment of two which are permitted for each state and bringing the total of the collection to 98. The statute is a replica of the bronze statue by Chicago artist Leonard Crunelle which has stood on the grounds of the state capitol in Bismarck, North Dakota, since 1910. The

Joint Committee of Congress on the Library approved the inclusion in the statue of Sakakawea's infant son, Jean Baptiste Charbonneau, on her back, though he will not be mentioned on the descriptive plaque. Normally, a statue accepted for the Collection can depict only one individual.

Sakakawea was captured by Hidatsa Indians in 1800, when she was about 12 years old, and was given the name by which she is known historically, which translates as ''Bird Woman'' in Hidatsa. There have been several different versions of the spelling. The original statue depicts Sakakawea looking westward toward the lands being explored. There was no image of Sakakawea available for the original statue, so a Hidatsa Indian, Mink Woman, served as the model.

It is appropriate that the statue be placed in the Capitol at the time of the bicentennial of the beginning of the Lewis and Clark expeditions, for which Sakakawea served as a guide from 1804 to 1806, traveling to the Pacific Ocean and then back through North Dakota.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 236.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 326.

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

There was no objection.

SMITHSONIAN FACILITIES AUTHORIZATION ACT

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2195) to provide for additional space and resources for national collections held by the Smithsonian Institution, and for other purposes.

The Clerk read as follows:

H.R. 2195

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 ''Smithsonian Facilities Authorization Act''.

SEC. 2. ADDITIONAL SPACE AND RESOURCES FOR NATIONAL COLLECTIONS HELD BY THE SMITHSONIAN INSTITUTION.

(a) IN GENERAL.—Public Law 94–98 (20 U.S.C. 50 note; 89 Stat. 480) is amended by adding at the end the following:

''SEC. 4. ADDITIONAL SPACE AND RESOURCES FOR NATIONAL COLLECTIONS HELD BY THE SMITHSONIAN INSTITUTION.

''(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution may plan, design, construct, and equip additional special use storage and laboratory space at the museum support facility of the Smithsonian Institution in Suitland, Maryland, to accommodate the care, preservation, conservation, deposit, and study of national collections held in trust by the Institution.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $2,000,000 for fiscal year 2003;

''(2) $10,000,000 for fiscal year 2004; and

''(3) such sums as are necessary for each of fiscal years 2005 through 2008.''.

(b) CONFORMING AMENDMENT.—Section 3 of Public Law 94–98 (20 U.S.C. 50 note; 89 Stat. 480) is amended in the first sentence by striking ''the purposes of this Act.'' and inserting ''this Act (other than section 4).''.

SEC. 3. PATENT OFFICE BUILDING IMPROVEMENTS.

(a) AUTHORIZATION OF USE OF FUNDS.—

(1) IN GENERAL.—The Board of Regents of the Smithsonian Institution may plan, design, and construct improvements to the interior and exterior of the Patent Office Building (including the construction of a roof covering for the courtyard), using funds available to the Institution from non-appropriated sources.

(2) DEFINITION.—In this section, the term ''Patent Office Building'' means the building transferred to the Smithsonian Institution pursuant to Public Law 85–357.

(b) DESIGN AND SPECIFICATIONS.—The design and specifications for any exterior alterations authorized by subsection (a) shall be—

(1) submitted by the Secretary of the Smithsonian Institution (referred to in this section as the ''Secretary'') to the Commission of Fine Arts for comments and recommendations; and

(2) subject to the review and approval of the National Capital Planning Commission in accordance with section 8722 of title 40, United States Code, and section 16 of the Act of June 20, 1938 (sec. 6–641.15, D.C. Official Code).

(c) AUTHORITY OF HISTORIC PRESERVATION AGENCIES.—

(1) IN GENERAL.—The Secretary shall—

(A) take into account the effect of the improvements authorized by subsection (a) on the historic character of the Patent Office Building; and

(B) provide the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such improvements.

(2) STATUS OF SMITHSONIAN.—In carrying out this subsection, and in carrying out other projects in the District of Columbia which are subject to the review and approval of the National Capital Planning Commission in accordance with section 16 of the Act of June 20, 1938 (sec. 6–641.15, D.C. Official Code), the Smithsonian Institution shall be deemed to be an agency for purposes of compliance with regulations promulgated by the Advisory Council on Historic Preservation pursuant to section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

SEC. 4. CONTRACTING AUTHORITY OF SECRETARY.

(a) IN GENERAL.—The Secretary of the Smithsonian Institution may—

(1) enter into multi-year contracts for the acquisition of property and services under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

(2) enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l).

(b) EFFECTIVE DATE.—This section shall apply to contracts entered into on or after the date of the enactment of this Act.

SEC. 5. VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

The Secretary of the Smithsonian Institution may establish a program for making voluntary separation incentive payments for employees of the Smithsonian Institution which is substantially similar to the program established under subchapter II of chapter 35 of title 5, United States Code (as added by section 1313(a) of the Homeland Security Act of 2002).

SEC. 6. SENSE OF CONGRESS REGARDING JAZZ APPRECIATION MONTH.

(a) FINDINGS.—Congress finds the following:

(1) On December 4, 1987, Congress approved House Concurrent Resolution 57, designating jazz as ''a rare and valuable national American treasure''.

(2) Jazz has inspired some of the Nation's leading creative artists and ranks as one of the greatest cultural exports of the United States.

(3) Jazz is an original American art form which has inspired dancers, choreographers, poets, novelists, filmmakers, classical composers, and musicians in many other kinds of music.

(4) Jazz has become an international language that bridges cultural differences and brings people of all races, ages, and backgrounds together.

(5) The jazz heritage of the United States should be appreciated as broadly as possible and should be part of the educational curriculum for children in the United States.

(6) The Smithsonian Institution has played a vital role in the preservation of American culture, including art and music.

(7) The Smithsonian Institution's National Museum of American History has established April as Jazz Appreciation Month to pay tribute to jazz as both a historic and living American art form.

(8) The Smithsonian Institution's National Museum of American History has received great contributions toward this effort from other governmental agencies and cultural organizations.

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

(1) the Smithsonian Institution's National Museum of American History should be commended for establishing a Jazz Appreciation Month; and

(2) musicians, schools, colleges, libraries, concert halls, museums, radio and television stations, and other organizations should develop programs to explore, perpetuate, and honor jazz as a national and world treasure.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

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

□ 1030

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

Mr. Speaker, H.R. 2195 authorizes the Smithsonian Institution to undertake several important activities important to their operations. The legislation authorizes construction at the Patent Office Building, as well as construction of a storage facility that is needed for storing items from the National Museum of Natural History.

Additionally, the bill provides for employee buyout authority as a necessary tool to meet budgetary constraints; and, finally, there is language recognizing the contributions of jazz music in our culture.

H.R. 2195 authorizes the Smithsonian Institution to use their trust funds to plan, design, and construct improvements to the interior and exterior of the Patent Office Building.

The Smithsonian requires this authorization to design and build a cover over the courtyard in the center of the Patent Office Building, which houses the Smithsonian American Art Museum and the National Portrait Gallery.

Executive branch agencies benefit from the savings and flexibility from the multi-year contracts for their construction and services projects. The bill provides these same advantages to the Smithsonian.

The Smithsonian also wants to clarify its relationships with the Advisory Council on Historic Preservation and the National Capital Planning Commission, and this bill achieves that goal.

With regard to the Institution's future budgetary constraints, the Smithsonian Institution will need to realign its workforce in the coming years. They seek authority to offer incentives for the departure of Federal personnel eligible for retirement or early retirement.

H.R. 2195 also provides for a new storage facility. The Natural History Museum on the Mall stores the National Collections biological specimens, which require an off-site storage facility that would be authorized in this bill. This new facility will be built in Suitland, Maryland, where the collections would be moved.

Finally, the bill commends the National Museum of American History for establishing Jazz Appreciation Month, a time for educational events and celebrations in honor of this uniquely American art form.

This bill was introduced by our Member Regents, who serve on the Smithsonian's governing board; and I want to thank the gentleman from Connecticut (Mr. LARSON) and members of the committee for expediting this bill to the floor today.

I also want to conclude my remarks by saying this is a bill that has no objection. I want to thank the gentleman from Ohio, my colleague (Mr. REGULA), who actually has a district that joins mine. He has been an absolutely tremendous Member of Congress who has looked out over the Smithsonian, the great important Smithsonian, and has always risen to the occasion to make sure that our national treasure has always done the best it can do; and this bill will take care of a few issues that I think are of critical importance. I want to conclude by saying we thank, on behalf of the entire country, the gentleman from Ohio (Mr. REGULA).

Mr. Speaker, I submit for the RECORD two letters regarding H.R. 2195, a bill to provide for additional space and resources for national collections held by the Smithsonian Institution. The letter references a dialogue between Chairman TOM DAVIS and myself in response to a jurisdictional claim in relation to H.R. 2195.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, July 14, 2003.

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

DEAR MR. DAVIS: I am writing in response to your jurisdictional assertions concerning H.R. 2195, the Smithsonian Facilities Authorization Act. We agree with your jurisdictional claim on sec. 4, regarding the contracting authority of the Secretary, and we appreciate your agreement to move forward on this important legislation.

Sincerely,

BOB NEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, July 14, 2003.

Hon. ROBERT W. NEY,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

DEAR MR. NEY: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 2195, the ''Smithsonian Facilities Authorization Act.'' The Committee on Government Reform has jurisdiction over the Federal Property and Administrative Services Act of 1949. The Committee has a jurisdictional interest in section 4 of H.R. 2195, Contracting Authority of Secretary, because it expands the reach of the 1949 Property Act.

In the interests of moving this important legislation forward, I do not intend to ask for sequential referral of this bill. However, I do so only with the understanding that this procedural route should not be construed to prejudice the Committee on Government Reform's jurisdictional interest and prerogatives on the provision or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. I respectfully request your support for the appointment of outside conferees from the Committee on Government Reform should these provisions or similar provisions be considered in a conference with the Senate.

Finally, I would ask that you include a copy of our exchange of letters on this matter in the Congressional Record during House debate of the bill. If you have questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

TOM DAVIS,
Chairman.

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

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I associate myself with the distinguished chairman from Ohio (Mr. NEY) and his remarks. I would like to commend as well the gentleman from Ohio (Mr. REGULA), the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from California (Mr. MATSUI) for all their efforts and hard work with respect to this legislation.

Mr. Speaker, this legislation enhances the ability of the Smithsonian to modernize its operations and to improve the level of services it provides for the American people. The Smithsonian clearly is a national treasure, and this simply will enhance its opportunity and its capability to continue to provide the American people with the greatest treasures on Earth.

Mr. Speaker, I am pleased to support H.R. 2195, the Smithsonian Facilities Authorization Act, which authorizes a number of Smithsonian construction projects, and provides authority to the Secretary of the Smithsonian to make management improvements through more effective use of contracts and buy-out authority. The bill was introduced by Representative REGULA and cosponsored by Representatives SAM JOHNSON of Texas and MATSUI, our three members of the Smithsonian Board of Regents from the House of Representatives.

This legislation is very similar to a bill scheduled for passage at the end of the 107th Congress, but which was pulled back because of some last-minute confusion as the House was considering dozens of bills by unanimous consent. There was no opposition and it should have been enacted into law at that time. The legislation is not controversial and I urge speedy passage without amendments.

H.R. 2195 was referred to the House Administration Committee as the primary committee, with an additional referral to Transportation and Infrastructure, which also supports the bill. It is my understanding that the Senate is prepared to take up this legislation promptly if the House acts favorably here today.

Among its key provisions, section 2 of the bill would authorize $2 million in FY 2003, $10 million in FY 2004, and necessary sums in fiscal years 2005 through 2008 for the planning, design and construction of ''Pod 5'' at the Museum Support Center in Suitland, Maryland, to house the National Collections, which are biological specimens currently stored in approximately 365,000 gallons of alcohol in the National Museum of Natural History on the National Mall. It is estimated that it will take roughly three years to build Pod 5, of which 20 months would be actual construction.

Section 3 would authorize the Smithsonian to use private funds to construct improvements, including a new roof, for the courtyard of the Patent Office Building. The building houses the Smithsonian American Art Museum and the National Portrait Gallery. The Smithsonian will organize a national design competition using trust funds under its control, to plan and design the new roof. The building itself is expected to reopen in 2006.

Section 4 would authorize the secretary to enter into contracts for the acquisition of property and services pursuant to the Federal Property and Administrative Services Act of 1949. Section 5 would authorize the Secretary to establish a program for making voluntary separation incentive payments for employees, to better manage its workforce.

Section 6 is sense of Congress language commending the Smithsonian's National Museum of American History for establishing the month of April as Jazz Appreciation Month.

I urge an ''aye'' vote on this important legislation.

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

Mr. NEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. REGULA).

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

I am here on behalf of myself, the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from California (Mr. MATSUI). The three of us represent the House on the Board of Regents the governing body of the Smithsonian; it is a great institution, something that has won worldwide acclaim for the collections, for the way in which it interprets the history of the United States as well as other parts of the world.

I rise today in support of H.R. 2195, the Smithsonian Facilities Authorization Act. As a member of the Board of Regents, I am pleased to see this bill brought to the floor today; and I want to thank my colleague, the gentleman from Ohio (Mr. NEY), and also the gentleman from Connecticut (Mr. LARSON) for recognizing the importance of a timely passage of this bill and for their efforts to expedite the bill through the Committee on House Administration.

H.R. 2195 authorizes a trust fund improvement to the Patent Office Building, most notably the courtyard enclosure. These improvements are critical steps in the renovation of the Old Patent Office Building and to reopening the historic building for the public to enjoy. And certainly ''for the public to enjoy'' is a true statement, because people coming to visit the Nation's capital put a visit to the Smithsonian on a high priority on their list of places to see.

Additionally, the bill authorizes funding for planning, design, and construction of the Pod 5 facility at Suitland. This authorization will facilitate the evolving needs of the biological research community at large.

One of the lesser-known functions of the Smithsonian is the preservation of all kind of things that are valuable to research people. We have no idea how much how much their collections are used by the research community; and, therefore, it is important that we have adequate facilities to take care of these.

H.R. 2195 provides the Secretary of the Smithsonian Institution with continuous contracting authority for the Pod 5 project which will make future phasing more efficient and economically sound.

Finally, the bill recognizes the efforts of the National Museum of American History to establish Jazz Appreciation Month. Acknowledging the Smithsonian's jazz collections is important to bringing attention to our Nation's oldest and most comprehensive program in this inherently American art form.

Again, I would like to express my appreciation to the gentleman from Ohio (Mr. NEY) for promptly seeing this bill through the Committee on House Administration, and I look forward to having it passed by this body.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 2195, a bill to provide additional space and resources for the national collections held by the Smithsonian Institute. I commend the Gentleman from Ohio, Congressman REGULA, for introducing the bill, which is co-sponsored by two of our colleagues, Congressmen JOHNSON and MATSUI, who also serve on the Smithsonian Institution's Board of Regents.

The bill authorizes the Smithsonian's Board of Regents to plan, design, construct, and equip additional special use storage and laboratory space for the museum support facility in Suitland, Maryland. The Transportation and Infrastructure Committee, on which I serve as Ranking Member, has jurisdiction over these activities of the Smithsonian, and the Committee will review and approve any design plans for this facility once they are completed.

The bill also clarifies and refines the role of the Smithsonian in the renovation of the Patent Office Building, while retaining the appropriate roles of the National Capitol Planning Commission and the Commission on Fine Arts. This building houses the Smithsonian's American Art Museum and National Portrait Gallery and is currently closed for extensive renovation. It is scheduled to reopen in 2006. In addition, the bill brings the Smithsonian into line with other executive branch agencies regarding competitive procedures for awarding contracts.

As is current practice, the Smithsonian will continue to submit its construction projects to the Transportation and Infrastructure Committee for approval buy Committee resolution.

I support H.R. 2195 and again thank the bill's sponsors for their attention to these matters.

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

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

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 2195.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H.R. 2195.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1950, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 316 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 316

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill modified by the amendments recommended by the Committees on Armed Services and Energy and Commerce also printed in the bill. That amendment in the nature of a substitute shall be considered as read. All points of order against the amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 2. Each amendment may be offered only in the order printed in the report (except as specified in section 3), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report of the Committee on Rules or against amendments en bloc described in section 2 are waived.

SEC. 2. It shall be in order at any time for the chairman of the Committee on International Relations or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules not earlier considered. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 3. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on International Relations or a designee prospectively announces from the floor a request to that effect.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee

shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), 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. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 316 is a structured rule that provides for the consideration of H.R. 1950, the Foreign Relations Authorization Act for Fiscal Years 2004 and 2005. The Committee on Rules worked well into last evening in order to ensure a rule that is fair, that grants opportunity to this Congress to debate the major issue of the day in this field. In fact, out of the 75 or so amendments submitted to the Committee on Rules, 42, 42 were made in order by this rule.

The rule provides 1 hour of general debate evenly divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The rule provides for a motion to recommit with or without instructions.

Mr. Speaker, House Resolution 1950 was introduced by the gentleman from Illinois (Mr. HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), along with the gentleman from California (Mr. BERMAN). The legislation authorizes $9.6 billion in fiscal year 2004 and $9.5 billion in 2005 to address the need of the State Department and their executive operations. The legislation includes significant language and funding to ensure international security through important assistance programs and activities.

To highlight the need for this critical legislation, Mr. Speaker, we really need to look only 90 miles south of Florida to see the evils of an oppressive dictatorship. The regime there in Cuba is the only dictatorship in the western hemisphere, and it works to subvert the message of freedom not only on the island of Cuba but elsewhere in the world. As we have seen this week, there are reports that the Cuban dictatorship is jamming U.S.-based broadcasting to Iran. This demonstrates the need, once again, to reinforce our message of freedom to the entire world.

□ 1045

I think the world has recognized, at least recently since the very brutal crackdown in March of this year by the Cuban regime, where many of the country's most well-known and many of the most courageous prodemocracy activists were thrown in dungeons, that the nature of the Cuban regime is one that must be condemned and certainly that it must be isolated.

This legislation includes an increase of funding at $15 million for democracy-building programs while authorizing countless other programs such as continued radio and television capabilities to make sure that the message of freedom reaches the people of Cuba. I would like to commend the chairman and ranking member for recognizing the needs for international broadcasts not only for Cuba but for many other places in the world that are still under tyranny.

While I think it is essential to address dictatorships such as the one in Cuba, many other people are also fighting for essential and inalienable rights.

For years designated terrorist organizations in Colombia, for example, have plagued efforts by the people of that country to live in a peaceful democracy. I think proactive action must be taken to ensure that armed rebels in Colombia such as the FARC and the ELN are not continued to be allowed to disrupt peace with impunity.

H.R. 1950 provides funding to further secure, among other things, Mr. Speaker, United States embassies throughout the world in order to maintain a strong diplomatic presence for the United States abroad.

We made in order, and later today the House will be considering, an amendment by the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Ranking Member LANTOS) to authorize the Millennium Challenge Account, a very important initiative of President Bush's. This historic expansion of foreign assistance will serve to bring economic security and some basic tenets of transparency to countries throughout the world. That Millennium Challenge Account will be administered by a government entity held responsible for results and benefiting from the flexibility to provide innovative solutions to the problems of poverty and oppression.

The main goal of that account will be to assure that U.S. foreign aid is targeted towards transparency and breaking down corruption where U.S. foreign aid goes to.

Funding for this important program is phased in under this legislation, beginning with $1.3 billion next fiscal year and continuing with $3 billion in fiscal 2005 and $5 billion in 2006. By the last fiscal year, this challenge account will be financially able to assist all those countries currently counted by the World Bank as what it terms lower-middle-income countries.

I am proud that the Committee on Rules did its job to provide a full and fair discussion through 42 amendments, Mr. Speaker, so we should let the debate begin.

This is a good bill, H.R. 1950, and this rule is fair, and it provides for much debate on many important issues. Through this legislation, the House will continue its important work to fund important State Department actions while, I believe, beginning the journey to relieve burdens on those across the globe that need assistance.

I would like to thank the gentleman from Illinois (Mr. HYDE), the chairman, again, and the gentleman from California (Mr. LANTOS), the ranking member, for their great leadership. As I said yesterday in the Committee on Rules, for me, it is an honor to be able to serve in this legislative body with both of them.

I urge my colleagues, Mr. Speaker, to support both the rule and the underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for yielding me the customary 30 minutes.

Mr. Speaker, the Committee on Rules is a place of great creativity. At times, rules reported by the committee bend, stretch, and outright waive the rules of the House in order to ensure passage of legislation. Many times, substantive amendments that deserve to be debated are denied a vote.

Late last night, the Committee on Rules met to report the rule for H.R. 1950, the Foreign Relations Authorization Act. This is a complex, omnibus bill that brings together no less than seven important pieces of legislation. Specifically, the Foreign Relations Authorization Act includes the State Department Authorization Act for Fiscal Years 2004 and 2005, the Global Internet Freedom Act of 2003, the Missile Threat Reduction Act of 2003, the International Free Media Act of 2003, the United States International Leadership Act of 2003, the Defense Trade and Security Assistance Reform Act of 2003, and the Foreign Relations Authorization Act of Fiscal Years 2004 and 2005.

H.R. 1950, as reported by the Committee on International Relations, is a bipartisan bill that authorizes funding for foreign military aid and training programs, programs that reduce the threat of missile proliferation, international broadcasting activities, U.S. contributions to international organizations and multilateral financial institution, and for economic development and humanitarian foreign assistance programs.

Like most other major bills, there are serious points of contention. Several controversial provisions have been included; others have been deleted. This rule has made consideration of H.R. 1950 more complex and more contentious than it needs to be.

The Republican leadership, as it has done in the past, ordered the Committee on Rules to deny consideration of many of these contentious issues in order to protect their members from having to take a tough vote; but before I explain the problems with the rule, let me say that I am pleased that the Hyde-Lantos amendment creating the Millennium Challenge Account and reauthorizing the Peace Corps was made in order. With the adoption of the Hyde-Lantos amendment, this bill will contain one of the most important and ambitious foreign policy initiatives undertaken by the United States to help lift countries out of poverty.

The Millennium Challenge Account is intended to reward poor countries that demonstrate a commitment to ruling justly, investing in people, and promoting economic freedom. It is supported by the administration and by the many nongovernmental development and humanitarian organizations engaged in antipoverty programs around the world.

The Millennium Challenge Account focuses on assistance to low-income countries, has a strong emphasis on the role of women in the design and implementation of these programs, and gives careful attention to coordinating MCA programs with our existing development priorities.

Mr. Speaker, I was relieved to hear from the gentleman from Illinois (Mr. HYDE), the chairman, and the gentleman from California (Mr. LANTOS), the ranking member, that the funding for the Millennium Challenge Account programs will come from additional foreign aid funding and that it will not rob funds from existing economic development, humanitarian, and food assistance accounts.

I want to commend the gentleman from Illinois (Mr. HYDE), the chairman, and the gentleman from California (Mr. LANTOS), the ranking member, for their leadership on establishing the Millennium Challenge Corporation and its programs. I believe the Committee on International Relations improved the President's initial proposal. Economic growth and prosperity lift people out of poverty and help prevent the chaos created from conflict, misery, and hopelessness. It is in the national security interests of the United States to see these new programs fully funded and implemented once they are established by the passage of H.R. 1950.

Mr. Speaker, it is a pleasure to watch the gentleman from Illinois (Mr. HYDE), the chairman, and the gentleman from California (Mr. LANTOS), the ranking member, work together. They truly understand the meaning of the word bipartisanship, and their commitment to this ideal should be a model for this Congress.

Unfortunately, Mr. Speaker, the Republican leadership does not share the same view as the gentleman from Illinois (Mr. HYDE), the chairman, and the gentleman from California (Mr. LANTOS), the ranking member.

Mr. Speaker, there are real policy differences that are part of this bill. For example, the gentleman from New York (Mr. CROWLEY) offered an amendment in the Committee on International Relations increasing funding for the United Nations Population Fund, or UNFPA. Many anti-choice Members in this body opposed this provision.

Instead of using the rule to unfairly strike this provision from the bill, the Committee on Rules made the Smith amendment in order. Mr. Speaker, this is democracy. This is how the legislative process is designed to work. Every Member will be able to vote their conscience and vote up or down on whether or not to strike the Crowley amendment from the bill; and while I will oppose this amendment very strongly and very passionately to strike the Crowley amendment, every Member deserves the option to vote their conscience.

Unfortunately, this is a rare break from the way the Republicans traditionally run this body; but rest assured that they have returned to form with the rest of this bill.

Seventy-five amendments were submitted to the Committee on Rules and 42 amendments were made in order, but numbers do not tell the whole truth. This rule must also be judged by the amendments that are not in the rule, by the important issues we have prohibited from debating.

More than 20 very important Democratic amendments were denied the opportunity to be debated and voted on by this body. In one case, an amendment adopted by one committee and stripped from the bill by another was denied the opportunity to be considered. The Republican majority refused to make in order the following amendments. I am just going to name a few of them:

An amendment by the gentlewoman from New York (Mrs. MALONEY) that would have provided assistance to Afghan women;

An amendment by the gentlewoman from Minnesota (Ms. MCCOLLUM) to promote environmental sustainability by requiring environmental impact assessments for millennium challenge projects;

An amendment by the gentleman from New Jersey (Mr. MENENDEZ) that urges U.S. leadership by participating in negotiations on climate change to reduce greenhouse gases;

An amendment by the gentleman from California (Mr. SCHIFF) requesting an IG investigation into the Niger uranium intelligence documents that led to the President's use of this misinformation in making the case for war in Iraq;

An amendment by the gentlewoman from California (Ms. WOOLSEY) that would have provided funding for removal of land mines and agriculture redevelopment of former mine fields;

An amendment by the gentleman from Illinois (Mr. EMANUEL) to designate Poland as a participant in the visa waiver program;

An amendment by the gentleman from New Jersey (Mr. MENENDEZ) urging the administration to conclude a comprehensive migration agreement with Mexico; and

An amendment by the gentleman from New York (Mr. CROWLEY), the gentleman from Florida (Mr. HASTINGS), distinguished member of the Committee on Rules, and the gentleman from New York (Mr. ACKERMAN) urging the President to engage in an open dialogue with the Government of Poland to achieve a final settlement for those Jews, homosexuals, European Roma, and other individuals and groups who had their private property seized by the Nazis during World War II.

Mr. Speaker, these amendments were all offered in good faith, and they deserve the right to be debated and voted by the Members of this body. It is unfortunate, Mr. Speaker, that the Republican leadership would deny us the chance to vote on these amendments and instead hide behind arithmetic to argue that they are being fair.

Mr. Speaker, I will urge a ''no'' vote on this rule.

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

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

Every week, pursuant to an idea of the gentleman from New Jersey (Mr. SMITH), he and I rise on this floor to speak about the brave men and women who are languishing in prisons in totalitarian Cuba, an island that has been oppressed for 44 years by a totalitarian dictator. So each week I spend a few minutes at least bringing forth specific cases to remind our colleagues and all those who will listen about the horrors taking place just 90 miles from the shores of the United States.

This week, I would like to speak about Rafael Ibarra. Rafael Ibarra heads the 30th of November Democratic Party, an island-wide opposition movement to the Castro tyranny. In 1994, he was sentenced to 20 years in prison and is currently at the prison known as Combinado del Este, after having spent 3 years in an isolation cell in the province of Camaguey, in an area of Camaguey in Cuba, hundreds of miles from his family.

In 1997, his wife at the time, Maritza Lugo, also a highly respected prodemocracy activist, was arrested as well and sentenced to 2 years, leaving their two daughters without parents. On multiple occasions after 1999, Maritza would continue to be arrested and harassed by the regime. Even when Maritza and Rafael were both in prison at the same time, the dictator sought to evict their two girls from their small farmhouse which had become a gathering point for human rights and prodemocracy meetings.

Rafael Ibarra was one of the political prisoners who recently signed the Cuban flag painted on a pillow case and sent it to the United Nations Human Rights Commission in Geneva.

Maritza and her two daughters, at Rafael's request, fled Cuba as refugees in 2002 to the United States so that the girls could be able to live in freedom.

Next year, Mr. Speaker, will mark 10 years that Rafael has been imprisoned, much of that time in solitary confinement. While other fathers have been able to watch their daughters grow and guide them as they become young adults, Rafael has been confined in Castro's gulag for daring to dream and to work on behalf of a democratic Cuba.

Our thoughts and our prayers are with him, as is our solidarity and our profound admiration, and we demand once again the liberation of Rafael Ibarra and all of Cuba's political prisoners.

□ 1100

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules; and I wish to thank him for his courtesy in being here this morning.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and want to thank my colleague, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), for his stellar management of it, as well as my friend, the gentleman from Massachusetts (Mr. MCGOVERN).

The Committee on Rules, as was said by both gentlemen, worked into the night to fashion this rule, and it will allow for the consideration of a wide range of very important issues. As was further pointed out by both of my colleagues, 42 of the 75 amendments that were submitted to us were made in order. We have 23 Republican amendments, 13 Democratic amendments, and six bipartisan amendments in that package, which will, I believe, allow us to consider many, many different issues of this important piece of legislation.

The gentleman from Massachusetts (Mr. MCGOVERN), Mr. Speaker, raised a number of important issues on amendments that, quite frankly, have not been made in order; and, obviously, everyone understands that we have to have some kind of constraint on the amendment process as we proceed with 75 amendments, many of which are duplicative. And so we have to put some kind of structure in order. That is the raison d'etre for the Committee on Rules, in fact.

So as he addressed those issues, I was thinking that many of those are important and need to be looked at, obviously focusing on environmental issues, focusing on the issue of the transfer of uranium. These are all questions that should be addressed. I agree with him that they should be addressed, but I would argue that this institution is effectively and very responsibly taking them on. Today, for example, on the issue of the Schiff amendment, we have the Permanent Select Committee on Intelligence here in the House, very ably chaired by the vice chairman of the Committee on Rules, the gentleman from Florida (Mr. GOSS), and in the Senate our colleague PAT ROBERTS is working on this issue; and obviously that is going to be an issue of discussion there and I believe will be responsibly addressing that question.

On other issues which the administration can very effectively address, I know that they are committed to improved environmental quality and other issues that the gentleman from Massachusetts (Mr. MCGOVERN) brought forward as well.

I want to, Mr. Speaker, talk about a number of very important measures in this legislation which I am particularly supportive of, and I want to talk about a couple of amendments that I am going to be dealing with. First, I had the privilege of cochairing, along with our former colleague Lee Hamilton, who was in fact the predecessor of the gentleman from Illinois (Mr. HYDE), having served as chairman of what was called then the Committee on Foreign Affairs and now the Committee on International Relations.

Mr. Hamilton and I cochaired a task force that was put together by the Council on Foreign Relations and Freedom House, and the particular charge was to look at the U.S. leadership role in the United Nations. We obviously know, leading up to U.N. resolution 1441, before the war with Iraq, and the challenge of trying to put together a multinational coalition in dealing with the liberation of Iraq and the war on terrorism and a wide range of other international challenges that we face, that there has been a question out there about the U.S. leadership role. So this task force, I believe, came forward with some very, very first-rate recommendations, and I am happy that we have been able to include those recommendations as part of this bill.

I introduced, along with the ranking minority member of the Committee on International Relations, our very able colleague, the gentleman from California (Mr. LANTOS), the package that is basically described as the International Leadership Act; and it will, I believe, take us down the road towards improving the role of the United States in the United Nations.

Now, many of the recommendations that are there are designed to deal with challenges like the fact, and this is unbelievable, the United States of America's being removed from the Human Rights Commission within the United Nations and one of the most repressive anti-human rights entities on the face of the Earth, Libya, being given the opportunity to preside over that structure looking at human rights. Well, obviously, there is something wrong with this picture, Mr. Speaker; and I think virtually everyone can acknowledge that.

We need to do what we can to encourage self-determination, political pluralism, and the rule of law worldwide; and I believe that those are goals that the United States and most nations that are members of the United Nations share. But, unfortunately, we have not had the kind of success in doing that that we would like, so it is for that reason that we have in this legislation the U.S. International Leadership Act, which will do things like encourage the establishment of a democracy caucus. It will encourage the United States to engage even more actively than we already do under the very able leadership of our first-rate ambassador to the United Nations, John Negroponte. We will be involved in a lot of things that, frankly, are modeled after the work here in the United States Congress, which I hope can be utilized to enhance the U.S. leadership role in the United Nations.

So I want to congratulate both my friends Lee Hamilton and the other great members who served on our task force, along with my colleague, the gentleman from California (Mr. LANTOS); and I want to say that this has enjoyed strong bipartisan support from our friends, the gentleman from Illinois (Mr. HYDE) and others. And so I look forward to discussing this further. I know that the gentleman from California (Mr. LANTOS) will, but I wanted to raise that now at this juncture.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Florida.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I ask unanimous consent that the distinguished chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), be allowed to continue controlling the time for our side.

The SPEAKER pro tempore (Mr. SHAW). Without objection, the gentleman from California (Mr. DREIER) now controls the majority's time.

There was no objection.

Mr. DREIER. Reclaiming my time, Mr. Speaker, let me say that there are a couple of other issues that are very, very important that need to be addressed here. One of them has to do with the challenge we have been dealing with in California, and it has to do with the issue of extradition.

Very tragically, last year a constituent of my colleague, the gentleman from California (Mr. MCKEON), happened to be near the area that I represent, Irwindale, California. He was with the Los Angeles Sheriff's Department and he was, unfortunately, killed. His murder was reportedly by a Mexican national, who, after murdering Deputy Sheriff David March, shooting him point-blank, fled to Mexico. We have been dealing with the challenge of trying to extradite this man who we believe is responsible for this murder back to the United States so that he can face justice here.

We know that there is a challenge within the Mexican constitution. They prevent extradition to countries that have a death penalty. And while I happen to personally be a proponent of the death penalty, we know that is a hotly debated issue here in the United States. But for that reason, because of the prospect of this individual facing the death penalty, he has not been extradited; and, in fact, the request has not formally been made for his extradition.

But there is another decision the Mexican Government made, and it had to do with the Supreme Court in December of 2001. They came down with a ruling that said that life imprisonment is, in fact, cruel and unusual punishment, and that has played a role in hindering the opportunity for this individual to be extradited back to the United States to face justice.

The gentleman from California (Mr. MCKEON) has an amendment, which I will be strongly supporting, that basically calls on both countries to try and bring about a resolution to work this issue out. I have to say, Mr. Speaker, that I have been working closely with the very able Mexican ambassador to the United States on this issue; and I am convinced that within the leadership of Mexico, President Fox and other leaders obviously want justice. And so the McKeon amendment simply encourages a resolution to that which I hope will take place in the near future.

Having spent time talking with family members of Sheriff March and others in Los Angeles who have spent a lot of time focusing on this issue, it is very clear that justice is a priority. And I want to say that I hope that with passage of the McKeon amendment it will help us in our attempt to deal with this question.

I also want to say, Mr. Speaker, that I am going to be offering an amendment here which will deal with the overall issue of migration. I know there was a lot of discussion in the Committee on International Relations on this. I know the gentleman from New Jersey (Mr. MENENDEZ) worked on this, the gentleman from California (Mr. GALLEGLY), the gentleman from North Carolina (Mr. BALLENGER), and others; and I am joining, along with my colleague, the gentleman from Texas (Mr. STENHOLM), with whom I am privileged to serve as cochairman of the U.S.-Mexico Caucus, which was established at the encouragement of Ambassador Bremer, and our goal has been to focus on the overall issue of trade between Mexico and the United States and the fact that we have seen tremendous benefits that have come about because of the passage of the North American Free Trade Agreement.

In fact, we have seen trade between our two countries move from 1993, prepassage of the North American Free Trade Agreement, at about $83 billion, to around $230 billion. So virtually a tripling of the trade between our two countries. So the U.S.-Mexico Caucus has been charged with looking at the real benefits and ways that we can actually enhance the relationship between our two countries.

So the gentleman from Texas (Mr. STENHOLM) and I have joined as coauthors of an amendment which will deal with the overall issue of migration and encourage action on that, and I am hoping that we will be able to enhance the level of bipartisan support we have for this measure. It does, in fact, rectify something that I believe should not have been in the measure that was reported out of the Committee on International Relations with the United States basically calling on the Mexican Government to privatize Pemex, which is the oil company in Mexico.

We all recognize that there are problems within the operations of Pemex. In fact, I have yet to talk to a Mexican who has said to me anything other than that there are problems with Pemex. But I do not believe it is correct for the United States Congress to basically provide as a contingency for dealing with our very important migration policy, which Secretary Powell and this administration obviously want to address in a very responsible way, I do not believe that that should in any way be contingent upon our seeing Mexico deal with their challenge with Pemex. We want them to do that, but we obviously are not going to tie our goal of dealing with migration to a resolution to that.

So, Mr. Speaker, this is a very fair rule. It is a balanced rule that, as I said, allows 42 of the 75 amendments that were submitted to us to be considered. This legislation has some problems with it. I will admit it is not perfect. And I know there are some in the administration who have raised understandable concerns about a number of issues. But I believe that we can work very positively towards dealing with a number of those with the amendment process that has been put into place.

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

Mr. MCGOVERN. Mr. Speaker, may I inquire about how much time remains on each side.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MCGOVERN) has 22½ minutes, and the gentleman from California (Mr. DREIER) has 8½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding me this time to speak on this rule.

One of the pleasures of serving on the Committee on International Relations is the spirit of bipartisanship that is exhibited by our committee chair, the gentleman from Illinois (Mr. HYDE); our ranking member, the gentleman from California (Mr. LANTOS); and the give and take on the committee to deal with issues that truly should be bipartisan in nature that deal with international affairs of our country.

I heard the distinguished chairman of the Committee on Rules speak to the need for international leadership and some concerns he had in the United Nations. Well, I am sad that the rule that is before us today does not permit us to debate one of the most significant issues of international leadership that the United States should be involved with, and that deals with global warming.

□ 1115

It is sad that the Committee on Rules would not permit the gentleman from New Jersey (Mr. MENENDEZ) to reinstate his amendment that passed with a bipartisan vote on our committee on perhaps the single most important environmental issue of our day, global warming.

I know that some of the consultants from the Republican establishment are talking about talking differently about the environment. We are not supposed to talk about global warming. It is climate change. We are supposed to have questions about whether or not it is occurring. The fact is that the consensus of the scientific community is that global warming is happening, it is impacted by human activity, and the United States is missing in action.

One can disagree with the approach of the administration turning its back on Kyoto and not providing an alternative. I am less concerned about what they are doing with Kyoto than the fact that we are not engaging the international community. I hope the gentleman from New Jersey (Mr. MENENDEZ) will speak on this rule. It is critical.

The American public understands that the climate is changing. Global warming is impacting all of us. I do not think it is any accident that there were 562 tornadoes in the month of May, more than any month in record; that in India's pre-monsoon season, we are seeing a spike in temperature, leading to hundreds and hundreds of deaths; that the hottest 10 years in recorded history have occurred since 1990. We as Congress need to embrace this debate. We should not be afraid of it.

I am sad that the Committee on Energy and Commerce stripped this language from the bill. That is the right of their committee leadership, but we ought to have the right on the floor of this Chamber to deal with the single most important environmental issue of the day.

Mr. Speaker, I strongly urge that this rule be rejected, but I strongly hope that this is the last time that Congress is going to be missing in action on the issue on global climate change, that we will have free and open and forthright debate. The American public deserves it, not just on this bill but on each environmental issue that follows to deal with this matter.

Mr. MCGOVERN. Mr. Speaker, I yield 6 minutes to the gentleman from New

Jersey (Mr. MENENDEZ), who is the distinguished chair of our Democratic Caucus. He had four amendments brought before the Committee on Rules, and three were not made in order.

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

Mr. MENENDEZ. Mr. Speaker, I rise in strong opposition to this rule.

I am outraged that particularly two amendments which I sponsored and which passed with bipartisan support in the Committee on International Relations will be stripped from this bill by legislative tricks designed to protect Republicans so the American public cannot see their anti-Mexican and anti-environmental beliefs. Let me emphasize that these amendments passed the Committee on International Relations.

With their treatment of my Mexican migration amendment, Republicans have once again shown the real feelings of their party towards Hispanics. My amendment simply called on the United States to stop waiting and to support the President's own commitment in September, 2001, to ensure that migration is ''safe, orderly, legal and dignified.''

While we waited, 19 migrants from Mexico and Central American, including women and children, died this May from asphyxiation and heat stroke in a truck crammed with people. Over the past 5 years, more than 2,000 migrants have died crossing the U.S.-Mexican border. This is not a story of numbers and statistics. This is a story of real human beings literally dying.

As the President mentioned, it is in the economic and national security interests of this country to conclude, not to begin, we have been debating this and the administration has been negotiating this for 2 years, to conclude a migration agreement with Mexico.

My amendment recognized that Mexican immigrants make an invaluable contribution to this country, as immigrants have done throughout the history of the United States. Mexicans pick the fruit and vegetables that end up on our tables. They work in the service industry on the East and West Coast, they pluck chickens in Arkansas, and let us not forget that some who died in the war in Iraq were originally undocumented immigrants.

However, my amendment was gutted by the Ballenger amendment, which should be called the Halliburton amendment since it cynically links migration policy to oil. In fact, it says that any migration accord between our countries should also include an accord to open Petroleos Mexicanos, or PEMEX, to investment by U.S. oil companies. What, in God's name, does that have to do with migration policy?

But guess what? The Republicans finally figured out that their amendment was a huge error and made in order an amendment to strike the Ballenger provision and replace it with a watered-down version of my original amendment.

Imagine the reaction of the Republican leadership, not to speak of the diplomatic consequences faced by this administration, when it realized that my simple amendment using the President's language to advocate for a conclusion of a migration accord with Mexico was hijacked by Republican extremists and turned into a ''migration for Mexican oil'' agreement.

The callousness of that so-called Republican compassion equated U.S.-Mexico migration policy with U.S. access to Mexican oil, and Republicans were unable to spin their way out of this outrage but instead quickly provided another amendment that did away with this embarrassment but provided no further incentive to conclude, not convene, but conclude a migration accord.

Now I would like to turn to my amendment on global climate change and tell a similar story about an amendment that passed the Committee on International Relations in a bipartisan vote and was removed from this bill by bipartisan tricks designed to hide the Republicans anti-environmental stance on global climate change.

My global climate change amendment simply says that the United States should take the lead in the world in the fight against global warming, not Kyoto, not anything else, a lead in the world against global climate warming. This is not a new idea. This is an amendment which previously passed in the House. Both sides of Congress have supported it. This very amendment unanimously passed the Senate Foreign Relations Committee, Democrats and Republicans alike, this year. And last week it was sent to the Committee on Energy and Commerce so it could be stripped from the bill. The real goal is to save Republicans from taking a public stand on global climate change.

What is the Republican leadership afraid of when it thwarts the bipartisan will of the Committee on International Relations or of any committee? Only through its procedural, back-door dealings was it able to reverse a decision made by this committee; and by doing so, it has staked out its opposition to the majority will of the committee, the American people and the world community.

In this Chamber of democratic ideals, the House of Representatives is supposed to be the place where we take a stand on the issues. If Members disagree with my amendments, that is fine. Then stand up and vote against them, but do not sneak them out of the bill. The American people should be able to find out where Members of this House stand on global climate change, stand on concluding a Mexican migration agreement. The truth is that Republicans are so embarrassed by their own policies they will not let these two provisions remain in the bill or even allow a vote on the floor, the marketplace of ideas, the greatest democratic institution in the world. That is fundamentally shameful. Therefore, this undemocratic rule, this unfair rule should be voted against, and I hope my colleagues will join us in doing so so we will have an opportunity to vote on global climate change in a real amendment or resolution on Mexican migration accord.

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

Mr. Speaker, the gentleman has offered a very strong statement, much of which I agree with. I believe that it is very important for us to vigorously pursue our goal of putting into place a comprehensive migration accord, and I think it is the right thing to do.

I will admit that I do not believe it was the correct thing for that Ballenger amendment to have been included in the legislation, and that is one of the reasons that in the role that I play on the Committee on Rules we chose to take and make the following amendment in order which I believe very responsibly deals with our shared goal and the goal that, as the gentleman pointed out, the President of the United States has on this.

The amendment reads as follows, ''(1) that the United States and Mexico should as soon as is practicable commence negotiations in an attempt to reach a migration accord that is as comprehensive as possible and which addresses the key issues of concern for both nations; and (2) that as part of any migration agreement between the United States and Mexico, the issues of extradition of violent criminals and law enforcement cooperation between the two nations be addressed.''

Mr. Speaker, I have raised these issues of concern on the issue of extradition, and I have been working with my California colleague, the gentleman from California (Mr. SCHIFF), on this issue dealing with a particular case in California. I do believe, as the gentleman said, the President does want to responsibly move ahead with this.

On the second issue of global warming, I have no doubt that this administration is very committed to dealing with that. We made a determination when 75 amendments had been submitted to us that we would include 42 of them, so there has been nothing secretive about this process. It is very open. We, in fact, are discussing it right now on the floor of the House of Representatives.

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

Mr. DREIER. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Mr. Speaker, I would be here lauding and applauding your initiative on the Mexico migration agreement if in fact you would have a single but very powerful difference in your wording; and that is, instead of, after 2 years of significant talks and negotiations, speaking about a commencement, that we would be

talking about a conclusion. Then I would be here supporting your amendment.

Mr. DREIER. Mr. Speaker, reclaiming my time, I hope we bring about an expeditious conclusion to this. Obviously, that is our goal. Secretary Powell has indicated his support of our amendment, and we know full well that he wants to deal with this.

I want to say this issue of immigration is something that we can address in a bipartisan way. I would urge my colleagues to realize that as we proceed to work to pass this rule and move ahead with this legislation.

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

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Ms. SLAUGHTER), a distinguished member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, control of one's reproductive autonomy is a fundamental human right. But the basic right is meaningless without the knowledge and means to exercise reproductive autonomy. The United Nations Population Fund, known as UNFPA, works with governments and nongovernmental organizations in over 140 countries, supporting programs that help men, women and young people to plan their families, undergo pregnancy and childbirth safely, avoid sexually transmitted disease, including HIV/AIDS, and to combat violence against women.

Each of these principled goals is embraced by the United States and many countries around the world. In fact, as we have heard throughout the Presidential trip to Africa, the President has committed $15 billion to fight the pandemic of HIV/AIDS on the African continent.

The Committee on International Relations recently adopted an amendments by the gentleman from New York (Mr. CROWLEY) which would facilitate U.S. contributions to the United Nations Family Planning Fund. The Crowley provision clarifies current law which bars U.S. funds from any international organization the President determines ''supports or participates in the management'' of forced abortion or sterilization. Crowley's proposal provides strict safeguards against the use of any kind of coercion in U.S.-funded family planning programs; second, clarifies the current law to enable U.S. funding to be used to help to end coercion in China; and provides badly needed maternal health and other services in poor countries.

□ 1130

This language is necessary because Congress authorized U.S. funds for UNFPA, but the President refused to release them. Just last year, the President blocked $34 million for UNFPA activities around the world. The opposition to this funding is premised on the false notion that UNFPA supports coercive abortions in places like China. UNFPA does not provide abortion services anywhere in the world. Not one penny of UNFPA funding is used to promote abortion. Unfortunately, this fallacy diverts attention from the real issues and blurs underlying opposition to comprehensive family planning. All UNFPA activities are based solely on voluntary participation. UNFPA rejects coercion in any form in its activities and works to end the coercive practices of others.

The Chinese Government's so-called one-child policy unofficially involves some coercive abortion and involuntary sterilization practices. The United States and United Nations do not tolerate these practices. We stand on the side of human rights and work to put an end to these abuses. The U.N. population fund program in China was developed with the express purpose of moving China away from coercion and toward delivery of voluntary reproductive health services to its people, just as it did in India in the early 1990s.

UNFPA has operated in 32 Chinese counties and the government of China has agreed in each one of these counties it would lift all birth quotas and recruitment targets; improve the delivery of voluntary family planning information and services; eliminate the use of coercive measures; allow independent confirmation that targets and quotas have been lifted; allow independent investigation of any reports of coercion and suspension of the UNFPA program in any county where violations have occurred; and allow regular independent monitoring to ensure compliance with the principles of informed choice and voluntary participation.

This is a remarkable achievement. No Main Street human rights organization has ever accused UNFPA of being complicit in China's human rights violations. In fact, in May 2002 President Bush sent a three-member State Department team to China to investigate claims against the work there. The team found ''no evidence that UNFPA has knowingly supported or participated in the management of a program of coercive abortion in the People's Republic of China.'' The team recommended that the $34 million which has already been appropriated be released to UNFPA.

Cutting off funding harms millions of women and children in the poorest nations on Earth and does nothing to help women in China. The officials of UNFPA estimate that the loss of the $34 million would prevent 2 million unwanted pregnancies, nearly 800,000 induced abortions, 4,700 maternal deaths, nearly 60,000 cases of maternal illness or disability, and 77,000 infant and child deaths. Just this morning, The New York Times published an editorial strongly supporting the Crowley language and strongly opposing efforts to remove that language.

Mr. Speaker, I submit the editorial for the RECORD. I strongly encourage my colleagues to support the efforts of UNFPA to provide the meaningful exercise of fundamental human rights. And I vehemently oppose any efforts to defund UNFPA which would result in harm to the health of women, men and children around the world. Please vote against the Smith amendment which would strip the Crowley language.

[From the New York Times, July 15, 2003]

POPULATION—CONTROL POLITICS

The House of Representatives faces a crucial vote today affecting the health of women in 140 poor countries. Through the authorization of the State Department budget, the House can restore tens of millions of dollars in vital American aid for the United Nations Population Fund or, for a second year in a row, cut it off in the mistaken belief that the fund colludes with coerced abortions in China.

The Population Fund is the largest agency in the world focused on women's reproductive health. There was a brief, unremarked ceremony yesterday in the Afghan capital, Kabul, that illustrates what the fund does. With help from the fund, the Khair Khana Hospital, once filthy and overcrowded, was reopened with a large staff, modern equipment and the possibility of helping Afghan women with complicated pregnancies deliver their babies safely.

The Population Fund helps women give birth safely. It fights such debilitations as obstetric fistula, a hideous and difficult complication in pregnancy. Indeed, it is just the kind of organization and work the United States should be supporting. Instead, conservative Republicans stripped the fund of American support last year because of false accusations that the U.N. Population Fund has either stood by or helped with coerced abortions in China.

Today's vote on the State Department budget includes a restoration of the organization's funds, thanks to an amendment by Representative Joseph Crowley, a New York Democrat from Queens. Opponents, who mistakenly believe—or cynically advertise—that they are protecting Chinese women and unborn babies, want to kill the amendment.

The opponents, led by Christopher Smith, a New Jersey Republican, unfairly describe the Population Fund as an organization with a ''long history of complicity in human rights violations'' engaged in an ''attack on women overseas.'' These are irresponsible, unsubstantiated accusations. They have helped persuade numerous members of Congress that it is wiser to deny the organization American support.

The fact is that Population Fund performs no abortions and is working to end coerced abortion in China. An American investigating team sent by the administration last year found ''no evidence'' that the fund ''has supported or participated in the management of a program of coercive abortion or involuntary sterilization in China.'' In previous years, Congress has supported the fund with the stipulation that no American money be spent in China. That is unnecessary, but if that is what it takes to get the fund the $50 million it deserves from Congress this year, it is a compromise that should be explored.

Mr. MCGOVERN. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. SCHIFF), who had a very important amendment last night that was not made in order.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I thank the gentlemen for yielding me this

time. I wish to speak today on three amendments before the Committee on Rules, two of which were approved for the debate today and one which was not. I want to thank the Chair of the Committee on Rules for his work in supporting an amendment by the gentleman from California (Mr. MCKEON) that would urge reconsideration of Mexico's extradition policy which currently precludes the extradition of Mexican nationals to face charges in the United States that may carry life imprisonment or the death penalty.

The addition by the Mexico Supreme Court of the life imprisonment clause fundamentally means that, for the most serious crimes in the United States, we are unable to extradite those who flee south of the border to seek refuge. That is not in our interest. It is certainly not in the interest of the people of Mexico to have fugitives from justice free south of our border.

Second, I want to thank the committee for their approval of an amendment that I offered calling attention to the problem that we have had in our nonproliferation efforts to obtain the assistance of Russian scientists, to bring Russian scientists into the United States for the purpose of improving our nonproliferation joint efforts. These have met obstacles, in part understandable as a result of September 11, but we cannot allow the September 11 visa changes to get in the way of our broad security interests by bringing these scientists in who are working on nonproliferation itself.

But most significantly, I want to comment about the one that got away and that was an amendment that I had offered calling for an investigation into the claim that Iraq was trying to obtain uranium from Niger, the claim that made it into the State of the Union address. There is a request on the Senate side, it is a bipartisan request, that the Inspector General of the CIA and the Inspector General of the State Department work together on an independent investigation of how that claim rose to the level of the State of the Union, now something the White House says was not substantiated and did not belong in that address.

This is, I think, critical for three reasons. First, the Congress made the most important decision it can undertake, the decision to authorize the use of force on the basis of our intelligence. Second, in the ongoing war on terrorism, it is essential that we have good intelligence if we are to prevent another September 11. If we have a problem with our intelligence agencies, we have got to find out about it and now. Finally, our standing, our credibility around the world, the willingness of other nations to cooperate with the U.S. in the war on terrorism will be dependent on whether they feel they can rely on what we represent to them about our intelligence and the quality of our intelligence.

As this is perhaps the most graphic example of intelligence gone awry, it is something that merits our most serious investigation and attention. I recognize that the intelligence committees in the Senate and the House are working on this issue, and they are doing good work. However, as the Senate concluded on a bipartisan basis, this investigation by the two IGs does not detract from what the Senate committee or the House committees are undertaking, but in fact supplies that information to both committees. This is complementary to the work that is already going on and I think it is essential.

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

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

Mr. DREIER. Mr. Speaker, I would like to say that I congratulate my friend on his statement and I believe that we clearly do have the shared goal of trying to address that concern that was raised from the State of the Union message. The reason that we did not make the amendment in order was very simply that we do believe that the work that is being done by both the Intelligence Committee in the House and the Intelligence Committee in the Senate will effectively address this. I know that the ranking minority member of the Intelligence Committee in the Senate, Senator ROCKEFELLER, has already had a lengthy discussion as I heard on the radio this morning with the Director of Central Intelligence, George Tenet; and I know that this is an issue that will be addressed in their committee tomorrow. I believe that we will be seeing attention focused on it within our Intelligence Committee. I know that, in a bipartisan way, concern has been addressed from members of the Intelligence Committee that the establishment of this could in fact play a role in undermining them. That was the reason that we did not make the amendment in order.

But I want to say to my friend that I do believe that since the ratio was 2 to 1, I hope that my friend will come down in support of the rule based on that. Two amendments he liked, one he did not; so I hope that he will join with us in supporting the rule.

Mr. MCGOVERN. Mr. Speaker, I yield 2¼ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, a few weeks ago I went to Oslo, Norway, and met with Palestinian women and women from the Knesset in Israel. The overwhelming impact was the positive input and collaboration that came about by women being involved in the peacekeeping process. I am disappointed that the Committee on Rules in its wisdom could not have been more generous to be able to include language that would have encouraged the utilization of women in international peacekeeping matters around the world. We have seen the impact, the difference. We know that women understand the loss of life and the enormity of the impact of crises involving war against families. I look forward to working with the chairman and ranking member of the committees to engage in that process.

I think it is also disappointing that we do not have language that speaks pointedly to the crisis in Liberia where thousands are dying and a million have already died, to encourage the White House to move more expeditiously as it relates to a peacekeeping/humanitarian organization there in Liberia. What is the hesitancy to wait on the 3 million that have died in the Congo or the 1 million that have died in Rwanda?

I am also frustrated that we do not understand that a little island close to our shores, Haiti, is literally dying on the vine and that the amendment of the gentlewoman from California (Ms. LEE) was not made in order to provide assistance immediately to Haiti. It is certainly disappointing that we have not had an opportunity to meet with the President and to move forward the resources that are needed to help rebuild Haiti, a nation that engaged and helped us in the Revolutionary War. It is imperative that we begin to look at those issues.

And then I would say that the Committee on Rules did itself an enormous disservice in not being able to attack head-on the credibility that this Nation now faces with respect to the reliance on our intelligence by the lack of accountability on the Niger reference, that Iraq was about to buy uranium from Niger and do it imminently, if you will, to suggest that we needed to have a preemptive attack against Iraq. I think it is ludicrous that this body would not put forward an amendment that would allow the truth to be told to the American people: who had the information about the purchase in Africa, why was the comment in the President's speech, why did he use the word ''recently,'' and whose hands can be found on this information.

Mr. DREIER. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. SMITH), who chairs our Committee on Veterans Affairs' and has long worked on so many of these very important issues.

Mr. SMITH of New Jersey. I thank my good friend for yielding time.

Mr. Speaker, later on today when this bill comes up for consideration, I, along with the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. HYDE), will be offering an amendment to strike language that is in the underlying bill, the Crowley amendment, which was adopted very narrowly in committee. The Crowley amendment would fundamentally change the Kemp-Kasten amendment that has been in effect for 18 years. The Kemp-Kasten language is anticoercion language that says very simply that our country will not contribute money to any organization that supports or participates in the management of a coercive population control

program. Under the Kemp-Kasten language last year, Secretary of State Colin Powell, after his due diligence, made a finding that took the money from the UNFPA, the U.N. population fund, and sought to reprogram each and every dollar of that to an organization or to programs that provided family planning or maternal health care programming. Secretary of State Colin Powell said:

''The PRC has in place a regime of severe penalties on women who have unapproved births.'' Let me just remind my colleagues, in China you have got to get permission by the government in order to have a child. They have unapproved births and approved births. If you are unapproved, if you are out of plan, as they say, if you have an illegal child, a heavy fine is imposed upon the mother until she gets an abortion. If she has that child, somehow escapes the family-planning cadres, she then is severely criticized as well as fined. Sometimes up to 6 years' worth of her salary and her husband's is taken by the government as part of that fine. Secretary Powell goes on to say that the regime plainly operates to coerce pregnant women to have abortions in order to avoid the penalties; and, therefore, this amounts to a program of coercive abortion. He points out, and I quote, ''UNFPA's support of, and involvement in, China's population planning activities allows the Chinese government to implement more effectively its program of coercive abortion.''

Let us not rig this program, this test, Mr. Speaker. The Crowley amendment would fundamentally change this anticoercion language that we have had on the books for some 18 years. I ask my colleagues, those who support abortion and those who do not, there should at least be a consensus that coercion is absolutely unconscionable and unacceptable and we will not in any way directly or indirectly facilitate its use.

□ 1145

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. SHERMAN).

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

Mr. SHERMAN. Mr. Speaker, we all remember when this President came before our House and, in a burst of excessive honesty, told us perceptively that we faced an axis of evil: three nations posed a great threat to the United States. His phraseology deliberately harkened back to the 1940s when we also faced a tripartite axis of evil. But what if President Roosevelt had led us in an invasion of Italy, forced Mussolini into hiding, and pretty much left it at that—ignoring what was going on in Berlin and Tokyo?

It is easier to find weapons of mass destruction in Iraq than it is to find a policy toward Iran here in Washington.

So I went to the Committee on Rules with two amendments. One I identified as an important amendment with 18 cosponsors, including the gentleman from New Jersey who just spoke, including our ranking member, including senior Republicans and Democrats on the Committee on International Relations. This amendment would deprive the tyrants in Tehran of money and would provide money for those fighting for democracy.

Then I put forward a second amendment which I clearly identified as unimportant, something that could be ignored by the Committee on Rules if they chose, a mere resolution.

What did the Committee on Rules do? They killed the important amendment. They killed a chance to really discuss our policy toward Iran. And then they took the sense of Congress amendment, stripped out a little part of it, and put it before this House. They did nothing to save the House's time. We are still going to debate one of my amendments dealing with our policy toward Iran—the unimportant amendment. But the important amendment will not come before this House.

Today in Tehran terrorist acts are being planned. Iran is the number one state sponsor of terrorism according to our State Department. Today in Tehran they plan to complete nuclear weapons within a few years. I believe those nuclear weapons will be smuggled into American cities and either exploded or used to blackmail America. When that happens our constituents will ask, what did the People's House do to prevent the empowerment of tyranny in Tehran? The answer will be, the Committee on Rules would not let us do very much of anything, but they would let us vote on sending a good luck card to the students fighting for democracy in Tehran.

Please vote against this rule and give us a chance to debate the most important foreign policy issue before us today, and that is Iran and its nuclear weapons.

The SPEAKER pro tempore (Mr. SHAW). The gentleman from Massachusetts (Mr. MCGOVERN) has 1¼ minutes left; the gentleman from California (Mr. DREIER) has 1 minute left.

Mr. MCGOVERN. Mr. Speaker, may I ask the gentleman from California whether he has any additional speakers?

Mr. DREIER. Mr. Speaker, if the gentleman would yield, I would say it is my intention to close the debate here single-handedly.

Mr. MCGOVERN. Mr. Speaker, I will close single-handedly for our side, and I yield myself such time as I may consume.

I would urge my colleagues to vote no on this rule. It seems to be a radical thought in this House for us to actually spend whatever time it takes to debate the issues. I cannot understand why in the People's House the Republican leadership seems to be working overtime to try to deny us the right to debate the issues that people care about. Seventy-seven amendments were offered in the Committee on Rules last night. Forty-two were made in order, of which only twelve are Democratic amendments. We can do much better. And there are some very important issues.

We heard about the Schiff amendment which deals with the African uranium issue. I know there are some people in the White House and some people in the leadership here in this House who do not want to discuss this issue, but it is important because it gets to the issue of credibility. It is about whether the American people can have confidence in what their government tells them. It is about whether what the United States says is respected around the world.

So if some of my colleagues do not want to ask the tough questions or get to the truth, then fine. They can vote no on the Schiff amendment. But at least give us the opportunity to vote up or down on some of these very important issues.

The American people deserve an open process. They deserve a process much better than what we are getting right now. This rule, unfortunately, does not allow us to debate a lot of very important issues; and I would urge my colleagues in the strongest possible terms to vote no.

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

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

Mr. Speaker, this is a very fair and balanced rule. As was said, 75 amendments were submitted to us; 42 of those 75 were made in order. We are going to be debating a wide range of issues.

The question that was just raised by my friend from Massachusetts is one that will be very effectively addressed by the majority and the minority on our House Permanent Select Committee on Intelligence. To try to portray a concern about that other amendment is partisan. I will tell the Members that there are minority members on the Permanent Select Committee on Intelligence who believe that we did the right thing here.

There are concerns that exist with this legislation, but I do believe with we should allow for a full debate, and we are going to be doing that. The establishment of the International Leadership Act, very important; dealing responsibly with the issue of migration, very important; dealing with the millennium challenge issue which the President has put forward and enjoys bipartisan support; these are all important issues that we will be able to move forward with once we pass this rule and pass this legislation.

Mrs. MALONEY. Mr. Speaker, I rise in strong opposition to this rule.

While I am extremely pleased that my amendment to help women and girls in Afghanistan was included, I am disappointed that an amendment to help all women and girls in MCA eligible countries was not ruled in order.

My amendment would have simply ensured that the equal rights of women and girls are

included in the Millennium Challenge Account principal objectives.

Statistics show that when we help a woman out of poverty, we help her family out of poverty.

Women are key to sustainable development—a primary goal of the MCA.

Countries that actively discriminate against women and girls should not become eligible to receive MCA funding.

If we had included women and girls as part of the principal MCA objectives, we would have made a much more powerful difference in ensuring that our programs have the greatest impact.

I urge a ''no'' vote on the rule.

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

The previous question was ordered.

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

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

Mr. MCGOVERN. 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 clauses 8 and 9 of rule XX, this 15-minute vote on adopting House Resolution 316 will be followed by a 5-minute vote on suspending the rules and passing H.R. 2330, which was debated yesterday.

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

[Roll No. 360]

YEAS—222

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
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
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
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
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
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
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—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
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)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Berkley
Conyers
Gephardt
Hayworth
Janklow
Jefferson
Millender-McDonald
Myrick
Owens
Oxley
Pitts

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAW) (during the vote). Members are reminded there are 2 minutes remaining on this vote.

□ 1214

Messrs. RANGEL, SPRATT, and MARSHALL, and Ms. MCCARTHY of Missouri changed their vote from ''yea'' to ''nay.''

Mr. NEUGEBAUER changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to recommit was laid on the table.

BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2330, 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 Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 2330, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 2, answered ''present'' 1, not voting 13, as follows:

[Roll No. 361]

YEAS—418

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
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 (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
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
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
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)
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
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
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

ANSWERED ''PRESENT''—1

Johnson (CT)

NOT VOTING—13

Berkley
Conyers
Frank (MA)
Gephardt
Hayworth
Janklow
Jefferson
Millender-McDonald
Myrick
Owens
Oxley
Pitts
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1222

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HAYWORTH. Mr. Speaker, as you know, I was absent today for medical reasons. If I had been in attendance, I would have voted ''yes'' on rollcall vote No. 360; and I would have voted ''yes'' on rollcall vote No. 361.

PERSONAL EXPLANATION

Mr. PITTS. Mr. Speaker, on rollcall votes 360 and 361, I was inadvertently detained.

May the record reflect that on rollcall vote No. 360, I would have voted ''yea,'' in support of the rule for the consideration of H.R. 1950.

And, on rollcall vote No. 361, on passage of H.R. 2330, the Burmese Freedom and Democracy Act, I would have voted ''yea,'' as I am an original cosponsor of the bill.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House floor earlier today due to business in my congressional district. Had I been present, I would have voted in favor of both H. Res. 316, providing for consideration of the Foreign Relations Authorization Act, and H.R. 2330, the Burmese Freedom and Democracy Act.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1950.

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

There was no objection.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

The SPEAKER pro tempore. Pursuant to House Resolution 316 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1950.

□ 1225

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes, with Mr. QUINN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

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

Mr. Chairman, I rise in support of H.R. 1950, the Foreign Relations and Security Assistance Bill. Mr. Chairman, this bipartisan bill, which is cosponsored by my good friend, the gentleman from California (Mr. LANTOS), authorizes the funding and activities of the Department of State for 2 fiscal years, 2004 and 2005. This bill is focused on authorities necessary to operate the State Department and its overseas facilities. In addition, it includes a modernization of the defense trade and security assistance authorities and missile proliferation policy and laws.

The accounts covered in this bill are funded at or above the President's fiscal year 2004 budget request. The President's request for these accounts is approximately $14.3 billion. The total authorization for this bill, including the State Department operation accounts and the security assistance provisions for fiscal 2004, is $15.2 billion. The increases will fund additional refugee assistance, international broadcasting and a more robust public diplomacy program.

The proposed amount for fiscal 2005 is approximately the same as that of fiscal 2004 with some modest percentage increases for typical cost-of-living adjustments. A significant portion of these increases reflect the need to improve the effectiveness of our public diplomacy programs and our international broadcasting as well as to strengthen our democracy-building programs overseas.

H.R. 1950 also incorporates the Public Diplomacy Bill, H.R. 3969, the Freedom Promotion Act of 2002, that was approved by the House during the last

Congress. The provisions in this act are focused on enhancing the role of public diplomacy in our foreign policy and specifically place the responsibility for the formulation and execution of these programs on the Secretary of State. These provisions also authorize funding for student and other exchanges, as well as for a number of other public diplomacy programs, with a focus on countries with predominantly Muslim populations.

H.R. 1950 includes a much-needed reorganization of the decision-making process of our international broadcasting efforts. It would authorize $657 million for fiscal year 2004 and $651 million for fiscal 2005 for the Broadcasting Board of Governors, which is responsible for the Voice of America, Radio Free Europe, Radio Liberty, Radio Free Asia, and Radio/TV Marti.

It also includes the request from the Broadcasting Board of Governors regarding the establishment of a separate grantee to run the New Middle East Television and Radio Network. This new network will add 24 hours a day TV and radio broadcasts to the Middle East and thereby greatly contribute to an enhancement of our efforts to combat the misinformation and propaganda that contribute to the rising anti-American sentiment in the region.

Construction, maintenance, and security for our 260 embassies, consulates and various other posts around the world continue to be a top priority. To that end, we have fully funded the State request in that area while also encouraging the establishment of a cost-share program. This cost-sharing program is designed to collect funds from each agency that has staff stationed at a U.S. embassy or consulate.

□ 1230

These funds will be used to supplement the construction costs of new facilities.

At the appropriate time, I intend to offer an amendment that will add H.R. 2441, the Millennium Challenge Account Authorization and Peace Corps Expansion Act of 2003, to this bill. Recently reported by the Committee on International Relations, this bill advances the President's foreign assistance initiative and enjoys bipartisan support. In March of last year, President Bush proposed the further expansion of United States foreign assistance through the establishment of the Millennium Challenge Account, now known as MCA. He did so in a revolutionary manner, by proposing a new and additional assistance program only for those countries that meet certain standards of respecting human rights, investing in the future of their people and promoting economic opportunity and freedom.

With this proposal, the President has issued a challenge to help those less fortunate, the poorest of the poor, to promote universal human rights and values around the world, and be part of the spread of democracy and freedom worldwide.

This legislation also includes a provision I authored more than a decade ago known as the Foreign Aid Effectiveness Act. This provision requires the President to describe the actual results of U.S. foreign assistance relative to the goals and to identify the most and the least successful foreign assistance programs.

The Millennium Challenge Account Act authorizes 3 years of funding, $1.3 billion in fiscal 2004, $3 billion in fiscal 2005, and $5 billion in fiscal 2006.

The President, in his State of the Union address January 2002, announced his goal of doubling the size of the Peace Corps by 2007. As the U.S. fights global terrorism, extremism and forces which are inimical to our way of life, we can and must fight on many fronts to protect our interests, promote our values and provide hope to captive, destitute and vulnerable people across the globe.

This legislation makes amendments to the Peace Corps Act in support of the goal announced by the President of doubling the number of Peace Corps volunteers to 14,000 by the year 2007. It authorizes a gradual expansion of the budget of the Peace Corps from $366.8 million in fiscal 2004 to $499.4 million in fiscal 2007.

Since its establishment in 1961, more than 168,000 volunteers have served in 136 different countries throughout the globe. Currently, there are approximately 7,000 volunteers in 70 different countries.

I very much appreciate the bipartisan cooperation and leadership that we have received from the gentleman from California (Mr. LANTOS), the ranking Democrat on this committee, in developing this legislation; and I hope we can continue this bipartisan approach on the floor today.

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

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

I rise in strong support of H.R. 1950, the foreign relations authorization bill for fiscal years 2004 and 2005 as it was reported out of committee. Mr. Chairman, this is an excellent bill; and I am proud to have cosponsored it with my good friend, the gentleman from Illinois (Mr. HYDE), the chairman; and I want to pay public tribute to his extraordinary leadership of the Committee on International Relations.

Mr. Chairman, every single item that our committee deals with represents the daily menu of all our international and domestic media: Iraq, Afghanistan, Iran, the Middle East, Pakistan, Colombia, North Korea, China, Russia, Cuba, NATO, Europe, Africa. They are all part of this legislation, and our committee and its staff deserves commendation for being able to deal with these issues in a bipartisan fashion.

I am very pleased that our bill fully funds the administration's request for the State Department and contains many of the provisions that Secretary of State Colin Powell has requested to help him better manage the Department of State. I want to commend Secretary Powell for his effort to strengthen what has traditionally been one of our Nation's greatest resources, our diplomatic corps. I am pleased to say, Mr. Chairman, that under the authority provided in our bill, the Secretary's diplomatic readiness initiative will reach its final goal of putting 1,158 new professional American diplomats in place to serve our country across the globe.

I am also very pleased to be joining my good friend from Illinois in a continuing effort to make sure that we reduce as rapidly as possible the period of time in which our embassy employees are left in compounds and facilities that are vulnerable to terrorist attack. To support this, our bill provides over $1.3 billion over the next 2 years for security upgrades at our embassies in all parts of the world.

Our bill also contains a number of critical foreign policy initiatives that will give our State Department the tools it needs to promote and protect our national security interests in an increasingly complex world.

I am very pleased to have had the chance to work with the gentleman from California (Mr. DREIER), our distinguished Committee on Rules chairman, in crafting one such measure, the International Leadership Act of 2003, which has been folded into this bill. Mr. Chairman, the Leadership Act is designed to give our diplomats the tools they need to ensure that America once again punches at its weight class at the United Nations.

Our legislation achieves this by creating a Democracy Caucus to support the United States at the United Nations by directing our President to use his influence to reform U.N. rules, so that rogue regimes cannot gain leadership positions, and by providing new training to make our diplomats more effective in multilateral diplomacy. As my colleagues well know, Mr. Chairman, just a couple of years ago, the United States was removed from the U.N. Human Rights Commission, a body we founded; and Libya was put in charge of that commission, a theater of the absurd if we ever saw one.

I am pleased, Mr. Chairman, that with the leadership of the gentleman from Illinois (Mr. HYDE) and our colleague, the gentleman from New York (Mr. ACKERMAN), on a historic measure, we succeeded in making provisions for offering significant assistance to a new and democratic Palestinian state if performance benchmarks can be reached, including a total cessation of terrorism and the establishment of a transparent, democratic, and independent judiciary and Palestinian government responsive to its people.

An important provision to our bill was added by the gentleman from New York (Mr. CROWLEY). His provision reverses the administration's harmful

and highly political decision to withhold U.S. funding from the United Nations Population Fund. The administration's move came after its own hand-picked investigative team concluded that there was no evidence that the population fund would be involved in any way in coercive family planning in China. The gentleman from New York's (Mr. CROWLEY) measure will help the population fund to demonstrate that voluntary family planning is the only humane and effective way for China to control its population explosion.

I know, Mr. Chairman, that this provision will be debated later today, and I strongly urge all of my colleagues to support the committee position on this matter.

Another important initiative included in our bill is the International Free Media Act of 2003. It will help the State Department to encourage the development of sources of accurate, objective reporting in societies which are currently polluted by messages of propaganda and hate in state-controlled media, such as the media in Egypt. I am particularly pleased that this initiative includes a new $15 million fund to support independent and ethical journalism across the globe.

Our bill also contains the Missile Threat Reduction Act of 2003, which is designed to confront the alarming spread of offensive ballistic missiles for launching nuclear, chemical, and biological warheads. This measure commits the United States to seeking a new international mechanism to restrict the trade in missiles. It strengthens United States sanctions against those who trade in missiles, and it provides assistance to countries which agree to destroy their missile arsenals.

The bill also recognizes the United States' vital interests in promoting Afghanistan's transition from chaos, civil war, and disorder to an increasingly prosperous and democratic state. To prevent the spiral downward, the bill directs the President to ensure that there is adequate security along major transportation routes in Afghanistan and urges him to expand the international security assistance force.

I am also pleased, Mr. Chairman, that our bill authorizes all funds necessary to pay our assessed dues upon reentry to UNESCO, the United Nations Educational Scientific and Cultural Organization. Full funding is critical, Mr. Chairman, if we are to fulfill the President's commitment of last year to rejoin this most important international organization. When UNESCO was founded at the end of the Second World War, its motto was, ''Since war begins in the minds of men, it is in the minds of men that the defenses of peace must first be constructed.'' Never was this statement more appropriate and timely than it is now; and our rejoining UNESCO will demonstrate that, far from being unilateral, we want to accept our full responsibility as a cooperative member of the international community.

I am disappointed, Mr. Chairman, that the rule for our bill has struck out the amendment sponsored by my friend from New Jersey (Mr. MENENDEZ) which addresses global climate change, a very real and immediate threat to our national security, an issue that has been neglected far too long.

Finally, Mr. Chairman, I would like to note that later today we will be debating an amendment to be offered by the gentleman from Illinois (Mr. HYDE) and me authorizing the President's Millennium Challenge Assistance Initiative and the proposal to dramatically expand our Peace Corps. This amendment will dramatically improve the ability of the United States to help the least fortunate on this planet and to promote a world where hope thrives and the despair that leads to support for international terrorism vanishes.

□ 1245

I want to thank the chairman of our committee, my good friend, the gentleman from Illinois (Mr. HYDE), for working with me and all of the other members of our committee in crafting an excellent bill. Virtually every element of this bill has the support of both Republicans and Democrats, and this is in large part due to the statesmanlike leadership of the gentleman from Illinois. I want to commend our distinguished chairman and thank him for the open, collegial, and witty manner in which he has brought this bill through the committee and he will bring it through this House.

Mr. Chairman, we are considering this legislation at a pivotal moment in global history. We are engaged in intense diplomacy on every continent, with opportunities to solve long-festering disputes and crises in Levant, in Iraq, in the Eastern Mediterranean, in Liberia and the Democratic Republic of Congo, in Afghanistan, in Colombia, and in scores of other places.

It is in the midst of this critical conflict against the forces of terror and Islamic fanaticism that our bill will make a major contribution to building a safe, secure and more democratic world. I believe that enactment of our legislation will leave a lasting legacy towards solving all of these disputes and crises, and I urge all of my colleagues to support it.

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

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

Mr. COX. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of the foreign relations and security assistance bill. I want to thank the chairman of the committee and also the ranking member for including in its entirety in this legislation the Global Internet Freedom Act.

Today, many governments are attempting to restrict individual freedoms by blocking the most powerful tool ever created for the free exchange of ideas throughout the world. In the hands of free people, the Internet may represent the greatest threat to tyranny ever invented. That is why many repressive regimes are trying to prevent people from using the Internet.

The Global Internet Freedom Act included in this legislation will give millions of people around the world the opportunity to outwit the dictators, the power to get around the repressive regimes that are attempting to silence them and, perhaps most importantly of all, the power to protect themselves from reprisals from these vicious governments.

Many outlawed regimes have been aggressively blocking access to the Internet with technologies such as firewalls, filters and black boxes. They monitor their citizens' activities on the Internet. They keep track of who is saying what, and they punish those who exercise free speech on line.

Last month, according to Human Rights Watch, Chinese web publisher Huang Qi, after enduring a 3-month detention, was sentenced to 5 years in prison for the crime of subversion. What was he publishing? The on-line equivalent of our milk carton ads. He created a Web site in which people could share information about missing friends or family members, and he actually helped rescue several young girls who had been abducted and sold into marriage. But because his site also criticized the government's failure to deal with these human needs, he now spends his days in prison.

In Cuba, dissidents and opposition journalists are prohibited from using the Internet.

In Burma, only those with official permission from the military government can use the Internet.

In North Korea, Kim Jung Il has sealed off his population from the outside world. Of course, Kim Jung Il thinks of himself as a computer buff; and the Associated Press has recently reported he has issued an edict making computer education mandatory. But outside of those classrooms, there will be no connection to the outside world. Because, for a dictator, the top priority is keeping ideas about freedom and democracy away from the computer screens of impressionable young minds.

That is why the Global Internet Freedom Act, now included in this bill, is so important. The Act will require the United States to develop and implement a global strategy to combat state-sponsored and state-directed Internet jamming and the persecution of those who use the Internet.

Mr. Chairman, for the sake of freedom and human rights in the 21st century, I strongly urge my colleagues to support this legislation, and I support the leadership and commend the leadership of the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for bringing this bill to the floor.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ), my good friend, the distinguished ranking Democratic member of the Subcommittee on the Western Hemisphere.

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

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding me this time and for all his work and cooperation, and I rise to speak on some of the positive elements of this bill.

This bill includes my amendment on Iran's program to develop nuclear weapons and is particularly relevant given recent developments in Iran. Iran continues to claim that its nuclear research program's only goal is to promote peaceful activities. Last week, however, Iran confirmed that it had successfully tested its mid-range missile, the Shahab-3, which can reach Israeli soil. And last month, the International Atomic Energy Agency stated Iraq has secretly processed nuclear material. Iran continues its game with the IAEA over signing the new nuclear safeguards protocol. Iran is a country with huge oil and natural gas reserves and clearly does not need nuclear power for its energy consumption.

My amendment, as incorporated in this bill, therefore, calls on the International Atomic Energy Agency to ensure that Iran's nuclear program is used only for peaceful purposes and urges the United States representatives to the IAEA to help develop guidelines for early identification of any Iranian noncompliance with the Nuclear Non-Proliferation Treaty. And, finally, Iran should sign and ratify the new nuclear safeguards protocol to this treaty.

While I commend the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) on pursuing the Millennium Challenge Account, I am concerned that this initiative ignores the majority of the desperately poor in Latin America and the Caribbean. The initiative launched in Mexico will not contribute a dollar to the poor in the Mexican state of Chiapas. Two hundred million citizens in Latin America and the Caribbean earn under $2 a day, 100 million live on less than $1 a day, and yet these poorest of the poor in our own hemisphere will not qualify for assistance under the Millennium Challenge Account.

I look forward to seeing the Kolbe amendment, which is similar to the one that I proposed, to see if we can move some of those countries forward; and, in the absence of that look, I forward to working with the committee to see what we are going to do about our neighbors here in our own hemisphere, if we are concerned about health care, immigration, and biodiversity.

Lastly, I want to salute the leadership of the committee for incorporating the minority recruitment efforts. The State Department has had the worst record of all of the Federal Government. Our State Department must look like America. It must also have the diversity of thought that makes America great. The State Department shows our face to the rest of the world, and we should bring the synergies of people from different backgrounds to focus on American diplomacy. If the State Department is to make progress, minorities must have a seat at the table.

So, Mr. Chairman, as I said at the beginning, this bill has a number of positive components, but I am concerned that my Mexico and climate change amendments were stripped from the bill; that the Millennium Challenge Account hopefully moves closer to helping the people of the Western Hemisphere; and, finally, I look forward to the success of certain amendments to improve this product. I thank the distinguished ranking member for all his help in trying to make it an even better bill.

Mr. HYDE. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I want to thank the chairman, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for agreeing to include in this bill an en bloc amendment that deals with a very important subject that I have been concerned with for some time.

As chairman of the Committee on Government Reform for the past 6 years, we held a number of hearings on the issue of child abductions by spouses of American women and men who have taken the children who are in the custody of their mother or father here in the United States to other countries never to be seen again or heard from again by their parents. The most egregious offender of this is Saudi Arabia. They have been complicitous in allowing fathers of children born here in the United States of American mothers to come over here, kidnap the children, take them to Saudi Arabia, and the mother never sees her children again, never talks to her children again, and it is a tragic, tragic situation.

In some cases, Mr. Chairman, there have been cases where a mother went over to Saudi Arabia to get her kidnapped children, took them to the American embassy and was turned away. She was turned away. She was actually put out on the street, she was arrested, her children went back to the father who had kidnapped them, and one of them was 12 years old and she was married off at 12 years old. These are tragic things that have occurred to American children who have been kidnapped to Saudi Arabia, and the mothers have had to live with that for years and years and years, maybe for the rest of their lives.

So I have talked to Secretary of State Colin Powell about this. He has agreed to take steps to remedy the situation, and now Chairman HYDE and Ranking Member LANTOS have agreed to an en bloc amendment which will give the State Department the tools necessary to help fight this terrible, terrible tragedy that has been occurring mainly in Saudi Arabia in the Middle East but also in other countries throughout the world.

What the amendment does is it extends to the State Department powers to deny visas to the extended family of abductors, and that includes the spouse, the child, the parent, the grandparent, the aunt, the uncle, the brother, the sister, half-brother, half-sister, cousin, stepbrother, stepsister, nephew, and niece of the person who did the kidnapping. In other words, the extended family of the kidnapper would not be allowed to get visas if the State Department so chose to deny them visas.

I think that is a giant step in the right direction. It puts a lot of pressure on the kidnapper to bring those children back to American to their mother or to the rightful parent. It also requires the State Department to submit an annual report to Congress regarding the measures that they have taken on international child abduction on a country-by-country basis so Congress will be made aware of what is being done to bring these children home to their rightful parent.

It also requires the State Department to send notices regarding child abduction cases to countries where they are believed to be abducted to.

And, finally, this requires the Secretary of State to set forth guidelines on how our Department of State personnel treat abducted persons who seek sanctuary. As I said, there have been cases in the past where our State Department employees at our foreign embassies have not treated these people properly. I believe that is not going to happen in the future.

So I thank Colin Powell, our Secretary of State, for agreeing to work on this; and I especially thank Chairman Hyde and Ranking Member LANTOS. They are doing the Lord's work.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA), and I ask unanimous consent that during the period of time I am making a presentation at the Committee on Resources, the gentleman from American Samoa (Mr. FALEOMAVAEGA) may control the time on this side and yield it to others.

The CHAIRMAN. Without objection, so ordered.

There was no objection.

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

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in strong support of H.R. 1950, the Foreign Relations Authorization Act for fiscal years 2004 and 2005. At this time, I want to commend both our chairman, the gentleman from Illinois (Mr. HYDE), and our senior ranking member, the gentleman from

California (Mr. LANTOS), of the House Committee on International Relations for their outstanding leadership in bringing to the floor the State Department reauthorization bill which has strong bipartisan support.

This bill includes an historic measure offering recognition to a Palestinian state if performance benchmarks can be reached; increases U.S. capacity at the United Nations, where rogue regimes are increasingly trying to hijack the agenda; initiates a new effort to promote free media abroad; and provides the State Department with tools to confront the alarming spread of ballistic missiles.

Mr. Chairman, this bill also includes three amendments which I offered during full committee markup on May 7, 2003, three of which were accepted by unanimous consent and have now been included in the full text of H.R. 1950.

□ 1300

One amendment expresses a sense of Congress relating to the Soviet nuclear tests in Kazakhstan and calls for the Secretary of State to establish a joint working group with the government of Kazakhstan to assist in assessing the environmental damage and health effects caused by Soviet nuclear tests Semipalatinsk.

The other amendment requires the State Department to prepare and transmit to Congress a report that contains a description of the extent to which the government of Pakistan has closed all known terrorist training camps operating in Pakistan and Pakistani-held Kashmir, has established serious and identifiable measures to prohibit the infiltration of Islamic extremists across the line of control into India, and has ceased the transfer of weapons of mass destruction, including any associated technologies, to any third country or terrorist organization.

The third amendment authorizes certain sums to allow qualified indigenous inhabitants of Latin America to pursue post-secondary and graduate studies in our Nation's colleges and universities. I feel very strongly that education is the key to the salvation of the indigenous inhabitants of the Western Hemisphere.

At the appropriate time, it is my intention to give strong support to an amendment offered by the gentlewoman from Guam (Ms. BORDALLO) which authorizes the transfer of allowances to residents of the insular areas who are members of the U.S. Foreign Service, just as it is done in the case of the residents of several States.

Madam Chairman, I rise today in strong support of H.R. 1950, the Foreign Relations Authorization Act for Fiscal years 2004 and 2005. At this time, I want to commend both our Chairman Mr. HYDE and the Ranking Member Mr. LANTOS of the House Committee on International Relations for their outstanding leadership in bringing to the floor a State Department Reauthorization bill which has strong bipartisan support.

This bill includes an historic measure offering recognition to a Palestinian state if performance benchmarks can be reached, increases U.S. capacity at the United Nations where rogue regimes are increasingly trying to hijack the agenda, initiates a new effort to promote free media abroad and provides the State Department with tools to confront the alarming spread of ballistic missiles.

This bill also includes three amendments which I offered during full committee markup on May 7, 2003, both of which were accepted by unanimous consent and have now been included in the full text of H.R. 1950. One amendment expresses a sense of Congress relating to Soviet nuclear tests in Kazakhstan and calls for the U.S. Secretary of State to establish a joint working group with the Government of Kazakhstan to assist in assessing the environmental damage and health effects cause by Soviet nuclear testing in Semipalatinsk, Kazakhstan.

The other amendment requires the State Department to prepare and transmit to Congress a report that contains a description of the extent to which the Government of Pakistan has closed all known terrorist training camps operating in Pakistan and Pakistani-held Kashmir, has established serious and identifiable measures to prohibit the infiltration of Islamic extremists across the Line of Control (LoC) into India, and has ceased the transfer of weapons of mass destruction, including any associated technologies, to any third country or terrorist organization.

The third amendment authorizes a certain sum of funds to allow qualified indigenous inhabitants of Latin America to pursue postsecondary and graduate studies in our nation's colleges and universities. Over the years, Mr. Chairman I feel very strongly that education is the key to the salvation of the indigenous inhabitants of the Western Hemisphere.

At the appropriate time, Mr. Chairman, it is also my intention to give strong support to an amendment that will be offered by my colleague from the territory of Guam, Ms. BORDALLO, which authorizes the transfer of allowances to residents of the insular areas who are members of the U.S. Foreign Service—just as it is the case with residents of the several states.

At this time, I want to thank Chairman HYDE and Ranking Member LANTOS for supporting this amendment during full committee markup and including it in H.R. 1950. Simply put, their support was critical to passage of this amendment and I want to thank the gentleman from Illinois and the gentleman from California for taking a stand on this important issue at a time when few were willing to do so.

What many do not know is that this amendment came before the House Committee on International Relations on the very day that Deputy Secretary Richard Armitage arrived in Pakistan to begin high-level diplomatic discussions and I commend Chairman HYDE and Ranking Member LANTOS for doing the right thing despite the political pressure they received to set this amendment aside. I also thank the 49 members of the International Relations Committee, both Republican and Democrat, who passed this amendment by voice vote without any objection.

I also want to commend President Bush for his leadership on this issue. Now that President Bush has made this issue popular with his recent announcement that he would also like to place conditions on Pakistan's funding, I am hopeful that the Senate will also support our efforts to make Pakistan live up to its promises.

Congressman PALLONE also deserves special recognition for the work he is doing to make Pakistan accountable. I thank the gentleman from New Jersey for his relentless commitment to monitor the steps Pakistan is taking to bring about democracy and for fully supporting the measures of this bipartisan amendment which has already been included in the text of H.R. 1950.

Like my colleagues, I am appreciative of Pakistan's post-September 11 assistance in the war against terrorism. Nevertheless, tensions in the region are rising and I know I am not alone when I say I have deep reservations about U.S. policy in South Asia. Once again, I want to reiterate that I believe Pakistan should be commended for assisting the U.S. in its efforts to hunt down Al Qaeda and Taliban fugitives and for allowing the U.S. military to use bases within its country.

But I cannot turn a blind eye to the fact that Pakistan has not closed all known terrorist training camps operating in Pakistan. I cannot turn a blind eye to the fact that Pakistan has not prohibited the infiltration of Islamic extremists across the Line of Control into Indian Kashmir. I cannot turn a blind eye to the fact that General Musharraf promised Deputy Secretary Armitage that infiltration would cease and it has not.

Since 1989, more than 50,000 men, women and children have died in the Kashmir dispute and since September 11 Islamic militants from Pakistan have crossed the Line of Control and claimed the lives of innocent men, women and children—not once, not twice, but three times, committing egregious acts of cross-border terrorism on each and every occasion.

On the other hand, India has not crossed the Line of Control since 1972. In fact, India has exercised incredible restraint in not waging full-scale war to defend itself against these terrorist acts. Although I believe we are fortunate that neither country has yet resorted to the use of nuclear weapons, we also should be very concerned that both Pakistan and India test fired short-range ballistic missiles on March 26 of this year which incidentally (or not) was the same day that Prime Minister Jamali said that Pakistan and China will enhance their defense ties.

On May 15, 2003, 8 days after the International Relations Committee unanimously voted in favor of my amendment, Pakistan's third highest ranking government official, Foreign Minister Khurshid Kasuri, requested an appointment to meet with me. We had a meaningful dialogue and he gave me his personal assurances that Pakistan is interested in creating a roadmap for peace to resolve the Kashmir dispute.

I believe Kashmir is one of the most important issues that must be resolved in order to establish peace in the Asia Pacific region. India and Pakistan have fought two wars over Kashmir in the past 50 years and came very close to the brink of nuclear war less than 2 years ago. In December of 2001, both countries amassed nearly one million soldiers along their common border and had the U.S. not intervened it was feared that India and Pakistan's dispute over Kashmir could have led to the first use of nuclear weapons sine World War II.

As the Ranking Member of the Subcommittee on Asia and the Pacific and as the

only Asia Pacific American serving on both the Subcommittee and the full Committee on International Relations, I am deeply concerned about cross-border terrorism and the threat of nuclear proliferation in the Asia Pacific region. Any threat to regional stability puts our soldiers at risk and some have argued that this situation may become as dangerous as the Israeli-Palestinian conflict.

This is why I am pleased that H.R. 1950 includes a provision which requires the State Department to report to Congress about the progress that is being made to resolve the India-Pakistan dispute. I believe this legislation is necessary and given the seriousness of this situation, I urge my colleagues to support H.R. 1950.

Madam Chairman, I reserve the balance of my time.

Mr. HYDE. Madam Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Chairman, first of all, I commend the gentleman from Illinois (Mr. HYDE) for crafting an outstanding piece of legislation. As we all know, he guided and shepherded through this body landmark legislation on AIDS which would not have been written into law without his effective leadership. I also thank the gentleman for including so many provisions which I proposed either as amendments or as base text.

In particular, including an amendment on refugees I offered along with the gentleman from California (Mr. BERMAN) that increases refugee protection monies by $310 million over 2 years, and my bill called the Belarus Democracy Act. This legislation which is embodied now into the text of the bill, would provide for effective help to civil society, human rights promotion, and democracy promotion in Belarus; the victims of torture which gets a modest but necessary increase in the U.N. Voluntary Fund for Victims of Torture; and there are many others.

This is a consensus bill in many ways, but there are some points of divergence. The gentleman from New York (Mr. CROWLEY) has put into the bill by a very narrow vote, an amendment that seriously and fundamentally weakens America's core anti-coercion law which says no funding goes to any organization that supports or participates in the management of a coercive population control program.

We in this Congress do not make the determination as to whether or not a group gets population control money. We set the standard. It is then left to the executive branch which relies on all relevant information to make a finding. Last year, Secretary Powell made that finding and said that the PRC has in place a regime of severe penalties on women who have unapproved births and that this regime plainly operates to coerce pregnant women to have abortions in order to avoid the harsh penalties.

''UNFPA's support of and involvement in China's population planning activities allows the Chinese government to implement more effectively its program of coercive abortion,'' Secretary Powell said.

I say to my colleagues, this debate is all about coercion. I would hope that my friends who support abortion would realize that coercion, whether it be forced sterilization or forced abortion, is an unconscionable act; and when it is done with impunity by the Chinese government with their partner, the U.N. Population Fund, we need to disassociate ourselves from that kind of activity. We need to stand with the oppressed, not with the oppressor, and the friends of the oppressor. We need to stand with the victims.

I urge my colleagues to support an amendment that I will be offering, cosponsored by the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. HYDE), that would strike this language from the bill. I would hope that we would stand with the women of China who are being oppressed by their government and with their partners in these crimes against humanity, the U.N. Population Fund. I urge Members to vote for our amendment.

Mr. FALEOMAVAEGA. Madam Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Madam Chairman, first, let me thank the gentleman for yielding.

I rise today in support of the State Department authorization bill and also in support of the Millennium Challenge Account and Peace Corps amendments. I thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for working on a bipartisan basis once again to ensure broad support for this bill.

Together we were able to craft language examining, for example, the impact of U.S. loan policy on Haiti and its ongoing humanitarian crisis and calling for the participation of small and minority-owned businesses within the MCA account. Small and disadvantaged businesses represent a very vital economic engine in this country yet too often have very little chance to participate in foreign assistance programs, so I am very pleased that we were able to ensure that they will play a role in the Millennium Challenge Account.

My two amendments are included in this bill, and once again I thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for their support.

I would like to highlight two aspects of this bill which represents real progress in foreign policy, family planning and global climate change. First, through the Crowley-Lee amendment, the bill restored U.S. funding to vital United Nations family planning programs. This measure helps provide health care to and prevents abortions to the world's poorest women. Failure to provide family planning costs the lives of women and children. It is really just that simple. This also is a common-sense measure that prevents HIV and AIDS.

I strongly oppose the Smith amendment and would urge my colleagues oppose stripping out this important health care provision. The bill we passed out of committee also declared that it was the sense of the Congress and that the United States should demonstrate international leadership in mitigating global warming. The Committee on Energy and Commerce, however, refused to take up the responsibility of leadership and removed this global climate change measure. If we refuse to lead, we will be left behind technologically while we continue to contribute disproportionately to the world's pollution and global warming.

The Committee on Rules has joined the Committee on Energy and Commerce in this conspiracy of silence by refusing to allow a vote on the Menendez amendment on climate change.

Also, I am disappointed that the Committee on Rules did not make in order my amendment to advance democracy in fair and free elections on Haiti. But, on balance, it is a bill which I urge my colleagues to support. I thank the gentleman from Illinois again for this bipartisan bill.

Mr. HYDE. Madam Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. BEREUTER. Madam Chairman, I rise in strong support of H.R. 1950, and I commend the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for crafting and presenting this important legislation to the House for action.

Of course, a key goal of foreign relations authorization bills are to provide the best and most secure service to American citizens traveling and working overseas. Indeed, when lax security and dilapidation at U.S. overseas facilities contribute to U.S. vulnerability to attacks and subsequent American deaths, this country suffers.

Please recall the reaction to the tragic 1998 embassy bombings in Nairobi and Dar es Saalam. All Americans shared a sense of pain, grief and outrage at these senseless acts of terrorism. While not all attacks on U.S. overseas missions can be averted, Congress must provide the appropriate tools to improve the ability of the State Department to guard against disasters like these.

On many occasions, Secretary of State Colin Powell has articulated embassy security as a key priority for the State Department. Additionally, this Member is a long-time supporter of increased embassy security. In fact, in this legislation the funding level reflects a commitment to embassy security by allocating over $1.653 billion in fiscal year 2004 and $1.784 billion in fiscal year 2005 for ongoing embassy security construction and maintenance. This is an important additional step for both the administration and for Congress which now must work together to ease restrictions which for

many years have significantly slowed the construction of new embassies and consulates.

Furthermore, this Member is particularly pleased that the gentleman from Illinois (Mr. HYDE) will offer an amendment to provide the initial authorization for the Millennium Challenge Account. On March 14, 2002, President Bush proposed the MCA, which would provide additional U.S. aid for fiscal year 2006 to poor countries to be used for social sector improvements such as agriculture, health, education, and the environment. The President's concept underlying these proposals is clear. Countries that rule justly, invest in their people and encourage economic freedom will receive U.S. assistance.

The amendment which the chairman will offer is nearly identical to H.R. 2441, the free-standing legislation offered by the gentleman from Illinois (Mr. HYDE). This Member is a cosponsor of that legislation.

Secondly, an amendment he will offer today will establish a Millennium Challenge Corporation, MCC, an entity which would be authorized to provide development assistance grants to eligible countries. Also, the MCC would work with national local organizations, government and nongovernment organizations within eligible countries to develop specific multi-year development goals.

Finally, the amendment includes a provision which this Member requested to ensure that agricultural development would be among the areas on which the MCA focuses.

Madam Chairman, this Member has had a long-standing interest and experience in seeking to construct efficient, innovative ways to deliver humanitarian assistance, especially in agriculture. I support the amendment offered by the gentleman from Illinois and the legislation and urge all Members to support it.

Indeed, if a country cannot feed itself, that country's prospects for political, economic, and societal stability are greatly endangered. Educating children and treating adults for communicable diseases simply produces few results if the efforts are directed people who do not have to eat.

Agricultural development programs which gather supplies of good seed, build breeding livestock herds, construct basic irrigation systems and viable roads to markets, provide microcredit, and establish rural electric infrastructure do not require vast resources. However, such programs to build subsistence farming capacity do require a clear commitment from the U.S. Government and technical assistance gleaned from the incredible human resources found within American land grant colleges and universities, the NGO and cooperative communities, and the private sector.

Previously, in 1985, this Member drafted a successful amendment to the 1986 Farm Bill which required that, for the first time, a small portion of 1 percent of the funds from the Food for Peace program could be directed toward what is now the Farmer-to-Farmer program. Originally implemented as a pilot program operating only in Central America and the Caribbean, Farmer-to-Farmer has gained support from skeptics, including the USAID, who believed that the concept was too simply to be effective. The simple approach has worked and, in fact, has been extended to Africa, Asia, South America, and the Newly Independent States of the former Soviet Union (NIS).

Madam Chairman, some people within the Washington Beltway have expressed similar concerns about the MCA. This Member sincerely hopes that 18 years from today, the MCA proves to be as successful as the Farmer-to-Farmer program in assisting the world's poor people.

In conclusion, this Member encourages his colleagues to vote for the Hyde amendment regarding the MCA and for final passage of H.R. 1950.

Mr. FALEOMAVAEGA. Madam Chairman, I yield 1½ minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Madam Chairman, I rise to thank the gentleman from Illinois and the ranking minority member for their support on a critically important provision in this State Department authorization act. It is a measure that I drafted and they embraced and included in this bill. The Lantos-Israel language will require the Department of State to include in its annual country report on human rights a specific description on the nature and extent of curricula and classrooms that promote violence and hatred and terrorism around the world.

Why is this important? I believe it is important because I am convinced that all of the road maps and all of the cease-fires and all of the diplomatic accords and all of the agreements are going to be futile for as long as children are taught in their second grade classrooms how to hate, and the world will continue to be a very violent place if we allow classrooms to teach kids how to blow things up instead of how to put things together.

Some brief examples, I am talking about textbooks that teach children that there is no alternative to the destruction of the state of Israel, textbooks that equate Zionism with Nazism, textbooks that indoctrinated the terrorists who attacked and murdered over 200 of my constituents on September 11, 2001.

Madam Chairman, we have ignored school-sponsored lessons of hatred for too long. This provision for the first time will monitor the problem and will keep us focused on it, and it puts the world on notice that we want kids who are educated to put things together rather than indoctrinated on how to blow things up.

I thank the gentleman from Illinois and the ranking member for advancing this critical measure.

Mr. FALEOMAVAEGA. Madam Chairman, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Madam Chairman, I rise today to speak in strong support of the Foreign Relations Authorization Act for fiscal year 2004 and 2005. I commend the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for putting together such a strong bipartisan bill.

This bill increases funding for State Department activities and specifically increases funding for security for members of our Foreign Service and at the embassies where they work.

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This increase is so important because of the continued terrorist threat against our Nation's embassies abroad. This bill also addresses the Quartet's road map and sets certain conditions that must be met before the United States can agree to a Palestinian state. With what looks like a potential end of the intifada, the Palestinians must prove that they can protect the security of Israel and her people before they be rewarded with statehood.

Another provision requires a report on democracy in the Western Hemisphere that my good friend, the gentleman from Massachusetts (Mr. DELAHUNT), included during the markup in the Committee on International Relations. I believe this report will show Congress and the administration the needs of our long neglected neighbors to the south. The United States needs to increase engagement with the Western Hemisphere to ensure that our neighbors continue on the path to durable democracy. I believe this is a strong bipartisan bill, if it remains intact, that deserves the support of all my colleagues.

Mr. FALEOMAVAEGA. Madam Chairman, I yield 1½ minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER), a member of the Committee on International Relations.

Mr. BLUMENAUER. Madam Chairman, I appreciate the gentleman's courtesy for permitting me to speak in support of the State Department authorization. I am pleased to be a member of the committee. I salute the gentleman from Illinois (Mr. HYDE), our chairman, and the work that he has done with the gentleman from California (Mr. LANTOS), the ranking member, to be able to deal in a bipartisan and cooperative spirit with some of the major issues of our time. Certainly nothing could be more important for us to have an opportunity for Congress to be involved in a cooperative and thoughtful measure on things that should not be rife with partisan divisions or unnecessary ideological debate.

It seems to me that there are three important things for us to focus on in the course of the discussion this afternoon. I am pleased with the benchmark that has been established for the Millennium Challenge Account, the opportunity; and I commend the administration for injecting responsibility as a criterion for giving forth aid.

I look forward to the debate on the international family planning, being able to retain, hopefully, the resources

for the United Nations population fund but to have a spirited and thoughtful exchange for what that means. Last, but by no means least, we are not going to give proper attention in the course of the detail of the debate but there has been careful work done by the committee, its staff and working with the State Department to be able to support the leadership from our Secretary of State who is dealing with the needs of the outstanding men and women who are on the front line practicing diplomacy around the world, providing defense in areas of threats to our security, promotion of commerce and, most important, international understanding. I would hope that we will be able to continue forward using this as a foundation to be able to have the type of discussion that these issues merit.

Mr. FALEOMAVAEGA. Madam Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Chairman, a few weeks ago, President Bush announced a $3 billion aid package to Pakistan. I do not support the provisions of military aid in that package. However, President Bush was willing to put some conditions on the Pakistan aid package. Those conditions were, one, Pakistan must exemplify its effort to decrease crossborder terrorism in Kashmir; two, Pakistan must end support of nuclear nonproliferation in rogue nations; and, three, Pakistan must exemplify steps toward returning to a democracy.

Madam Chairman, this bill today includes language included by the gentleman from American Samoa that is consistent with the first two conditions outlined by the President. It requires the State Department to prepare a report that contains a description of the extent to which Pakistan has closed all known terrorist training camps operating in Pakistan and Pakistani-held Kashmir, has established serious and identifiable measures to prohibit the infiltration of Islamic extremists across the Line of Control into India, and has ceased the transfer of weapons of mass destruction.

Because this important language is included in the bill, I rise in support of this legislation and only wish to make the point that it is equally as important for Pakistan to return to democracy in order to ensure future peace and stability in South Asia.

Mr. FALEOMAVAEGA. Madam Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Chairman, there are many good efforts, and I do want to thank the chairman and ranking member on this bill that so many Members have a stake in, but I would like to add my opposition to the amendment that will be on the floor just shortly, the Smith-Oberstar-Hyde amendment that deals with limiting the actions on behalf of the United Nations population fund, because family planning and HIV/AIDS are so much intertwined that I think we need to show the balance, and I encourage my colleagues to look for the balance. But I thank the committee overall for the work they have done.

I want to cite, however, the importance of the millennium fund and the increase that will occur through the passage of the Hyde-Lantos amendment and I hope that we will be able to utilize it in countries like Ethiopia. I also hope that we will be able to engage in colloquies on this floor to talk about my issue of more women engaged in the peace negotiations processes around the world and add more effort, if you will, to engage in peacekeeping efforts in Liberia. And as well, I want to make sure that we do not overlook the importance of following the trail on the issue dealing with the uranium purchase in Africa that has presented such conflicting statements from the White House. It is important to tell the American people the truth. But I do believe that our foreign policies have improved by way of this legislation.

Mr. FALEOMAVAEGA. Madam Chairman, I yield myself such time as I may consume. I would like to again express our deepest appreciation to the distinguished chairman of the Committee on International Relations and also the senior ranking member not only for the outstanding job that they have done in bringing this legislation to the floor but in the spirit of bipartisanship that we are able to bring to this general debate for consideration of the Members of this body and, more importantly, the fact that we have allowed the general Members of this body the opportunity to offer amendments. This is the spirit of bipartisanship and the way democracy should operate. Again, I thank the good chairman of our committee.

Mr. SMITH of New Jersey. Madam Chairman, I am pleased that Title XV of the State Department authorization bill incorporates key provisions of the Belarus Democracy Act of 2003, which I sponsored earlier this year. The State Department's annual Country Reports on Human Rights Practices report on Belarus states that the Belarusian regime's ''human rights record remained very poor and worsened in several areas.'' Thanks to Alexander Lukashenka—aptly cited by The Washington Post as ''Europe's last dictator''—Belarus has the worst human rights record in Europe today. The Helskinki Commission, which I Chair, as well as the Organization for Security and Cooperation in Europe including its Parliamentary Assembly, the United Nations, the Council of Europe, the European Union and other international entities have all chronicled the appalling state of human rights and democracy in a country located in the heart of Europe. Belarus already borders NATO. In just a few years, Belarus will border the European Union.

The Lukashenka regime has blatantly and repeatedly violated basic freedoms of speech, expression, assembly, association and religion. The independent media, non-governmental organizations (NGOs) and democratic opposition have all faced harassment. Indeed, in the last few months, his war against civil society has intensified—resulting in the closure of non-governmental organizations, independent media outlets and Western-funded media support groups, such as Internews Network group, an international organization that helps develop independent media in countries in transition.

Just last week, the Lukashenka regime denied continuation of the accreditation of the International Research and Exchanges Board (IREX), an American organization that has implemented a variety of assistance programs in Belarus for years, including programs that helped the struggling independent media. Last week, they ordered the closure of the Minsk bureau of Russian NTV television. Just a few weeks ago, Lukashenka closed down the National Humanities Lyceum, a highly respected school promoting the study of the Belarusian language and culture. There are growing, legitimate fears that Lukashenka is aiming to remove Belarus from its vestiges of democracy dissent.

In October, Lukashenka signed into law the most restrictive religion law in Europe. Independent journalists have been sentenced to ''corrective labor'' for their writings. There are credible allegations of the Lukashenka regime's involvement in the disappearances of leading opposition figures and a journalist. Here in Washington and at various OSCE Parliamentary Assembly meetings, I've had occasion to meet with the wives of the disappeared, Victor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky. These meetings have been heart-wrenching. The cases of their husbands—who disappeared in 1999 and 2000 and are presumed to have been murdered—are a stark illustration of the climate of fear that pervades in Belarus.

On the security front, reports of arms deals between the Belarusian regime and rogue states, including Iraq and North Korea, continue to circulate. Lukashenka and his regime were open in their support of Saddam Hussein.

One of the primary purposes of this initiative is to demonstrate U.S. support for those persevering to promote democracy and respect for human rights in Belarus despite the onerous pressures they face from the anti-democratic regime. Necessary assistance is authorized for democracy-building activities such as support for non-governmental organizations, independent media—including radio and television broadcasting to Belarus—and international exchanges.

The bill also encourages free and fair parliamentary elections, conducted in a manner consistent with international standards—in sharp contrast to the 2000 parliamentary and 2001 presidential elections in Belarus which flagrantly flaunted democratic standards. As a result of these elections, Belarus has the distinction of lacking legitimate presidential and parliamentary leadership, which contributes to that country's self-imposed isolation. Parliamentary elections are scheduled to be held in 2004, and we should encourage those who seek to create the laws and environment conducive to a free and fair election.

In addition, the Executive Branch is encouraged to impose sanctions against the

Lukashenka regime and deny high-ranking officials of the regime entry into the United States. U.S. Government financing would be prohibited, except for humanitarian goods and agricultural or medical products. The U.S. Executive Directors of the international financial institutions would be encouraged to vote against financial assistance to the Government of Belarus except for loans and assistance that serve humanitarian needs.

Madam Chairman, we are seeking to help put an end to the pattern of clear and uncorrected human rights violations by the Lukashenka regime and are hoping this will serve as a catalyst to facilitate Belarus' integration into democratic Europe. The Belarusian people deserve to live in a society where democratic principles and human rights are respected and the rule of law is preeminent. The Belarusian people—who have endured so much both under past and current dictatorships—deserve our support as they work to overcome the legacy of the past and develop a genuinely independent, democratic country.

In addition, Madam Chairman, in keeping with this authorization for the Department of State, I want to express my appreciation for the work of the Department in bringing needed attention to the concerns about ongoing anti-Semitism, an age-old plague that still haunts many countries in the OSCE, including our own. I have sought to identify effective responses to this troubling phenomenon, including the introduction of the resolution, H. Con. Res. 49 which passed last month.

Last month, I joined Mayor Rudy Giuliani and Congressman HASTINGS in Vienna for an OSCE conference specifically focused on anti-Semitism. Having the OSCE itself take up this important cause is significant. In fact, the idea was first raised in the May 2002 hearing of the Helsinki Commission and also suggested in the resolution condemning anti-Semitism I presented at the Berlin Parliamentary Assembly meeting last summer. I offered a similar resolution week before last at the Rotterdam OSCE PA meeting. Both resolutions passed the Assembly unanimously. While the OSCE Parliamentary Assembly has actively denounced anti-Semitic acts, I give great credit to the State Department for making the Vienna Conference a reality. Notably, one initiative emerging from the Vienna Conference was a pledge by our German friends to hold a follow-up meeting in Berlin next year to focus on anti-Semitism. I hope this meeting will rally the troops from Europe, the U.S., and Canada to say in one voice ''never again.''

Finally, Madam Chairman, I was pleased to learn of Senator VOINOVICH's amendment to the Senate's State Department reauthorization bill requiring the Annual Report on International Religious Freedom to include specific coverage of anti-Semitism. The amendment calls for the report to cover ''acts of anti-Semitic violence that occurred in that country'' and ''the response of the government of that country to such acts of violence.'' Importantly, the amendment would mandate the report to chronicle ''actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to people of the Jewish faith.'' I think this is a worthwhile idea and hope it will be enacted into law.

Mr. SHAYS. Mr. Chairman, I rise in support of H.R. 1950, the Foreign Relations Authorization Act for Fiscal Years 2004 and 2005. In particularly, I would like to comment on Section 273: Staffing at Diplomatic Missions.

As Chairman of the Committee on Government Reform's Subcommittee on National Security, Emerging Threats, and International Relations, I have held several hearings on rightsizing the U.S. presence overseas.

Rightsizing the U.S. presence overseas is the process of putting the right people with the right skills in the right places. It is first and foremost about keeping U.S. personnel safe, but it is also about successfully manning the diplomatic front in the war against terrorism. Under-skilled personnel running visa lines in sensitive countries, personnel handling communications without necessary language skills, or a lack of staff to handle workloads hurt diplomatic readiness and a key part of the war on terrorism: our nation's relationships with its allies. Moreover, rightsizing involves every government agency with a presence overseas, not simply the Department of State.

The war on terrorism, increased AIDS funding in Africa and the Caribbean, the new Millennium Challenge Account program, changes to the U.S. entry-exit rules, and a greater emphasis on foreign affairs all promise to increase the workloads of overseas missions, and place greater pressure on chiefs of mission to right-size staff.

At our request, the General Accounting Office (GAO) has pursued and continues to pursue the rightsizing issue in concert with the Office of Management and Budget (OMB). GAO created a rightsizing framework consisting of three factors: physical and technical security of facilities and employees, mission priorities and requirements, and cost of operations. In addition, OMB has included rightsizing as part of the President's Management Agenda and begun using Europe as a test case for the GAO framework.

Section 273 calls on chiefs of mission to assist in the rightsizing process by evaluating the necessity of all staff positions under their authority, even those from other Executive Branch agencies. This language was included at my request and reflects a small but important part of the oversight work the Subcommittee has conducted. Section 273 brings us closer to giving the managers of U.S. embassies and consulates overseas, the chiefs of mission, the tools they need to effectively administer their posts and carry out U.S. foreign policy.

Mr. TOWNS. Madam Chairman, as we vote on H.R. 1950, the Foreign Relations Authorization Act of FY2004 and FY2005, I want to draw the attention of my colleagues to an important omission in this bill.

Section 303 of the Foreign Relations Authorization purports to establish an Office of Ombudsman in the Department of State. However, this bill did not create this office. Congress created this office in P.L. 100–204. Congress passed this legislation over 15 years ago based on its findings that (1) the effectiveness and efficiency of the Department of State is dependent on the contributions of its Civil Service and Foreign Service employees; (2) the contribution of the Department's Civil Service employees has been overlooked in the management of the Department and greater equity of promotion, training, and career enhancement opportunities should be accorded to them and (3) the goal of the Foreign Service Act of 1980 was to strengthen the contribution made by the Department's Civil Service employees by creating a cadre of experienced specialists and managers to provide essential continuity.

Created with the Congressional findings in mind, the office of Ombudsman was given the mission to ensure that civil service concerns are identified and properly weighed by decision-makers, make recommendations to management, and work with affected parties to correct or alleviate systemic problems that adversely affect civil service employees, and provide guidance and counseling to employees on work and career-related matters. Additionally, the Ombudsman was given the responsibility of advising the Secretary of State and senior department management on civil service issues to ensure the ability of civil service employees to contribute to the achievement of the Department's foreign affairs responsibilities. Under the original legislation, the Ombudsman reported to the Secretary of State, and participated in all management council meetings to assure that the concerns of civil service employees are presented.

Additionally, the original legislation assured that civil service employees would not be disproportionately affected by reduction in force or other actions which reduce the department's workforce.

Under the rubric of ''establishing'' the office of Ombudsman, the bill before us today eviscerates the office as established by Congress. It gives the Secretary discretion to determine the involvement of the Ombudsman in the senior-level meetings, eliminates the office's focus on civil service employees, and removes the requirement that the burden of personnel reductions not be disproportionately imposed on civil service employees.

Madam Chairman, section 303 of H.R. 1950 destroys the work of a previous Congress without rhyme or reason. It is clear that our civil service employees are a valuable asset. Our national security depends on the work of civil service employees in the Department of State. If we remove the protections afforded by this office, we are sending a clear and unmistakable message that we are no longer concerned about preserving the protections we have afforded them. We must reconsider this ill-advised provision.

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

Mr. HYDE. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mrs. CAPITO). All time for general debate has expired.

Pursuant to House Resolution 316, the amendment in the nature of a substitute recommended by the Committee on International Relations printed in the bill, modified by the amendments recommended by the Committees on Armed Services and Energy and Commerce also printed in the bill, is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 1950

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 ''Foreign Relations Authorization Act, Fiscal Years 2004 and 2005''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) ORGANIZATION OF ACT INTO DIVISIONS.—This Act is organized into two divisions as follows:

(1) DIVISION A.—Department of State Authorization Act, Fiscal Years 2004 and 2005.

(2) DIVISION B.—Defense Trade and Security Assistance Reform Act of 2003.

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

Sec. 1. Short title.
Sec. 2. Organization of act into divisions; table of contents.
Sec. 3. Definitions.

DIVISION A—DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

Sec. 101. Short title.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

Sec. 111. Administration of foreign affairs.
Sec. 112. United States educational and cultural programs.
Sec. 113. Contributions to international organizations.
Sec. 114. International commissions.
Sec. 115. Migration and refugee assistance.
Sec. 116. Voluntary contributions to international organizations.
Sec. 117. Voluntary contributions for international peacekeeping activities.
Sec. 118. Grants to the Asia Foundation.

Subtitle B—United States International Broadcasting Activities

Sec. 121. Authorizations of appropriations.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—United States Public Diplomacy

Sec. 201. Findings and purposes.
Sec. 202. Public diplomacy responsibilities of the Department of State.
Sec. 203. Annual plan on public diplomacy strategy.
Sec. 204. Public diplomacy training.
Sec. 205. United States Advisory Commission on Public Diplomacy.
Sec. 206. Library program.
Sec. 207. Sense of Congress concerning public diplomacy efforts in sub-Saharan Africa.

Subtitle B—Basic Authorities and Activities

Sec. 221. United States policy with respect to Jerusalem as the capital of Israel.
Sec. 222. Modification of reporting requirements.
Sec. 223. Report concerning efforts to promote Israel's diplomatic relations with other countries.
Sec. 224. Reimbursement rate for certain airlift services provided by the Department of Defense to the Department of State.
Sec. 225. Sense of Congress regarding additional United States consular posts.
Sec. 226. Validity of United States passports for travel to countries receiving United States foreign assistance.
Sec. 227. GAO assessment of security capital cost sharing.
Sec. 228. Authority to issue administrative subpoenas.
Sec. 229. Enhancing refugee resettlement and maintaining the United States commitment to refugees.
Sec. 230. The Colin Powell Center for American Diplomacy.

Subtitle C—Educational and Cultural Authorities

Sec. 251. Establishment of initiatives for predominantly Muslim countries.
Sec. 252. Database of American and foreign participants in exchange programs.
Sec. 253. Report on inclusion of freedom and democracy advocates in educational and cultural exchange programs.
Sec. 254. Sense of the Congress concerning educational and cultural exchange program for foreign journalists.
Sec. 255. Sense of Congress regarding Korean Fulbright programs.
Sec. 256. Authorizing East Timorese scholarships for graduate study.
Sec. 257. Public safety awareness in study abroad programs.

Subtitle D—Consular Authorities

Sec. 271. Machine readable visas.
Sec. 272. Processing of visa applications.
Sec. 273. Staffing at diplomatic missions.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Sec. 301. Fellowship of Hope Program.
Sec. 302. Claims for lost pay.
Sec. 303. Ombudsman for the Department of State.
Sec. 304. Repeal of recertification requirement for senior foreign service.
Sec. 305. Report concerning status of employees of State Department.
Sec. 306. Home leave.
Sec. 307. Increased limits applicable to post differentials and danger pay allowances.
Sec. 308. Regulations regarding retirement credit for government service performed abroad.
Sec. 309. Minority recruitment.
Sec. 310. Meritorious step increases.

TITLE IV—INTERNATIONAL ORGANIZATIONS

Subtitle A—Basic Authorities and Activities

Sec. 401. Raising the cap on peacekeeping contributions.
Sec. 402. Regarding the reentry of the United States in UNESCO.
Sec. 403. UNESCO national commission.
Sec. 404. Organization of American States (OAS) emergency fund.
Sec. 405. United States efforts regarding the status of Israel in the Western European and Others Group at the United Nations.

Subtitle B—United States International Leadership

Sec. 431. Short title.
Sec. 432. Findings.
Sec. 433. Establishment of a democracy caucus.
Sec. 434. Annual diplomatic missions on multilateral issues.
Sec. 435. Leadership and membership of international organizations.
Sec. 436. Increased training in multilateral diplomacy.
Sec. 437. Promoting assignments to international organizations.
Sec. 438. Implementation and establishment of office on multilateral negotiations.
Sec. 439. Synchronization of United States contributions to international organizations.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

Subtitle A—Basic Authorities and Activities

Sec. 501. Mideast Radio and Television Network, Inc.
Sec. 502. Improving signal delivery to Cuba.
Sec. 503. Report concerning efforts to counter jamming of broadcasts of Radio Marti and TV Marti.
Sec. 504. Pilot program for the promotion of travel and tourism in the United States through United States international broadcasting.
Sec. 505. Radio Free Asia broadcasts into North Korea.
Sec. 506. Prohibition on elimination of international broadcasting in Eastern Europe.

Subtitle B—Global Internet Freedom

Sec. 521. Short title.
Sec. 522. Findings.
Sec. 523. Purposes.
Sec. 524. Development and deployment of technologies to defeat Internet jamming and censorship.

Subtitle C—Reorganization of United States International Broadcasting

Sec. 531. Establishment of United States International Broadcasting Agency.
Sec. 532. Authorities and functions of the agency.
Sec. 533. Role of the Secretary of State.
Sec. 534. Administrative provisions.
Sec. 535. Broadcasting Board of Governors and International Broadcasting Bureau.
Sec. 536. Transition.
Sec. 537. Conforming amendments.
Sec. 538. References.
Sec. 539. Broadcasting standards.
Sec. 540. Effective date.

TITLE VI—INTERNATIONAL FREE MEDIA ACT OF 2003

Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. Findings.
Sec. 604. Statements of policy.
Sec. 605. Coordinator for International Free Media.
Sec. 606. United States Advisory Commission on Public Diplomacy and International Media.
Sec. 607. International Free Media Fund.
Sec. 608. Free media promotion activity of the Broadcasting Board of Governors.

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—Reporting Requirements

Sec. **701**. *Reports to Committee on International Relations.*
Sec. **702**. *Reports concerning the capture and prosecution of paramilitary and other terrorist leaders in Colombia.*
Sec. **703**. *Reports relating to Magen David Adom Society.*
Sec. **704**. *Report concerning the return of portraits of Holocaust victims to the artist Dina Babbitt.*
Sec. **705**. *Report to Congress on use of vested assets.*
Sec. **706**. *Report concerning the conflict in Uganda.*
Sec. **707**. *Requirement for report on United States policy toward Haiti.*
Sec. **708**. *Report on the effects of Plan Colombia on Ecuador.*
Sec. **709**. *Report on actions taken by Pakistan.*
Sec. **710**. *Report on democracy in the Western Hemisphere.*
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DIVISION B—DEFENSE TRADE AND SECURITY ASSISTANCE REFORM ACT OF 2003

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Sec. 1331. United States War Reserve Stockpiles for Allies.
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Sec. 1333. Expansion of authorities for loan of material, supplies, and equipment for research and development purposes.
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Sec. 1335. Reports relating to Treaty Between the United States and the Russian Federation on Strategic Offensive Reductions.
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Sec. 1337. Nonproliferation and Disarmament Fund.
Sec. 1338. Maritime interdiction patrol boats for Mozambique.
Sec. 1339. Report on missile defense cooperation.
Sec. 1340. Iran's program to develop a nuclear explosive device.

TITLE XIV—MISSILE THREAT REDUCTION ACT OF 2003

Sec. 1401. Short title.

Subtitle A—Strengthening International Missile Nonproliferation Law

Sec. 1411. Findings.
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Sec. 1421. Probationary period for foreign persons.
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Sec. 1431. Foreign assistance.
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TITLE XVI—ISRAELI-PALESTINIAN PEACE ENHANCEMENT ACT OF 2003

Sec. 1601. Short title.
Sec. 1602. Findings.
Sec. 1603. Purposes.
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Sec. 1605. Recognition of a Palestinian state.
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TITLE XVII—MISCELLANEOUS FOREIGN ASSISTANCE PROVISIONS

Sec. 1701. Additional authorities relating to international narcotics control assistance.
Sec. 1702. United States opium eradication program in Colombia.
Sec. 1703. Cooperative Development Program.
Sec. 1704. West Bank and Gaza Program.
Sec. 1705. Annual human rights country reports on incitement to acts of discrimination.
Sec. 1706. Assistance to East Timor.
Sec. 1707. Support for democracy-building efforts for Cuba.
Sec. 1708. Amendment to the Afghanistan Freedom Support Act of 2002.
Sec. 1709. Congo Basin Forest Partnership.
Sec. 1710. Combatting the piracy of United States copyrighted materials.
Sec. 1711. Assistance for law enforcement forces in certain foreign countries.
Sec. 1712. Human Rights and Democracy Fund.
Sec. 1713. Enhanced police training.
Sec. 1714. Promoting a secure and democratic Afghanistan.
Sec. 1715. Grants to the Africa Society.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) DEPARTMENT.—The term ''Department'' means the Department of State.

(3) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of State.

DIVISION A—DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SEC. 101. SHORT TITLE.

This division may be cited as the ''Department of State Authorization Act, Fiscal Years 2004 and 2005''.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

SEC. 111. ADMINISTRATION OF FOREIGN AFFAIRS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated for the Department under ''Administration of Foreign Affairs'' to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, and for other purposes authorized by law, including public diplomacy activities and the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''Diplomatic and Consular Programs'', $4,187,544,000 for the fiscal year 2004 and $4,438,796,000 for the fiscal year 2005.

(B) PUBLIC DIPLOMACY.—

(i) IN GENERAL.—Of the amounts authorized to be appropriated by subparagraph (A), $320,930,000 for the fiscal year 2004 and $329,838,000 for the fiscal year 2005 is authorized to be appropriated for public diplomacy.

(ii) IMPROVEMENTS IN PUBLIC DIPLOMACY PROGRAMS.—Of the amounts authorized to be appropriated under clause (i) $20,000,000 for the fiscal year 2004 and $20,000,000 for the fiscal year 2005 is authorized to be available for improvements and modernization of public diplomacy programs and activities of the Department of State.

(iii) TRANSLATION SERVICES.—Of the amounts authorized to be appropriated under clause (i), $4,000,000 for the fiscal year 2004 and $4,000,000 for the fiscal year 2005 is authorized to be available for translation services available to public affairs officers in overseas posts.

(C) WORLDWIDE SECURITY UPGRADES.—Of the amounts authorized to be appropriated by subparagraph (A), $646,701,000 for the fiscal year 2004 and $679,036,000 for the fiscal year 2005 is authorized to be appropriated for worldwide security upgrades.

(D) BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.—Of the amounts authorized to be appropriated by subparagraph (A), $20,000,000 for the fiscal year 2004 and $20,000,000 for the fiscal year 2005 is authorized to be appropriated for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor.

(E) RECRUITMENT OF MINORITY GROUPS.—Of the amount authorized to be appropriated by subparagraph (A), $2,000,000 for the fiscal year 2004 and $2,000,000 for the fiscal year 2005 is authorized to be appropriated for the recruitment of members of minority groups for careers in the Foreign Service and international affairs.

(2) CAPITAL INVESTMENT FUND.—For ''Capital Investment Fund'', $157,000,000 for the fiscal year 2004 and $161,710,000 for the fiscal year 2005.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—

(A) IN GENERAL.—For ''Embassy Security, Construction and Maintenance'', $653,000,000 for the fiscal year 2004 and $784,000,000 for the fiscal year 2005, in addition to amounts otherwise authorized to be appropriated for such purpose by section 604 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–470).

(B) AMENDMENT OF THE NANCE-DONOVAN FOREIGN RELATIONS AUTHORIZATION ACT.—Section 604(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (113 Stat. 1501A–453) is amended—

(i) at the end of paragraph (4) by striking ''and'';

(ii) in paragraph (5) by striking ''$900,000,000.'' and inserting ''$1,000,000,000; and''; and

(iii) by inserting after paragraph (5) the following:

''(6) for fiscal year 2005, $1,000,000,000.''.

(4) REPRESENTATION ALLOWANCES.—For ''Representation Allowances'', $9,000,000 for the fiscal year 2004 and $9,000,000 for the fiscal year 2005.

(5) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For ''Protection of Foreign Missions and Officials'', $10,000,000 for the fiscal year 2004 and $10,000,000 for the fiscal year 2005.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For ''Emergencies in the Diplomatic and Consular Service'', $1,000,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(7) REPATRIATION LOANS.—For ''Repatriation Loans'', $1,219,000 for the fiscal year 2004 and $1,219,000 for the fiscal year 2005.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For ''Payment to the American Institute in Taiwan'', $19,773,000 for the fiscal year 2004 and $20,761,000 for the fiscal year 2005.

(9) OFFICE OF THE INSPECTOR GENERAL.—For ''Office of the Inspector General'', $31,703,000 for the fiscal year 2004 and $32,654,000 for the fiscal year 2005.

(b) AVAILABILITY OF FUNDS FOR PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—The amount appropriated pursuant to subsection (a)(5) is authorized to remain available through September 30, 2006.

SEC. 112. UNITED STATES EDUCATIONAL AND CULTURAL PROGRAMS.

(a) IN GENERAL.—Amounts in this section are authorized to be appropriated for the Department of State to carry out educational and cultural programs of the Department of State under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes.

(b) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—For ''Educational and Cultural Exchange Programs'', $393,000,000 for the fiscal year 2004 and $405,000,000 for the fiscal year 2005.

(2) PROGRAMS IN EASTERN EUROPE AND FORMER SOVIET UNION.—Of the amounts authorized to be appropriated under paragraph (1), $150,000,000 for the fiscal year 2004 and $150,000,000 for the fiscal year 2005 is authorized to be available for programs in Eastern Europe and countries of the former Soviet Union.

(3) ACADEMIC EXCHANGE PROGRAMS.—

(A) IN GENERAL.—Of the amounts authorized to be appropriated under paragraph (1), $142,000,000 for the fiscal year 2004 and $142,000,000 for the fiscal year 2005 is authorized to be available for the ''Academic Exchange Programs'' (other than programs described in paragraph (4)).

(B) HIV/AIDS INITIATIVE.—Of the amounts authorized to be available under subparagraph (A), $1,000,000 for the fiscal year 2004 and $1,000,000 for the fiscal year 2005 is authorized to be available for HIV/AIDS research and mitigation strategies.

(C) FULBRIGHT ENGLISH TEACHING ASSISTANT PROGRAM IN KOREA.—Of the amounts authorized to be available by subparagraph (A), $750,000 for the fiscal year 2004 and $750,000 for the fiscal year 2005 is authorized to be available for the Fulbright English Teaching Assistant Program in Korea, which sends United States citizen students to serve as English language teaching assistants at Korean colleges and high schools.

(D) DANTE B. FASCELL NORTH-SOUTH CENTER.—Of the amounts authorized to be available by subparagraph (A), $1,025,000 for the fiscal year 2004 and $1,025,000 for the fiscal year 2005 is authorized to be available for the ''Dante B. Fascell North-South Center''.

(E) GEORGE J. MITCHELL SCHOLARSHIP PROGRAM.—Of the amounts authorized to be available under subparagraph (A), $500,000 for the fiscal year 2004 and $500,000 for the fiscal year 2005 is authorized to be available for the ''George J. Mitchell Scholarship Program'' which provides for one year of postgraduate study for American scholars at institutions of higher education in Ireland and Northern Ireland.

(4) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) IN GENERAL.—Of the amounts authorized to be appropriated under paragraph (1), $110,000,000 for the fiscal year 2004 and $110,000,000 for the fiscal year 2005 is authorized to be available for other educational and cultural exchange programs authorized by law.

(B) INITIATIVES FOR PREDOMINANTLY MUSLIM COUNTRIES.—Of the amounts authorized to be available under subparagraph (A), $35,000,000 for the fiscal year 2004 and $35,000,000 for the fiscal year 2005 is authorized to be available for initiatives for predominantly Muslim countries established under section 251.

(C) TIBETAN EXCHANGES.—Of the amounts authorized to be available under subparagraph (A), $500,000 for the fiscal year 2004 and $500,000 for the fiscal year 2005 is authorized to be available for ''Ngawang Choephel Exchange Programs'' (formerly known as ''programs of educational and cultural exchange between the United States and the people of Tibet'') under section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319).

(D) EAST TIMORESE SCHOLARSHIPS.—Of the amounts authorized to be available under subparagraph (A), $1,000,000 for the fiscal year 2004 and $1,000,000 for the fiscal year 2005 is authorized to be available for ''East Timorese Scholarships''.

(E) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be available under subparagraph (A), $750,000 for the fiscal year 2004 and $750,000 for the fiscal year 2005 is authorized to be available for ''South Pacific Exchanges''.

(F) SUDANESE SCHOLARSHIPS.—Of the amounts authorized to be available under subparagraph (A), $500,000 for the fiscal year 2004 and $500,000 for the fiscal year 2005 is authorized to be available for scholarships for students from southern Sudan for secondary or postsecondary education in the United States, to be known as ''Sudanese Scholarships''.

(G) SUMMER INSTITUTES FOR KOREAN STUDENTS.—Of the amounts authorized to be available under subparagraph (A), $750,000 for the fiscal year 2004 and $750,000 for the fiscal year 2005 is authorized to be available for summer academic study programs in the United States (focusing on United States political systems, government institutions, society, and democratic culture) for college and university students from the Republic of Korea, to be known as the ''United States Summer Institutes for Korean Student Leaders''.

(H) SCHOLARSHIPS FOR INDIGENOUS PEOPLES OF MEXICO AND CENTRAL AND SOUTH AMERICA.—Of the amounts authorized to be available under subparagraph (A), $400,000 for the fiscal year 2004 and $400,000 for the fiscal year 2005 is authorized to be available for scholarships for postsecondary education in the United States for students from Mexico and the countries of Central and South America who are from the indigenous peoples of the region.

(c) NATIONAL ENDOWMENT FOR DEMOCRACY.—

(1) IN GENERAL.—For the ''National Endowment for Democracy'', $45,000,000 for the fiscal year 2004 and $47,000,000 for the fiscal year 2005.

(2) INITIATIVES FOR PREDOMINANTLY MUSLIM COUNTRIES.—Of the amounts authorized to be appropriated under paragraph (1), $3,000,000 for the fiscal year 2004 and $3,000,000 for the fiscal year 2005 is authorized to be available for the National Endowment for Democracy to fund programs that promote democracy, good governance, the rule of law, independent media, religious tolerance, the rights of women, and strengthening of civil society in countries of predominantly Muslim population within the jurisdiction of the Bureau of Near Eastern Affairs of the Department of State.

(d) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the ''Center for Cultural and Technical Interchange between East and West'', $14,280,000 for the fiscal year 2004 and $14,280,000 for the fiscal year 2005.

(e) REAGAN-FASCELL DEMOCRACY FELLOWS.—For the ''Reagan-Fascell Democracy Fellows'', for fellowships for democracy activists and scholars from around the world at the International Forum for Democratic Studies in Washington, D.C., to study, write, and exchange views with other activists and scholars and with Americans, $1,000,000 for the fiscal year 2004 and $1,000,000 for the fiscal year 2005.

(f) BENJAMIN GILMAN INTERNATIONAL SCHOLARSHIP PROGRAM.—Section 305 of the Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000 (22 U.S.C. 2462 note) is amended by striking ''$1,500,000'' and inserting ''$2,500,000''.

SEC. 113. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There is authorized to be appropriated under the heading ''Contributions to International Organizations'' $1,010,463,000 for the fiscal year 2004 and $1,040,776,000 for the fiscal year 2005 for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There is authorized

to be appropriated under the heading ''Contributions for International Peacekeeping Activities'' $550,200,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005 for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(c) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts authorized to be appropriated by subsection (a), there is authorized to be appropriated such sums as may be necessary for the fiscal years 2004 and 2005 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection may be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to the appropriate congressional committees that such amounts are necessary due to such fluctuations.

(d) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the organization or agency concerned its proportionate share of the amount by which the total contributions to the organization or agency exceed the expenditures of the regular assessed budget of the organization or agency.

SEC. 114. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under ''International Commissions'' for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international commissions, and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For ''International Boundary and Water Commission, United States and Mexico''—

(A) for ''Salaries and Expenses'', $31,562,000 for the fiscal year 2004 and $31,562,000 for the fiscal year 2005; and

(B) for ''Construction'', $8,901,000 for the fiscal year 2004 and $8,901,000 for the fiscal year 2005.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For ''International Boundary Commission, United States and Canada'', $1,261,000 for the fiscal year 2004 and $1,261,000 for the fiscal year 2005.

(3) INTERNATIONAL JOINT COMMISSION.—For ''International Joint Commission'', $7,810,000 for the fiscal year 2004 and $7,810,000 for the fiscal year 2005.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For ''International Fisheries Commissions'', $20,043,000 for the fiscal year 2004 and $20,043,000 for the fiscal year 2005.

SEC. 115. MIGRATION AND REFUGEE ASSISTANCE.

(a) IN GENERAL.—There is authorized to be appropriated for the Department for ''Migration and Refugee Assistance'' for authorized activities, $927,000,000 for the fiscal year 2004 and $957,000,000 for the fiscal year 2005.

(b) REFUGEES RESETTLING IN ISRAEL.—Of the amount authorized to be appropriated by subsection (a), $50,000,000 for the fiscal year 2004 and $50,000,000 for the fiscal year 2005 is authorized to be available for the resettlement of refugees in Israel.

(c) TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amount authorized to be appropriated by subsection (a), $2,000,000 for the fiscal year 2004 and $2,000,000 for the fiscal year 2005 is authorized to be available for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(d) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—Of the amount authorized to be appropriated by subsection (a), $2,000,000 for the fiscal year 2004 and $2,000,000 for the fiscal year 2005 is authorized to be available for humanitarian assistance (including food, medicine, clothing, and medical and vocational training) to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(e) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available until expended.

SEC. 116. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of State for ''Voluntary Contributions to International Organizations'', $342,555,000 for the fiscal year 2004 and $345,000,000 for the fiscal year 2005.

(b) UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amounts authorized to be appropriated under subsection (a), $6,000,000 for the fiscal year 2004 and $7,000,000 for the fiscal year 2005 is authorized to be available for a United States voluntary contribution to the United Nations Voluntary Fund for Victims of Torture.

(c) ORGANIZATION OF AMERICAN STATES.—Of the amounts authorized to be appropriated under subsection (a) $2,000,000 for fiscal years 2004 and 2005 is authorized to be available for a United States voluntary contribution to the Organization of American States for the Inter-American Committee Against Terrorism (CICTE) to identify and develop a port in the Latin American and Caribbean region into a model of best security practices and appropriate technologies for improving port security in the Western Hemisphere. Amounts authorized to be available by the preceding sentence are authorized to remain available until expended and are in addition to amounts otherwise available to carry out section 301 of the Foreign Assistance Act of 1961 (22 U.S.C. 2221).

(d) RESTRICTIONS ON UNITED STATES CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.—

(1) LIMITATION.—Of the amounts made available under subsection (a) for each of the fiscal years 2004 and 2005 for United States contributions to the United Nations Development Program an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year shall be withheld unless during such fiscal year the Secretary of State submits to the appropriate congressional committees the certification described in paragraph (2).

(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification by the Secretary of State that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(A) are focused on eliminating human suffering and addressing the needs of the poor;

(B) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Peace and Development Council (SPDC) (formerly known as the State Law and Order Restoration Council (SLORC)), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(C) provide no financial, political, or military benefit to the SPDC; and

(D) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

(e) UNITED NATIONS POPULATION FUND (UNFPA).—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under subsection (a), $50,000,000 for each of the fiscal years 2004 and 2005 is authorized only to be available for a United States voluntary contribution to the United Nations Population Fund (UNFPA).

(2) PERMANENT GUIDELINES FOR VOLUNTARY CONTRIBUTIONS TO UNFPA.—Section 301 of the Foreign Assistance Act of 1961 (22 U.S.C. 2221) is amended by inserting after subsection (a) the following new subsection:

''(b)(1) For fiscal year 2004 and each subsequent fiscal year, funds appropriated to the President or the Department of State under any law for a voluntary contribution to the United Nations Population Fund (UNFPA) may be obligated and expended for such purpose beginning 30 days after such funds become available and only if the President certifies to the Congress that the United Nations Population Fund (UNFPA) does not directly support or participate in coercive abortion or involuntary sterilization. The certification authority of the President under the preceding sentence may not be delegated.

''(2) In paragraph (1), the term 'directly supports or participates in coercive abortion or involuntary sterilization' means knowingly and intentionally working with a purpose to continue, advance, or expand the practice of coercive abortion or involuntary sterilization, or playing a primary and essential role in a coercive or involuntary aspect of a country's family planning program.''.

SEC. 117. VOLUNTARY CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of State for ''Voluntary Contributions for International Peacekeeping'', $110,000,000 for the fiscal year 2004 and $110,000,000 for the fiscal year 2005.

(b) PEACEKEEPING IN AFRICA.—Of the amounts authorized to be appropriated under subsection (a), $40,000,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005 is authorized to be appropriated for peacekeeping activities in Africa.

SEC. 118. GRANTS TO THE ASIA FOUNDATION.

Section 404 of The Asia Foundation Act (title IV of Public Law 98–164; 22 U.S.C. 4403) is amended to read as follows:

''SEC. 404. There is authorized to be appropriated to the Secretary of State $18,000,000 for the fiscal year 2004 and $18,000,000 for the fiscal year 2005 for grants to The Asia Foundation pursuant to this title.''.

Subtitle B—United States International Broadcasting Activities

SEC. 121. AUTHORIZATIONS OF APPROPRIATIONS.

The following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, and the Foreign Affairs Reform and Restructuring Act of 1998, and to carry out other authorities in law consistent with such purposes:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—

(A) IN GENERAL.—For ''International Broadcasting Operations'', $600,354,000 for the fiscal year 2004 and $612,146,000 for the fiscal year 2005.

(B) ALLOCATION OF FUNDS.—Of the amounts authorized to be appropriated by subparagraph (A), there is authorized to be available for Radio Free Asia $30,000,000 for the fiscal year 2004 and $30,000,000 for the fiscal year 2005.

(C) OFFICE OF GLOBAL INTERNET FREEDOM.—Of the amounts authorized to be appropriated by subparagraph (A), there is authorized to be available for the Broadcasting Board of Governors for the establishment and operations of the Office of Global Internet Freedom under section 524(a) $8,000,000 for the fiscal year 2004 and $8,000,000 for the fiscal year 2005.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For ''Broadcasting Capital Improvements'', $29,895,000 for the fiscal year 2004 and $11,395,000 for the fiscal year 2005.

(3) BROADCASTING TO CUBA.—For ''Broadcasting to Cuba'', $26,901,000 for the fiscal year 2004 and $27,439,000 for the fiscal year 2005.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—United States Public Diplomacy

SEC. 201. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States possesses strong and deep connections with the peoples of the world separate from its relations with their governments. These connections can be a major asset in the promotion of United States interests and foreign policy.

(2) Misinformation and hostile propaganda in these countries regarding the United States and its foreign policy endanger the interests of the United States. Existing efforts to counter such misinformation and propaganda are inadequate and must be greatly enhanced in both scope and substance.

(3) United States foreign policy has been hampered by an insufficient consideration of the importance of public diplomacy in the formulation and implementation of that policy and by the underuse of modern communication techniques.

(4) The United States should have an operational strategy and a coordinated effort regarding the utilization of its public diplomacy resources.

(5) The development of an operational strategy and a coordinated effort by United States agencies regarding public diplomacy would greatly enhance United States foreign policy.

(6) The Secretary of State has undertaken efforts to ensure that of the new positions established at the Department of State after September 30, 2002, a significant proportion are for public diplomacy.

(b) PURPOSES.—It is the purpose of this subtitle to enhance in scope and substance, redirect, redefine, and reorganize United States public diplomacy.

SEC. 202. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE.

(a) IN GENERAL.—The State Department Basic Authorities Act of 1956 (22 U.S.C. 265 et seq.) is amended by inserting after section 58 the following new section:

''SEC. 59. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE.

''(a) IN GENERAL.—The Secretary of State shall make public diplomacy an integral component in the planning and execution of United States foreign policy. The Department of State, in coordination with the United States International Broadcasting Agency, shall develop a comprehensive strategy for the use of public diplomacy resources and assume a prominent role in coordinating the efforts of all Federal agencies involved in public diplomacy. Public diplomacy efforts shall be addressed to developed and developing countries, to select and general audiences, and shall utilize all available media to ensure that the foreign policy of the United States is properly explained and understood not only by the governments of countries but also by their peoples, with the objective of enhancing support for United States foreign policy. The Secretary shall ensure that the public diplomacy strategy of the United States is cohesive and coherent and shall aggressively and through the most effective mechanisms counter misinformation and propaganda concerning the United States. The Secretary shall endeavor to articulate the importance in American foreign policy of the guiding principles and doctrines of the United States, particularly freedom and democracy. The Secretary, in coordination with the Board of Governors of the United States International Broadcasting Agency, shall develop and articulate long-term measurable objectives for United States public diplomacy. The Secretary is authorized to produce and distribute public diplomacy programming for distribution abroad in order to achieve public diplomacy objectives, including through satellite communication, the Internet, and other established and emerging communications technologies.

''(b) INFORMATION CONCERNING UNITED STATES ASSISTANCE.—

''(1) IDENTIFICATION OF ASSISTANCE.—In cooperation with the United States Agency for International Development (USAID) and other public and private assistance organizations and agencies, the Secretary shall ensure that information concerning foreign assistance provided by the United States Government, United States nongovernmental organizations and private entities, and the American people is disseminated widely and prominently, particularly, to the extent practicable, within countries and regions that receive such assistance. The Secretary shall ensure that, to the extent practicable, projects funded by the United States Agency for International Development (USAID) that do not involve commodities, including projects implemented by private voluntary organizations, are identified as being supported by the United States of America, as American Aid or provided by the American people.

''(2) REPORT TO CONGRESS.—Not later than 120 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate on efforts to disseminate information concerning assistance described in paragraph (1) during the preceding fiscal year. Each such report shall include specific information concerning all instances in which the United States Agency for International Development has not identified projects in the manner prescribed in paragraph (1) because such identification was not practicable. Any such report shall be submitted in unclassified form, but may include a classified appendix.

''(c) AUTHORITY.—Subject to the availability of appropriations, the Secretary may contract with and compensate government and private agencies or persons for property and services to carry out this section.''.

(b) ESTABLISHMENT OF PUBLIC DIPLOMACY RESERVE CORPS.—

(1) The Secretary of State shall establish a public diplomacy reserve corps to augment the public diplomacy capacity and capabilities of the Department in emergency and critical circumstances worldwide. The Secretary shall develop a contingency plan for the use of the corps to bolster public diplomacy resources and expertise. To the extent necessary and appropriate, the Secretary may recruit experts in public diplomacy and related fields from the private sector.

(2) While actively serving with the reserve corps, individuals are prohibited from engaging in activities directly or indirectly intended to influence public opinion within the United States to the same degree that employees of the Department engaged in public diplomacy are so prohibited.

(c) FUNCTIONS OF THE UNDER SECRETARY FOR PUBLIC DIPLOMACY.—

(1) Section 1(b)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)(3)) is amended by striking ''formation'' and all that follows through the period at the end and inserting ''formation, supervision, and implementation of United States public diplomacy policies, programs, and activities, including the provision of guidance to Department personnel in the United States and overseas who conduct or implement such policies, programs, and activities. The Under Secretary for Public Diplomacy shall assist the United States Agency for International Broadcasting in presenting the policies of the United States clearly and effectively, shall submit statements of United States policy and editorial material to the Agency for broadcast consideration in addition to material prepared by the Agency, and shall ensure that editorial material created by the Agency for broadcast is reviewed expeditiously by the Department.''.

(2) The Under Secretary for Public Diplomacy, in carrying out the functions under the last sentence of section 1(b)(3) of the State Department Basic Authorities Act of 1956 (as added by paragraph (1), shall consult with public diplomacy officers operating at United States overseas posts and in the regional bureaus of the Department of State.

SEC. 203. ANNUAL PLAN ON PUBLIC DIPLOMACY STRATEGY.

The Secretary of State, in coordination with all appropriate Federal agencies, shall prepare an annual review and analysis of the impact of public diplomacy efforts on target audiences. Each review shall assess the United States public diplomacy strategy worldwide and by region, including the allocation of resources and an evaluation and assessment of the progress in, and barriers to, achieving the goals set forth under previous plans submitted under this section. On the basis of such review, the Secretary of State, in coordination with all appropriate Federal agencies shall develop and submit, as part of the annual budget submission, a public diplomacy strategy which specifies goals, agency responsibilities, and necessary resources and mechanisms for achieving such goals during the next fiscal year. The plan may be submitted in classified form.

SEC. 204. PUBLIC DIPLOMACY TRAINING.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Foreign Service should recruit individuals with expertise and professional experience in public diplomacy.

(2) Ambassadors should have a prominent role in the formulation of public diplomacy strategies for the countries and regions to which they are assigned and be accountable for the operation and success of public diplomacy efforts at their posts.

(3) Initial and subsequent training of Foreign Service officers should be enhanced to include information and training on public diplomacy and the tools and technology of mass communication.

(b) PERSONNEL.—

(1) In the recruitment, training, and assignment of members of the Foreign Service, the Secretary shall emphasize the importance of public diplomacy and of applicable skills and techniques. The Secretary shall consider the priority recruitment into the Foreign Service, at middle-level entry, of individuals with expertise and professional experience in public diplomacy, mass communications, or journalism, especially individuals with language facility and experience in particular countries and regions.

(2) The Secretary of State shall seek to increase the number of Foreign Service officers proficient in languages spoken in predominantly Muslim countries. Such increase shall be accomplished through the recruitment of new officers and incentives for officers in service.

SEC. 205. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) STUDY AND REPORT BY UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—Section 604(c)(2) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(c)(2)) is amended to read as follows:

''(2)(A) Not less often than every two years, the Commission shall undertake an in-depth review of United States public diplomacy programs, policies, and activities. Each study shall assess the effectiveness of the various mechanisms of United States public diplomacy, in light of factors including public and media attitudes around the world toward the United States, Americans, United States foreign policy, and the role of the American private-sector community abroad, and make appropriate recommendations.

''(B) A comprehensive report of each study under subparagraph (A) shall be submitted to the Secretary of State and the appropriate congressional committees. At the discretion of the Commission, any report under this subsection may be submitted in classified or unclassified form, as appropriate.''.

(b) INFORMATION AND SUPPORT FROM OTHER AGENCIES.—Upon request of the United States Advisory Commission on Public Diplomacy, the Secretary of State, the Director of the United States International Broadcasting Agency, and the head of any other Federal agency that conducts public diplomacy programs and activities shall provide information to the Advisory Commission to assist in carrying out the responsibilities under section 604(c)(2) of the United States Information and Educational Exchange Act of 1948 (as amended by subsection (a)).

(c) ENHANCING THE EXPERTISE OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—

(1) QUALIFICATIONS OF MEMBERS.—Section 604(a)(2) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)(2)) is amended by adding at the end the following: ''At least 4 members shall have substantial experience in the conduct of public diplomacy or comparable activities in the private sector. At least 1 member shall be an American residing abroad. No member may be an officer or employee of the United States.''.

(2) APPLICATION OF AMENDMENT.—The amendments made by paragraph (1) shall not apply to individuals who are members of the United States Advisory Commission on Public Diplomacy on the date of the enactment of this Act.

SEC. 206. LIBRARY PROGRAM.

The Secretary of State shall develop and implement a demonstration program to assist foreign governments to establish or upgrade their public library systems to improve literacy and support public education. The program should provide training in the library sciences. The purpose of the program shall be to advance American values and society, particularly the importance of freedom and democracy.

SEC. 207. SENSE OF CONGRESS CONCERNING PUBLIC DIPLOMACY EFFORTS IN SUB-SAHARAN AFRICA.

(a) FINDINGS.—The Congress makes the following findings:

(1) A significant number of sub-Saharan African countries have predominantly Muslim populations, including such key countries as Nigeria, Senegal, Djibouti, Mauritania, and Guinea.

(2) In several of these countries, groups with links to militant religious organizations are active among the youth, primarily young men, promoting a philosophy and practice of intolerance and radical clerics are effectively mobilizing public sentiment against the United States.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary should include countries in sub-Saharan Africa with predominantly Muslim populations in the public diplomacy activities authorized by this Act and the amendments made by this Act.

SEC. 208. THE COLIN POWELL CENTER FOR AMERICAN DIPLOMACY.

Title I of the State Department Basic Authorities Act of 1956 is amended by adding after section 59 (22 U.S.C. 2730) the following new section:

''SEC. 60. COLIN POWELL CENTER FOR AMERICAN DIPLOMACY.

''(a) DESIGNATION.—The diplomacy center of the Department of State, located in the Harry S Truman building, is hereby designated as the 'Colin Powell Center for American Diplomacy' (hereinafter in this section referred to as the 'Center').

''(b) ACTIVITIES.—

''(1) SUPPORT AUTHORIZED.—The Secretary of State is authorized to provide by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services, including organizing conference activities, museum shop services, and food services, in the public exhibit and related space utilized by the Center.

''(2) PAYMENT OF EXPENSES.—The Secretary may pay all reasonable expenses of conference activities conducted by the Center, including refreshments and reimbursement of travel expenses incurred by participants.

''(3) RECOVERY OF COSTS.—Any revenues generated under the authority of paragraph (1) for visitor services may be retained, as a recovery of the costs of operating the Center, and credited to any Department of State appropriation.

''(c) DISPOSITION OF CENTER ARTIFACTS AND MATERIALS.—

''(1) PROPERTY OF SECRETARY.—All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary to be suitable for display in the Center shall be considered to be the property of the Secretary in the Secretary's official capacity and shall be subject to disposition solely in accordance with this subsection.

''(2) SALE OR TRADE.—Whenever the Secretary makes the determination under paragraph (3) with respect to an item, the Secretary may sell at fair market value, trade, or transfer the item, without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the Center's mission and may not be used for any purpose other than the acquisition and direct care of collections.

''(3) DETERMINATIONS PRIOR TO SALE OR TRADE.—The determination referred to in paragraph (2), with respect to an item, is a determination that—

''(A) the item no longer serves to further the purposes of the Center established in the collections management policy of the Center; or

''(B) in order to maintain the standards of the collections of the Center, the sale or exchange of the item would be a better use of the item.

''(4) LOANS.—The Secretary may also lend items covered by paragraph (1), when not needed for use or display in the Center, to the Smithsonian Institution or a similar institution for repair, study, or exhibition.''.

Subtitle B—Basic Authorities and Activities

SEC. 221. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this Act may be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(b) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(c) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES.—The first section of ''An Act to regulate the issue and validity of passports, and for other purposes'', approved July 3, 1926 (22 U.S.C. 211a; 44 Stat. 887) is amended by inserting after the first sentence the following: ''For purposes of the issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary shall, upon the request of the citizen or the citizen's legal guardian, record the place of birth as Israel.''.

SEC. 222. MODIFICATION OF REPORTING REQUIREMENTS.

(a) REPEAL.—Section 805 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 805(a) of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106-113; appendix G; 113 Stat. 1501A-470) (relating to reports on terrorist activity in which United States citizens were killed and related matters) is hereby repealed.

(b) ANNUAL COUNTRY REPORTS ON TERRORISM.—Section 140(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 22 U.S.C. 2656f(b)(2)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) for the reports due through May 1, 2005, information concerning terrorist attacks in Israel, territory administered by Israel, and territory administered by the Palestinian Authority, including—

''(i) a list of all citizens of the United States killed or injured in such attacks during the previous year;

''(ii) the date of each attack and the total number of people killed or injured in each attack;

''(iii) the person or group claiming responsibility for the attack and where such person or group has found refuge or support;

''(iv) to the extent possible, a list of suspects implicated in each attack and the nationality of each suspect, including information on their whereabouts (or suspected whereabouts);

''(v) a list of any terrorist suspects in these cases who are members of Palestinian police or security forces, the Palestine Liberation Organization, or any Palestinian governing body;

''(vi) the status of each case pending against a suspect, including information on whether the suspect has been arrested, detained, indicted, prosecuted, or convicted by the Palestinian Authority or Israel, and if detained and then released, the date of such release, and whether any released suspect was implicated in subsequent acts of terrorism;

''(vii) available information on convictions, releases or changes in the situation of suspects involved in attacks committed prior to December 31, 2003, and not covered in previous reports submitted under section 805(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001; and

''(viii) the policy of the Department of State with respect to offering rewards for information on terrorist suspects, including any information on whether a reward has been posted for suspects involved in terrorist attacks listed in the report.''.

(c) CONSULTATION.—The Secretary of State shall, in preparing the portion of the annual country reports on terrorism required by subparagraph (F) of section 140(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 22 U.S.C. 2656f(b)(2)), as added by subsection (b), consult and coordinate with all other Government officials who have information necessary to complete that portion of the report. Nothing contained in this subsection shall require the disclosure, on a classified or unclassified basis, of information that would jeopardize sensitive sources and methods or other vital national security interests or jeopardize ongoing criminal investigations or proceedings.

SEC. 223. REPORT CONCERNING EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Israel is a friend and ally of the United States whose security is vital to regional stability and United States interests.

(2) Israel currently maintains diplomatic relations with approximately 160 countries. Approximately 30 countries do not have any diplomatic relations with Israel.

(3) The State of Israel has been actively seeking to establish formal relations with a number of countries.

(4) The United States should assist its ally, Israel, in its efforts to establish diplomatic relations.

(5) After more than 50 years of existence, Israel deserves to be treated as an equal nation by its neighbors and the world community.

(b) REPORT CONCERNING UNITED STATES EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes the following information (in classified or unclassified form, as appropriate):

(1) Actions taken by the United States to encourage other countries to establish full diplomatic relations with Israel.

(2) Specific responses solicited and received by the Secretary from countries that do not maintain full diplomatic relations with Israel with respect to the status of negotiations to enter into diplomatic relations with Israel.

(3) Other measures being undertaken, and measures that will be undertaken, by the United States to ensure and promote Israel's full participation in the world diplomatic community.

SEC. 224. REIMBURSEMENT RATE FOR CERTAIN AIRLIFT SERVICES PROVIDED BY THE DEPARTMENT OF DEFENSE TO THE DEPARTMENT OF STATE.

(a) AUTHORITY.—Subsection (a) of section 2642 of title 10, United States Code, is amended—

(1) by striking ''provided by a component of the Department of Defense to the'' and inserting ''provided by a component of the Department of Defense as follows:

''(1) To the''; and

(2) by adding at the end the following new paragraph:

''(2) To the Department of State for the transportation of armored motor vehicles to a foreign country to meet unfulfilled requirements of the Department of State for armored motor vehicles in that foreign country.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading for such section is amended to read as follows:

''§ 2642. Airlift services provided to Central Intelligence Agency and Department of State: reimbursement rate''.

(2) The item relating to such section in the table of sections at the beginning of chapter 157 of such title is amended to read as follows:

''2642. Airlift services provided to Central Intelligence Agency and Department of State: reimbursement rate.''.

SEC. 225. SENSE OF CONGRESS REGARDING ADDITIONAL UNITED STATES CONSULAR POSTS.

It is the sense of the Congress that to help advance United States economic, political, and public diplomacy interests, the Secretary of State should make best efforts to establish consulates or other appropriate diplomatic presence in: Pusan, South Korea; Medan, Indonesia; and Hat Yai, Thailand.

SEC. 226. VALIDITY OF UNITED STATES PASSPORTS FOR TRAVEL TO COUNTRIES RECEIVING UNITED STATES FOREIGN ASSISTANCE.

The first section of the Act entitled ''An Act to regulate the issue and validity of passports, and for other purposes'', approved July 3, 1926 (22 U.S.C. 211a) is amended by striking ''travellers.'' and inserting ''travellers, and no such restriction may apply to a country in which the United States is providing assistance authorized by the Foreign Assistance Act of 1961.''.

SEC. 227. GAO ASSESSMENT OF SECURITY CAPITAL COST SHARING.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report on plans for security capital cost sharing between the Department of State and other Federal agencies with personnel assigned to United States diplomatic facilities under the authority of a chief of mission pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

(b) REPORT ELEMENTS.—In addition to such other information as the Comptroller General considers appropriate, the report described in subsection (a) shall address and make recommendations regarding the following:

(1) The anticipated projected costs that the Department of State proposes to be paid through an inter-agency security capital cost sharing program.

(2) The mechanism the Department of State proposes to use in allocating assessments under such a program and any alternatives the General Accounting Office suggests be considered.

(3) Factors that should be incorporated into any process for implementing such a program and a financial assessment of such factors, including the cost of services provided to the Department of State by other Federal agencies.

(4) The means of ensuring transparency in the cost assessment process of such a program.

(5) Mechanisms for adjudicating disagreements among Federal agencies regarding assessed fees under such a program.

SEC. 228. AUTHORITY TO ISSUE ADMINISTRATIVE SUBPOENAS.

Section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) is amended by adding at the end the following new subsection:

''(d) ADMINISTRATIVE SUBPOENAS.—

''(1) IN GENERAL.—If the Secretary determines that there is an imminent threat against a person, foreign mission, or international organization protected under the authority of subsection (a)(3), the Secretary may issue in writing, and cause to be served, a subpoena requiring—

''(A) the production of any records or other items relevant to the threat; and

''(B) testimony by the custodian of the items required to be produced concerning the production and authenticity of those items.

''(2) REQUIREMENTS.—

''(A) RETURN DATE.—A subpoena under this subsection shall describe the items required to be produced and shall specify a return date within a reasonable period of time within which the requested items may be assembled and made available. The return date specified may not be less than 24 hours after service of the subpoena.

''(B) NOTIFICATION TO ATTORNEY GENERAL.—As soon as practicable following the issuance of a subpoena under this subsection, the Secretary shall notify the Attorney General of its issuance.

''(C) OTHER REQUIREMENTS.—The following provisions of section 3486 of title 18, United States Code, shall apply to the exercise of the authority of paragraph (1):

''(i) Paragraphs (4) through (8) of subsection (a).

''(ii) Subsections (b), (c), and (d).

''(3) DELEGATION OF AUTHORITY.—The authority under this subsection may be delegated only to the Deputy Secretary of State.

''(4) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report regarding the exercise of the authority under this subsection during the previous calendar year.''.

SEC. 229. ENHANCING REFUGEE RESETTLEMENT AND MAINTAINING THE UNITED STATES COMMITMENT TO REFUGEES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States has a longstanding tradition of providing refugee assistance and relief through the Department of State's migration and refugee assistance account for refugees throughout the world who have been subjected to religious and other forms of persecution.

(2) A strong refugee resettlement and assistance program is a critical component of the United States' strong commitment to freedom.

(3) The United States refugee admissions program has been in decline for much of the last five years, resulting in a chronic inability of the United States to meet the ceiling on refugee admissions that has been set by the President each year.

(4) Refugee applicants have always undergone rigorous security screenings. The September 11, 2001, terrorist attacks on the United States has rightfully increased the awareness of the need to ensure that all aliens seeking admission to the United States would not endanger the United States.

(5) Private voluntary organizations and nongovernmental organizations (NGOs) have and continue to provide valuable information to State Department officials for refugee processing, and along with Embassy personnel, can be utilized to assist in the preliminary screening of refugees so that State Department officials can focus to a greater extent on security.

(6) Currently there are 15 million refugees worldwide. In order to meet the ceiling set by the Administration, which has been 70,000 in recent years, a broader cross-section could be considered for resettlement in the United States if the Department of State were to expand existing refugee processing priority categories in a reasonable and responsible manner. Expansion of refugee selection should include the expanded use of both the existing category reserved for refugees of special interest to the United States as well as the existing categories reserved for family reunification.

(b) PURPOSE.—It is the purpose of this section to provide the Department of State with tools to enable it to carry out its responsibilities with greater efficiency with respect to the identification and processing of refugee applicants.

(c) ENHANCEMENT OF REFUGEE IDENTIFICATION AND PROCESSING.—

(1) In addition to traditional agencies currently used in the processing of refugees for admission to the United States, where applicable, the Secretary shall develop and utilize partnerships with voluntary resettlement organizations that permit such organizations to assist in the identification and referral of refugees.

(2) In addition to traditional agencies currently used in the processing of refugees for admission to the United States, where applicable, the Secretary shall utilize private voluntary organizations with ties to domestic constituencies in the overseas processing of refugees.

(3) In addition to traditional agencies currently used in the processing of refugees for admission to the United States, where applicable, the Secretary shall establish refugee response teams.

(A) ESTABLISHMENT OF REFUGEE RESPONSE TEAMS.—In order to make the processing of refugees more efficient and effective, enhance the quality of refugee resettlement programs, and to augment the capacity of the United States government to identify, process, assist, and counsel individuals for eventual adjudication by the Department of Homeland Security as refugees, where applicable, the Secretary shall establish and utilize the services of Refugee Response Teams, (in this section referred to as ''RRTs''). RRTs shall be coordinated by the Assistant Secretary of State for Population, Refugees, and Migration, or the Assistant Secretary's designee.

(B) COMPOSITION OF THE RRTS.—RRTs shall be comprised of representatives of nongovernmental organizations and private voluntary organizations that have experience in refugee law, policy and programs.

(C) RESPONSIBILITIES OF THE RRTS.—RRTs shall be responsible for—

(i) monitoring refugee situations, with a view toward identifying those refugees whose best durable solution is third country resettlement;

(ii) preparing profiles and documentation for resettlement consideration by the United States Government;

(iii) augmenting or establishing an overseas operation, especially in response to urgent developments requiring quick responses or more staff resources than are available in the existing processing entities;

(iv) assisting with training and technical assistance to existing international organizations and other processing entities; and

(v) such other responsibilities as may be determined by the Secretary of State.

(D) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish appropriate training seminars for RRT personnel and make use of RRTs in situations where existing mechanisms are unable to identify and process refugees in a timely manner.

(d) PERFORMANCE STANDARDS.—In consultation with private voluntary organizations and NGOs, the Secretary shall establish performance standards to ensure accountability and effectiveness in the tasks carried out in subsection (c).

(e) CONSIDERATION OF VARIOUS GROUPS.—To ensure that there is adequate planning across fiscal years and that both the Department of State's planning and processing operations result in adequate numbers of travel-ready refugees to fulfill the admissions goals set forth in the determinations on refugee admissions required by sections 207(a) and 207(b) of the Immigration and Nationality Act (8 U.S.C. 1157(a) and (b)), the Secretary of State shall work to ensure that—

(1) those refugees in special need, including long-stayers in first countries of asylum, unaccompanied refugee minors, urban refugees, and refugees in women-headed households be given special attention for resettlement processing;

(2) attempts are made to expand processing of those refugees of all nationalities who have close family ties to citizens and residents in the United States, including spouses, unmarried children, or parents of persons lawfully admitted to the United States, regardless of their country of nationality, country of habitual residence, or first country of asylum, as well as grandparents, grandchildren, married sons or daughters, or siblings of United States citizens or other persons lawfully admitted to the United States;

(3) attempts are made to expand the number of refugees considered who are of special concern to the United States; and

(4) expanded access is provided to broader categories of refugees seeking admission to the United States, thus reducing instances of relationship-based misrepresentation by persons who are bona fide refugees but who resort to such misrepresentation merely as a way to be interviewed for refugee status.

(f) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to Congress that includes information concerning the following:

(1) Efforts of the Secretary to utilize NGO's in refugee identification, utilize private voluntary organizations in processing refugees, establish and utilize RRTs, and an explanation of the rationale for not using such organizations and agencies in situations where the Secretary has made such a determination, as described in subsection (c).

(2) Efforts of the Secretary to implement performance standards and measures as described in subsection (d) and the success of NGO's and private voluntary organizations in meeting such standards.

(3) Efforts of the Secretary to expand consideration of various groups for refugee processing as described in subsection (e).

(4) Efforts to ensure that there is planning across fiscal years so as to fulfill the refugee admissions goals set forth by the President in his annual presidential determinations on refugee admissions.

SEC. 230. THE COLIN POWELL CENTER FOR AMERICAN DIPLOMACY.

Title I of the State Department Basic Authorities Act of 1956 is amended by adding after section 59 (22 U.S.C. 2730) the following new section:

"SEC. 60. COLIN POWELL CENTER FOR AMERICAN DIPLOMACY.

''(a) DESIGNATION.—The diplomacy center of the Department of State, located in the Harry S Truman building, is hereby designated as the 'Colin Powell Center for American Diplomacy' (hereinafter in this section referred to as the 'Center').

''(b) ACTIVITIES.—

''(1) SUPPORT AUTHORIZED.—The Secretary of State is authorized to provide by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services, including organizing conference activities, museum shop services, and food services, in the public exhibit and related space utilized by the Center.

''(2) PAYMENT OF EXPENSES.—The Secretary may pay all reasonable expenses of conference activities conducted by the Center, including refreshments and reimbursement of travel expenses incurred by participants.

''(3) RECOVERY OF COSTS.—Any revenues generated under the authority of paragraph (1) for visitor services may be retained, as a recovery of the costs of operating the Center, and credited to any Department of State appropriation.

''(c) DISPOSITION OF CENTER ARTIFACTS AND MATERIALS.—

''(1) PROPERTY OF SECRETARY.—All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary to be suitable for display in the Center shall be considered to be the property of the Secretary in the Secretary's official capacity and shall be subject to disposition solely in accordance with this subsection.

''(2) SALE OR TRADE.—Whenever the Secretary makes the determination under paragraph (3) with respect to an item, the Secretary may sell at fair market value, trade, or transfer the item, without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the Center's mission and may not be used for any purpose other than the acquisition and direct care of collections.

''(3) DETERMINATIONS PRIOR TO SALE OR TRADE.—The determination referred to in paragraph (2), with respect to an item, is a determination that—

''(A) the item no longer serves to further the purposes of the Center established in the collections management policy of the Center; or

''(B) in order to maintain the standards of the collections of the Center, the sale or exchange of the item would be a better use of the item.

''(4) LOANS.—The Secretary may also lend items covered by paragraph (1), when not needed for use or display in the Center, to the Smithsonian Institution or a similar institution for repair, study, or exhibition.''.

Subtitle C—Educational and Cultural Authorities

SEC. 251. ESTABLISHMENT OF INITIATIVES FOR PREDOMINANTLY MUSLIM COUNTRIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Surveys indicate that, in countries of predominantly Muslim population, opinions of the United States and American foreign policy among the general public and select audiences are significantly distorted by highly negative and hostile beliefs and images and that many of these beliefs and images are the result of misinformation and propaganda by individuals and organizations hostile to the United States.

(2) These negative opinions and images are highly prejudicial to the interests of the United States and to its foreign policy.

(3) As part of a broad and long-term effort to enhance a positive image of the United States in the Muslim world, a key element should be the establishment of programs to promote a greater familiarity with American society and values among the general public and select audiences in countries of predominantly Muslim population.

(b) ESTABLISHMENT OF INITIATIVES.—The Secretary of State shall establish the following programs with countries with predominantly Muslim populations as part of the educational and cultural exchange programs of the Department of State for the fiscal years 2004 and 2005:

(1) JOURNALISM PROGRAM.—A program for foreign journalists, editors, media managers, and postsecondary students of journalism which, in cooperation with private sector sponsors to include universities, shall sponsor workshops and professional training in techniques, standards, and practices in the field of journalism to assist the participants to achieve the highest standards of professionalism.

(2) ENGLISH LANGUAGE TEACHING.—The Secretary shall provide grants to United States citizens to work in middle and secondary schools as English language teaching assistants for not less than an academic year. If feasible, the host government or local educational agency shall share the salary costs of the assistants.

(3) SISTER CITY PARTNERSHIPS.—The Secretary shall expand and enhance sister-city partnerships between United States and international municipalities in an effort to increase global cooperation at the community level. Such partnerships shall encourage economic development, municipal cooperation, health care initiatives, youth and educational programs, disability advocacy, emergency preparedness, and humanitarian assistance.

(4) CIVICS EDUCATION.—The Secretary shall establish a civics education program which shall develop civics education teaching curricula and materials, provide training for teachers of civics, and provide English language teaching materials that are designed to promote civics education. Civics education programs under this paragraph shall place particular emphasis on the on-site training of educators and the function of the mass media within that society.

(5) YOUTH AMBASSADORS.—The Secretary shall establish a program for visits by middle school students (to the extent feasible) and secondary school students to the United States during school holidays in their home country for periods not to exceed 4 weeks and a program for academic year study in the United States for secondary school students. Participating students shall reflect the economic, geographic, and ethnic diversity of their countries. Activities shall include cultural and educational activities designed to familiarize participating students with American society and values. To the extent practicable, the program involving school holiday visits shall be coordinated with middle and secondary schools in the United States to provide for school-based activities and interactions. The Secretary shall encourage the establishment of direct school-to-school linkages under the programs.

(6) FULBRIGHT EXCHANGE PROGRAM.—The Secretary shall seek to substantially increase the number of awards under the J. William Fulbright Educational Exchange Program to graduate students, scholars, professionals, teachers, and administrators from the United States who are applying for such awards to study, teach, conduct research, or pursue scholarship in predominantly Muslim countries. Part of such increase shall include awards for scholars and teachers who plan to teach subjects relating to American studies.

(7) HUBERT H. HUMPHREY FELLOWSHIPS.—The Secretary shall seek to substantially increase the number of Hubert H. Humphrey Fellowships

awarded to candidates from predominantly Muslim countries.

(8) LIBRARY TRAINING EXCHANGE PROGRAM.—The Secretary shall develop an exchange program for postgradute students seeking additional training in the library sciences and related fields.

(c) GENERAL PROVISION.—Programs established under this section shall be carried out under the provisions of the United States Information and Educational Exchange Act of 1948 and the Mutual Educational and Cultural Exchange Act of 1961.

SEC. 252. DATABASE OF AMERICAN AND FOREIGN PARTICIPANTS IN EXCHANGE PROGRAMS.

To the extent practicable, the Secretary of State, in coordination with the heads of other agencies that conduct international exchange and training programs, shall establish and maintain a database listing all American and foreign alumni of such programs in order to encourage networking, interaction, and communication with alumni.

SEC. 253. REPORT ON INCLUSION OF FREEDOM AND DEMOCRACY ADVOCATES IN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a report concerning the implementation of section 102 of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996. The report shall include information concerning the number of grants to conduct exchange programs to countries described in such section that have been submitted for competitive bidding, what measures have been taken to ensure that willingness to include supporters of freedom and democracy in such programs is given appropriate weight in the selection of grantees, and an evaluation of whether United States exchange programs in the countries described in such section are fully open to supporters of freedom and democracy, and, if not, what obstacles remain and what measures are being taken to implement such policy.

SEC. 254. SENSE OF THE CONGRESS CONCERNING EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM FOR FOREIGN JOURNALISTS.

It is the sense of the Congress that the Secretary of State should work toward the establishment of a program for foreign journalists from regions of conflict that will provide professional training in techniques, standards, and practices in the field of journalism.

SEC. 255. SENSE OF CONGRESS REGARDING KOREAN FULBRIGHT PROGRAMS.

It is the sense of the Congress that Fulbright program activities for Korea should—

(1) include participation by students from throughout South Korea, including proportional representation from areas outside of Seoul;

(2) attempt to include Korean students from a broad range of educational institutions, including schools other than elite universities;

(3) broaden the Korean student emphasis beyond degree-seeking graduate students, to include opportunities for one-year nondegree study at United States campuses by pre-doctoral Korean students; and

(4) include a significant number of Korean students planning to move into areas other than advanced research and university teaching, such as those heading towards careers in government service, media, law, and business.

SEC. 256. AUTHORIZING EAST TIMORESE SCHOLARSHIPS FOR GRADUATE STUDY.

Section 237 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by inserting ''graduate or'' after ''at the''.

SEC. 257. PUBLIC SAFETY AWARENESS IN STUDY ABROAD PROGRAMS.

With respect to the Department of State's support for study abroad programs, Congress—

(1) encourages the Bureau of Educational and Cultural Affairs to support public safety awareness activities as part of such programs; and

(2) encourages the Bureau to continue supporting such activities and urges special attention to public safety issues, including road safety.

Subtitle D—Consular Authorities

SEC. 271. MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note) is amended by adding at the end the following:

''(4) For each of the fiscal years 2004 and 2005, any amount that exceeds $700,000,000 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.''.

SEC. 272. PROCESSING OF VISA APPLICATIONS.

(a) IN GENERAL.—It shall be the policy of the Department of State to process each visa application from an alien classified as an immediate relative or as a K–1 nonimmigrant within 30 days of the receipt of all necessary documents from the applicant and the Department of Homeland Security. In the case of an immigrant visa application where the petitioner is a relative other than an immediate relative, it should be the policy of the Department to process such an application within 60 days of the receipt of all necessary documents from the applicant and the Department of Homeland Security.

(b) DEFINITIONS.—In this section:

(1) IMMEDIATE RELATIVE.—The term ''immediate relative'' has the meaning given the term in section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)).

(2) K–1 NONIMMIGRANT.—The term ''K–1 nonimmigrant'' means a nonimmigrant alien described in section 101(a)(15)(K)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)).

SEC. 273. STAFFING AT DIPLOMATIC MISSIONS.

At least once every five years and pursuant to a process determined by the President for staffing at diplomatic missions and overseas constituent posts, the Secretary of State shall require each chief of mission to review every staff element under chief of mission authority, including staff from other executive agencies, and recommend approval or disapproval of each staff element. The Secretary of State shall submit an annual report concerning such reviews together with the Secretary's recommendations to the heads of all affected agencies and the Inspector General of the Department of State.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

SEC. 301. FELLOWSHIP OF HOPE PROGRAM.

The Secretary of State is authorized to establish in the Department of State an exchange program to be designated the ''Fellowship of Hope Program''. The program shall provide for the exchange and assignment of government employees of designated countries to fellowship positions at the Department of State and reciprocal assignment of civil service and foreign service employees of the Department as fellows within the governments of foreign countries.

SEC. 302. CLAIMS FOR LOST PAY.

Section 2 of the State Department Basic Authorities Act (22 U.S.C. 2669) is amended—

(1) at the end of subsection (o) by striking the period and inserting ''; and''; and

(2) by inserting after subsection (o) the following new subsection:

''(p) make administrative corrections or adjustments to an employee's pay, allowances, or differentials, resulting from mistakes or retroactive personnel actions, and to provide back pay and other categories of payments under the Back Pay Act as part of the settlement of administrative claims or grievances filed against the Department.''.

SEC. 303. OMBUDSMAN FOR THE DEPARTMENT OF STATE.

(a) ESTABLISHMENT.—There is established in the Office of the Secretary of State the position of Ombudsman. The position of Ombudsman shall be a career position within the Senior Executive Service. The Ombudsman shall report directly to the Secretary of State.

(b) DUTIES.—At the discretion of the Secretary of State, the Ombudsman shall participate in meetings regarding the management of the Department in order to assure that all employees may contribute to the achievement of the Department's responsibilities and to promote the career interests of all employees.

(c) CONFORMING AMENDMENT.—Section 172 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2664a) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 304. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.

Section 305 of the Foreign Service Act of 1980 (22 U.S.C. 3945) is amended by striking subsection (d).

SEC. 305. REPORT CONCERNING STATUS OF EMPLOYEES OF STATE DEPARTMENT.

Not later than one year after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the appropriate congressional committees a report that analyzes and evaluates the merits of the conversion of employees of the Department of State to excepted service under chapter 21 of title 5, United States Code.

SEC. 306. HOME LEAVE.

(a) REST AND RECUPERATION TRAVEL.—Section 901(6) of the Foreign Service Act of 1980 (22 U.S.C. 4081(6)) is amended by striking ''unbroken by home leave'' both places it appears.

(b) REQUIRED LEAVE IN THE UNITED STATES.—Section 903(a) of the Foreign Service Act of 1980 (22 U.S.C. 4083(a)) is amended by striking ''18 months'' and inserting ''12 months''.

SEC. 307. INCREASED LIMITS APPLICABLE TO POST DIFFERENTIALS AND DANGER PAY ALLOWANCES.

(a) POST DIFFERENTIALS.—Section 5925(a) of title 5, United States Code, is amended by striking ''25 percent'' in the third sentence and inserting ''35 percent''.

(b) DANGER PAY ALLOWANCES.—Section 5928 of title 5, United States Code, is amended by striking ''25 percent'' both places it appears and inserting ''35 percent''.

(c) CRITERIA.—The Secretary shall inform the appropriate congressional committees of the criteria to be used in determinations of appropriate adjustments in post differentials under section 5925 of title 5, United States Code, and danger pay allowances under section 5928 of title 5, United States Code.

(d) STUDY AND REPORT.—Two years after the date of the enactment of this Act, the Secretary of State shall conduct a study assessing the effect of the increases in post differentials and danger pay allowances made by the amendments in subsections (a) and (b) in filling ''hard-to-fill'' positions. The Secretary shall submit a report of such study to the appropriate congressional committees.

SEC. 308. REGULATIONS REGARDING RETIREMENT CREDIT FOR GOVERNMENT SERVICE PERFORMED ABROAD.

Section 321(f) of the Foreign Relations Authorization Act, Fiscal Year 2003 (5 U.S.C. 8411 note; Public Law 107–228) is amended by striking ''regulations'' and inserting ''regulations, not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2004 and 2005,''.

SEC. 309. MINORITY RECRUITMENT.

(a) REPORTING REQUIREMENT.—Section 324 of the Foreign Relations Authorization Act, Fiscal

Year 2003 (Public Law 107–228) is amended by striking ''and April 1, 2004'' and inserting ''April 1, 2004, and April 1, 2005''.

(b) USE OF FUNDS.—The provisions of section 325 of such Act shall apply to funds authorized by section 111(a)(1)(E) of this Act.

(c) CONFORMING AMENDMENT.—Section 325(c) of such Act is amended in the second sentence by striking ''two'' and inserting ''three''.

SEC. 310. MERITORIOUS STEP INCREASES.

Section 406(b) of the Foreign Service Act of 1980 (22 U.S.C. 3966(b)) is amended by striking ''receiving an increase in salary under subsection (a),''.

TITLE IV—INTERNATIONAL ORGANIZATIONS

Subtitle A—Basic Authorities and Activities

SEC. 401. RAISING THE CAP ON PEACEKEEPING CONTRIBUTIONS.

Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 is amended by inserting after clause (iv) the following:

''(v) For assessments made during calendar year 2005 and calendar year 2006, 27.10 percent.''.

SEC. 402. REGARDING THE REENTRY OF THE UNITED STATES IN UNESCO.

(a) SENSE OF CONGRESS.—As the United States resumes membership in the United Nations Educational, Scientific, and Cultural Organization (UNESCO), the President should—

(1) appoint a United States Representative to the Organization for Economic Cooperation and Development (OECD) who shall also serve as the United States Representative to UNESCO;

(2) take steps to ensure that more Americans are employed by UNESCO, particularly for senior level positions;

(3) request that the Secretary General of UNESCO create a Deputy Director General position for Management or a comparable position with high level managerial and administrative responsibilities to be filled by an American;

(4) insist that any increases in UNESCO's budget beyond the level of zero nominal growth for the 2004–2005 biennium focus primarily on the adoption of management and administrative reforms; and

(5) request that the Secretary General of UNESCO spend the United States contribution to UNESCO for the last quarter of calendar year 2003 on key education and science priorities of the organization that will directly benefit United States national interests.

(b) ANNUAL ASSESSMENT FOR UNITED STATES PARTICIPATION IN UNESCO.—Of the amounts authorized to be appropriated by section 113(a), such sums as may be necessary for each of the fiscal years 2004 and 2005 are authorized to be available for the annual assessment for United States contributions to the regular budget of the United Nations Educational, Scientific, and Cultural Organization.

SEC. 403. UNESCO NATIONAL COMMISSION.

(a) IN GENERAL.—Section 3 of the Act of July 30, 1946, ''Providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor.'' (22 U.S.C. 287o) is amended to read as follows:

''SEC. 3. (a) In fulfillment of article VII of the constitution of the Organization, the Secretary of State shall establish a National Commission on Educational, Scientific, and Cultural Cooperation.

''(b) The National Commission shall be composed of not more than 35 members appointed by the Secretary of State in consultation with the National Academy of Sciences, the National Science Foundation, the Secretary of Education, the Secretary of Health and Human Services, and the Secretary of the Interior. Members of the National Commission shall be representatives of nongovernmental organizations, academic institutions, and associations interested in education, scientific, and cultural matters. Periodically, the Secretary shall review and revise the entities represented on the National Commission in order to achieve a desirable rotation in representation. Except as otherwise provided, each member of the National Commission shall be appointed to a term of 3 years. As designated by the Secretary of State at the time of appointment, of the members first appointed one-third shall be appointed for a term of 1 year, one-third shall be appointed for a term of 2 years, and one-third shall be appointed for a term of 3 years. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. No member may serve more than 2 consecutive terms. The Secretary of State shall designate a chair of the National Commission.

''(c) Members of the National Commission shall serve without pay. For attendance at the annual meeting, each member shall receive travel expenses in accordance with section 5703 of title 5, United States Code.

''(d) The National Commission shall meet at the call of the chair at least annually and such meetings may be through video conferencing or other electronic means. The National Commission shall designate an executive committee from among the members of the commission and may designate such other committees as may be necessary to carry out its duties under this Act.

''(e) Upon request of the National Commission, the Secretary of State may detail any of the personnel of the Department of State to the National Commission to assist it in carrying out its duties under this Act.''.

(b) CONFORMING CHANGES.—Section 2 of the Act of July 30, 1946, ''Providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor.'' (22 U.S.C. 287o) is amended by striking ''One of the representatives'' and all that follows through the end of such section.

SEC. 404. ORGANIZATION OF AMERICAN STATES (OAS) EMERGENCY FUND.

Section 109(b)(3) of Public Law 104–114 (22 U.S.C. 6039(b)(3)) is amended by striking ''should provide not less than $5,000,000'' and inserting ''shall provide for each of the fiscal years 2004 and 2005 not less than $500,000''.

SEC. 405. UNITED STATES EFFORTS REGARDING THE STATUS OF ISRAEL IN THE WESTERN EUROPEAN AND OTHERS GROUP AT THE UNITED NATIONS.

(a) UNITED STATES EFFORTS.—The Secretary of State and other appropriate officials of the United States Government should pursue an aggressive diplomatic effort and should take all necessary steps to ensure the extension and upgrade of Israel's membership in the Western European and Others Group at the United Nations.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act and semiannually thereafter through September 30, 2005, the Secretary of State shall submit to the appropriate congressional committees a report on the steps taken by the United States pursuant to subsection (a) and progress in achieving the objectives of subsection (a).

Subtitle B—United States International Leadership

SEC. 431. SHORT TITLE.

This subtitle may be cited as the ''United States International Leadership Act of 2003''.

SEC. 432. FINDINGS.

The Congress makes the following findings:

(1) International organizations and other multilateral institutions play a key role in United States foreign policy and serve key United States foreign policy objectives, such as obligating all countries to freeze assets of terrorist groups, preventing the proliferation of chemical, biological, and nuclear weapons, and spearheading the fight to combat the ravages of HIV/AIDS and other infectious diseases.

(2) Decisions at many international organizations, including membership and key positions, remain subject to determinations made by regional groups where democratic states are often in the minority and where there is intensive cooperation among repressive regimes. As a result, the United States has often been blocked in its attempts to take action in these institutions to advance its goals and objectives, including at the United Nations Human Rights Commission (where a representative of Libya was elected as chairman and the United States temporarily lost a seat).

(3) In order to address these shortcomings, the United States must actively work to improve the workings of international organizations and multilateral institutions, particularly by creating a caucus of democratic countries that will advance United States interests. In the Second Ministerial Conference of the Community of Democracies in Seoul, Korea, on November 10–20, 2002, numerous countries recommended working together as a democracy caucus in international organizations such as the United Nations and ensuring that international and regional institutions develop and apply democratic standards for member states.

(4) In addition, the United States has shortchanged its ability to influence these organizations by failing to obtain enough support for positions that are congruent to or consistent with United States objectives and has not done enough to build expertise in the United States Government in the area of multilateral diplomacy.

SEC. 433. ESTABLISHMENT OF A DEMOCRACY CAUCUS.

(a) IN GENERAL.—The President of the United States, acting through the Secretary of State and the relevant United States chiefs of mission, shall seek to establish a democracy caucus at the United Nations, the United Nations Human Rights Commission, the United Nations Conference on Disarmament, and at other broad-based international organizations.

(b) PURPOSES OF THE CAUCUS.—A democracy caucus at an international organization should—

(1) forge common positions, including, as appropriate, at the ministerial level, on matters of concern before the organization and work within and across regional lines to promote agreed positions;

(2) work to revise an increasingly outmoded system of regional voting and decision making; and

(3) set up a rotational leadership scheme to provide member states an opportunity, for a set period of time, to serve as the designated president of the caucus, responsible for serving as its voice in each organization.

SEC. 434. ANNUAL DIPLOMATIC MISSIONS ON MULTILATERAL ISSUES.

The Secretary of State, acting through the principal officers responsible for advising the Secretary on international organizations, shall ensure that a high-level delegation from the United States Government, on an annual basis, is sent to consult with key foreign governments in every region in order to promote the United States agenda at key international fora, such as the United Nations General Assembly, United Nations Human Rights Commission, the United Nations Education, Science, and Cultural Organization, and the International Whaling Commission.

SEC. 435. LEADERSHIP AND MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS.

(a) UNITED STATES POLICY.—The President, acting through the Secretary of State and the relevant United States chiefs of mission, shall use the voice, vote, and influence of the United States to—

(1) where appropriate, reform the criteria for leadership and, in appropriate cases for membership, at all United Nations bodies and at other international organizations and multilateral institutions to which the United States is a member so as to exclude nations that violate the principles of the specific organization;

(2) make it a policy of the United Nations and other international organizations and multilateral institutions, of which the United States is a member, that a member state may not stand in nomination or be in rotation for a leadership position in such bodies if the member state is subject to sanctions imposed by the United Nations Security Council; and

(3) work to ensure that no member state stand in nomination or be in rotation for a leadership position in such organizations, or for membership of the United Nations Security Council, if the member state is subject to a determination under section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or section 6(j) of the Export Administration Act.

(b) REPORT TO CONGRESS.—Not later than 15 days after a country subject to to a determination under section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or section 6(j) of the Export Administration Act is selected for a leadership post in an international organization of which the United States is a member or a membership of the United Nations Security Council, the Secretary of State shall submit a report to the appropriate congressional committees on any steps taken pursuant to subsection (a)(3).

SEC. 436. INCREASED TRAINING IN MULTILATERAL DIPLOMACY.

(a) TRAINING PROGRAMS.—Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding after subsection (b) the following new subsection:

''(c) TRAINING IN MULTILATERAL DIPLOMACY.—

''(1) IN GENERAL.—The Secretary shall establish a series of training courses for officers of the Service, including appropriate chiefs of mission, on the conduct of diplomacy at international organizations and other multilateral institutions and at broad-based multilateral negotiations of international instruments.

''(2) PARTICULAR PROGRAMS.—The Secretary shall ensure that the training described in paragraph (1) is provided at various stages of the career of members of the Service. In particular, the Secretary shall ensure that after January 1, 2004—

''(A) officers of the Service receive training on the conduct of diplomacy at international organizations and other multilateral institutions and at broad-based multilateral negotiations of international instruments as part of their training upon entry of the Service; and

''(B) officers of the Service, including chiefs of mission, who are assigned to United States missions representing the United States to international organizations and other multilateral institutions or who are assigned in Washington, D.C. to positions that have as their primary responsibility formulation of policy towards such organizations and institutions or towards participation in broad-based multilateral negotiations of international instruments receive specialized training in the areas described in paragraph (1) prior to beginning of service for such assignment or, if receiving such training at that time is not practical, within the first year of beginning such assignment.''.

(b) TRAINING FOR CIVIL SERVICE EMPLOYEES.—The Secretary shall ensure that employees of the Department of State that are members of the civil service and that are assigned to positions described in section 708(c) of the Foreign Service Act of 1980 (as amended by this subtitle) have training described in such section.

(c) CONFORMING AMENDMENTS.—Section 708 of such Act is further amended—

(1) in subsection (a) by striking ''(a) The'' and inserting ''(a) TRAINING ON HUMAN RIGHTS.—The''; and

(2) in subsection (b) by striking ''(b) The'' and inserting ''(b) TRAINING ON REFUGEE LAW AND RELIGIOUS PERSECUTION.—The''.

SEC. 437. PROMOTING ASSIGNMENTS TO INTERNATIONAL ORGANIZATIONS.

(a) PROMOTIONS.—

(1) IN GENERAL.—Section 603(b) of the Foreign Service Act of 1980 (22 U.S.C. 4003) is amended by striking the period at the end and inserting: '', and shall consider whether the member of the Service has served in a position whose primary responsibility is to formulate policy towards or represent the United States at an international organization, a multilateral institution, or a broad-based multilateral negotiation of an international instrument.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect January 1, 2010.

(b) ESTABLISHMENT OF A MULTILATERAL DIPLOMACY CONE IN THE FOREIGN SERVICE.—

(1) FINDINGS.—

(A) The Department of State maintains a number of United States missions both within the United States and abroad that are dedicated to representing the United States to international organizations and multilateral institutions, including missions in New York, Brussels, Geneva, Rome, Montreal, Nairobi, Vienna, and Paris, which will soon be responsible for United States representation to UNESCO and OECD.

(B) In offices at the Harry S. Truman Building, the Department maintains a significant number of positions in bureaus that are either dedicated, or whose primary responsibility is, to represent the United States to such organizations and institutions or at multilateral negotiations.

(C) Given the large number of positions in the United States and abroad that are dedicated to multilateral diplomacy, the Department of State may be well served in developing persons with specialized skills necessary to become experts in this unique form of diplomacy.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report—

(A) evaluating whether a new cone should be established for the Foreign Service that concentrates on members of the Service that serve at international organizations and multilateral institutions or are primarily responsible for participation in broad-based multilateral negotiations of international instruments; and

(B) provides alternative mechanisms for achieving the objective of developing a core group of United States diplomats and other government employees who have expertise and broad experience in conducting multilateral diplomacy.

SEC. 438. IMPLEMENTATION AND ESTABLISHMENT OF OFFICE ON MULTILATERAL NEGOTIATIONS.

(a) ESTABLISHMENT OF OFFICE.—The Secretary of State is authorized to establish, within the Bureau of International Organizational Affairs, an Office on Multilateral Negotiations to be headed by a Special Representative for Multilateral Negotiations (in this section referred to as the ''special representative'').

(b) APPOINTMENT.—The special representative shall be appointed by the President with the advice and consent of the Senate and shall have the rank of Ambassador-at-Large. At the discretion of the President another official at the Department may serve as the special representative. The President may direct that the special representative report to the Assistant Secretary for International Organizations.

(c) STAFFING.—The special representative shall have a staff of foreign service and civil service officers skilled in multilateral diplomacy.

(d) DUTIES.—The special representative shall have the following responsibilities:

(1) IN GENERAL.—The primary responsibility of the special representative shall be to assist in the organization of, and preparation for, United States participation in multilateral negotiations, including the advocacy efforts undertaken by the Department of State and other United States agencies.

(2) ADVISORY ROLE.—The special representative shall advise the President and the Secretary of State, as appropriate, regarding advocacy at international organizations and multilateral institutions and negotiations and, in coordination with the Assistant Secretary of State for International Organizational Affairs, shall make recommendations regarding—

(A) effective strategies (and tactics) to achieve United States policy objectives at multilateral negotiations;

(B) the need for and timing of high level intervention by the President, the Secretary of State, the Deputy Secretary of State, and other United States officials to secure support from key foreign government officials for the United States position at such organizations, institutions, and negotiations;

(C) the composition of United States delegations to multilateral negotiations; and

(D) liaison with Congress, international organizations, nongovernmental organizations, and the private sector on matters affecting multilateral negotiations.

(3) DEMOCRACY CAUCUS.—The special representative, in coordination with the Assistant Secretary for International Organizational Affairs, shall ensure the establishment of a democracy caucus.

(4) ANNUAL DIPLOMATIC MISSIONS OF MULTILATERAL ISSUES.—The special representative, in coordination with the Assistant Secretary for International Organizational Affairs, shall organize annual consultations between the principal officers responsible for advising the Secretary of State on international organizations and foreign governments to promote the United States agenda at the United Nations General Assembly and other key international fora (such as the United Nations Human Rights Commission).

(5) LEADERSHIP AND MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS.—The special representative, in coordination with the Assistant Secretary of International Organizational Affairs, shall direct the efforts of the United States Government to reform the criteria for leadership and membership of international organizations as described in section 435.

(6) PARTICIPATION IN MULTILATERAL NEGOTIATIONS.—The special representative, or members of the special representative's staff, may, as required by the President or the Secretary of State, serve on a United States delegation to any multilateral negotiation.

(e) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a plan to establish a democracy caucus to the appropriate congressional committees. The report required by section 437(c) may be submitted together with the report under this subsection.

SEC. 439. SYNCHRONIZATION OF UNITED STATES CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

Not later than 180 days after the date of the enactment of this Act, the President shall submit a plan to the appropriate congressional committees on the implementation of section 404 of the Foreign Relations Authorization Act of 2003 (Public Law 107–228), (relating to a resumption by the United State of the payment of its full contribution to certain international organizations at the beginning of each calendar year).

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 501. MIDEAST RADIO AND TELEVISION NETWORK, INC.

(a) The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is

amended by adding after section 309 the following new section:

"SEC. 310. MIDEAST RADIO AND TELEVISION NETWORK, INC.

''(a) AUTHORITY.—Grants authorized under section 305 shall be available to make annual grants to Mideast Radio and Television Network, Inc. (hereinafter in this title also referred to as 'Mideast Network') for the purpose of carrying out radio and television broadcasting to the Middle East region.

''(b) FUNCTION.—Mideast Network shall provide radio and television programming to the Middle East region consistent with the broadcasting standards and broadcasting principles set forth in section 303 of this Act.

''(c) GRANT AGREEMENT.—Any grant agreement or grants under this section shall be subject to the following limitations and restrictions:

''(1) The Board may not make any grant to the nonprofit corporation, Mideast Network unless its certificate of incorporation provides that—

''(A) the Board of Directors of Mideast Radio and Television Network, Inc. (hereinafter referred to as 'the Board') shall consist of the members of the Broadcasting Board of Governors established under section 304 and of no other members; and

''(B) the Board shall make all major policy determinations governing the operation of Mideast Network and shall appoint and fix the compensation of such managerial officers and employees of Mideast Network as it considers necessary to carry out the purposes of the grant provided under this title, except that no officer or employee may be paid a salary or other compensation in excess of the rate of pay payable for Level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(2) Any grant agreement under this section shall require that any contract entered into by Mideast Network shall specify that obligations are assumed by Mideast Network and not the United States Government.

''(3) Any grant agreement shall require that any lease agreement entered into by Mideast Network shall be, to the maximum extent possible, assignable to the United States Government.

''(4) Grants awarded under this section shall be made pursuant to a grant agreement which requires that grant funds be used only for activities consistent with this section, and that failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.

''(5) Duplication of language services and technical operations between the Mideast Radio and Television Network, Inc., (including Radio Sawa), RFE/RL, and the International Broadcasting Bureau will be reduced to the extent appropriate, as determined by the Board.

''(d) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this title may be construed to establish Mideast Network as a Federal agency or instrumentality, nor shall the officers or employees of Mideast Network be considered to be officers or employees of the United States Government.

''(e) AUDIT AUTHORITY.—

''(1) Such financial transactions of Mideast Network, as relate to functions carried out under this section may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of Mideast Network are normally kept.

''(2) Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by Mideast Network pertaining to such financial transactions as necessary to facilitate an audit. Such representatives shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of Mideast Network shall remain in the custody of Mideast Network.

''(3) Notwithstanding any other provisions of law, the Inspector General of the Department of State is authorized to exercise the authorities of the Inspector General Act with respect to the Mideast Network.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 305 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204) is amended—

(A) in subsection (a)(5) by striking ''308 and 309'' and inserting ''308, 309, and 310'';

(B) in subsection (a)(6) by striking ''308 and 309'' and inserting ''308, 309, and 310''; and

(C) in subsection (c) by striking ''308 and 309'' and inserting ''308, 309, and 310''.

(2) Section 307 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6206) is amended—

(A) in subsection (a) by striking ''308 and 309'' and inserting ''308, 309, and 310''; and

(B) in subsection (c) by adding ''Mideast Radio and Television Network, Inc.,'' after ''Asia''.

(3) Section 304(g) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(g)) is amended by striking ''and Radio Free Asia'' and inserting '', Radio Free Asia, and Mideast Radio and Television Network, Inc.''.

(4) Section 8332(b)(11) of title 5, United States Code, is amended by adding ''Mideast Radio and Television Network, Inc.;'' after ''the Asia Foundation;''.

SEC. 502. IMPROVING SIGNAL DELIVERY TO CUBA.

Section 3 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465a) is amended—

(1) in subsection (c) by striking the second sentence and inserting ''The Board is authorized to simultaneously utilize other broadcasting transmission facilities, and other frequencies, including the Amplitude Modulation (AM) Band (535 kHz to 1705 kHz), the Frequency Modulation (FM) Band, and the Shortwave (SW) Band.'';

(2) in subsection (c) in the third sentence by striking ''Provided, That'' and all that follows before the period at the end;

(3) in subsection (d) by striking the last sentence;

(4) by amending subsection (e) to read as follows:

''(e) Any program of United States Government radio broadcasts to Cuba authorized by this section shall be designated 'Radio Marti program'.''; and

(5) in subsection (f) by striking ''Voice of America''.

SEC. 503. REPORT CONCERNING EFFORTS TO COUNTER JAMMING OF BROADCASTS OF RADIO MARTI AND TV MARTI.

Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report providing the following information:

(1) Specific steps taken to increase the capabilities of Radio Marti and TV Marti to ensure that broadcasts overcome jamming by the Government of Cuba.

(2) An evaluation and analysis of not less than 10 alternate methods to counter jamming of radio and television broadcasts including the following:

(A) Methods used to broadcast into Iraq involving a C–130.

(B) Methods previously used to transmit into the former Soviet Union and other Soviet bloc countries.

(C) Successful methods employed by non-United States Government entities, such as those used by the Falun Gong to overcome Chinese Government jamming and those recently used by a Cuban exile group to transmit television broadcasts into Cuba.

SEC. 504. PILOT PROGRAM FOR THE PROMOTION OF TRAVEL AND TOURISM IN THE UNITED STATES THROUGH UNITED STATES INTERNATIONAL BROADCASTING.

(a) PILOT PROGRAM.—The Broadcasting Board of Governors, in consultation with the Department of Commerce and other appropriate Federal, State, and local agencies, shall conduct a pilot program for the promotion of travel and tourism in the United States through United States international broadcasting, particularly to regional economies that have been affected by the decrease in tourism following the events of September 11, 2001.

(b) PROGRAMMING.—The pilot program shall devote regular programming to broadcasting information on localities of the United States with the purpose of promoting travel and tourism to regional economies heavily reliant on such tourism.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report detailing the actions taken by the Board in carrying out this section.

SEC. 505. RADIO FREE ASIA BROADCASTS INTO NORTH KOREA.

(a) FINDINGS.—The Congress makes the following findings:

(1) North Korea's development of nuclear weapons and missile delivery systems poses one of the gravest security threats to the United States in the world.

(2) The Kim Jong Il regime in North Korea has one of the worst human rights records in the world. On April 16, 2003, the United Nations Commission on Human Rights passed a resolution, ''expressing its deep concern about reports of systemic, widespread and grave violations of human rights'' in North Korea.

(3) In order to ensure its survival, the Kim Jong Il regime makes extensive efforts to control the flow of information in North Korea.

(4) In 2002, a survey found that five of twelve ''elite'' defectors from North Korea had listened to Radio Free Asia.

(5) Radio Free Asia broadcasts only 4 hours each day into North Korea.

(6) Many North Korean citizens lack radios capable of receiving Radio Free Asia broadcasts.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Broadcasting Board of Governors should ensure that Radio Free Asia increases its broadcasting with respect to North Korea to 24 hours each day.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, after consulting with other agencies of the United States Government, shall submit a report, in classified form, on specific measures currently being undertaken and measures necessary, including the provision of adequate radios, to maximize North Korean citizen access to Radio Free Asia and other foreign broadcasts to the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

SEC. 506. PROHIBITION ON ELIMINATION OF INTERNATIONAL BROADCASTING IN EASTERN EUROPE.

During the 2 year period beginning on the date of the enactment of this Act, the Broadcasting Board of Governors may not eliminate foreign language broadcasting in any of the following languages: Bulgarian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Georgian, Polish, Slovene, Slovak, Romanian, Croatian, Armenian, and Ukrainian.

Subtitle B—Global Internet Freedom

SEC. 521. SHORT TITLE.

This subtitle may be cited as the ''Global Internet Freedom Act of 2003''.

SEC. 522. FINDINGS.

The Congress makes the following findings:

(1) Freedom of speech, freedom of the press, and freedom of association are fundamental characteristics of a free society. The first amendment to the Constitution of the United States guarantees that ''Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble.'' These constitutional provisions guarantee the rights of Americans to communicate and associate with one another without restriction, including unfettered communication and association via the Internet. Article 19 of the United Nation's Universal Declaration of Human Rights explicitly guarantees the freedom to ''receive and impart information and ideas through any media and regardless of frontiers''.

(2) All people have the right to communicate freely with others, and to have unrestricted access to news and information, on the Internet.

(3) With nearly 10 percent of the world's population now online, and more gaining access each day, the Internet stands to become the most powerful engine for democratization and the free exchange of ideas ever invented.

(4) The governments of Burma, Cuba, Laos, North Korea, the People's Republic of China, Saudi Arabia, Syria, and Vietnam, among others, are taking active measures to keep their citizens from freely accessing the Internet and obtaining international political, religious, and economic news and information.

(5) The Voice of America and Radio Free Asia, as well as hundreds of news sources with an Internet presence, are routinely being jammed by repressive governments.

(6) Since the 1940s, the United States has deployed anti-jamming technologies to make Voice of America and other United States Government sponsored broadcasting available to people in nations with governments that seek to block news and information.

(7) The United States Government has thus far commenced only modest steps to fund and deploy technologies to defeat Internet censorship.

(8) The success of United States policy in support of freedom of speech, press, and association requires continued efforts to defeat totalitarian and authoritarian controls on news and information over the Internet.

SEC. 523. PURPOSES.

The purposes of this subtitle are—

(1) to adopt an effective and robust global Internet freedom policy;

(2) to establish an office within the Broadcasting Board of Governors with the sole mission of countering Internet jamming and blocking by utilizing available anti-jamming technology;

(3) to expedite the development and deployment of technology to protect Internet freedom around the world; and

(4) to bring to bear the pressure of the free world on repressive governments guilty of Internet censorship and the intimidation and persecution of their citizens who use the Internet.

SEC. 524. DEVELOPMENT AND DEPLOYMENT OF TECHNOLOGIES TO DEFEAT INTERNET JAMMING AND CENSORSHIP.

(a) ESTABLISHMENT OF OFFICE OF GLOBAL INTERNET FREEDOM.—The Broadcasting Board of Governors shall establish an Office of Global Internet Freedom (hereinafter in this subtitle referred to as the ''Office''). The Office shall develop and implement a comprehensive global strategy to combat state-sponsored and state-directed Internet jamming and persecution of those who use the Internet.

(b) COOPERATION OF OTHER FEDERAL DEPARTMENTS AND AGENCIES.—Each department and agency of the United States Government shall cooperate fully with, and assist in the implementation of, the strategy developed by the Office and shall make such resources and information available to the Office as is necessary to the achievement of the purposes of this subtitle.

(c) COOPERATION WITH DEPARTMENT OF STATE.—The Office shall assist the Secretary of State in preparing portions of the country reports on human rights practices that address Internet accessibility.

(d) REPORT TO CONGRESS.—Nine months after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the Congress a report on the status of foreign government interference with Internet use and of efforts by the United States to counter such interference. The report shall list the countries that pursue policies of Internet censorship, blocking, and other abuses; provide information concerning the government agencies or quasi-governmental organizations that implement Internet censorship; and describe with the greatest particularity practicable the technological means by which such blocking and other abuses are accomplished. In the discretion of the Broadcasting Board of Governors, such report may be submitted in both a classified and non-classified version. One year after the date of submission of such report, the Office shall submit a second report.

(e) LIMITATION ON AUTHORITY.—Nothing in this subtitle shall be interpreted to authorize any action by the United States to interfere with foreign national censorship in furtherance of legitimate law enforcement aims consistent with the Universal Declaration of Human Rights.

Subtitle C—Reorganization of United States International Broadcasting

SEC. 531. ESTABLISHMENT OF UNITED STATES INTERNATIONAL BROADCASTING AGENCY.

(a) IN GENERAL.—Section 304 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203) is amended to read as follows:

''SEC. 304. ESTABLISHMENT OF UNITED STATES INTERNATIONAL BROADCASTING AGENCY.

''(a) ESTABLISHMENT.—There is established as an independent agency in the executive branch the United States International Broadcasting Agency (hereinafter in this Act referred to as the 'Agency').

''(b) BOARD OF GOVERNORS OF THE AGENCY.—

''(1) HEAD OF AGENCY.—The Agency shall be headed by the Board of Governors of the United States International Broadcasting Agency (hereinafter in this Act referred to as the 'Board of Governors').

''(2) AUTHORITIES AND FUNCTIONS.—The Board of Goverors shall—

''(A) carry out the authorities and functions of the Agency under section 305; and

''(B) be responsible for the exercise of all authorities and powers and the discharge of all duties and functions of the Agency.

''(3) COMPOSITION OF THE BOARD OF GOVERNORS.—

''(A) The Board of Governors shall consist of 9 members, as follows:

''(i) Eight voting members who shall be appointed by the President, by and with the advice and consent of the Senate.

''(ii) The Secretary of State who shall also be a voting member.

''(B) The President shall appoint one member (other than the Secretary of State) as Chair of the Board of Governors, subject to the advice and consent of the Senate.

''(C) Exclusive of the Secretary of State, not more than 4 of the members of the Board of Governors appointed by the President shall be of the same political party.

''(4) TERM OF OFFICE.—The term of office of each member of the Board of Governors shall be three years, except that the Secretary of State shall remain a member of the Board of Governors during the Secretary's term of service. The President shall appoint, by and with the advice and consent of the Senate, board members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until a successor has been appointed and qualified. When there is no Secretary of State, the Acting Secretary of State shall serve as a member of the board until a Secretary is appointed.

''(5) SELECTION OF BOARD OF GOVERNORS.—Members of the Board of Governors appointed by the President shall be citizens of the United States who are not regular full-time employees of the United States Government. Such members shall be selected by the President from among Americans distinguished in the fields of mass communications, print, broadcast media, or foreign affairs.

''(6) COMPENSATION.—Members of the Board of Governors, while attending meetings of the board or while engaged in duties relating to such meetings or in other activities of the board pursuant to this section (including travel time) shall be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code. While away from their homes or regular places of business, members of the board may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently. The Secretary of State shall not be entitled to any compensation under this title, but may be allowed travel expenses as provided under this subsection.

''(7) DECISIONS.—Decisions of the Board of Governors shall be made by majority vote, a quorum being present. A quorum shall consist of 5 members.

''(8) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any other provision of law, any and all limitations on liability that apply to the members of the Board of Governors also shall apply to such members when acting in their capacities as members of the boards of directors of RFE/RL, Incorporated and Radio Free Asia.

''(c) DIRECTOR.—

''(1) APPOINTMENT.—The Board of Governors shall appoint a Director of the Agency. The Director shall receive basic pay at the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code. The Director may be removed through a majority vote of the Board.

''(2) FUNCTIONS AND DUTIES.—The Director shall have the following functions and duties:

''(A) To exercise the authorities delegated by the Board of Governors pursuant to section 305(b).

''(B) To carry out all broadcasting activities conducted pursuant to this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

''(C) To examine and make recommendations to the Board of Governors on long-term strategies for the future of international broadcasting, including the use of new technologies.

''(D) To review engineering activities to ensure that all broadcasting elements receive the highest quality and cost-effective delivery services.

''(E) To procure supplies, services, and other personal property to carry out the functions of the Agency.

''(F) To obligate and expend, for official reception and representation expenses, such amounts as may be made available through appropriations.

''(G) To provide for the use of United States Government transmitter capacity for relay of broadcasting by grantees.

''(H) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code.

''(I) To procure for the Agency, pursuant to section 1535 of title 31, United States Code goods and services from other departments or agencies.

''(J) To the extent funds are available, to lease space and acquire personal property for the Agency.

''(d) INSPECTOR GENERAL AUTHORITIES.—

''(1) IN GENERAL.—The Inspector General of the Department of State shall exercise the same authorities with respect to the Agency as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 with respect to the Department of State.

''(2) RESPECT FOR JOURNALISTIC INTEGRITY OF BROADCASTERS.—The Inspector General of the Department of State and the Foreign Service shall respect the journalistic integrity of all the broadcasters covered by this title and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.''.

(b) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to section 304 of the United States International Broadcasting Act of 1994 on the day before the effective date of this title and holding office as of that date may serve the remainder of their terms of office as members of the Board of Governors established under section 304(b) of the United States International Broadcasting Act of 1994, as amended by subsection (a) of this section, without reappointment, or if their term has expired may serve until a successor is appointed and qualified.

SEC. 532. AUTHORITIES AND FUNCTIONS OF THE AGENCY.

Section 305 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204) is amended to read as follows:

''SEC. 305. AUTHORITIES AND FUNCTIONS OF THE AGENCY.

''(a) The Agency shall have the following authorities and functions:

''(1) To supervise all broadcasting activities conducted pursuant to this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

''(2) To review and evaluate the mission and operation of, and to assess the quality, effectiveness, and professional integrity of, all such activities within the context of the broad foreign policy objectives of the United States and the guiding principles and doctrines of the United States, particularly freedom and democracy.

''(3) To develop strategic goals after reviewing human rights reporting and other reliable assessments to assist in determining programming and resource allocation.

''(4) To ensure that United States international broadcasting is conducted in accordance with the standards and principles contained in section 303.

''(5) To review, evaluate, and determine, at least annually, after consultation with the Secretary of State, the addition or deletion of language services.

''(6) To make and supervise grants for broadcasting and related activities in accordance with sections 308 and 309.

''(7) To allocate funds appropriated for international broadcasting activities among the various elements of the Agency and grantees, subject to the limitations in sections 308 and 309 and subject to reprogramming notification requirements in law for the reallocation of funds.

''(8) To undertake such studies as may be necessary to identify areas in which broadcasting activities under its authority could be made more efficient and economical.

''(9) To submit to the President and the Congress an annual report which summarizes and evaluates activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act, placing special emphasis on the assessment described in paragraph (2).

''(10) To make available in the annual report required by paragraph (9) information on funds expended on administrative and managerial services by the Agency and by grantees and the steps the Agency has taken to reduce unnecessary overhead costs for each of the broadcasting services.

''(11) To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948, and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1998, to the extent the Director considers necessary in carrying out the provisions and purposes of this title.

''(12) To utilize the authorities of any other statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the Bureau, or the Board before the effective date of title XIII of the Foreign Affairs Consolidation Act of 1998 for carrying out the broadcasting activities covered by this title.

''(b) DELEGATION OF AUTHORITY.—The Board of Governors may delegate to the Director of the Agency, or any other officer or employee of the United States, the authorities provided in this section, except those authorities provided in paragraph (1), (2), (4), (5), (6), (7), or (9) of subsection (a).

''(c) BROADCASTING BUDGETS.—The Director and the grantees identified in sections 308 and 309 shall submit proposed budgets to the Board. The Board shall forward its recommendations concerning the proposed budget for the Board and broadcasting activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act to the Office of Management and Budget.''.

SEC. 533. ROLE OF THE SECRETARY OF STATE.

Section 306 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6205) is amended to read as follows:

''SEC. 306. ROLE OF THE SECRETARY OF STATE.

''To assist the Agency in carrying out its functions, the Secretary of State shall provide such information and guidance on foreign policy and public diplomacy issues to the Agency as the Secretary considers appropriate.''.

SEC. 534. ADMINISTRATIVE PROVISIONS.

The United States International Broadcasting Act of 1994 is amended by striking section 307 and inserting the following new section:

''SEC. 307. ADMINISTRATIVE PROVISIONS.

''(a) OFFICERS AND EMPLOYEES.—The Board of Governors may appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Agency. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation shall be fixed in accordance with title 5, United States Code.

''(b) EXPERTS AND CONSULTANTS.—The Board of Governors, as may be provided in appropriation Acts, may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and may compensate such experts and consultants at rates not to exceed the daily rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(c) ACCEPTANCE OF VOLUNTARY SERVICES.—

''(1) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Board of Governors may accept, subject to regulations issued by the Office of Personnel Management, voluntary services if such services—

''(A) are to be uncompensated; and

''(B) are not used to displace any employee.

''(2) TREATMENT.—Any individual who provides voluntary services under this section shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code (relating to compensation for injury) and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

''(d) DELEGATION.—Except as otherwise provided in this Act, the Board of Governors may delegate any function to the Director and such other officers and employees of the Agency as the Board of Governors may designate, and may authorize such successive redelegations of such functions within the Agency as may be necessary or appropriate.

''(e) CONTRACTS.—

''(1) IN GENERAL.—Subject to the Federal Property and Administrative Services Act of 1949 and other applicable Federal law, the Board of Governors may make, enter into, and perform such contracts, grants, leases, cooperative agreements, and other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and to make such payments, by way of advance or reimbursement, as the Board of Governors may determine necessary or appropriate to carry out functions of the Board of Governors or the Agency.

''(2) APPROPRIATION AUTHORITY REQUIRED.—No authority to enter into contracts or to make payments under this title shall be effective except to such extent or in such amounts as are provided in advance under appropriation Acts.

''(f) REGULATIONS.—The Director may prescribe such rules and regulations as the Board of Governors considers necessary or appropriate to administer and manage the functions of the Agency, in accordance with chapter 5 of title 5, United States Code.

''(g) SEAL.—The Director shall cause a seal of office to be made for the Agency of such design as the Board of Governors shall approve. Judicial notice shall be taken of such seal.''.

SEC. 535. BROADCASTING BOARD OF GOVERNORS AND INTERNATIONAL BROADCASTING BUREAU.

The Broadcasting Board of Governors and the International Broadcasting Bureau are abolished.

SEC. 536. TRANSITION.

(a) TRANSFER OF FUNCTIONS.—Except as otherwise provided in this subtitle or an amendment made by this subtitle, all functions that on the day before the effective date specified in section 540 are authorized to be performed by the Broadcasting Board of Governors and the International Broadcasting Bureau and any officer, employee, or component of such entities, under any statute, reorganization plan, Executive order, or other provision of law, are transferred to the Agency established under this title effective on that date.

(b) DETERMINATION OF CERTAIN FUNCTIONS.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under this title.

(c) TRANSITION PROVISIONS.—

(1) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, the Board of Governors may, for purposes of performing a function that is transferred to the Agency by this title, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of that function on the day before the effective date specified in section 540.

(2) AUTHORITIES TO WIND UP AFFAIRS.—

(A) The Director of the Office of Management and Budget may take such actions as the Director of the Office of Management and Budget considers necessary to wind up any outstanding affairs of the Broadcasting Board of Governors and the International Broadcasting Bureau associated with the functions that are transferred pursuant to subsection (a).

(B) The Director of the Office of Management and Budget may take such actions as the Director of the Office of Management and Budget considers necessary to wind up any outstanding affairs of the Broadcasting Board of Governors and the International Broadcasting Bureau associated with the functions that are transferred pursuant to subsection (a).

(3) TRANSFER OF ASSETS.—Any property, records, unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to the Agency by this Act are transferred on the effective date specified in section 540.

SEC. 537. CONFORMING AMENDMENTS.

(a) UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.—The United States International Broadcasting Act of 1994 is amended as follows:

(1) Section 308 (22 U.S.C. 6207) is amended—

(A) in subsection (a)—

(i) by striking ''The Board'' and inserting ''The Agency''; and

(ii) in paragraph (1) by striking ''Broadcasting Board of Governors'' and inserting ''Board Governors of the International Broadcasting Agency'';

(B) in subsection (b)—

(i) by striking paragraph (2);

(ii) by striking ''(1)''; and

(iii) by striking ''Board'' both places it appears and inserting ''Agency'';

(C) in subsections (c), (d), (g), (h), and (i) by striking ''Board'' each place it appears and inserting ''Agency'';

(D) in subsection (g)(4) by striking ''International Broadcasting Bureau'' and inserting ''Agency''; and

(E) in subsections (i) and (j) by striking ''and the Foreign Service'' each place it appears.

(2) Section 309 (22 U.S.C. 6208) is amended—

(A) in subsection (c)(1) by striking ''Board'' both places it appears and inserting ''Agency'';

(B) by striking subsection (e);

(C) in subsections (f) and (g) by striking ''Board'' each place it appears and inserting ''Agency''; and

(D) in subsection (g) by striking ''Chairman of the Board'' and inserting ''Agency''.

(3) By striking section 311 (22 U.S.C. 6210).

(4) In section 313 (22 U.S.C. 6212) by striking ''Board'' and inserting ''Agency''.

(5) In section 314 (22 U.S.C. 6213) by striking paragraph (2).

(6) By striking section 315.

(b) CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1996.—Section 107 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6037) is amended in subsections (a) and (b) by striking ''International Broadcasting Bureau'' each place it appears and inserting ''United States International Broadcasting Agency''.

(c) RADIO BROADCASTING TO CUBA ACT.—The Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) is amended as follows:

(1) In section 3 (22 U.S.C. 1465a) as follows:

(A) In the section heading by striking ''BROADCASTING BOARD OF GOVERNORS'' and inserting ''UNITED STATES INTERNATIONAL BROADCASTING AGENCY''.

(B) In subsection (a) by striking ''the 'Board')'' and inserting ''the 'Agency')''.

(C) In subsections (a), (d), and (f) by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency''.

(2) In section 4 (22 U.S.C. 1465b) as follows:

(A) In the first sentence by striking ''The'' and all that follows through ''Bureau'' and inserting: ''The Board of Governors of the United States International Broadcasting Agency shall establish within the Agency''.

(B) In the third sentence by striking ''Broadcasting Board of Governors'' and inserting ''Board of Governors of the United States International Broadcasting Agency''.

(C) In the fourth sentence by striking ''Board of the International Broadcasting Bureau'' and inserting ''Board of Governors of the United States International Broadcasting Agency''.

(3) In section 5 (22 U.S.C. 1465c) as follows:

(A) In subsection (b) by striking ''Broadcasting Board of Governors'' and inserting ''Board of Governors of the United States International Broadcasting Agency''.

(B) By striking ''Board'' each place it appears and inserting ''Advisory Board''.

(4) In section 6 (22 U.S.C. 1465d) as follows:

(A) In subsection (a) by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency'' and by striking ''Board'' and inserting ''Board of Directors of the United States International Broadcasting Agency''.

(B) In subsection (b) by striking ''Board'' and inserting ''United States International Broadcasting Agency''.

(5) In section 7 (22 U.S.C. 1465e) by striking ''Board'' in subsections (b) and (d) and inserting ''United States International Broadcasting Agency''.

(6) In section 8(a) (22 U.S.C. 1465f(a)), by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency''.

(d) TELEVISION BROADCASTING TO CUBA ACT.—The Television Broadcasting to Cuba Act (22 U.S.C. 1465aa note) is amended as follows:

(1) Section 243(a) (22 U.S.C. 1465bb) is amended by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency''.

(2) Section 244 (22 U.S.C. 1465cc) is amended as follows:

(A) In subsection (a) by amending the third sentence to read as follows: ''The Board of Governors of the United States International Broadcasting Agency shall appoint a head of the Service who shall report directly to the Board of Governors.''.

(B) In subsection (b) by striking ''Board'' and inserting ''United States International Broadcasting Agency''.

(C) In subsection (c) by striking ''The Board'' and inserting ''The Agency'' and by striking ''Board determines'' and inserting ''Board of Governors of the United States International Broadcasting Agency determines''.

(3) In section 246 (22 U.S.C. 1465dd) by striking ''United States Information Agency'' and inserting ''United States International Broadcasting Agency'' and by striking ''Board'' and inserting ''Board of Governors of the United States International Broadcasting Agency''.

(e) UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948.—The United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) is amended—

(1) in section 505 (22 U.S.C. 1464a), by striking ''Broadcasting Board of Governors'' each place it appears and inserting ''United States International Broadcasting Agency''; and

(2) in section 506(c) (22 U.S.C. 1464b(c))—

(A) by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency''; and

(B) by striking ''Board'' and inserting ''Agency''.

(f) FOREIGN SERVICE ACT OF 1980.—The Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended—

(1) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency'';

(2) in section 210 (22 U.S.C. 3930), by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency'';

(3) in section 1003(a) (22 U.S.C. 4103(a)), by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency''; and

(4) in section 1101(c) (22 U.S.C. 4131(c)), by striking ''Broadcasting Board of Governors,'' and inserting ''the United States International Broadcasting Agency,''.

(g) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—The State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended—

(1) in section 23(a) (22 U.S.C. 2695(a)), by striking ''Broadcasting Board of Governors,'' and inserting ''United States International Broadcasting Agency,'';

(2) in section 25(f) (22 U.S.C. 2697(f))—

(A) by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency''; and

(B) by striking ''the Board and the Agency'' and inserting ''their respective agencies'';

(3) in section 26(b) (22 U.S.C. 2698(b))—

(A) by striking 'Broadcasting Board of Governors,'' and inserting ''United States International Broadcasting Agency''; and

(B) by striking ''the Board and the Agency'' and inserting ''their respective agencies''; and

(4) in section 32 (22 U.S.C. 2704), by striking ''Broadcasting Board of Governors'' and inserting ''United States International Broadcasting Agency''.

(h) TITLE 5, UNITED STATES CODE.—

(1) Section 5314 of title 5, United States Code, is amended by adding at the end the following: ''Director, United States International Broadcasting Agency.''.

(2) Section 5315 of title 5, United States Code, is amended by striking ''Director of the International Broadcasting Bureau.''.

SEC. 538. REFERENCES.

Except as otherwise provided in this subtitle or an amendment made by this subtitle, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the Broadcasting Board of Governors and the International Broadcasting Bureau or any other officer or employee of the Broadcasting Board of Governors or the International Broadcasting Bureau shall be deemed to refer to the United States International Broadcasting Agency or the Board of Governors of the United States International Broadcasting Agency established under this subtitle.

SEC. 539. BROADCASTING STANDARDS.

Section 303(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a)) is amended—

(1) in paragraph (6) by striking ''and'';

(2) in paragraph (8) by striking the period and inserting ''; and''; and

(3) by adding after paragraph (8) the following new paragraph:

''(9) seek to ensure that resources are allocated to broadcasts directed at people whose governments deny freedom of expression or who are otherwise in special need of honest and professional broadcasting, commensurate with the need for such broadcasts.''.

SEC. 540. EFFECTIVE DATE.

Except as otherwise provided, this subtitle and the amendments made by this subtitle shall take effect on the last day of the 6-month period beginning on the date of the enactment of this Act.

TITLE VI—INTERNATIONAL FREE MEDIA ACT OF 2003

SEC. 601. SHORT TITLE.

This title may be cited as the ''International Free Media Act of 2003''.

SEC. 602. DEFINITIONS.

In this title, the term ''free media'' means individuals or organizations engaged in the gathering and distribution of news and information free of direct or indirect governmental control.

SEC. 603. FINDINGS.

The Congress makes the following findings:

(1) Freedom of speech and freedom of the press are fundamental human rights enshrined in international law.

(2) The United States has a national interest in promoting these freedoms by supporting free media abroad, which is essential to the development of free and democratic societies consistent with our own.

(3) Free media is undermined, endangered, or nonexistent in many repressive and transitional

societies around the world, including in Eurasia, Africa, and the Middle East.

(4) Free media is suppressed by foreign governments by a variety of means, including state censorship, legal restriction, financial pressure, and physical intimidation.

(5) Unprofessional and unethical media that violate widely accepted standards of professional journalism and editorial practice compromises the ability of a free media to contribute to open, fair, and constructive democratic debate.

(6) Unprofessional and unethical media includes media that violate the standards set in the International Covenant on Civil and Political Rights, which includes article 20, section 2 of the Covenant which states that ''Any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence shall be prohibited by law.''.

(7) Individuals lacking access to a plurality of free media are vulnerable to misinformation and propaganda and are potentially more likely to adopt anti-American views.

(8) Foreign governments have a responsibility to actively and publicly discourage and rebut unprofessional and unethical media while respecting journalistic integrity and editorial independence.

(9) Past and continuing United States Government efforts to promote free media through training and technical support have advanced United States national interests by contributing to the promotion of human rights and democracy worldwide.

(10) Support for free media must be an integral part of United States foreign policy, including public diplomacy and United States international broadcasting, and should be coordinated across government agencies and with international, bilateral, and private donor organizations toward achieving the shared goal of developing professional, ethical, diversified, sustainable, independent, indigenous media worldwide.

SEC. 604. STATEMENTS OF POLICY.

It shall be the policy of the United States, acting through the Secretary of State, to—

(1) make the promotion of press freedoms and free media worldwide a priority of United States foreign policy and an integral component of United States public diplomacy;

(2) respect the journalistic integrity and editorial independence of free media worldwide;

(3) use widely accepted standards for professional and ethical journalistic and editorial practices in assessing international media; and

(4) discourage incitement to discrimination, hostility, or violence, based on nationality, race, or religion, as described in article 20, section 2, of the International Covenant on Civil and Political Rights, and develop a strategy to respond to it.

SEC. 605. COORDINATOR FOR INTERNATIONAL FREE MEDIA.

(a) ESTABLISHMENT.—There is established within the Department of State a Coordinator for International Free Media (in this section referred to as the ''Coordinator''). At the discretion of the President another official at the Department of State may serve as the Coordinator.

(b) APPOINTMENT OF COORDINATOR.—The Coordinator shall be appointed by the President, by and with the advice and consent of the Senate.

(c) DUTIES.—The principal duties of the Coordinator shall be the promotion of international press freedoms and free media by—

(1) coordinating United States government policies, programs, and projects concerning international press freedoms and free media;

(2) in consultation with appropriate agencies of the United States Government and national and international organizations, monitoring and assessing the status of free media and government controlled sources of information, including for incitement of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence, as described in article 20 of the International Covenant on Civil and Political Rights;

(3) promoting widely accepted standards of professional and ethical journalism and editorial practices;

(4) discouraging media and government controlled sources of information from advocating national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence consistent with article 20, section 2 of the International Covenant on Civil and Political Rights;

(5) reporting foreign media that advocates national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence consistent with article 20, section 2, of the International Covenant on Civil and Political Rights and making available to the public and to the United States Agency for International Broadcasting translations of such media to the extent practicable;

(6) promoting the journalistic integrity and editorial independence of free media worldwide;

(7) advising the President and the Secretary of State regarding matters of international press freedoms and free media;

(8) representing the United States in matters and cases relevant to international press freedoms and free media;

(9) assisting the Secretary of State in preparing the portions of the Department of State country reports on human rights that relate to international press freedoms and free media and incitement to acts of discrimination;

(10) consulting with the Broadcasting Board of Governors and the United States Agency for International Development for the purpose of promoting free media through training of international journalists, producers, editors, and media managers; and

(11) administering the International Free Media Fund (established in section 607) in consultation with the United States Advisory Commission on Public Diplomacy and International Media.

(d) ASSESSMENT FACTORS.—In making an assessment of media within individual countries pursuant to subsection (c)(2), the Coordinator shall take into account—

(1) the number and diversity of media;

(2) access to and consumption of media by populations;

(3) the extent of direct or indirect government ownership, control, or censorship of media outlets;

(4) the financial viability and profitability of free media;

(5) the extent to which journalists, editors, and media managers adhere to widely accepted standards for professional and ethical journalism;

(6) domestic laws addressing press freedoms;

(7) instances in which the media and government-controlled sources of information have incited discrimination, hostility, or violence consistent with article 20, section 2 of the International Covenant on Civil and Political Rights;

(8) physical threats, intimidation or inappropriate pressure by government on free media;

(9) the number of journalists, editors, producers, and media managers receiving training from programs of the Department of State, the Broadcasting Board of Governors, grantees of the United States Agency for International Development, or other organizations qualified to provide such training; and

(10) the activity of local and international nongovernmental organizations promoting press freedoms and free media and obstacles to their activity.

(e) CONSULTATION REQUIREMENT.—The Coordinator shall consult with United States public affairs officers and other United States foreign mission personnel directly engaged in interacting with indigenous media in carrying out the duties specified in subsection (c).

(f) DETERMINATION.—The Coordinator shall determine, and annually report to the appropriate congressional committees, whether there is a pattern of government-controlled information that constitutes incitement (as described in article 20 of the International Covenant on Civil and Political Rights) and that endangers United States citizens or nationals, impairs relations between the United States and the foreign government, or constitutes incitement to national, racial, or religious discrimination, hostility, or violence. The Coordinator shall specify the governments engaged in such practices and examples of such incitement and propaganda.

(g) FUNDING.—The Secretary of State shall ensure that the Coordinator has adequate staff and funding for the conduct of investigations, the administration of the International Free Media Fund, necessary travel, and other activities necessary to carry out the provisions of this section.

SEC. 606. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY AND INTERNATIONAL MEDIA.

(a) ESTABLISHMENT.—Section 604(a)(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) is amended to read as follows:

''(1) There is established an advisory commission to be known as the United States Advisory Commission on Public Diplomacy and International Media.''.

(b) DUTIES AND RESPONSIBILITIES.—Section 604(c) of the United States Information and Exchange Act of 1948 (22 U.S.C. 1469) is amended by adding at the end the following:

''(5) The Commission shall—

''(A) advise the Coordinator for International Free Media on issues relating to the promotion of international press freedoms and free media;

''(B) assist the Coordinator for International Free Media in monitoring and assessing the status of free media worldwide;

''(C) consult with the Coordinator on the administration of the International Free Media Fund; and

''(D) make policy recommendations to the President, the Secretary of State, and Congress with respect to matters involving international press freedoms and free media.''.

(c) REFERENCES.—Except as otherwise provided in this section or an amendment made by this section, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the United States Advisory Commission on Public Diplomacy or any other officer or employee of the United States Advisory Commission on Public Diplomacy shall be deemed to refer to the United States Advisory Commission on Public Diplomacy and International Media established under this section.

SEC. 607. INTERNATIONAL FREE MEDIA FUND.

(a) ESTABLISHMENT.—There is established an International Free Media Fund (in this section referred to as the ''Fund'') at the Department of State.

(b) PURPOSES.—The purposes of the Fund shall be—

(1) to promote the development of free and independent media worldwide which adhere to widely accepted standards of professional and ethical journalism and editorial practice; and

(2) to complement current efforts by the Department of State, the United States Agency for International Development, the Broadcasting Board of Governors, and other agencies of the United States Government to support free and independent media worldwide.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated to carry out the purposes specified in subsection (b), there is authorized to be appropriated to the Fund $15,000,000 for fiscal year 2004. Such amounts are authorized to remain available until expended.

(d) NONAPPLICABILITY OF OTHER LAWS.—Notwithstanding any other provision of law, funds

appropriated pursuant to subsection (c) may be used for the purposes of this section.

(e) ADMINISTRATION.—

(1) The Fund shall be administered by the Coordinator in consultation with the Commission.

(2) Activities and assistance financed through the Fund may be carried out through grants, contracts, technical assistance, and material support.

(f) ELIGIBLE ORGANIZATIONS, PROGRAMS, AND PROJECTS.—Amounts in the Fund may be used to carry out activities and provide assistance only for organizations, programs, and projects consistent with the purposes set forth in subsection (b).

(g) PROHIBITIONS.—Amounts in the Fund shall not be used to carry out activities or provide assistance to organizations, programs, or projects which advocate national, racial, or religious hatred that incites discrimination, hostility, or violence consistent with article 20, section 2 of the International Covenant on Civil and Political Rights.

(h) ASSISTANCE CRITERIA.—In administering the Fund, the Coordinator shall take into account—

(1) the importance of providing assistance to organizations, programs, and projects based on their proven or potential contribution to the development of a free media environment worldwide;

(2) the importance of enabling free media to become commercially viable and financially independent in the long term; and

(3) the importance of providing media personnel whose organizations, programs, or projects receive assistance under this section for training in professional and ethical journalism, editorial practices, and media management by the Department of State, the Broadcasting Board of Governors, United States Agency for International Development grantees, or other organizations qualified to provide such training.

(i) ANNUAL REPORTS.—Not later than January 31, of 2005 and in each subsequent year, the Coordinator shall publish an annual report on the activities of the Fund, which shall include a comprehensive and detailed description of the operations, activities, financial condition, and accomplishments under this section for the preceding fiscal year. The reports shall also include an assessment of whether the Fund should also provide loans and guarantees as an additional means to carry out the purposes of this title.

(j) CONSULTATION REQUIREMENTS.—

(1) The Coordinator shall consult with the State Department official primarily responsible for developing and implementing United States policy with respect to a country prior to carrying out activities or providing assistance for such country through the Fund.

(2) Amounts in the Fund shall be used to carry out activities or provide assistance on the basis of consultations among all relevant United States Government agencies operating in the country and with the approval of the chief of mission.

SEC. 608. FREE MEDIA PROMOTION ACTIVITY OF THE BROADCASTING BOARD OF GOVERNORS.

(a) IN GENERAL.—The Broadcasting Board of Governors shall make support for indigenous free media an integral part of its mission.

(b) AFFILIATES.—The Broadcasting Board of Governors shall submit a report to the appropriate congressional committees on the prospects and strategy for cultivating affiliate relationships with free media in countries targeted for United States international broadcasting.

(c) TRAINING.—The Broadcasting Board of Governors shall enhance foreign journalist training programs in coordination with existing training programs administered by the Department of State and the United States Agency for International Development.

(d) AUTHORIZATION FOR APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated $2,500,000 for the fiscal year 2004 and $2,500,000 for the fiscal year 2005 to support free media in countries in which the Broadcasting Board of Governors is decreasing or discontinuing United States international broadcasting activity.

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—Reporting Requirements

SEC. 701. REPORTS TO COMMITTEE ON INTERNATIONAL RELATIONS.

Notwithstanding any other provision of law, for the fiscal years 2004 and 2005, any report required by law or otherwise requested to be submitted by the Secretary of State or the Department of State to any committee of the Congress shall be submitted also to the Committee on International Relations of the House of Representatives.

SEC. 702. REPORTS CONCERNING THE CAPTURE AND PROSECUTION OF PARAMILITARY AND OTHER TERRORIST LEADERS IN COLOMBIA.

(a) FINDINGS.—The Congress makes the following findings:

(1) As reported in the Department of State report Patterns of Global Terrorism 2001, the United Self-Defense Forces of Colombia (also referred to as ''AUC'' or ''paramilitaries'') have been designated as a foreign terrorist organization by the United States primarily because of their increasing reliance on terrorist methods, such as the use of massacres, to purposefully displace segments of the population as retaliation for allegedly supporting the AUC's rival organizations, the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) of Colombia. According to the report, the paramilitaries also use terrorist tactics to compete for narcotics-trafficking corridors and prime coca-growing terrain.

(2) The Department of State concluded in the 2001 Country Report on Human Rights Practices that despite increased efforts by the Government of Colombia to combat and capture members of paramilitary groups, security forces sometimes illegally collaborate with paramilitaries forces and often fail to take action to prevent paramilitary attacks which lead to serious abuses of human rights.

(3) In September 2002, Amnesty International, Human Rights Watch, and the Washington Office on Latin America released a report which argued that the Colombian Government had not made substantial progress toward suspending officers implicated in human rights abuses, conducting effective judicial investigations of such abuses, or breaking the persistent links between some units of the Colombian military and paramilitary groups.

(4) In February 2003, the United Nations High Commissioner for Human Rights in Colombia reported that some units of the Colombian Security Forces continued to collude openly with illegal paramilitary groups in operations which resulted in violations of human rights.

(5) The Consolidated Appropriations Resolution, 2003 (Public Law 108–7) made available not less than $5,000,000 to support a Colombian Armed Forces unit which is dedicated to apprehending leaders of Colombian paramilitary organizations.

(b) REPORTS TO CONGRESS.—Not later than 30 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State, after consulting with internationally recognized human rights organizations pursuant to the procedures required in section 564(b) of the Consolidated Appropriations Resolution, 2003, shall submit a report, in unclassified form (with a classified annex if necessary), on the specific measures that the Colombian authorities are taking to apprehend effectively and prosecute aggressively leaders of paramilitary organizations, to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) CONTENTS OF REPORTS.—Each report submitted pursuant to subsection (b) shall—

(1) identify which Colombian Armed Forces units are receiving assistance to apprehend leaders of Colombian paramilitary organizations;

(2) describe the amount and purposes of such assistance;

(3) describe operations by Colombian security forces to apprehend and arrest leaders of Colombian paramilitary organizations;

(4) list the number of detentions, captures, and arrests of leaders of Colombian paramilitary organizations, disaggregating the number according to those detentions, captures, and arrests which were carried out by Colombian security forces identified under paragraph (1);

(5) briefly describe the status of investigations and prosecutions of cases by the Colombian Attorney General's office involving the arrests of leaders of Colombian paramilitary organizations; and

(6) estimate the number of hours of use by the Colombian military of helicopters provided by the United States under Plan Colombia and successor programs to apprehend the leaders of Colombian paramilitary organizations, as well as leaders of the FARC and ELN, including those individuals who have United States indictments pending against them.

SEC. 703. REPORTS RELATING TO MAGEN DAVID ADOM SOCIETY.

(a) FINDINGS.—Section 690(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) is amended by adding at the end the following:

''(5) Since the founding of the Magen David Adom in 1930, the American Red Cross has regarded it as a sister national society forging close working ties between the two societies and has consistently advocated recognition and membership of the Magen David Adom in the International Red Cross and Red Crescent Movement.

''(6) The American Red Cross and Magen David Adom signed an important memorandum of understanding in November 2002, outlining areas for strategic collaboration, and the American Red Cross will encourage other societies to establish similar agreements with Magen David Adom.''.

(b) SENSE OF CONGRESS.—Section 690(b) of such Act is amended—

(1) in paragraph (3) after the semicolon by striking ''and'';

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) the High Contracting Parties to the Geneva Conventions of August 12, 1949, should adopt the October 12, 2000, draft additional protocol which would accord international recognition to an additional distinctive emblem; and''.

(c) REPORT.—Section 690 of such Act is further amended by adding at the end the following:

''(c) REPORT.—Not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2004 and 2005 and annually thereafter, the Secretary of State shall submit a report, on a classified basis if necessary, to the appropriate congressional committees describing—

''(1) efforts by the United States to obtain full membership for the Magen David Adom in the International Red Cross Movement;

''(2) efforts by the International Committee of the Red Cross to obtain full membership for the Magen David Adom in the International Red Cross Movement;

''(3) efforts of the High Contracting Parties to the Geneva Convention of 1949 to adopt the October 12, 2000, draft additional protocol; and

''(4) the extent to which the Magen David Adom of Israel is participating in the activities of the International Red Cross and Red Crescent Movement.''.

SEC. 704. REPORT CONCERNING THE RETURN OF PORTRAITS OF HOLOCAUST VICTIMS TO THE ARTIST DINA BABBITT.

(a) FINDINGS.—The Congress makes the following findings:

(1) Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen, has requested the return of watercolor portraits she painted while suffering a one and one-half year long internment at the Auschwitz death camp during World War II, where she was ordered to paint portraits by the infamous war criminal Dr. Josef Mengele.

(2) Congress has previously considered the issue, under the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228), and urged the Administration to facilitate the return of the paintings to Dina Babbitt.

(3) The Administration has not yet reported any progress in furthering this goal, nor has the Secretary reported on the status of any negotiations held with the intent of furthering this goal.

(b) SENSE OF CONGRESS.—The Congress—

(1) continues to recognize the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz- Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President of the United States to make all necessary efforts to retrieve the 7 watercolor portraits painted by Dina Babbitt, during her internment at the Auschwitz death camp; and

(3) urges the Secretary of State to make immediate diplomatic efforts to facilitate the transfer of the 7 original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau State Museum to Dina Babbitt, their rightful owner.

(c) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees, describing all diplomatic efforts the United States has taken to facilitate the return of the paintings referred to in this section to Dina Babbitt.

SEC. 705. REPORT TO CONGRESS ON USE OF VESTED ASSETS.

Section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)) is amended—

(1) in subparagraph (C), by inserting '', *subject to paragraph (4),'' after ''such interest or property shall''; and*

(2) by adding at the end the following:

''(4) The authority under paragraph (1)(C) to use property that has been vested or to use assets that have been liquidated may not be exercised until 15 days after the President has notified the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of the purpose for which such vested property or liquidated assets will be so used.''.

SEC. 706. REPORT CONCERNING THE CONFLICT IN UGANDA.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should—

(1) exhaust all diplomatic means and pressures, including the creation of a United States role in negotiating humanitarian access to hitherto inaccessible populations which would offer an opportunity to bring the warring parties together to build confidence, to support an immediate peaceful resolution to the 16-year old conflict in Northern Uganda that has—

(A) killed an estimated 23,000 people, including 12,000 civilians,

(B) resulted in the forced abduction, sexual servitude, and armed recruitment of between 16,000 to 26,000 Ugandan children by the Lord's Resistance Army, a renegade army that has in the past sought refuge in southern Sudan and raided villages in northern Uganda,

(C) displaced over 800,000 Ugandan citizens and Sudanese refugees,

(D) resulted in the death and abduction of humanitarian aid workers, and

(E) gravely inhibited the delivery of emergency assistance and food aid to nearly 1 million northern Ugandan civilians dependent on such assistance for survival;

(2) urge rebel forces to stop the abduction of children, urge all forces to stop the use of child soldiers, and seek the release of all forcibly-held children;

(3) make available technical assistance resources to seek, track, and stop funding for the Lord's Resistance Army (LRA) from all sources and condemn all governments and organizations who do assist the LRA;

(4) monitor and support negotiations conducted by third-party institutions for an immediate cease-fire between the LRA and the Ugandan Government, and to explore the possibility of facilitating the creation of mechanisms for an international monitoring team to enforce this cease-fire as the first step in the process toward a permanent peace;

(5) continue supporting the Sudan Peace Process and Danforth Initiative, which includes peace talks, donor coordination, regional support, civilian protection and monitoring, and cease-fire verification and consider modeling aspects of this process in northern Uganda;

(6) make available sufficient resources to meet the immediate relief of the towns and cities supporting large displaced populations, including food, clean water, medicine, shelter, and clothing;

(7) make available increased resources for assistance to released and returned abducted children and child soldiers and ensure that amnesty is provided when appropriate;

(8) work with other donors and the Ugandan Government to increase resources and technical support to the Uganda Amnesty Commission for the increased demobilization of rebel combatants;

(9) examine ways in which development assistance can help those living in protective villages in northern Uganda return to and cultivate farmland; and

(10) condition military assistance to Uganda on its international compliance with sustained troop withdrawals from the Democratic Republic of Congo where the presence of Ugandan armies has contributed to the violence and instability in the region.

(b) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and not later than April 1 of each subsequent year, the Secretary shall submit to the appropriate congressional committees a report on the comprehensive actions of the United States in seeking a peaceful and immediate solution to conflict in northern Uganda as well as humanitarian assistance efforts to the region, including efforts to advance each area addressed in subsection (a).

SEC. 707. REQUIREMENT FOR REPORT ON UNITED STATES POLICY TOWARD HAITI.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has a political and economic interest and a humanitarian and moral responsibility in assisting the Government and people of Haiti in resolving the country's problems and challenges.

(2) The situation in Haiti is increasingly cause for alarm and concern, and a sustained, coherent, and active approach by the United States Government is needed to make progress toward resolving Haiti's political and economic crises.

(b) REQUIREMENT FOR REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that describes United States policy toward Haiti. The report shall include the following:

(1) A description of the activities carried out by the United States Government to resolve Haiti's political crisis and to promote the holding of free and fair elections in Haiti at the earliest possible date.

(2) A description of the activities that the United States Government anticipates initiating to resolve the political crisis and promote free and fair elections in Haiti.

(3) An assessment of whether Resolution 822 issued by the Permanent Council of the Organization of American States on September 4, 2002, is an appropriate framework for a multilateral approach to resolving the political and economic crises in Haiti.

(4) A description of the status of efforts to release the approximately $146,000,000 in loan funds that have been approved by the Inter-American Development Bank to Haiti for the purposes of rehabilitating rural roads, reorganizing the health sector, improving potable water supply and sanitation, and providing basic education, a description of any obstacles that are delaying the release of the loan funds, and recommendations for overcoming such obstacles, including whether any of the following would facilitate the release of such funds:

(A) Establishing an International Monetary Fund staff monitoring program in Haiti.

(B) Obtaining bridge loans or other sources of funding to pay the cost of any arrears owed by the Government of Haiti to the Inter-American Development Bank.

(C) Providing technical assistance to the Government of Haiti to permit the Government to meet international financial transparency and other requirements.

SEC. 708. REPORT ON THE EFFECTS OF PLAN COLOMBIA ON ECUADOR.

(a) FINDINGS.—The Congress makes the following findings:

(1) Section 695 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) required the Secretary of State to submit a report to Congress on the impact of Plan Colombia on Ecuador and the other adjacent countries to Colombia within 150 days after the date of the enactment of that Act.

(2) The 150 day time period for the submission of such report has lapsed without a report being submitted to the Congress.

(3) There continues to be growing alarm concerning the spillover effect of Plan Colombia on Ecuador, a frontline state, especially in the northern region of Ecuador which includes the Sucumbios province.

(b) REPORT TO CONGRESS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees which sets forth—

(A) a statement of policy and comprehensive strategy for United States activities in Colombia related to the impact of Plan Colombia on Ecuador and the other adjacent countries to Colombia; and

(B) the reasons for the failure of the Department of State to submit the report required by section 695 of Public Law 107–228 within the time period mandated by law.

SEC. 709. REPORT ON ACTIONS TAKEN BY PAKISTAN.

For each of fiscal years 2004 and 2005, the President shall prepare and transmit to the appropriate congressional committees a report that contains a description of the extent to which the Government of Pakistan—

(1) has closed all known terrorist training camps operating in Pakistan and Pakistani-held Kashmir;

(2) has established serious and identifiable measures to prohibit the infiltration of Islamic extremists across the ''Line of Control'' (LoC) into India; and

(3) has ceased the transfer of weapons of mass destruction, including any associated technologies, to any third country or terrorist organization.

SEC. 710. REPORT ON DEMOCRACY IN THE WESTERN HEMISPHERE.

(a) FINDINGS.—Congress finds the following:

(1) Although 34 out of 35 countries in the Western Hemisphere have held elections for civilian leaders of national, regional, and local

governments, many of these countries have failed to successfully develop independent democratic institutions, transparent and accountable governance, and effective means of guaranteeing the rule of law, which are key components of a fully functioning democracy.

(2) The rule of law, independent democratic institutions, and transparent, accountable governance are essential for guaranteeing human rights, especially civil, political, and labor rights.

(3) The rule of law, independent democratic institutions, and transparent accountable governance are also necessary for promoting successful economic development and reliable trading and investment mechanisms.

(4) In part because of the lack of these three factors, progress on human rights and economic development has lagged or been uneven in much of the Western Hemisphere, leading some to question the benefits of democracy itself as a path for improving the lives of individuals in the hemisphere.

(5) For democracy to continue in many of these countries, for human rights to improve, and for regional economic integration to be successful, the rule of law, independent democratic institutions, and transparent accountable governance must be strengthened.

(6) As a strong supporter of democracy and human rights and as an advocate of regional economic integration, it is in the interests of the United States to enhance its efforts to promote a deepening of democracy in the Western Hemisphere, particularly through strengthening the rule of law, independent democratic institutions, and transparent accountable governance.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the heads of other Federal departments and agencies as necessary, shall prepare and submit to the appropriate congressional committees a report on the state of democracy in each country in the Western Hemisphere (other than the United States and Canada). For each such country, the report shall provide the following:

(1) A description of its system of government, including schedule of elections, manner of judicial appointments, and responsibilities of each branch of government.

(2) An assessment of—

(A) the state of the rule of law;

(B) the power and independence of each branch of government and institutions;

(C) the transparence and accountability in governance; and

(D) the effect on human rights, particularly civil and political rights, caused by the presence (or lack thereof) of any of the factors in subparagraphs (A) through (C); and

(E) the effect on economic development caused by the presence (or lack thereof) of any of the factors in subparagraphs (A) through (C).

(3) A description of efforts to strengthen the rule of law, independent institutions, or transparent governance in the country, whether through local efforts or through efforts funded or implemented by the United States, the Organization of American States (OAS), or others.

SEC.** 711. **REPORT CONCERNING INTERNAL AND INTRA-REGIONAL CONFLICTS IN THE GREAT LAKES REGION OF AFRICA.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Great Lakes region of Central Africa has a history of colonial based ethnic divisions, political violence, and civil wars which have perpetuated conditions conducive to chronic poverty and turmoil over the past decade. The countries of the Great Lakes region are heavily embroiled in the conflicts within their neighbors borders. At different times, the war in the Democratic Republic of Congo (DRC) has involved more outside countries than any other contemporary war in Africa's history, (including Angola, Rwanda, Uganda, Zimbabwe, Burundi, Sudan, Chad, Namibia, and Central African Republic).

(2) The region is hallmarked by genocide, the recruitment of child soldiers, war crimes, systematic rape of women and violence directed against children, corruption, and the illegal exploitation of natural resources on a global scale. Civil wars, conflicts over natural resources, and structural violence in the Great Lakes have resulted in—

(A) the death of approximately three million people through direct and indirect causes of the war in the DRC since 1998;

(B) the deaths of at least 800,000 people during the 1994 genocide in Rwanda;

(C) the deaths of an estimated 300,000 people through direct and indirect causes of the war in Burundi since 1993;

(D) the deaths of thousands in Uganda;

(E) the forced abduction, sexual servitude, and armed recruitment of thousands of children;

(F) the displacement of millions of Ugandan, Burundian, Congolese, Rwandan, and Sudanese refugees;

(G) the death and abduction of humanitarian aid workers throughout the region; and

(H) grave disruptions in the delivery of emergency assistance and food aid to millions of civilians in northern Uganda, eastern Congo, and Burundi dependent on such assistance for survival.

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

(1) exhaust all diplomatic means and utilize all foreign policy instruments to help peacefully resolve conflicts in the Great Lakes region by supporting both national and regional political, economic, and social initiatives conducive to fostering African-led peace, reconstruction, and political and economic institutional and structural transformation processes in Uganda, Rwanda, Burundi, and the Democratic Republic of Congo;

(2) urge all rebel forces to stop the abduction of children, urge all armed forces to stop the use of child soldiers, and seek the release of all forcibly-held children;

(3) make available technical assistance resources to seek, track, and stop funding for all armed extremist paramilitary and militarist rebel organizations from all sources and condemn all governments and organizations who do assist such groups;

(4) monitor and support negotiations conducted by third-party institutions for an immediate end of armed actions between: The LRA and the Ugandan Government; the RCD factions and MLC and the government of Democratic Republic of the Congo under the terms of the Lusaka Accords; the FDD and the Burundian Government under the terms of the Arusha Accords;

(5) explore the possibility of facilitating the creation of mechanisms for an international monitoring team to enforce cease-fires as the first step in the process toward a permanent peace in the region;

(6) continue supporting the Sudan Peace Process, the Danforth Initiative, the Lusaka Accords, and the Arusha Accords which includes peace talks, donor coordination, regional support, civilian protection and monitoring, and cease-fire verification;

(7) make available sufficient resources to meet the immediate relief needs of the towns and cities in the Great Lakes region supporting large displaced populations, including food, clean water, medicine, shelter, and clothing;

(8) make available increased resources for assistance to released and returned abducted children and child soldiers in the Great Lakes Region and ensure that amnesty is provided when appropriate;

(9) work with other donors and the Governments of Uganda, Burundi, Rwanda, and the Democratic Republic of Congo to increase resources and technical support to both regional and national combatant demobilization entities such as the Uganda Amnesty Commission in Uganda and equivalent entities in Burundi, Rwanda, and the Democratic Republic of Congo for the increased demobilization of rebel combatants;

(10) examine ways in which development assistance (DA) can help those living in protective villages in northern Uganda, eastern Congo, and other demilitarized areas in Rwanda and Burundi to return to and cultivate farmland;

(11) condition military assistance to any nation which acts to destabilize the DRC by violating international agreements regarding sustained troop withdrawals and respect for the territorial integrity of the DRC; and

(12) direct the Secretary of State to appoint a special envoy to the Great Lakes region to oversee cross-cutting security and economic policies in the region.

(c) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and not later than April 1 of each subsequent year, the Secretary should submit to the appropriate congressional committees a report on the comprehensive actions taken by the United States in promoting peaceful and immediate solutions to the internal and intra-regional conflicts in the Great Lakes region, including taking steps to bring an end to the illegal exploitation and international trade of natural resources from the Democratic Republic of Congo; supporting bilateral and multilateral peace keeping initiatives; the promotion of regional economic integration; the promotion of broad based democratic political processes based on the rule of law; the promotion of women and other previously disadvantaged communities as equal political and economic stakeholders in societies; and humanitarian assistance efforts in the region, including efforts to advance each area addressed in subsection (a).

Subtitle B—Other Matters

SEC. 721. SENSE OF CONGRESS RELATING TO EAST TIMOR, JUSTICE, AND REHABILITATION.

The Congress—

(1) recalls that the United Nations International Commission of Inquiry concluded in January 2000 that ''the Indonesian Army was responsible for the intimidation, terror, killings and other acts of violence'' during East Timor's vote for independence in 1999;

(2) reiterates that justice for crimes against humanity and war crimes committed in East Timor during the vote for independence in 1999 is crucial for peace, reconciliation, and the ongoing nation-building process in East Timor and Indonesia;

(3) finds that the ad hoc Human Rights Court on East Timor established by the Indonesian Government in 2001 has inadequately brought to justice the perpetrators of these crimes as eleven of fourteen defendants have been acquitted as a result of poor indictments and the absence of an adequate witness protection program, and four of the five sentences imposed have been less than the minimum allowed under the Indonesian Human Rights Law;

(4) supports the work of the Joint United Nations-East Timor Serious Crimes Unit (SCU), which filed indictments against high-ranking Indonesian officers who were allegedly involved in the crimes, including Gen. Wiranto, Maj. Gen. Kiki Syahnakri, Maj. Gen. Zacky Anwar Makarim, Maj. Gen. Adam Damiri, Col. Suratman, Col. Noer Muis, Col. Yayat Sudrajat and former Governor Abilio Soares, and expresses its strong disappointment that the Indonesian Government has stated its intention to ignore the indictments;

(5) calls on the State Department and the United States Mission to the United Nations to push for a comprehensive United Nations review of the Indonesian ad hoc Human Rights Court on East Timor, including a review of the conduct of trials, the indictment strategy by the prosecutors and its adherence to the international standards, and urges the State Department to consider alternative mechanisms of justice for East Timor, including the establishment of an ad hoc international tribunal; and

(6) urges the Indonesian Government to fully cooperate with the joint United Nations-East Timor Serious Crimes Unit (SCU) and encourages the United States to urge the Indonesian Government to fully cooperate with the SCU.

SEC. 722. SENSE OF CONGRESS CONCERNING HUMAN RIGHTS AND JUSTICE IN INDONESIA.

The Congress—

(1) notes with grave concern that members of the Indonesian security forces, particularly the Army Special Forces (Kopassus) and the Police Mobile Brigade (Brimob), continue to commit many serious human rights violations, including extrajudicial killings, torture, rape, and arbitrary detention, particularly in areas of conflict such as Aceh, Papua, the Moluccas, and Central Sulawesi;

(2) notes with grave concern that the Government of Indonesia largely fails to hold soldiers and police accountable for extrajudicial killings and other serious human rights abuses, both past and present;

(3) condemns the intimidation and harassment of human rights and civil society organizations and activists by members of Indonesian security forces and by military-backed militia groups, particularly in Aceh and Papua;

(4) notes with concern the Indonesian military's resistance to civilian control and oversight, its lack of budgetary transparency, and its continuing emphasis on internal security within Indonesia;

(5) urges the Indonesian government and military to provide full, active, and unfettered cooperation with the investigation of the Federal Bureau of Investigation of the United States Department of Justice into the August 31, 2002 attack near Timika, Papua, which killed three people (including two Americans, Rick Spier and Ted Burgon), and injured 12 others, and which appears likely to have been perpetrated at least in part by members of the Indonesian military;

(6) commends the December 2002 signing of the Framework Agreement on Cessation of Hostilities in Aceh, but condemns the recent outbreaks of violence and militia activity that appear calculated to subvert that cease-fire agreement;

(7) notes with grave concern the continued detention of Muhammad Nazar, and the fact that those responsible for the murders of other prominent members of civil society in Aceh, such as Jafar Siddiq Hamzah, Sukardi, Sulaiman Ahmad, Tengku Safwan Idris, Nashiruddin Daud, and Zaini Sulaiman, still have not been apprehended, prosecuted, or punished;

(8) commends the ''Zone of Peace'' initiative in Papua, which has brought together civic, religious, governmental, and police representatives to discuss productive means of avoiding conflict, but expresses concern at the refusal of the Indonesian military to participate in that effort; and

(9) encourages the Government of Indonesia to expedite the reunification of separated East Timorese children with their families, and to hold legally accountable those individuals and organizations responsible for taking those children and for obstructing reunification efforts.

SEC. 723. AMENDMENT TO THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998.

Section 207(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6435(a)) is amended by inserting ''and for each subsequent fiscal year'' after ''2003''.

SEC. 724. SENSE OF CONGRESS WITH RESPECT TO HUMAN RIGHTS IN CENTRAL ASIA.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Central Asian nations of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are providing the United States with assistance in the war in Afghanistan, from military basing and overflight rights to the facilitation of humanitarian relief.

(2) In turn, the United States victory over the Taliban in Afghanistan provides important benefits to the Central Asian nations by removing a regime that threatened their security and by significantly weakening the Islamic Movement of Uzbekistan, a terrorist organization that had previously staged armed raids from Afghanistan into the region.

(3) The United States has consistently urged the nations of Central Asia to open their political systems and economies and to respect human rights, both before and since the attacks of September 11, 2001.

(4) Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are members of the United Nations and the Organization for Security and Cooperation in Europe (OSCE), both of which confer a range of obligations with respect to human rights on their members.

(5) While the United States recognizes marked differences among the social structures and commitments to democratic and economic reform of the Central Asian nations, the United States notes nevertheless, according to the State Department Country Reports on Human Rights Practices, that all five governments of such nations, to differing degrees, restrict freedom of speech and association, restrict or ban the activities of human rights organizations and other nongovernmental organizations, harass or prohibit independent media, imprison political opponents, practice arbitrary detention and arrest, and engage in torture and extrajudicial executions.

(6) By continuing to suppress human rights and to deny citizens peaceful, democratic means of expressing their convictions, the nations of Central Asia risk fueling popular support for violent and extremist movements, thus undermining the goals of the war on terrorism.

(7) President George W. Bush has made the defense of human dignity, the rule of law, limits on the power of the state, respect for women and private property, free speech, equal justice, religious tolerance strategic goals of United States foreign policy in the Islamic world, arguing that ''a truly strong nation will permit legal avenues of dissent for all groups that pursue their aspirations without violence''.

(8) Congress has expressed its desire to see deeper reform in Central Asia in past resolutions and other legislation, most recently conditioning assistance to Uzbekistan and Kazakhstan on their progress in meeting commitments to the United States on human rights and democracy.

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

(1) the governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan should accelerate democratic reforms and fulfill their human rights obligations, including, where appropriate, by—

(A) releasing from prison anyone jailed for peaceful political activism or the nonviolent expression of their political or religious beliefs;

(B) fully investigating any credible allegations of torture and prosecuting those responsible;

(C) permitting the free and unfettered functioning of independent media outlets, independent political parties, and nongovernmental organizations, including by easing registration processes;

(D) permitting the free exercise of religious beliefs and ceasing the persecution of members of religious groups and denominations that do not engage in violence or political change through violence;

(E) holding free, competitive, and fair elections; and

(F) making publicly available documentation of their revenues and punishing those engaged in official corruption;

(2) the President, the Secretary of State, and the Secretary of Defense should—

(A) continue to raise at the highest levels with the governments of the nations of Central Asia specific cases of political and religious persecution, and to urge greater respect for human rights and democratic freedoms at every diplomatic opportunity;

(B) take progress in meeting the goals specified in paragraph (1) into account when determining the scope and nature of United States diplomatic and military relations and assistance with each of such governments;

(C) ensure that the provisions of foreign operations appropriations Acts are fully implemented to ensure that no United States assistance benefits security forces in Central Asia that are implicated in violations of human rights;

(D) press the Government of Turkmenistan to implement the helpful recommendations contained in the 2003 resolution on Turkmenistan of the United Nations Commission on Human Rights and the so-called ''Moscow Mechanism'' Report of the Organization for Security and Cooperation in Europe (OSCE), respect the right of all prisoners to due process and a fair trial and release democratic activists and their family members from prison;

(E) urge the Government of Russia not to extradite to Turkmenistan members of the political opposition of Turkmenistan;

(F) work with the Government of Kazakhstan to create a political climate free of intimidation and harassment, including releasing political prisoners and permitting the return of political exiles, and to reduce official corruption, including by urging the Government of Kazakhstan to cooperate with the ongoing United States Department of Justice investigation;

(G) support through United States assistance programs individuals, nongovernmental organizations, and media outlets in Central Asia working to build more open societies, to support the victims of human rights abuses, and to expose official corruption; and

(H) press the Government of Uzbekistan to implement fully the recommendations made to the Government of Uzbekistan by the United Nations' Special Rapporteur on Torture; and

(3) increased levels of United States assistance to the governments of the nations of Central Asia made possible by their cooperation in the war in Afghanistan can be sustained only if there is substantial and continuing progress toward meeting the goals specified in paragraph (1).

SEC. 725. TECHNICAL CORRECTION TO AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2003 FOR CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.

Section 112(3) of the Foreign Relations Authorization Act, Fiscal Year 2003 (116 Stat. 1358; Public Law 107–228) is amended by striking ''$15,000,000'' and inserting ''$18,000,000''.

SEC. 726. UNDER SECRETARY OF COMMERCE FOR INDUSTRY AND SECURITY.

(a) UNDER SECRETARY.—There shall be in the Department of Commerce an Under Secretary of Commerce for Industry and Security who shall serve as the head of the Bureau of Industry and Security and perform such duties as the Secretary of Commerce shall prescribe. The Under Secretary of Commerce for Industry and Security shall be appointed by the President by and with the advice and consent of the Senate.

(b) INCUMBENT.—The individual serving on the date of the enactment of this Act as the Under Secretary of Commerce for Export Administration shall serve as the Under Secretary of Commerce for Industry and Security until such time as a successor is appointed under subsection (a).

(c) COMPENSATION.—Section 5314 of title 5, United States Code, is amended by striking ''Under Secretary of Commerce for Export Administration'' and inserting ''Under Secretary of Commerce for Industry and Security''.

(d) CONFORMING AMENDMENTS.—Section 15(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2414(a)) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking ''in carrying out such functions'' and inserting ''of Commerce for Industry and Security in carrying out the functions of the Under Secretary''.

SEC. 727. CONCERNING THE SPREAD OF WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—The Congress makes the following findings:

(1) The proliferation of weapons of mass destruction presents a direct threat to the stability, security, and safety of nations around the globe.

(2) Combatting the spread of such weapons is a responsibility borne by all nations.

(3) United States efforts to stop the further spread of these weapons can be further enhanced by cooperative efforts between the United States and the European Union.

(4) There are many different components in this effort that require a comprehensive approach, immediate attention, and vigorous action, including the ''10+10 over 10 Initiative'' agreed to by the United States and many members of the European Union.

(5) Stopping the spread of weapons of mass destruction is made more difficult when states willingly participate in, or contribute to, their development or their sale or transfer to other nations.

(6) Stopping the spread of weapons of mass destruction is made more difficult when private companies willingly participate in, or contribute to, their development or their sale or transfer to other nations.

(7) United States security and safety is undermined when companies engage in such commerce.

(b) SENSE OF CONGRESS.—The Congress call on the European Union to—

(1) develop an aggressive and robust regulatory system designed to—

(A) investigate allegations of companies contributing to the development of weapons of mass destruction or their sale or transfer to other nations;

(B) isolate and comdemn companies found to participate in, or contribute to, the development of such weapons or their sale or transfer to other nations; and

(C) develop a punitive response designed to punish such companies, thereby preventing further actions on their part and discouraging other companies from engaging in such actions;

(2) condemn, by name, states known to be contributing to the development or spread of weapons of mass destruction; and

(3) develop appropriate punitive measures designed to discourage further actions.

SEC. 728. INTERNATIONAL AGRICULTURAL BIOTECHNOLOGY INFORMATION PROGRAM.

(a) IN GENERAL.—The Department of State shall provide to other countries, as appropriate, the scientific evidence on the benefits, safety, and potential uses of agricultural biotechnology.

(b) SPECIFIC OBJECTIVES.—The Secretary of State shall—

(1) chair an interagency task force comprised of representatives of the Department of Commerce, the Department of Agriculture, and the United States Agency for International Development to develop and disseminate accurate written scientific information on the potential benefits of agricultural biotechnology for human and animal nutrition, the environment, food and feed production, agricultural sustainability, and bioenergy development;

(2) coordinate the development and dissemination of scientifically-based facts regarding, the safety and regulation of biotechnology-derived food and feed products;

(3) instruct the United States Agency for International Development (USAID) to develop a program to demonstrate the potential benefits of agricultural biotechnology to develop products that can be grown under local soil and climate conditions and better meet the health and nutritional needs of local populations in the developing world; and

(4) ensure that personnel undertaking these activities are knowledgeable of, and disseminate information on, the United States regulatory safeguards that assure food and environmental safety.

SEC. 729. REFUGEE RESETTLEMENT BURDENSHARING.

It is the sense of the Congress that—

(1) the Secretary of State should actively encourage the international community to accept refugees for resettlement on a more equitable basis;

(2) the Secretary of State should raise the issue of refugee resettlement burdensharing at the United Nations and other multilateral and bilateral meetings;

(3) developed countries should be encouraged to increase the percentage of the world's refugees accepted for resettlement; and

(4) the Secretary of State should encourage developing stable countries in regions with refugee flows to accept for resettlement as many of their neighbors as possible.

SEC. 730. SENSE OF CONGRESS ON CLIMATE CHANGE.

(a) FINDINGS.—The Congress makes the following findings:

(1) Evidence continues to build that increases in atmospheric concentrations of manmade greenhouse gases are contributing to global climate change.

(2) The Intergovernmental Panel on Climate Change (in this section referred to as the ''IPCC'') has concluded that ''there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities'' and that the Earth's average temperature can be expected to rise between 2.5 and 10.4 degrees Fahrenheit in this century.

(3) The National Academy of Sciences confirmed the findings of the IPCC, stating that ''the IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase of greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue'' and that ''there is general agreement that the observed warming is real and particularly strong within the past twenty years''. The National Academy of Sciences also noted that ''because there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols, current estimates of the magnitude of future warming should be regarded as tentative and subject to future adjustments upward or downward''.

(4) The IPCC has stated that in the last 40 years, the global average sea level has risen, ocean heat content has increased, and snow cover and ice extent have decreased, which threatens to inundate low-lying island nations and coastal regions throughout the world.

(5) In October 2000, a report of the United States interagency Global Change Research Program found that global climate change may harm the United States by altering crop yields, accelerating sea-level rise, and increasing the spread of tropical infectious diseases.

(6) In 1992, the United States ratified the United Nations Framework Convention on Climate Change (in this section referred to as the ''UNFCCC''), the ultimate objective of which is the ''stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner''.

(7) The UNFCCC stated in part that the Parties to the UNFCCC are to implement policies ''with the aim of returning . . . to their 1990 levels anthropogenic emissions of carbon dioxide and other greenhouse gases'' under the principle that ''policies and measures . . . should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change''.

(8) There is a shared international responsibility to address this problem, as industrial nations are the largest historic and current emitters of greenhouse gases and developing nations' emissions will significantly increase in the future.

(9) The UNFCCC further stated that ''developed country Parties should take the lead in combating climate change and the adverse effects thereof'', as these nations are the largest historic and current emitters of greenhouse gases. The UNFCCC also stated that ''steps required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas''.

(10) Any future, binding treaty on climate change must not result in serious harm to the United States economy, and should not cause the United States to abandon its shared responsibility to help reduce the risks of climate change and its impacts. Future international efforts in this regard should focus on recognizing the equitable responsibilities for addressing climate change by all nations, including commitments by the largest developing country emitters in a future, binding climate change treaty.

(11) While the United States has elected against becoming a party to the Kyoto Protocol to the UNFCCC at this time, it is the position of the United States that it will not interfere with the plans of any nation that chooses to ratify and implement the Kyoto Protocol.

(12) United States businesses need to know how governments worldwide will address the risks of climate change. By committing themselves to reducing their greenhouse gas emissions, leading companies in the United States and worldwide are doing more than addressing the problem of climate change—they are also improving their competitive positioning. More than 30 major corporations, most with operations in the United States, have specifically committed themselves to reducing their greenhouse gas emissions.

(13) The United States benefits from investments in the research, development, and deployment of a range of clean energy and efficiency technologies that can reduce the risks of climate change and its impacts and that can make the United States economy more productive, bolster energy security, create jobs, and protect the environment.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should demonstrate international leadership and responsibility in reducing the health, environmental, and economic risks posed by climate change by—

(1) taking responsible action to ensure significant and meaningful reductions in emissions of greenhouse gases from all sectors;

(2) creating flexible international and domestic mechanisms, including joint implementation, technology deployment, tradable credits for emissions reductions, and carbon sequestration projects that will reduce, avoid, and sequester greenhouse gas emissions;

(3) participating in international negotiations, including putting forth a proposal to the Conference of the Parties to the UNFCCC, with the objective of securing United States participation in a future binding treaty on climate change in a manner that protects the economic interests of the United States, is consistent with the environmental objectives of the UNFCCC, and recognizes the shared international responsibility for addressing climate change, including developing country participation; and

(4) establishing a bipartisan observer group of Members of the House of Representatives, designated by the chairman and ranking member of

the Committee on International Relations of the House of Representatives, to monitor any international negotiations on climate change.

SEC. 731. SENSE OF CONGRESS REGARDING MIGRATION ISSUES BETWEEN THE UNITED STATES AND MEXICO.

(a) FINDINGS.—The Congress finds as follows:

(1) During President Bush's first meeting with President Fox in Guanajuato, Mexico, the Presidents stated in the Joint Communique of February 16, 2001 that ''we are instructing our Governments to engage, at the earliest opportunity, in formal high level negotiations aimed at achieving short and long-term agreements that will allow us to constructively address migration and labor issues between our two countries.''.

(2) During President Fox's official visit to Washington, D.C., the Joint Statement of September 6, 2001, summarized the meeting as follows: ''The Presidents reviewed the progress made by our joint working group on migration chaired by Secretaries Powell, CastaZeda, and Creel and Attorney General Ashcroft and noted this represented the most fruitful and frank dialogue we have ever had on a subject so important to both nations. They praised implementation of the border safety initiative, and recognized that migration-related issues are deeply felt by our publics and vital to our prosperity, well-being, and the kind of societies we want to build. They renewed their commitment to forging new and realistic approaches to migration to ensure it is safe, orderly, legal and dignified, and agreed on the framework within which this ongoing effort is based. This includes: matching willing workers with willing employers; serving the social and economic needs of both countries; respecting the human dignity of all migrants, regardless of their status; recognizing the contribution migrants make to enriching both societies; shared responsibility for ensuring migration takes place through safe and legal channels. Both stressed their commitment to continue our discussions, instructing the high-level working group to reach mutually satisfactory results on border safety, a temporary worker program and the status of undocumented Mexicans in the United States. They requested that the working group provide them proposals with respect to these issues as soon as possible. The Presidents recognized that this is an extraordinarily challenging area of public policy, and that it is critical to address the issue in a timely manner and with appropriate thoroughness and depth.''.

(3) On September 7, 2001, during President Fox's historic State Visit to Washington, the United States and Mexico issued a joint statement instructing our cabinet-level working group to provide us with specific proposals to forge a new and realistic framework that will ensure a safe, legal, orderly, and dignified migration flow between our countries. We have today agreed that our Cabinet level migration group should continue the work we charged it with in Guanajuato and Washington.

(4) When the Presidents met in Monterrey, Mexico, the Presidents stated in a Joint Statement on March 22, 2002, as follows: ''Slightly more than one year ago, in Guanajuato, we talked about migration as one of the major ties that join our societies. We launched then the frankest and most productive dialogue our countries have ever had on this important and challenging subject. Those talks have continued over the past year, and have yielded a clearer assessment of the scope and nature of this issue. This bond between our nations can render countless benefits to our respective economies and families.

(5) Over the past year, important progress has been made to enhance migrant safety and particularly in saving lives by discouraging and reducing illegal crossings in dangerous terrain.

(6) At the conclusion of the Mexico-United States Binational Commission (BNC) meeting in Mexico City in November 2002, Secretary of State Powell's press conference was summarized by the State Department as follows: The BNC's migration working group ''affirmed our strong commitment to advancing our bilateral migration agenda,'' he stressed, adding that ''there should be no doubt in anyone's mind that this is a priority for President Bush, just as it is a priority for [Mexican] President [Vicente] Fox.''

(7) Secretary Powell said no schedule had been established for a migration accord, but he confirmed that the United States and Mexico want to come up with a series of migration initiatives over the course of the next six months to a year.

(8) Mexico's state-run oil monopoly, Petróleos Mexicanos (PEMEX), is inefficient, plagued by corruption, and in need of substantial reform and private investment in order to provide sufficient petroleum products to Mexico and the United States to fuel future economic growth which can help curb illegal migration into the United States.

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

(1) that the United States and Mexico should as soon as is practicable commence negotiations in an attempt to reach a migration accord that is as comprehensive as possible and which addresses the key issues of concern for both nations;

(2) that any accord on migration issues between the United States and Mexico should also include an accord to open Petróleos Mexicanos (PEMEX) to investment by U.S. oil companies and specific steps to reform PEMEX's operations to make them more transparent and efficient; and

(3) that as part of any migration agreement between the United States and Mexico, the issues of the extradition of violent criminals and law enforcement cooperation between the two nations be addressed.

SEC. 732. SENSE OF CONGRESS CONCERNING UNITED STATES ASSISTANCE TO PALESTINIAN REFUGEES.

The Congress—

(1) recognizes the importance of United States humanitarian assistance to Palestinian refugees as an essential component to the peace process in the Middle East;

(2) acknowledges the hardships endured by many innocent Palestinian refugees in the West Bank and Gaza Strip and in other neighboring countries;

(3) notes that the United Nations High Commission for Refugees (UNHCR) is the international body that seeks to find ''lasting solutions'' to the plight of refugees throughout the world, with the sole exception of the Palestinians, for whose exclusive benefit a special agency, the United Nations Relief and Works Agency (UNRWA), was established in 1950 and which makes no effort to permanently resettle Palestinian refugees, even those who reside under the jurisdiction of the Palestinian Authority, in order to ensure the perpetuation of the problem of Palestinian refugees;

(4) recognizes that the United States has been the world's leading donor to UNRWA, having provided over $2,500,000,000 to UNRWA since 1950, including the provision of $110,000,000, in fiscal year 2002, and that such organization has provided important humanitarian assistance to the Palestinian people;

(5) notes that the United States contribution to UNRWA is nearly 10 times that of the entire Arab world, and calls on Arab states to assume a greater share of the burden for financing UNWRA;

(6) expresses its outrage over credible reports that UNRWA facilities have been used for terrorist training and bases for terrorist operations, with little attempt by the UNRWA to stop or oppose such attacks or alert relevant law enforcement authorities about such terrorist activities;

(7) expresses deep concern over the textbooks and educational materials used in the UNRWA educational system that promote anti-Semitism, denial of the existence and the right to exist of the state of Israel, and exacerbate stereotypes and tensions between the Palestinians and Israelis;

(8) strongly urges the Secretary General of the United Nations to immediately take steps to comprehensively reform the UNRWA so that it actively works to oppose terrorist attacks and actively works to promote reconciliation and understanding between the Israelis and Palestinians;

(9) strongly urges UNRWA to meet the requirements, in letter and spirit, of section 301(c) of the Foreign Assistance Act of 1961, including by comprehensively ensuring that no UNRWA assistance is rendered to anyone who has been involved with terrorism at any time and that all UNRWA beneficiaries be informed at the earliest possible time, and at regular intervals thereafter, that anyone involved with terrorism thereafter will be ineligible for UNRWA benefits;

(10) strongly urges the Secretary of State to make UNRWA reforms a priority at the United Nations by actively campaigning within the United Nations to support such reforms, including comprehensive and independently verifiable audits of UNRWA activities and educational reform that would remove from the curriculum all textbooks and educational materials that promote hatred of Jews and Israel and denial of Israel's right to exist and replace them with teaching materials that promote Israeli-Palestinian reconciliation and mutual understanding; and

(11) notes the General Accounting Office (GAO) audit required by section 580 of the FY 2003 Foreign Operations Appropriations Act (Public Law 108–7), and strongly encourages the GAO to conduct, as part of this audit, an investigation and inspection of all recent United States assistance to UNRWA to ensure that taxpayer funds are being spent effectively and are not directly or indirectly supporting terrorism, anti-Semitic or anti-Jewish teachings, or the glorification or incitement of violence.

SEC. 733. UNITED STATES POLICY ON WORLD BANK GROUP LOANS TO IRAN.

(a) UNITED STATES POLICY.—The Secretary of State (or a designee), in consultation with the Secretary of the Treasury, shall communicate directly with the governments of countries represented on the decision-making boards and councils of the international financial institutions of the World Bank Group and consistently convey the strong opposition of the United States Government to any further activity in Iran by the international financial institutions of the World Bank Group.

(b) REPORTS.—Not later than 90 days after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit a report on the efforts of the Secretary to carry out subsection (a) to the chairman and ranking minority member of the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) WORLD BANK GROUP DEFINED.—As used in this section, the term ''World Bank Group'' means the International Bank for Reconstruction and Development, the International Development Association, the International Financial Corporation, and the Multilateral Investment Guaranty Agency.

SEC. 734. SENSE OF CONGRESS RELATING TO SOVIET NUCLEAR TESTS IN KAZAKHSTAN.

(a) FINDINGS.—Congress finds the following:

(1) In 1991, immediately after achieving independence, Kazakhstan closed and sealed the world's second largest nuclear test site in Semipalatinsk which had been inherited from the former Soviet Union and at which more than 500 nuclear tests had been conducted from 1949 to 1991.

(2) The cumulative power of explosions from those tests, conducted above ground, on the ground, and underground is believed to be equal to the power of 20,000 explosions of the type of bomb dropped on Hiroshima, Japan, in 1945.

(3) More than 1,500,000 people in Kazakhstan suffered because of decades of Soviet nuclear weapons testing in the region.

(4) A horrifying array of disease will continue to destroy the lives of hundreds of thousands and their descendants for many generations to come as a result of these tests.

(5) Since its independence, Kazakhstan has constructed a stable and peaceful state, voluntarily disarmed the world's fourth largest nuclear arsenal, joined the Strategic Arms Reduction Treaty (START), and became an example of responsible nonproliferation of such weapons.

(6) Kazakhstan is also doing its best to help those who were exposed to the horrific nuclear experiments of the 20th century but it faces daunting challenges.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should work to establish a joint working group with the Government of Kazakhstan to assist in assessing the environmental damage and health effects caused by Soviet nuclear testing in Semipalatinsk.

SEC. 735. SENSE OF CONGRESS RELATING TO VIOLENCE AGAINST WOMEN.

The Congress—

(1) recalls that Article 4 of the United Nations Declaration on the Elimination of Violence Against Women (20 December 1993) outlines that states should condemn violence against women and should not invoke any custom, tradition, or religious consideration to avoid their obligations with respect to its elimination;

(2) recalls that Chapter 4, Section 125, of the Beijing Declaration and Platform for Action, Fourth World Conference on Women (15 September 1995) states that governments condemn violence against women and refrain from invoking any custom, tradition, or religious consideration to avoid their obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women;

(3) recalls that the United States has supported both the United Nations Declaration on the Elimination of Violence and the Beijing Declaration and Platform for Action; and

(4) reinforces the position of the United States that the United States condemns violence against women and refrains from invoking any custom, tradition, or religious consideration to avoid this nation's obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women.

DIVISION B—DEFENSE TRADE AND SECURITY ASSISTANCE REFORM ACT OF 2003

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Defense Trade and Security Assistance Reform Act of 2003''.

SEC. 1002. DEFINITIONS.

Except as otherwise provided, in this division:

(1) DEFENSE ARTICLES.—The term ''defense articles'' has the meaning given the term in section 47(7)(A) of the Arms Export Control Act (as amended by section 1107(d) of this Act).

(2) DEFENSE SERVICES.—The term ''defense services'' has the meaning given the term in section 47(7)(B) of the Arms Export Control Act (as amended by section 1107(d) of this Act).

(3) DUAL USE.—The term ''dual use'' means, with respect to goods or technology, those goods or technology that are specifically designed or developed for civil purposes but which also may be used or deployed in a military mode.

(4) EXPORT ADMINISTRATION REGULATIONS.—The term ''Export Administration Regulations'' means those regulations contained in sections 730–774 of title 15, Code of Federal Regulations (or successor regulations).

(5) GOOD.—The term ''good'' has the meaning given the term in section 16(3) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(3)).

(6) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term ''International Traffic in Arms Regulations'' means those regulations contained in sections 120–130 of title 22, Code of Federal Regulations (or successor regulations).

(7) MISSILE TECHNOLOGY CONTROL REGIME; MTCR.—The term ''Missile Technology Control Regime'' or ''MTCR'' has the meaning given the term in section 11B(c)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

(8) MISSILE TECHNOLOGY CONTROL REGIME ANNEX; MTCR ANNEX.—The term ''Missile Technology Control Regime Annex'' or ''MTCR Annex'' has the meaning given the term in section 11B(c)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(4)).

(9) OPERATION IRAQI FREEDOM.—The term ''Operation Iraqi Freedom'' means operations of United States Armed Forces, the armed forces of the United Kingdom, and the armed forces of other coalition member countries initiated on or about March 19, 2003—

(A) to disarm Iraq of its weapons of mass destruction;

(B) to enforce United Nations Security Council Resolution 1441 (November 8, 2002) and other relevant Security Council resolutions with respect to Iraq; and

(C) to liberate the people of Iraq from the regime of Saddam Hussein.

(10) TECHNOLOGY.—The term ''technology'' has the meaning given the term in section 16(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(4)).

SEC. 1003. REFERENCES TO ARMS EXPORT CONTROL ACT.

Except as otherwise specifically provided, whenever in this division an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to that section or other provision of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

TITLE XI—TERRORIST-RELATED PROHIBITIONS AND ENFORCEMENT MEASURES

SEC. 1101. ELIGIBILITY PROVISIONS.

(a) INELIGIBILITY FOR TERRORIST RELATED TRANSACTIONS.—Section 3(c)(1) (22 U.S.C. 2753(c)(1)) is amended—

(1) in each of subparagraphs (A) and (B), by striking ''or any predecessor Act,'' and inserting '', any predecessor Act, or licensed or approved under section 38 of this Act, to carry out a transaction with a country, the government of which the Secretary of State has determined is a state sponsor of international terrorism for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or otherwise uses such defense articles or defense services''; and

(2) by adding at the end the following:

''(C) In this section, the term 'transaction' means the taking of any action, directly or indirectly, by a foreign country that would be a transaction prohibited by section 40 of this Act with respect to the United States Government and United States persons.''.

(b) REPORTING REQUIREMENT.—Section 3(e) (22 U.S.C. 2753(e)) is amended by inserting after ''the Foreign Assistance Act of 1961,'' the following: ''regardless of whether the article or service has been sold or otherwise furnished by the United States Government or licensed under section 38 of this Act,''.

SEC. 1102. WEAPONS TRANSFERS TO FOREIGN PERSONS IN THE UNITED STATES.

Section 38(a)(1) (22 U.S.C. 2778(a)(1)) is amended in the first sentence by inserting after ''import and the export of defense articles and defense services'' the following: '', or the transfer of such articles, other than firearms (or ammunition, components, parts, accessories, or attachments for firearms), and services within the United States to foreign persons,''.

SEC. 1103. COORDINATION OF LICENSE EXEMPTIONS WITH UNITED STATES LAW ENFORCEMENT AGENCIES.

(a) SENSE OF CONGRESS.—In view of the historic difficulties in the enforcement of the Arms Export Control Act (22 U.S.C. 2751 et seq.) associated with violations involving exports of defense articles and defense services that have been exempted by regulation from the licensing requirements of section 38 of such Act, it is the sense of Congress that the establishment of new exemptions by regulation should only be undertaken after careful coordination with the appropriate United States law enforcement agencies.

(b) AMENDMENT.—Section 38(b)(2) (22 U.S.C. 2778(b)(2)) is amended by adding at the end the following new sentences: ''In promulgating regulations under subsection (a)(1) in accordance with the preceding sentence, any provision in such regulations that permits the export of defense articles or defense services without a license shall include a determination by the Attorney General, in consultation with the Secretary of Homeland Security and the Director of the Federal Bureau of Investigation, that the compilation and maintenance of sufficient documentation relating to the export without a license of the articles or services is ensured, notwithstanding the absence of a license, to facilitate law enforcement efforts to detect, prevent, and prosecute criminal violations of any provision of this section, section 39, or section 40 of this Act, including the efforts on the part of countries and factions engaged in international terrorism to illicitly acquire defense articles and defense services. No defense article or defense service designated by the President under subsection (a)(1) may be exported without a license pursuant to a regulation under subsection (a)(1) that is promulgated on or after January 1, 2003, until 30 days after the date on which the President provides notice of the proposed regulation to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961, including a description of the criteria that would be used to permit the export of the article or service and any measures to facilitate law enforcement efforts associated with the Attorney General's determination required by the preceding sentence.''.

SEC. 1104. MECHANISMS TO IDENTIFY PERSONS IN VIOLATION OF CERTAIN PROVISIONS OF LAW.

Section 38(g)(1)(A) (22 U.S.C. 2778(g)(1)(A)) is amended—

(1) in clause (iii)—

(A) by striking ''or section 2339A'' and inserting '', section 2339A''; and

(B) by inserting at the end before the comma the following: '', or section 2339C of such title (relating to financing terrorism)'';

(2) in clause (x), by striking ''or'' at the end;

(3) in clause (xi), by striking the semicolon at the end and inserting a comma; and

(4) by adding at the end the following:

''(xii) subclause (I) or (II) of section 1956(c)(7)(B)(v) of title 18, United States Code;

''(xiii) section 329 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001;

''(xiv) section 5332 of title 31, United States Code;

''(xv) section 1960 of title 18, United States Code;

''(xvi) section 175(b), 175b, 1993, 2339 of title 18, United States Code;

''(xvii) section 2332a, 2332b, or 2332f of title 18, United States Code; or

''(xviii) section 175 of title 18, United States Code;''.

SEC. 1105. COMPREHENSIVE NATURE OF UNITED STATES ARMS EMBARGOES.

(a) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds that—

(A) governments to which the United States Government prohibits by law or policy the

transfer of implements of war, including material, components, parts, and other defense articles and defense services (as defined in paragraphs (3) and (4) of section 47 of the Arms Export Control Act, respectively) continue to seek to evade these embargoes through increasingly sophisticated illegal acquisitions via the ''international gray arms market'' and by seeking to exploit weaknesses in the export control system of the United States and its friends and allies; and

(B) the strict and comprehensive application of arms embargoes referred to in subparagraph (A) including those embargoes established by the United Nations Security Council is of fundamental importance to the security and foreign policy interests of the United States.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should continue to provide a leadership role internationally in ensuring the effectiveness of arms embargoes referred to in paragraph (1).

(b) SCOPE OF EMBARGOES.—Section 38 (22 U.S.C. 2778) is amended by adding at the end the following:

''(k) Whenever the United States maintains an arms embargo pursuant to United States law, or through public notice by the President or Secretary of State pursuant to the authorities of this Act, no defense article or defense service subject to sections 120–130 of title 22, Code of Federal Regulations (commonly known as the 'International Traffic in Arms Regulations') and no dual use good or technology subject to sections 730–774 of title 15, Code of Federal Regulations (commonly known as the 'Export Administration Regulations') shall be sold or transferred to the military, police, or intelligence services of the embargoed government, including any associated governmental agency, subdivision, entity, or other person acting on their behalf, unless, at a minimum and without prejudice to any additional requirements established in United States law or regulation, the Secretary of State and the Secretary of Defense have concurred in the sale or transfer through issuance of a license.''.

(c) ESTABLISHMENT OF CONTROLS.—The Secretary shall consult with the Secretary of Commerce to ensure the establishment of appropriate foreign policy and national security controls and license requirements under the Export Administration Regulations in order to ensure the effective implementation of section 38(k) of the Arms Export Control Act, as added by subsection (b).

(d) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that describes the actions taken to implement the requirements of subsection (c).

SEC. 1106. TRANSACTIONS WITH COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.

Section 40(l)(1) (22 U.S.C. 2780(l)(1)) is amended by striking ''any item enumerated on the United States Munitions List'' and inserting ''a defense article or defense service (as defined in subparagraph (A) or (B) of section 47(7), respectively), an item enumerated on the United States Munitions List (as designated by the President pursuant to section 38(a)), or any other activity for which a license or other approval is required pursuant to the regulations promulgated under subsection (a)(1)''.

SEC. 1107. AMENDMENTS TO CONTROL OF ARMS EXPORTS AND IMPORTS.

(a) REVISION OF STANDARD FOR VIOLATION; AMOUNT OF PENALTIES.—Section 38(c) (22 U.S.C. 2778(c)) is amended—

(1) by striking ''willfully'' each place it appears and inserting ''knowingly'';

(2) by striking ''this section or section 39'' and inserting ''this section, section 39, or section 40''; and

(3) by striking ''$1,000,000'' and inserting ''$1,000,000 (in the case of a violation of this section or section 39), $2,000,000 (in the case of a violation involving any country covered by section 40), and $1,500,000 (in the case of a violation involving any country other than a country covered by section 40 that is subject by United States law or policy to an arms embargo)''.

(b) CIVIL PENALTIES.—Section 38(e) (22 U.S.C. 2778(e)) is amended in the third sentence by striking ''under this section may not exceed $500,000'' and inserting ''or any other activities subject to control under this section, section 39, or section 40, may not exceed $500,000 for each violation of section 38 or section 39, $1,000,000 for each violation involving any country covered by section 40, and $750,000 for each violation relating to an arms embargo (other than a violation covered by section 40)''.

(c) REVISION OF STANDARD FOR VIOLATION; CRIMINAL PENALTY; CIVIL PENALTIES; ENFORCEMENT.—Section 40 (22 U.S.C. 2780) is amended—

(1) in subsection (j)—

(A) by striking ''willfully'' and inserting ''knowingly''; and

(B) by striking ''$1,000,000'' and inserting ''$2,000,000''; and

(2) in subsection (k), by striking ''$500,000'' and inserting ''$1,000,000''.

(d) DEFINITIONS.—Section 47(7) (22 U.S.C. 2794(7)) is amended to read as follows:

''(7)(A) 'defense articles', with respect to exports subject to sections 38, 39, and 40 of this Act, has the meaning given such term in sections 120–130 of title 22, Code of Federal Regulations (commonly known as the 'International Traffic in Arms Regulations'), as such regulations were in effect on January 1, 2003, and includes such additional articles as may be designated by the President under section 38(a)(1); and

''(B) 'defense services', with respect to exports subject to sections 38, 39, and 40 of this Act, has the meaning given such term in sections 120–130 of title 22, Code of Federal Regulations (commonly known as the 'International Traffic in Arms Regulations'), as such regulations were in effect on January 1, 2003, and includes—

''(i) the provision of assistance (including aiding, abetting, or training) to foreign persons; and

''(ii) such other activities as may be designated by the President pursuant to section 38(a)(1).''.

SEC. 1108. HIGH RISK EXPORTS AND END USE VERIFICATION.

Section 38(g)(7) (22 U.S.C. 2778) is amended by adding at the end the following new sentence: ''Such standards shall be coordinated biennially with the Secretary of Homeland Security, the Attorney General, the Director of the Federal Bureau of Investigation, the Director of Central Intelligence, and the heads of other Federal departments or agencies, as appropriate.''.

SEC. 1109. CONCURRENT JURISDICTION OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, in view of the responsibilities of the Federal Bureau of Investigation for protecting the United States against terrorist attack, foreign intelligence operations, high technology crimes, and transnational criminal organizations and enterprises, the Federal Bureau of Investigation should be provided authority to investigate and enforce violations of the Arms Export Control Act without adversely affecting the existing authority of the Bureau of Customs and Border Protection of the Department of Homeland Security.

(b) COPY OF REGISTRATION.—Section 38(b)(1) (22 U.S.C. 2778(b)) is amended—

(1) by redesignating the second subparagraph (B) as subparagraph (C); and

(2) in subparagraph (B)—

(A) in the first sentence, by inserting ''and the Director of the Federal Bureau of Investigation'' after ''Secretary of Treasury''; and

(B) in the second sentence, by inserting ''and the Director'' after ''The Secretary''.

(c) JURISDICTION OF FBI AND BUREAU OF CUSTOMS.—Section 38(e) (22 U.S.C. 2778(e)) is amended in the first sentence by adding at the end before the period the following: '', and except further, that the Federal Bureau of Investigation and the Bureau of Customs and Border Protection of the Department of Homeland Security shall have concurrent jurisdiction for criminal violations and enforcement of this Act''.

(d) MECHANISMS TO IDENTIFY PERSONS IN VIOLATION OF CERTAIN PROVISIONS OF LAW.—Section 38(g) (22 U.S.C. 2778(g)) is amended in the second sentence of paragraph (3), in paragraph (4), and in paragraph (8) by inserting ''and the Director of the Federal Bureau of Investigation'' after ''Secretary of Treasury''.

SEC. 1110. REPORT ON FOREIGN-SUPPLIED DEFENSE ARTICLES, DEFENSE SERVICES, AND DUAL USE GOODS AND TECHNOLOGY DISCOVERED IN IRAQ.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and on annual basis thereafter as appropriate, the President shall prepare and transmit to the congressional committees specified in paragraph (2) a written report on foreign-supplied defense articles, defense services, and dual use goods and technology supplied to Iraq since the adoption of United Nations Security Council Resolution 687 (April 3, 1991) and discovered in Iraq since the inception of Operation Iraqi Freedom or identified as having been in Iraq at any time since April 3, 1991, and not destroyed or otherwise accounted for by the United Nations Special Commission (UNSCOM) or the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC).

(2) CONGRESSIONAL COMMITTEES SPECIFIED.—The congressional committees referred to in paragraph (1) are—

(A) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(b) CONTENTS.—The report required by subsection (a) shall include information on defense articles, defense services, and dual use goods and technology discovered in accordance with such subsection, including a description of such articles, services, and goods and technology by category or type, quantity, country of origin (if known), manufacturer (if known), date of acquisition (if known), and, in the case of dual use goods and technology, the use or intended use or deployment (if known) and whether the goods or technology are covered by any arms control agreement or nonproliferation arrangement to which the United States is a party.

(c) FORM.—The report required by subsection (a) shall be transmitted in unclassified form to the maximum extent practicable, but may contain a classified annex if necessary.

TITLE XII—STRENGTHENING MUNITIONS EXPORT CONTROLS

SEC. 1201. CONTROL OF ITEMS ON MISSILE TECHNOLOGY CONTROL REGIME ANNEX.

(a) SENSE OF CONGRESS.—It is the sense of Congress that all proposals to export or transfer to foreign persons by other means, whether in the United States or abroad, and any other activities subject to regulation under section 38, 39, or 40 of the Arms Export Control Act, relating to items on the Missile Technology Control Regime Annex, should be accorded stringent control and scrutiny consistent with the purposes of section 71 of the Arms Export Control Act (22 U.S.C. 2797).

(b) CONTROL OF ITEMS ON MTCR ANNEX.—The Secretary, in coordination with the Secretary of Commerce, the Attorney General, and the Secretary of Defense, shall ensure that all items on the MTCR Annex are subject to stringent control by the United States Government pursuant to the International Traffic in Arms Regulations and the Export Administration Regulations.

(c) CERTIFICATION.—Not later than March 1 of each year, the Secretary, in coordination with the Secretary of Commerce, the Attorney General and the Secretary of Defense, shall prepare and submit to the appropriate congressional committees a report that contains—

(1) a certification that the requirement of subsection (b) has been met for the prior year, or if the requirement has not been met, the reasons therefor; and

(2) a description of the updated coverage, if any, of the regulations referred to in subsection (b) with respect to all items on the MTCR Annex and an explanation of any areas of overlap or omissions, if any, among the regulations.

SEC. 1202. CERTIFICATIONS RELATING TO EXPORT OF CERTAIN DEFENSE ARTICLES AND SERVICES.

Section 36(c) (22 U.S.C. 2776(c)) is amended—

(1) in the first sentence of paragraph (1), by inserting after ''$1,000,000 or more'' the following: '', or, notwithstanding section 27(g) of this Act, for any special comprehensive authorization under sections 120–130 of title 22, Code of Federal Regulations (commonly known as the 'International Traffic in Arms Regulations') for the export of defense articles or defense services in an aggregate amount of $100,000,000 or more'';

(2) in paragraph (2)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B); and

(3) in the matter preceding subparagraph (A) of paragraph (5), by inserting ''or paragraph (2)'' after ''paragraph (1)''.

SEC. 1203. NOTIFICATION REQUIREMENTS FOR TECHNICAL ASSISTANCE AND MANUFACTURING LICENSING AGREEMENTS WITH NATO MEMBER COUNTRIES, AUSTRALIA, NEW ZEALAND, AND JAPAN.

Section 36(d) (22 U.S.C. 2776(d)) is amended by adding at the end the following:

''(6) In the case of a commercial technical assistance or manufacturing license agreement with a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand that does not authorize a new sales territory that includes any country other than such countries, the requirements contained in paragraphs (2) and (4) shall apply only if—

''(A) the agreement involves—

''(i) major defense equipment in the amount of $7,000,000 or more; or

''(ii) significant military equipment in the amount of $25,000,000 or more; and

''(B) the amount referred to in clause (i) or (ii) of subparagraph (A), as the case may be, includes the estimated value of all defense articles and defense services to be manufactured or transferred throughout the duration of the approval period.''.

SEC. 1204. STRENGTHENING DEFENSE COOPERATION WITH AUSTRALIA AND THE UNITED KINGDOM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the expeditious consideration of munitions license applications that meet the policy and eligibility criteria established in section 38 of the Arms Export Control Act (22 U.S.C. 2778) for export or transfer of defense items (as such term is defined in subsection (j)(4)(A) of such section) to Australia and the United Kingdom is fully consistent with United States security and foreign policy interests and the objectives of world peace and security.

(b) ESTABLISHMENT OF FAST TRACK MUNITIONS LICENSING FOR AUSTRALIA AND THE UNITED KINGDOM.—Section 38(f) (22 U.S.C. 2778(f)) is amended by adding at the end the following:

''(4) In the absence of a binding bilateral agreement with the Government of Australia or the Government of the United Kingdom (as the case may be) that meets the requirements of paragraph (2) and subsection (j), the Secretary of State shall ensure that any application submitted under this section for the export of defense items to Australia or the United Kingdom (as the case may be) that meets all other requirements of this section (including requirements relating to eligibility of parties to the transaction, the absence of risk of diversion to unauthorized end use and end users, and preservation of United States intelligence and law enforcement interests), and which are also transactions involving defense items that would be exempt pursuant to sections 120–130 of title 22, Code of Federal Regulations (commonly known as the 'International Traffic in Arms Regulations') from export licensing or other written approvals if such items were items to be exported to Canada, are processed by the Department of State not later than ten days after the date of receipt of the application without referral to any other Federal department or agency, except on an extraordinary basis upon receipt of a written request from the Attorney General, the Secretary of Homeland Security, the Director of Central Intelligence, or the Secretary of Defense.''.

SEC. 1205. TRAINING AND LIAISON FOR SMALL BUSINESSES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that it is increasingly important that the Secretary, in administering the licensing, registration, compliance, and other authorities contained in section 38 of the Arms Export Control Act (22 U.S.C. 2778), should provide up-to-date training and other educational assistance to small businesses in the United States aerospace and defense industrial sector.

(b) SMALL BUSINESS LIAISON.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall designate, within the Office of Defense Trade Controls of the Department of State, a coordinator for small business affairs. The coordinator shall serve as a liaison for small businesses in the United States aerospace and defense industrial sector with respect to licensing and registration requirements in order to facilitate the compliance and other forms of participation by such small businesses in the United States munitions control system, including by providing training, technical assistance, and through other efforts as may be appropriate.

SEC. 1206. STUDY AND REPORT RELATING TO COLOCATING MUNITIONS CONTROL FUNCTIONS OF THE DEPARTMENTS OF STATE, DEFENSE, AND HOMELAND SECURITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the administrative, licensing, and compliance-related functions associated with the export of defense articles and defense services under section 38 of the Arms Export Control Act (22 U.S.C. 2778), which are generally administered by the Department of State in conjunction with the Department of Homeland Security and the Department of Defense, should be expedited consistent with United States security, law enforcement, and foreign policy requirements by a reduction in the those matters necessitating inter-agency referral outside of the Department of State, or by co-locating related functions of the Department of Homeland Security and the Department of Defense with those functions of the Department of State in order to minimize the time and administrative tasks to government and industry involved in inter-agency referrals, while also providing a convenient, central location for United States defense companies, especially small businesses.

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary, in consultation with the Secretary of Homeland Security and the Secretary of Defense, and through the Federal advisory committee structure with the public, shall conduct a study to examine the relative advantages and disadvantages to the United States Government, the United States defense industry, including United States small businesses, and to other public constituencies of colocating relevant functions and personnel of the Department of State, the Department of Homeland Security, and the Department of Defense with the Office of Defense Trade Controls of the Department of State at a central location convenient to the public and United States defense industry, without prejudice to the responsibilities and prerogatives of the Secretary, the Secretary of Homeland Security, and the Secretary of Defense under existing law.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to the appropriate congressional committees a report that contains the results of study conducted under paragraph (1).

TITLE XIII—SECURITY ASSISTANCE AND RELATED PROVISIONS

Subtitle A—Foreign Military Sales and Financing Authorities

SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section $4,414,000,000 for fiscal year 2004.

SEC. 1302. PROVISION OF CATALOGING DATA AND SERVICES.

Section 21(h)(2) (22 U.S.C. 2761(h)(2)) is amended by striking ''or to any member government of that Organization if that Organization or member government'' and inserting '', to any member of that Organization, or to the Governments of Australia, New Zealand, or Japan if that Organization, member government, or the Governments of Australia, New Zealand, or Japan''.

SEC. 1303. ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.

Section 25(a)(1) (22 U.S.C. 2765(a)(1)) is amended by inserting after ''$7,000,000 or more'' the following ''(or, in the case of a member country of the North Atlantic Treaty Organization (NATO), Australia, New Zealand, or Japan, $25,000,000 or more)''.

SEC. 1304. ADJUSTMENT TO ADVANCE NOTIFICATION REQUIREMENT FOR TRANSFER OF CERTAIN EXCESS DEFENSE ARTICLES.

Section 516(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321i) is amended by striking ''significant military equipment (as defined in section 47(9) of the Arms Export Control Act)'' and inserting ''major defense equipment (as defined in section 47(6) of the Arms Export Control Act)''.

Subtitle B—International Military Education and Training

SEC. 1311. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the President $91,700,000 for fiscal year 2004 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

SEC. 1312. ANNUAL FOREIGN MILITARY TRAINING REPORTING.

Section 656(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2416(a)(1)) is amended—

(1) by striking ''January 31'' and inserting ''March 1''; and

(2) by striking ''and all such training proposed for the current fiscal year''.

Subtitle C—Assistance for Select Countries

SEC. 1321. ASSISTANCE FOR ISRAEL.

Section 513 of the Security Assistance Act of 2000 (Public Law 106–280) is amended—

(1) in subsection (b)(1), by striking ''2002 and 2003'' and inserting ''2003 through 2005'';

(2) in subsection (c)(1), by striking ''2002 and 2003'' and inserting ''2003 through 2005'';

(3) in subsection (c)(3)—

(A) by striking ''fiscal years 2002 and 2003'' and inserting ''fiscal years 2004 and 2005'';

(B) by striking ''fiscal year 2002'' and inserting ''fiscal year 2004''; and

(C) by striking ''fiscal year 2003, or'' and inserting ''fiscal year 2005, or''; and

(4) in subsection (c)(4)—

(A) by striking ''2002 and 2003'' and inserting ''2003 through 2005''; and

(B) by striking ''$535,000,000 for fiscal year 2002'' and all that follows through ''fiscal year 2003'' and inserting ''$550,000,000 for fiscal year 2003, not less than $565,000,000 for fiscal year 2004, and not less than $580,000,000 for fiscal year 2005''.

SEC. 1322. ASSISTANCE FOR EGYPT.

Section 514 of the Security Assistance Act of 2000 (Public Law 106–280) is amended—

(1) by striking ''2002 and 2003'' each place it appears and inserting ''2003 through 2005''; and

(2) in subsection (e)—

(A) by striking ''fiscal years 2002 and 2003'' and inserting ''fiscal years 2004 and 2005'';

(B) by striking ''fiscal year 2002'' and inserting ''fiscal year 2004''; and

(C) by striking ''fiscal year 2003, or'' and inserting ''fiscal year 2005, or''.

Subtitle D—Miscellaneous Provisions

SEC. 1331. UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.

Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—

(1) in subparagraph (A), by striking ''for fiscal year 2003'' and inserting ''for each of fiscal years 2003 and 2004''; and

(2) in subparagraph (B), by striking ''for fiscal year 2003'' and inserting ''for each of fiscal years 2003 and 2004''.

SEC. 1332. TRANSFER TO ISRAEL OF CERTAIN DEFENSE ARTICLES IN THE UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.

(a) AUTHORIZATION.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to Israel, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary, defense articles, including armor, artillery, ammunition for automatic weapons, missiles, and other munitions that are—

(1) obsolete or surplus items;

(2) in the inventory of the Department of Defense;

(3) intended for use as reserve stocks in Israel; and

(4) are located in a stockpile in Israel as of the date of enactment of this Act.

(b) CONCESSIONS.—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) ADVANCE NOTIFICATION OF TRANSFER.—

(1) IN GENERAL.—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit a notification describing the items to be transferred to Israel and the concessions to be received by the United States to the congressional committees specified in paragraph (2).

(2) CONGRESSIONAL COMMITTEES SPECIFIED.—The congressional committees referred to in paragraph (1) are—

(A) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(d) EXPIRATION OF AUTHORITY.—No transfer may be made under the authority of this section following the expiration of the five-year period beginning on the date of enactment of this Act.

SEC. 1333. EXPANSION OF AUTHORITIES FOR LOAN OF MATERIAL, SUPPLIES, AND EQUIPMENT FOR RESEARCH AND DEVELOPMENT PURPOSES.

Section 65 (22 U.S.C. 2796d) is amended—

(1) in subsection (a)(1), by inserting ''or a friendly foreign country'' after ''ally'' each place such term appears; and

(2) in subsection (d) to read as follows:

''(d) For purposes of this section—

''(1) the term 'NATO ally' means a member country of the North Atlantic Treaty Organization (other than the United States); and

''(2) the term 'friendly foreign country' means any non-NATO member country determined by the President to be eligible for a cooperative project agreement with the United States pursuant to section 27(j) of this Act.''.

SEC. 1334. ASSISTANCE FOR DEMINING AND RELATED ACTIVITIES.

(a) ASSISTANCE.—The Secretary is authorized to provide grants to, or enter into contracts or cooperative agreements with, public-private partnerships for the purpose of establishing and carrying out demining, clearance of unexploded ordnance, and related activities in foreign countries.

(b) LIMITATION.—Except as otherwise provided, the total amount provided on a grant basis to public-private partnerships under subsection (a) for a fiscal year may not exceed $450,000.

(c) FUNDING.—Amounts made available to carry out ''Nonproliferation, Anti-Terrorism, Demining, and Related Programs'' for fiscal year 2004 are authorized to be made available to carry out this section.

SEC. 1335. REPORTS RELATING TO TREATY BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON STRATEGIC OFFENSIVE REDUCTIONS.

The President shall submit to the Committee on International Relations of the House of Representatives all reports submitted to the Committee on Foreign Relations pursuant to section 2 of the Senate Resolution of Ratification to Accompany Treaty Document 107–8, Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions.

SEC. 1336. STATEMENT OF HOUSE OF REPRESENTATIVES REGARDING THE TREATY BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON STRATEGIC OFFENSIVE REDUCTIONS.

The House of Representatives—

(1) concurs with the declarations of the Senate in section 3 of the Resolution of Ratification to Accompany Treaty Document 107–8, Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions;

(2) encourages the President to continue strategic offensive reductions to the lowest possible levels consistent with national security requirements and alliance obligations of the United States;

(3) urges the President to engage the Russian Federation with the objectives of establishing cooperative measures to give each party to the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions improved confidence regarding the accurate accounting and security of nonstrategic nuclear weapons maintained by the other party; and

(4) encourages the President to accelerate United States strategic force reductions, to the extent feasible and consistent with the treaty, in order that the reductions required by Article I of the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions may be achieved prior to December 31, 2012.

SEC. 1337. NONPROLIFERATION AND DISARMAMENT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President to carry out section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5854; relating to the ''Nonproliferation and Disarmament Fund'') $60,000,000 for each of the fiscal years 2004 and 2005.

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

(b) NONPROLIFERATION OF HIGHLY ENRICHED URANIUM.—

(1) FINDINGS.—Congress finds the following:

(A) Highly enriched uranium is the most likely source material for terrorist or other outlaw organizations that seek to acquire a nuclear weapon.

(B) Such organizations are not likely to produce this source material on their own, but will instead look to divert highly enriched uranium from some of the many vulnerable stockpiles in numerous facilities around the world.

(C) There is a need for a coordinated United States Government initiative to secure and dispose of highly enriched uranium stockpiles in these vulnerable facilities around the world.

(D) The Nonproliferation and Disarmament Fund (NDF) is a unique and flexible entity that is well-suited to carry out the initiative described in subparagraph (C), in cooperation with other Federal departments and agencies, including the Department of Energy.

(2) INITIATIVE.—The Secretary of State is authorized to establish and carry out an initiative to secure and dispose of highly enriched uranium stockpiles in foreign countries, including the provision of such assistance as may be required to secure host country cooperation under the initiative.

(3) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to carry out section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5854) for fiscal years 2004 and 2005, there are authorized to be appropriated to the Secretary to carry out paragraph (2) $25,000,000 for each such fiscal year.

SEC. 1338. MARITIME INTERDICTION PATROL BOATS FOR MOZAMBIQUE.

(a) IN GENERAL.—Of the amounts made available to carry out section 23 of the Arms Export Control Act for fiscal year 2004, there is authorized to be appropriated $1,000,000 for refurbishment, delivery, operational training, and related costs associated with the provision of not more than four excess coastal patrol boats to the Government of Mozambique for maritime patrol and interdiction activities.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until September 30, 2006.

SEC. 1339. REPORT ON MISSILE DEFENSE COOPERATION.

Not later than December 31, 2003, and December 31, 2004, the Secretary of State shall submit to the appropriate congressional committees a report on cooperative efforts that have been undertaken by the United States with foreign governments to foster the development and deployment of defenses against missile attack. Such report shall include a detailed description of such efforts on a country-by-country basis, and may be submitted in classified and unclassified form, as appropriate.

SEC. 1340. IRAN'S PROGRAM TO DEVELOP A NUCLEAR EXPLOSIVE DEVICE.

(a) FINDINGS.—Congress finds the following:

(1) Iran, as a party to the Treaty on the Non-Proliferation of Nuclear Weapons, has legally forsworn developing or acquiring nuclear weapons.

(2) Iran has for more than a decade pursued a program aimed at the development of a nuclear explosive device.

(3) Director of Central Intelligence George Tenet has repeatedly warned of Iran's clandestine efforts to acquire weapons of mass destruction, stating as recently as February 11, 2003, in testimony before Congress that ''Iran is continuing to pursue development of a nuclear fuel cycle for civilian and nuclear weapons purposes . . . [and further that] Tehran may be able to

indigenously produce enough fissile material for a nuclear weapon'' within this decade.

(4) On March 17, 2003, Dr. el Baradei, Director General of the International Atomic Energy Agency (IAEA), called on Iran to agree to a more intrusive monitoring regime at its nuclear sites and demanded that Iran, which is a signatory to the Nuclear Non-Proliferation Treaty, agree to an ''additional protocol'' under the IAEA's nuclear inspection rights, which would enable more intrusive monitoring.

(5) In early 2003 Iran announced plans to mine its own natural uranium and admitted constructing two nuclear facilities, one a gas centrifuge uranium enrichment facility and the other a heavy water production plant.

(6) A uranium enrichment facility would give Iran the capability to indigenously produce nuclear-weapons grade uranium. Further, heavy water is used in reactors that not only produce weapons-grade plutonium, but also tritium, a key ingredient in boosted-fission weapons.

(7) At the same time, Iran has been developing long-range missiles that could deliver nuclear explosive devices. Director of Central Intelligence Tenet has warned that Iran could flight test an intercontinental ballistic missile later this decade.

(8) Iran has received considerable assistance in its nuclear program and in its missile development program from the Russian Federation, the People's Republic of China, and North Korea.

(9) Congress has long been seized with finding ways to deter or delay Iran's acquisition or development of such deadly weapons, including through the enactment of the Iran-Iraq Arms Non-Proliferation Act of 1992, the Iran Libya Sanctions Act of 1996, the Iran Non-Proliferation Act of 2000, and the Iran Nuclear Proliferation Prevention Act of 2002.

(10) Successive Administrations have similarly sought to deter or delay Iran's acquisition or development of such weapons by such measures as elevating Iran's proliferation behavior in bilateral relations with the Russian Federation and the People's Republic of China, sanctioning entities of the Russian Federation providing technology or expertise to Iran's nuclear and missile programs, and urging multilateral export control regimes to deny sensitive technology to proliferators like Iran.

(11) President Bush included Iran as one of the countries that comprise the ''axis of evil'' in his January 2002 State of the Union Address because of its efforts to develop weapons of mass destruction and its support of international terrorism. Iran has been the principle supporter and supplier to Hizballah in southern Lebanon, Hamas, and Islamic Jihad. Further, the leaders of Iran have publicly called for the destruction of the State of Israel.

(12) A nuclear-armed Iran would pose a grave threat to the national security of the United States and to our allies in the region.

(b) STATEMENT OF POLICY.—Congress—

(1) finds that Iran's support of terrorism and its efforts to develop nuclear weapons are a grave threat to the national security of the United States and its allies and to the United States Armed Forces;

(2) declares that the United States and our friends and allies must make maximum efforts to prevent Iran from developing or acquiring nuclear weapons and the missiles to deliver them;

(3) urges the President to use all appropriate means to prevent Iran from gaining such capabilities;

(4) urges the International Atomic Energy Agency (IAEA) to employ the full range of its inspection authorities to ensure that Iran's nuclear program is used for peaceful purposes only;

(5) encourages Iran to sign and ratify the new nuclear safeguards protocol, the ''Model Additional Protocol (INFCIRC/540-Corr)'' to the Treaty on the Non-Proliferation of Nuclear Weapons, which would demonstrate Iran's commitment to sharing information about its nuclear program with the IAEA and the international community and to full disclosure and transparency about its nuclear program; and

(6) urges the United States resident representative to the IAEA to work with the Board of Governors of the IAEA on guidelines for early identification of noncompliance with the Nuclear Non-Proliferation Treaty.

TITLE XIV—MISSILE THREAT REDUCTION ACT OF 2003

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Missile Threat Reduction Act of 2003''.

Subtitle A—Strengthening International Missile Nonproliferation Law

SEC. 1411. FINDINGS.

Congress makes the following findings:

(1) The spread of offensive ballistic missiles suitable for launching nuclear, chemical, and biological warheads is accelerating across the globe.

(2) According to the Carnegie Endowment for International Peace, more than 25 countries possess missiles with ranges in excess of 300 kilometers and capable of delivering a nuclear warhead.

(3)(A) Many of the countries now possessing such missiles, and engaging in the sale and transfer of such missiles and their production technology to other countries, are directly hostile to the United States, its interests, and its allies.

(B) Of particular concern in this regard is North Korea, which regularly sells ballistic missiles and technology to countries in regions of instability and concern to the United States.

(4) The Central Intelligence Agency has stated in its most recent report on the foreign ballistic missile threat the following:

''Emerging ballistic missile states continue to increase the range, reliability, and accuracy of the missile systems in their inventories—posing ever greater risks to U.S. forces, interests, and allies throughout the world. A decade ago, U.S. and allied forces abroad faced threats from SRBM's [Short Range Ballistic Missiles]—primarily the Scud and its variants. Today, countries have deployed or are on the verge of deploying MRBM's [Medium Range Ballistic Missiles], placing greater numbers of targets at risk.

''Proliferation of ballistic missile-related technologies, materials, and expertise—especially by Russian, Chinese, and North Korean entities—has enabled emerging missile states to accelerate the development timelines for their existing programs, acquire turnkey systems to gain previously non-existent capabilities—in the case of the Chinese sale of the M–11 SRBM to Pakistan—and lay the groundwork for the expansion of domestic infrastructures to potentially accommodate even more capable and longer range future systems.''.

(5) The same CIA report also noted the following: ''North Korea has assumed the role as the missile and manufacturing technology source for many programs. North Korean willingness to sell complete systems and components has enabled other states to acquire longer range capabilities earlier than otherwise would have been possible—notably the sale of the No Dong MRBM to Pakistan. The North also has helped countries to acquire technologies to serve as the basis for domestic development efforts—as with Iran's reverse-engineering of the No Dong in the Shahab-3 program. Meanwhile, Iran is expanding its efforts to sell missile technology.''.

(6) Since 1987, 33 countries have committed to abide by a voluntary set of guidelines known as the Missile Technology Control Regime (MTCR), whereby adherents agreed to refrain from the transfer to nonadherents of certain categories of whole missiles, their constituent parts, and the facilities to manufacture them, especially ''Category I'' missiles, which at a range of 300 kilometers or more and a payload capacity of 500 kilograms or more are especially suited for delivering nuclear weapons.

(7) In October 2002, 93 countries committed to observe a nonbinding code of conduct derived from, but less restrictive than, the nonbinding MTCR. While this is a welcome achievement, it does not provide a legal obligation on its adherents to refrain from the trade in missiles or missile technology.

(8) On December 10, 2002, the White House released its ''National Strategy to Combat Weapons of Mass Destruction'', wherein it is stated that strengthening international nonproliferation controls on weapons of mass destruction (WMD) and upon the missiles that can deliver them is the second of three principal pillars of the National Strategy. The National Strategy also states that ''effective interdiction is a critical part of the U.S. strategy to combat WMD and their delivery means''.

(9) On December 11, 2002, the United States took control of an unflagged freighter that was attempting clandestinely to ship, from North Korea to Yemen, SCUD missiles of a type that would be generally prohibited from transfer as Category I missiles.

(10) Neither North Korea nor Yemen is an adherent to the MTCR guidelines, which in any case are not legally binding, and there is no binding international legal instrument that would prohibit shipments of the missiles referred to in paragraph (9).

(11) At Yemen's request, the United States released the shipment of North Korean Scud missiles to Yemen.

(12) Also on December 11, 2002, the White House press spokesman stated that existing international law regarding halting the spread of missile proliferation could be strengthened. The new National Strategy to Combat Weapons of Mass Destruction also commits the United States to support those regimes that are currently in force, and to work to improve the effectiveness of, and compliance with, those regimes, and identifies the MTCR as a regime that the United States will seek to strengthen.

(13) Secretary of Defense Donald Rumsfeld, testifying on February 12, 2003, before the Committee on Armed Services of the Senate, stated the following: ''. . .[I]t's pretty clear that the proliferation regimes that exist in the world worked pretty well before, [but] they're not working very well right now. . . . [U]nless the world wakes up and says this is a dangerous thing and creates a set of regimes that will in fact get cooperation to stop those weapons, we're going to be facing a very serious situation in the next five years.''.

(14) The MTCR has made an invaluable contribution to restraint in the international trade of offensive ballistic missiles. Strengthening international controls on ballistic missiles, however, will require a dramatic expansion of adherents that rigorously abide by the MTCR's guidelines, and a binding legal basis for the United Nations and countries devoted to nonproliferation to prevent, and when necessary act to prevent, further proliferation of offensive ballistic missiles around the world.

(15) Therefore, it should be the policy of the United States to promote the creation of new international mechanisms that would, in all future circumstances, allow the peace-loving and law-abiding nations of the world the authority to interdict and prevent the transfer of such missiles.

SEC. 1412. POLICY OF THE UNITED STATES.

It shall be the policy of the United States to seek a binding international instrument or instruments to restrict the trade in offensive ballistic missiles with ranges of 300 kilometers or more that have a payload capacity of 500 kilograms or more. Such a binding international instrument may take the form of a multilateral treaty, a United Nations Security Council resolution, or other instrument of international law, and should provide for enforcement measures including interdiction, seizure, and impoundment of illicit shipments of offensive ballistic

missiles and related technology, equipment, and components.

SEC. 1413. SENSE OF CONGRESS.

It is the sense of the Congress that the United States should immediately introduce a resolution in the United Nations Security Council to prohibit all members of the United Nations from purchasing, receiving, assisting or allowing the transfer of, and to authorize the subsequent interdiction, seizure, and impoundment of, any missile, missile-related equipment, means of producing missiles, or missile-related technology from North Korea.

Subtitle B—Strengthening United States Missile Nonproliferation Law

SEC. 1421. PROBATIONARY PERIOD FOR FOREIGN PERSONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, upon the expiration, or the granting of a waiver, on or after January 1, 2003, of sanctions against a foreign person imposed under section 73(a) of the Arms Export Control Act (22 U.S.C. 2797b(a)) or under section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(1)), as continued in effect under the International Emergency Economic Powers Act, a license shall be required, for a period of not less than 3 years, for the export to that foreign person of all items controlled for export under section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405), as continued in effect under the International Emergency Economic Powers Act, in accordance with the Export Administration Regulations.

(b) TERMINATION.—Subsection (a) shall not apply to a foreign person 30 days after the President notifies the Committee on International Relations of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate that he has determined that—

(1) the foreign person has—

(A) ceased all activity related to the original imposition of sanctions under section 73(a) of the Arms Export Control Act or section 11B(b)(A) of the Export Administration Act of 1979, as the case may be; and

(B) has instituted a program of transparency measures whereby the United States will be able to verify for at least a period of 3 years that the foreign person is not engaging in prohibited activities under those provisions of law referred to in paragraph (1); and

(2) there has been an appropriate resolution of the original violation or violations, such as financial penalties, incarceration, destruction of prohibited items, or other appropriate measures taken to prevent a recurrence of the violation or violations.

SEC. 1422. STRENGTHENING UNITED STATES MISSILE PROLIFERATION SANCTIONS ON FOREIGN PERSONS.

(a) ARMS EXPORT CONTROL ACT.—Section 73(a)(2) (22 U.S.C. 2797b(a)(2)) is amended by striking ''2 years'' each place it appears and inserting ''4 years''.

(b) PUBLIC INFORMATION.—Section 73(e)(2) (22 U.S.C. 2797b(e)(2)) is amended by adding at the end the following new sentence: ''Such report may be classified only to the extent necessary to protect intelligence sources and methods. If the report is so classified, the President shall make every effort to acquire sufficient alternative information that would allow a subsequent unclassified version of the report to be issued.''.

(c) EXPORT ADMINISTRATION ACT OF 1979.—Any sanction imposed on a foreign person under section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(1)), as continued in effect under the International Emergency Economic Powers Act, shall be in effect for a period of 4 years beginning on the date on which the sanction was imposed.

(d) APPLICABILITY.—The amendments made by subsections (a) and (b) and the provisions of subsection (c) shall apply to all sanctions imposed under section 73(a) of the Arms Export Control Act or section 11B(b)(1) of the Export Administration Act of 1979, as continued in effect under the International Emergency Economic Powers Act, by reason of acts giving rise to such sanctions that were committed by foreign persons on or after January 1, 2003.

SEC. 1423. COMPREHENSIVE UNITED STATES MISSILE PROLIFERATION SANCTIONS ON ALL RESPONSIBLE PERSONS.

(a) ARMS EXPORT CONTROL ACT.—Section 73(a) (22 U.S.C. 2797b(a)) is amended by adding at the end the following new paragraph:

''(3)(A) Sanctions imposed upon a foreign person under paragraph (2) shall also be imposed on any governmental entity that the President determines exercises effective control over, benefits from, or directly or indirectly facilitates the activities of that foreign person.

''(B) When a sanction is imposed on a foreign person under paragraph (2), the President may also impose that sanction on any other person or entity that the President has reason to believe has or may acquire items that may not be exported to that foreign person on account of the sanction imposed on that foreign person, with the intent to transfer to that foreign person, or provide to that foreign person access to, such items.

''(C) The President may also prohibit, for such period of time as he may determine, any transaction or dealing, by a United States person or within the United States, with any foreign person on whom sanctions have been imposed under this subsection.

''(D) The President shall report on an annual basis to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate the identity of any foreign person that engages in any transaction or activity with a foreign person on whom sanctions have been imposed under this subsection that either—

''(i) would be the basis for imposing sanctions under subparagraph (B) but for which sanctions have not been imposed; or

''(ii) would be the basis for imposing sanctions under subparagraph (C) if the transaction or activity had been carried out by a United States person or by a person in the United States.

Such report shall be unclassified to the maximum extent feasible, but may include a classified annex.''.

(b) DEFINITION OF PERSON.—Section 74(a)(8)(A) (22 U.S.C. 2797c(a)(8)(A)) is amended to read as follows:

''(8)(A) the term 'person' means—

''(i) a natural person;

''(ii) a corporation, business association, partnership, society, trust, transnational corporation, or transnational joint venture, any other nongovernmental entity, organization, or group, and any governmental entity;

''(iii) any subsidiary, subunit, or parent entity of any business enterprise or other organization or entity listed in clause (ii); and

''(iv) any successor of any business enterprise or other organization or entity listed in clause (ii) or (iii); and''.

(c) EXPORT ADMINISTRATION ACT OF 1979.—

(1) SANCTIONS IMPOSED ON GOVERNMENT ENTITIES.—Any sanction imposed on a foreign person under section 11B(b)(1)(B) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(1)(B)), as continued in effect under the International Emergency Economic Powers Act (in this subsection referred to as a ''dual use sanction''), shall also be imposed on any governmental entity that the President determines exercises effective control over, benefits from, or directly or indirectly facilitates the activities of that foreign person.

(2) OTHER ENTITIES.—When a dual use sanction is imposed on a foreign person, the President may also impose that sanction on any other person or entity that the President has reason to believe has or may acquire items that may not be exported to that foreign person on account of the dual use sanction imposed on that foreign person, with the intent to transfer to that foreign person, or provide to that foreign person access to, such items.

(3) TRANSACTIONS BY THIRD PARTIES.—The President may also prohibit, for such period of time as he may determine, any transaction or dealing, by a United States person or within the United States, with any foreign person on whom dual use sanctions have been imposed.

(4) REPORT.—The President shall submit on an annual basis to the appropriate congressional committees a report that contains the identity of any foreign person that engages in any transaction or activity with a foreign person on whom dual use sanctions have been imposed that either—

(A) would be the basis for imposing dual use sanctions under paragraph (2) but for which such sanctions have not been imposed; or

(B) would be the basis for imposing dual use sanctions under paragraph (3) if the transaction or activity had been carried out by a United States person or by a person in the United States.

Such report shall be unclassified to the maximum extent feasible, but may include a classified annex.

(5) DEFINITIONS.—In this subsection:

(A) PERSON.—The term ''person'' means—

(i) a natural person;

(ii) a corporation, business association, partnership, society, trust, transnational corporation, or transnational joint venture, any other nongovernmental entity, organization, or group, and any governmental entity;

(iii) any subsidiary, subunit, or parent entity of any business enterprise or other organization or entity listed in clause (ii); and

(iv) any successor of any business enterprise or other organization or entity listed in clause (ii) or (iii).

(B) In the case of countries where it may be impossible to identify a specific governmental entity referred to in subparagraph (A), the term ''person'' means—

(i) all activities of that government relating to the development or production of any missile equipment or technology; and

(ii) all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment.

(C) UNITED STATES PERSON.—The term ''United States person'' has the meaning given that term in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2)).

(D) MISSILE EQUIPMENT OR TECHNOLOGY.—The term ''missile equipment or technology'' has the meaning given that term in section 11B(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(c)).

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to sanctions imposed on or after January 1, 2003, on foreign persons under section 73(a)(2) of the Arms Export Control Act, and the provisions of subsection (c) shall apply with respect to sanctions imposed on or after January 1, 2003, on foreign persons under section 11B(b) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)), as continued in effect under the International Emergency Economic Powers Act.

Subtitle C—Incentives for Missile Threat Reduction

SEC. 1431. FOREIGN ASSISTANCE.

(a) TYPES OF ASSISTANCE.—The President is authorized to provide, on such terms as the President deems appropriate, the following assistance to countries that agree to destroy their ballistic missiles, and their facilities for producing ballistic missiles, that have a payload capacity of 500 kilograms or more over a distance of 300 kilometers or more:

(1) Assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et

seq.), notwithstanding section 531(e) or 660(a) of that Act (22 U.S.C. 2346(e) or 2420(a)).

(3) Drawdown of defense articles, defense services, and military education and training under section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318).

(b) CONGRESSIONAL NOTIFICATION.—Assistance authorized under subsection (a) may not be provided until 30 days after the date on which the President has provided notice thereof to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1(a)).

(c) LIMITATION.—Any assistance provided to a country under subsection (a) may not be provided in more than 3 fiscal years.

SEC. 1432. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There is authorized to be appropriated to the President to carry out section 1431 the sum of $250,000,000.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 1433. AUTHORIZATION OF TECHNICAL ASSISTANCE IN MISSILE DISARMAMENT.

The President is authorized to provide technical assistance in the destruction of any missile or facility for producing ballistic missiles, in any country that requests such assistance.

TITLE XV—PROMOTION OF DEMOCRACY, HUMAN RIGHTS, AND RULE OF LAW IN BELARUS

SEC. 1501. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN BELARUS.

(a) PURPOSES OF ASSISTANCE.—The assistance under this section shall be available for the following purposes:

(1) To assist the people of the Republic of Belarus in regaining their freedom and to enable them to join the European community of democracies.

(2) To encourage free and fair presidential, parliamentary, and local elections in Belarus, conducted in a manner consistent with internationally accepted standards and under the supervision of internationally recognized observers.

(3) To assist in restoring and strengthening institutions of democratic governance in Belarus.

(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purposes of subsection (a), the President is authorized to furnish assistance and other support for the activities described in subsection (c), to be provided primarily for indigenous Belarusian groups that are committed to the support of democratic processes.

(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include—

(1) the observation of elections and the promotion of free and fair electoral processes;

(2) development of democratic political parties;

(3) radio and television broadcasting to and within Belarus;

(4) the development of nongovernmental organizations promoting democracy and supporting human rights;

(5) the development of independent media working within Belarus and from locations outside the country and supported by nonstate-controlled printing facilities;

(6) international exchanges and advanced professional training programs for leaders and members of the democratic forces in skill areas central to the development of civil society; and

(7) other activities consistent with the purposes of this title.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the President to carry out this section such sums as may be necessary for fiscal years 2004 and 2005.

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

SEC. 1502. RADIO BROADCASTING TO BELARUS.

*(a) **Purpose**.—It is the purpose of this section to authorize increased support for United States Government and surrogate radio broadcasting to the Republic of Belarus that will facilitate the unhindered dissemination of information.*

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated, there is authorized to be appropriated such sums as may be necessary for each fiscal year for Voice of America and RFE/RL, Incorporated for radio broadcasting to the people of Belarus in languages spoken in Belarus.

SEC. 1503. SENSE OF CONGRESS RELATING TO SANCTIONS AGAINST THE GOVERNMENT OF BELARUS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the sanctions described in subsections (c) and (d) should apply with respect to the Republic of Belarus until the President determines and certifies to the appropriate congressional committees that the Government of Belarus has made significant progress in meeting the conditions described in subsection (b).

(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

(1) The release of individuals in Belarus who have been jailed based on political or religious beliefs.

(2) The withdrawal of politically motivated legal charges against all opposition figures and independent journalists in Belarus.

(3) A full accounting of the disappearances of opposition leaders and journalists in Belarus, including Victor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky, and the prosecution of those individuals who are responsible for their disappearances.

(4) The cessation of all forms of harassment and repression against the independent media, independent trade unions, nongovernmental organizations, religious organizations (including their leadership and members), and the political opposition in Belarus.

(5) The implementation of free and fair presidential and parliamentary elections in Belarus consistent with OSCE standards on democratic elections and in cooperation with relevant OSCE institutions.

(c) DENIAL OF ENTRY INTO THE UNITED STATES OF BELARUSIAN OFFICIALS.—The President should use his authority under section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)) to deny the entry into the United States of any alien who—

(1) holds a position in the senior leadership of the Government of Belarus; or

(2) is a spouse, minor child, or agent of a person inadmissible under paragraph (1).

(d) PROHIBITION ON LOANS AND INVESTMENT.—

(1) UNITED STATES GOVERNMENT FINANCING.—No loan, credit guarantee, insurance, financing, or other similar financial assistance should be extended by any agency of the United States Government (including the Export-Import Bank and the Overseas Private Investment Corporation) to the Government of Belarus, except with respect to the provision of humanitarian goods and agricultural or medical products.

(2) TRADE AND DEVELOPMENT AGENCY.—No funds available to the Trade and Development Agency should be available for activities of the Agency in or for Belarus.

(e) MULTILATERAL FINANCIAL ASSISTANCE.—It is further the sense of Congress that, in addition to the application of the sanctions described in subsections (c) and (d) to the Republic of Belarus (until the President determines and certifies to the appropriate congressional committees that the Government of Belarus has made significant progress in meeting the conditions described in subsection (b)), the Secretary of the Treasury should instruct the United States Executive Director of each international financial institution to which the United States is a member to use the voice and vote of the United States to oppose any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of Belarus, except for loans and assistance that serve humanitarian needs.

SEC. 1504. MULTILATERAL COOPERATION.

It is the sense of Congress that the President should continue to seek to coordinate with other countries, particularly European countries, a comprehensive, multilateral strategy to further the purposes of this title, including, as appropriate, encouraging other countries to take measures with respect to the Republic of Belarus that are similar to measures described in this title.

SEC. 1505. REPORT.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, and every year thereafter, the President shall transmit to the appropriate congressional committees a report that describes, with respect to the preceding 12-month period, the following:

(1) The sale or delivery of weapons or weapons-related technologies from the Republic of Belarus to any country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism.

(2) An identification of each country described in paragraph (1) and a detailed description of the weapons or weapons-related technologies involved in the sale.

(3) An identification of the goods, services, credits, or other consideration received by Belarus in exchange for the weapons or weapons-related technologies.

(4) The personal assets and wealth of Aleksandr Lukashenka and other senior leadership of the Government of Belarus.

(b) FORM.—A report transmitted pursuant to subsection (a) shall be in unclassified form but may contain a classified annex.

SEC. 1506. DEFINITIONS.

In this title:

(1) OSCE.—The term ''OSCE'' means the Organization for Security and Cooperation in Europe.

(2) SENIOR LEADERSHIP OF THE GOVERNMENT OF BELARUS.—The term ''senior leadership of the Government of Belarus'' includes—

(A) the President, Prime Minister, Deputy Prime Ministers, government ministers, Chairmen of State Committees, and members of the Presidential Administration of Belarus;

(B) any official of the Government of Belarus who is personally and substantially involved in the suppression of freedom in Belarus, including judges and prosecutors; and

(C) any other individual determined by the Secretary of State (or the Secretary's designee) to be personally and substantially involved in the formulation or execution of the policies of the Lukashenka regime that are in contradiction of internationally recognized human rights standards.

TITLE XVI—ISRAELI-PALESTINIAN PEACE ENHANCEMENT ACT OF 2003

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Israeli-Palestinian Peace Enhancement Act of 2003''.

SEC. 1602. FINDINGS.

Congress makes the following findings:

(1) The security of the State of Israel is a major and enduring national security interest of the United States.

(2) A lasting peace in the Middle East region can only take root in an atmosphere free of violence and terrorism.

(3) The Palestinian people have been ill-served by leaders who, by resorting to violence and terrorism to pursue their political objectives, have

brought economic and personal hardship to their people and brought a halt to efforts seeking a negotiated settlement of the conflict.

(4) The United States has an interest in a Middle East in which two states, Israel and Palestine, will live side by side in peace and security.

(5) In his speech of June 24, 2002, and in other statements, President George W. Bush outlined a comprehensive vision of the possibilities of peace in the Middle East region following a change in Palestinian leadership.

(6) A stable and peaceful Palestinian state is necessary to achieve the security that Israel longs for, and Israel should take concrete steps to support the emergence of a viable, credible Palestinian state.

(7) The Palestinian state must be a reformed, peaceful, and democratic state that abandons forever the use of terror.

(8) On April 29, 2003, the Palestinian Legislative Council confirmed in office, by a vote of 51 yeas, 18 nays, and 3 abstentions, the Palestinian Authority's first prime minister, Mahmoud Abbas (Abu Mazen), and his cabinet.

(9) In his remarks prior to the vote of the Palestinian Legislative Council, Mr. Abbas declared: ''The government will concentrate on the question of security . . . The unauthorized possession of weapons, with its direct threat to the security of the population, is a major concern that will be relentlessly addressed . . . There will be no other decision-making authority except for the Palestinian Authority.''.

(10) In those remarks, Mr. Abbas further stated: ''We denounce terrorism by any party and in all its forms both because of our religious and moral traditions and because we are convinced that such methods do not lend support to a just cause like ours but rather destroy it.''.

(11) Israel has repeatedly indicated its willingness to make painful concessions to achieve peace once there is a partner for peace on the Palestinian side.

SEC. 1603. PURPOSES.

The purposes of this title are—

(1) to express the sense of Congress with respect to United States recognition of a Palestinian state; and

(2) to demonstrate United States willingness to provide substantial economic and humanitarian assistance, and to support large-scale multilateral assistance, after the Palestinians have achieved the reforms outlined by President Bush and have achieved peace with the State of Israel.

SEC. 1604. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) peace between Israel and the Palestinians cannot be negotiated until the Palestinian system of government has been transformed along the lines outlined in President Bush's June 24, 2002, speech;

(2) substantial United States and international economic assistance will be needed after the Palestinians have achieved the reforms described in section 620K(c)(2) of the Foreign Assistance Act of 1961 (as added by section 1706 of this Act) and have made a lasting and secure peace with Israel;

(3) the Palestinian people merit commendation on the confirmation of the Palestinian Authority's first prime minister, Mahmoud Abbas (Abu Mazen), and his cabinet;

(4) the new Palestinian administration urgently should take the necessary security-related steps to allow for implementation of a performance-based road map to resolve the Israeli-Palestinian conflict;

(5) the United States Administration should work vigorously toward the goal of two states living side-by-side in peace within secure and internationally-recognized boundaries free from threats or acts of force; and

(6) the United States has a vital national security interest in a permanent, comprehensive, and just resolution of the Arab-Israeli conflict, and particularly the Palestinian-Israeli conflict, based on the terms of United Nations Security Council Resolutions 242 and 338.

SEC. 1605. RECOGNITION OF A PALESTINIAN STATE.

It is the sense of Congress that a Palestinian state should not be recognized by the United States until the President determines that—

(1) a new leadership of a Palestinian governing entity, not compromised by terrorism, has been elected and taken office; and

(2) the newly-elected Palestinian governing entity—

(A) has demonstrated a firm and tangible commitment to peaceful coexistence with the State of Israel and to ending anti-Israel incitement, including the cessation of all officially sanctioned or funded anti-Israel incitement;

(B) has taken appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures and the confiscation of unlawful weaponry;

(C) has established a new Palestinian security entity that is fully cooperating with the appropriate Israeli security organizations;

(D) has achieved exclusive authority and responsibility for governing the national affairs of a Palestinian state, has taken effective steps to ensure democracy, the rule of law, and an independent judiciary, and has adopted other reforms ensuring transparent and accountable governance; and

(E) has taken effective steps to ensure that its education system promotes the acceptance of Israel's existence and of peace with Israel and actively discourages anti-Israel incitement.

SEC. 1606. LIMITATION ON ASSISTANCE TO A PALESTINIAN STATE.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended—

(1) by redesignating the second section 620G (as added by section 149 of Public Law 104–164 (110 Stat. 1436)) as section 620J; and

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

''SEC. 620K. LIMITATION ON ASSISTANCE TO A PALESTINIAN STATE.

''(a) LIMITATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, assistance may be provided under this Act or any other provision of law to the government of a Palestinian state only during a period for which a certification described in subsection (c) is in effect. The limitation contained in the preceding sentence shall not apply (A) to humanitarian or development assistance that is provided through nongovernmental organizations for the benefit of the Palestinian people in the West Bank and Gaza, or (B) to assistance that is intended to reform the Palestinian Authority and affiliated institutions, or a newly elected Palestinian governing entity, in order to help meet the requirements contained in subparagraphs (A) through (H) of subsection (c)(2) or to address the matters described in subparagraphs (A) through (E) of section 1705(2) of the Israeli-Palestinian Peace Enhancement Act of 2003.

''(2) WAIVER.—The President may waive the limitation of the first sentence of paragraph (1) if the President determines and certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that it is vital to the national interest of the United States to do so.

''(b) CONGRESSIONAL NOTIFICATION.—

''(1) IN GENERAL.—Assistance made available under this Act or any other provision of law to a Palestinian state may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

''(2) SUNSET.—Paragraph (1) shall cease to be effective beginning ten years after the date on which notice is first provided under such paragraph.

''(c) CERTIFICATION.—A certification described in this subsection is a certification transmitted by the President to Congress that—

''(1) a binding international peace agreement exists between Israel and the Palestinians that—

''(A) was freely signed by both parties;

''(B) guarantees both parties' commitment to a border between two states that constitutes a secure and internationally recognized boundary for both states, with no remaining territorial claims;

''(C) provides a permanent resolution for both Palestinian refugees and Jewish refugees from Arab countries; and

''(D) includes a renunciation of all remaining Palestinian claims against Israel through provisions that commit both sides to the ''end of the conflict''; and

''(2) the new Palestinian government—

''(A) has been democratically elected through free and fair elections, has exclusive authority and responsibility for governing the national affairs of the Palestinian state, and has achieved the reforms outlined by President Bush in his June 24, 2002, speech;

''(B) has completely renounced the use of violence against the State of Israel and its citizens, is vigorously attempting to prevent any acts of terrorism against Israel and its citizens, and punishes the perpetrators of such acts in a manner commensurate with their actions;

''(C) has dismantled, and terminated the funding of, any group within its territory that conducts terrorism against Israel;

''(D) is engaging in ongoing and extensive security cooperation with the State of Israel;

''(E) refrains from any officially sanctioned or funded statement or act designed to incite Palestinians or others against the State of Israel and its citizens;

''(F) has an elected leadership not compromised by terror;

''(G) is demilitarized; and

''(H) has no alliances or agreements that pose a threat to the security of the State of Israel.

''(d) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (c), and every 6 months thereafter for the 10-year period beginning on the date of transmittal of such certification—

''(1) the President shall transmit to Congress a recertification that the requirements contained in subsection (c) are continuing to be met; or

''(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

''(e) RULE OF CONSTRUCTION.—A certification under subsection (c) shall be deemed to be in effect beginning on the day after the last day of the 10-year period described in subsection (d) unless the President subsequently determines that the requirements contained in subsection (c) are no longer being met and the President transmits to Congress a report that contains the reasons therefor.''.

SEC. 1607. AUTHORIZATION OF ASSISTANCE TO A PALESTINIAN STATE.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by section 1706, is further amended by adding at the end the following new section:

''SEC. 620L. AUTHORIZATION OF ASSISTANCE TO A PALESTINIAN STATE.

''(a) ASSISTANCE.—The President is authorized to provide assistance to a Palestinian state in accordance with the requirements of this section.

''(b) ACTIVITIES TO BE SUPPORTED.—Assistance provided under subsection (a) shall be used to support activities within a Palestinian state to substantially improve the economy and living conditions of the Palestinians by, among other things, providing for economic development in the West Bank and Gaza, continuing to promote democracy and the rule of law, developing water resources, assisting in security cooperation between Israelis and Palestinians, and helping with the compensation and rehabilitation of Palestinian refugees.

''(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to carry out chapter 4 of part II of this Act for a fiscal year, there are authorized to be appropriated to the President to carry out subsections (a) and (b) such sums as may be necessary for each such fiscal year.

''(d) COORDINATION OF INTERNATIONAL ASSISTANCE.—

''(1) IN GENERAL.—Beginning on the date on which the President transmits to Congress an initial certification under section 620K(c) of this Act, the Secretary of State shall seek to convene one or more donors conferences to gain commitments from other countries, multilateral institutions, and nongovernmental organizations to provide economic assistance to Palestinians to ensure that such commitments to provide assistance are honored in a timely manner, to ensure that there is coordination of assistance among the United States and such other countries, multilateral institutions, and nongovernmental organizations, to ensure that the assistance provided to Palestinians is used for the purposes for which is was provided, and to ensure that other countries, multilateral institutions, and nongovernmental organizations do not provide assistance to Palestinians through entities that are designated as terrorist organizations under United States law.

''(2) REPORT.—Not later than 180 days after the date of the enactment of this section, and on an annual basis thereafter, the Secretary of State shall prepare and submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report that describes the activities undertaken to meet the requirements of paragraph (1), including a description of amounts committed, and the amounts provided, to a Palestinian state or Palestinians during the reporting period by each country and organization.''.

TITLE XVII—MISCELLANEOUS FOREIGN ASSISTANCE PROVISIONS

SEC. 1701. ADDITIONAL AUTHORITIES RELATING TO INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.

Notwithstanding any other provision of law, assistance provided by the United States Government to support international efforts to combat aerial trafficking of illicit narcotics under chapter 8 of part I of the Foreign Assistance Act of 1961 or under any other provision of law shall include the authority to interdict illicit arms in connection with the trafficking of illicit narcotics.

SEC. 1702. UNITED STATES OPIUM ERADICATION PROGRAM IN COLOMBIA.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, acting through the Department of State's Narcotics Affairs Section (NAS) in Bogota, Colombia, shall ensure that all pilots participating in the United States opium eradication program in Colombia are Colombians and are fully trained, qualified, and experienced pilots, with preference provided to individuals who are members of the Colombian National Police.

SEC. 1703. COOPERATIVE DEVELOPMENT PROGRAM.

Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than $2,000,000 for each of the fiscal years 2004 and 2005 are authorized to be made available to finance projects among the United States, Israel, and developing countries in Africa under the Cooperative Development Program.

SEC. 1704. WEST BANK AND GAZA PROGRAM.

(a) OVERSIGHT.—For fiscal year 2004, the Secretary of State shall certify to the appropriate committees of Congress not later than 30 days prior to the initial obligation of funds for the West Bank and Gaza that procedures have been established to assure the Comptroller General will have access to appropriate United States financial information in order to review the use of United States assistance for the West Bank and Gaza funded under chapter 4 of part II of the Foreign Assistance Act of 1961 (''Economic Support Fund'').

(b) VETTING.—Prior to any obligation of funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection.

(c) AUDITS.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development shall ensure that independent audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) AUDITS BY INSPECTOR GENERAL OF USAID.—Of the funds authorized to be appropriated by this Act to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 that are made available for assistance for the West Bank and Gaza, up to $1,000,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of paragraph (1). Such funds are in addition to funds otherwise available for such purposes.

SEC. 1705. ANNUAL HUMAN RIGHTS COUNTRY REPORTS ON INCITEMENT TO ACTS OF DISCRIMINATION.

(a) COUNTRIES RECEIVING ECONOMIC ASSISTANCE.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(11)(A) wherever applicable, in a separate section with a separate heading, a description of the nature and extent of—

''(i) propaganda in government and government-controlled media and other sources, including government-produced educational materials and textbooks, that attempt to justify or promote racial hatred or incite acts of violence against any race or people; and

''(ii) complicity or involvement in the creation of such propaganda or incitement of acts of violence against any race; and

''(B) a description of the actions, if any, taken by the government of the country to eliminate such propaganda or incitement.''.

(b) COUNTRIES RECEIVING SECURITY ASSISTANCE.—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended by inserting after the eighth sentence the following: ''Each report under this section shall also include wherever applicable, in a separate section with a separate heading, a description of (i) the nature and extent of (I) propaganda in government and government-controlled media and other sources, including government-produced educational materials and textbooks, that attempt to justify or promote racial hatred or incite acts of violence against any race, and (II) complicity or involvement in the creation of such propaganda or incitement of acts of violence against any race or people, and (ii) a description of the actions, if any, taken by the government of the country to eliminate such propaganda or incitement.''.

SEC. 1706. ASSISTANCE TO EAST TIMOR.

Section 632(b)(1) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) is amended by striking ''the fiscal year 2003'' and inserting ''each of the fiscal years 2003, 2004, and 2005''.

SEC. 1707. SUPPORT FOR DEMOCRACY-BUILDING EFFORTS FOR CUBA.

(a) STATEMENT OF POLICY.—It is the policy of the United States to support those individuals and groups who struggle for freedom and democracy in Cuba, including human rights dissidents, independent journalists, independent labor leaders, and other opposition groups.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President to carry out section 109(a) of Public Law 104–114 (22 U.S.C. 6039(a)) $15,000,000 for each of the fiscal years 2004 and 2005.

(2) ADDITIONAL AUTHORITIES.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

(A) are authorized to remain available until expended; and

(B) are in addition to amounts otherwise available for such purposes.

SEC. 1708. AMENDMENT TO THE AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.

The Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) is amended—

(1) in section 103(a) by striking ''section 512 of Public Law 107–115 or any similar'' and inserting ''any other''; and

(1) in section 207(b) by striking ''section 512 of Public Law 107–115 or any similar'' and inserting ''any other''.

SEC. 1709. CONGO BASIN FOREST PARTNERSHIP.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out the Congo Basin Forest Partnership (CBFP) program $18,600,000 for each of the fiscal years 2004 and 2005. Of the amounts appropriated pursuant to the authorization of appropriations under the preceding sentence for a fiscal year, $16,000,000 is authorized to be made available to the Central Africa Regional Program for the Environment (CARPE) of the United States Agency for International Development.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 1710. COMBATTING THE PIRACY OF UNITED STATES COPYRIGHTED MATERIALS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to such amounts as may otherwise be authorized to be appropriated for such purpose, there are authorized to be appropriated for the Department of State, $10,000,000 to carry out the following activities in countries that are not members of the Organization for Economic Cooperation and Development (OECD):

(1) Provision of equipment and training for foreign law enforcement, including in the interpretation of intellectual property laws.

(2) Training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) Assistance in complying with obligations under appropriate international copyright and intellectual property treaties and agreements.

(b) CONSULTATION WITH WORLD INTELLECTUAL PROPERTY ORGANIZATION.—In carrying out subsection (a), the Department of State should make every effort to consult with, and provide

appropriate assistance to, the World Intellectual Property Organization to promote the integration of non-OECD countries into the global intellectual property system.

SEC.** 1711. **ASSISTANCE FOR LAW ENFORCEMENT FORCES IN CERTAIN FOREIGN COUNTRIES.

Notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420), the Administrator of the United States Agency for International Development is authorized to provide assistance for fiscal years 2004 and 2005 to—

(1) law enforcement agencies of the Government of India for the purposes of enhancing their capacity for medical-first-response and search-and-rescue operations after a natural disaster, improving the access of women to justice, and combating the trafficking of persons; and

(2) the new police force of Northern Ireland for the purpose of providing computer-based, human-rights and other professional training, and the law enforcement agencies of the Republic of Ireland (ROI) for the purposes of fostering greater cooperation and communication between the police force of the Republic of Ireland and the new police force of Northern Ireland, as recommended by the Patten Commission.

SEC.** 1712. **HUMAN RIGHTS AND DEMOCRACY FUND.

Section 664(c)(1) of the Freedom Investment Act of 2002 (subtitle E of title VI of division A of Public Law 107–228; 22 U.S.C. 2151n–2(c)(1)) is amended—

(1) by striking ''for fiscal year 2003'' and inserting ''for each of the fiscal years 2003 through 2005''; and

(2) by striking ''$21,500,000 is'' and inserting ''$21,500,000 for fiscal year 2003, $24,000,000 for fiscal year 2004, and such sums as may be necessary for fiscal year 2005 are''.

SEC.** 1713. **ENHANCED POLICE TRAINING.

Section 660(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2420(b)) is amended—

(1) in paragraph (7), by striking the period at the end and inserting ''; or''; and

(2) by adding at the end the following new paragraph:

''(8) with respect to assistance provided to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in internationally recognized human rights, the rule of law, strategic planning, and counter-narcotics, and through the promotion of civilian police roles that support democratic governance, including programs to combat corruption and the trafficking of persons, particularly by organized crime, prevent conflict, and foster improved police relations with the communities in which they serve.''.

SEC.** 1714. **PROMOTING A SECURE AND DEMOCRATIC AFGHANISTAN.

(a) FINDINGS.—The Congress finds that—

(1) the United States has a vital interest in promoting Afghanistan's transition from chaos, civil war, and disorder to an increasingly prosperous democratic state, safe and secure with its neighbors, respecting human rights, particularly the rights of women and girls, dedicated to the liberty, literacy, and enrichment of its citizens, and serving as a model for other countries;

(2) basic security in the major cities and along key transportation routes is critical to the reconstruction and development of Afghanistan, including fostering implementation of the Bonn Agreement, achieving progress towards a democratic and tolerant government, and encouraging international private investment;

(3) Afghanistan and its people remain under serious threat from terrorism, insurgency, widespread crime, banditry, intimidation, rape, and suppression of minorities and women, and other grave violations of human rights continue to occur, especially in areas that do not have a routine presence of international security personnel;

(4) lethal clashes continue between the private armies of warlords, attacks against Afghan civilians and officials and United States and international organization personnel are on the rise, and threats against civilians and whole villages not to cooperate with Americans or the central government are now routine;

(5) the growth, production, and trafficking of Afghan opium and its derivatives pose a serious threat to international peace and security and efforts toward reconstruction in Afghanistan;

(6) recruitment and training of the Afghan National Army and the Afghan National Police are seriously behind schedule and will not be at full strength for several years, leaving the central government and Afghan citizens vulnerable to the depredations of terrorists, insurgents, and the private armies of warlords;

(7) although the 4,500 soldiers of the International Security Assistance Force (ISAF) have provided much-needed security for the citizens of Kabul, it is not within their mandate or power to promote security to other areas, and human rights abuses are continuing in areas in and around Kabul where ISAF is not present;

(8) vastly disproportionate numbers of refugees returning from neighboring countries have gone to Kabul because of the security provided by ISAF and the insecurity of their home areas, overwhelming Kabul and far exceeding its capacity for shelter, food, and employment;

(9) NATO has recently decided to take over responsibility for a limited ISAF, a welcome development that will not, unfortunately, provide any additional security in Kabul or elsewhere;

(10) the United States has stated on numerous occasions that it does not oppose the expansion of ISAF, but that heretofore other countries have not expressed a willingness to participate in an expanded force;

(11) the United States has not itself demonstrated a commitment to expansion of ISAF or a similar international security or peacekeeping force, a commitment to leadership that other nations may more likely follow;

(12) the Secretary of Defense has announced that the combat phase of the war in Afghanistan has ended, and that the United States will be focusing its efforts on a reconstruction phase utilizing lightly-armed, platoon-sized Provincial Reconstruction Teams to provide security for reconstruction efforts, rather than an expanded international peacekeeping or patrolling security force;

(13) the Provincial Reconstruction Teams may prove inadequate to provide a significant level of security to their regions, and are not tasked to secure the major transportation routes which are critical to the economic revival of Afghanistan;

(14) United States and foreign nongovernmental aid workers and Afghan civilian aid workers are at great risk of being robbed, beaten, and killed in areas of Afghanistan that are not being patrolled by United States forces or Afghan central government forces;

(15) such acts of theft, intimidation, and murder against foreign aid and Afghan civilian workers are occurring with increasing frequency, and are often deliberately committed by Taliban and other insurgent and rebel forces with the intention of creating sufficient terror to undermine and arrest any efforts to rebuild Afghanistan into a peaceful, democratic, and prosperous nation that prohibits terrorism and tyranny;

(16) the report of the Inspector General of the United States Agency for International Development (USAID) confirms that USAID workers are virtual captives in their compounds, able to venture out into the countryside for brief periods and only under heavy armed escort, conditions which are counterproductive to their mission of assisting the people of Afghanistan;

(17) the Taliban and al-Qaeda may believe they only have to create enough terror and uncertainty in the country to undermine the creation of strong representative institutions, and wait until the United States leaves to again create chaos, exploit tribal rivalries, and plunge Afghanistan back into chaos;

(18) failure to secure a peaceful and democratic Afghanistan will diminish the credibility of efforts by the United States and the international community to promote peace and democracy elsewhere in the Muslim world; and

(19) unless general security can be provided in the major population areas, strategic highways, and border crossings and chokepoints, the goals for which the war in Afghanistan was fought may be lost and the efforts and lives spent in the attempt to liberate and rebuild Afghanistan may be wasted.

(b) SECURITY POLICY.—

(1) SECURITY ALONG HIGHWAYS.—The President shall take immediate steps to ensure that there is adequate security along the length of highways connecting major Afghan urban centers in order to terminate and deter acts of banditry, illegal checkpoints, human rights abuses, terrorism, and intimidation against Afghan and foreign civilians and military personnel.

(2) DISARMAMENT, ETC. OF AFGHAN MILITIAS.—The President shall take immediate steps to support directly the disarmament, demobilization, and reintegration of Afghan militias and irregulars that are not formally part of the Afghan National Army or under the direct control of the central government in Afghanistan.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the President should take steps to implement section 206(d) of the Afghanistan Freedom Support Act of 2002 (Public Law 107–327) to expand significantly the International Security Assistance Force, or take such other steps as may be necessary, such as increasing the number and force levels of United States Provincial Reconstruction Teams, so as to—

(1) increase the area in which security is provided and undertake vital tasks related to promoting security, such as disarming warlords militias and irregulars;

(2) deter criminal activity, including rape, robbery, and intimidation of civilians; and

(3) safeguard highways in order to allow governmental and nongovernmental assistance and reconstruction personnel to move more freely in the countryside to provide humanitarian relief and rebuild Afghanistan.

SEC.** 1715. **GRANTS TO THE AFRICA SOCIETY.

(a) GRANTS TO THE AFRICA SOCIETY.—For any fiscal year, the Secretary of State is authorized to make grants to the Africa Society to carry out programs and activities that advance United States interests and values in Africa through public and private partnerships that facilitate the continent's political transition to more open democratic societies, support equitable economic growth through trade and investment, support efforts to promote transparency and openness through the public and private sectors, encourage civil society growth and development, and promote awareness of all Americans about Africa, consistent with a grant agreement under such terms as the Secretary of State considers necessary and appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

The CHAIRMAN pro tempore. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 108–206 and amendments en bloc described in section 2 of the resolution.

Each amendment printed in the report shall be offered only in the order printed (except as specified in section 3), may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the

time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chairman of the Committee on International Relations or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier considered. Amendments en bloc shall be considered read, shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The chairman of the Committee of the Whole may recognize for consideration any amendment out of the order printed, but not sooner than 1 hour after the chairman of the Committee on International Relations or a designee prospectively announces from the floor a request to that effect.

It is now in order to consider amendment No. 1 printed in House Report 108–206.

AMENDMENT NO. 1 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Madam Chairman, I offer an amendment cosponsored by the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. HYDE) to strike the Crowley language in the State Department bill under consideration.

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

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SMITH of New Jersey:

In section 116(a) of the bill—

(1) after the first dollar amount, insert ''(reduced by $25,000,000)''; and

(2) after the second dollar amount, insert ''(reduced by $25,000,000)''.

Strike subsection (e) of section 116 of the bill.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

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

Mr. CROWLEY. Madam Chairman, I ask unanimous consent that the gentleman from Pennsylvania (Mr. GREENWOOD) be allowed to control half of the time in opposition to the Smith amendment and be able to yield that time to others as he sees fit.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

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

Madam Chairman, just 10 months ago a sweeping, comprehensive reiteration of China's Draconian population control program went into effect in all of China. Sadly, the new law is as harsh, brutal, and violent as ever. Lest anyone be deceived that Beijing is somehow easing up on coercive population control, it is all there in the new law, the infamous one-child-per-couple policy, the crippling fines on those women who attempt to resist, and severe punishment to those women who have a child without explicit government permission.

Since 1979, the U.N. population fund has been the chief apologist for China's coercive one-child-per-couple policy. By its words and by its actions, the UNFPA has chosen to partner with those who oppress women. The UNFPA has funded, provided crucial technical support and, most importantly, provided cover for massive crimes of forced abortion and involuntary sterilization. Tens of millions of children have been slaughtered, their mothers robbed of their children by the state. The UNFPA has aggressively defended this barbaric policy that makes brothers and sisters illegal and makes women the pawns of population control cadres.

One terrifying consequence of China's policy is the disproportionate number of girl murders. According to the State Department's Country Reports on Human Rights Practices in China, currently there may be as many as 100 million more men than women, clearly a direct result of the one-child-per-couple policy.

Time and again, Madam Chairman, the officials at the UNFPA have defended the indefensible. The former executive director of the UNFPA, Nafis Sadik, said, ''China has every reason to feel proud of and pleased with its remarkable achievements made in its family planning policy. The country could offer its experience and social expertise to help other countries.'' God forbid. Let them export the one-child-per-couple policy which relies on coercion to achieve its ends? I hope not! On CBS ''Nightwatch,'' the executive director of the UNFPA said, ''The UNFPA firmly believes, as does the government of the People's Republic of China, that their program is a total voluntary program.'' Madam Chairman, that is unmitigated nonsense and that is a lie.

UNFPA Beijing representative Sven Burmester said and I quote, and please listen to this. This is the U.N.'s man in Beijing:

''China has had the most successful family planning policy in the history of mankind.'' That does not sound like a criticism of coercion or involuntary or forced abortion. That sounds like a partner defending a fellow partner gushing with praise. Of course it ''works,'' and of course the Chinese program is ''successful.'' Coercion works every day of the week.

Forced abortion, I would remind my colleagues, was construed to be a crime against humanity at the Nuremberg war crimes tribunal. It is no less of a crime today as it is practiced by China with its partners in that crime, the UNFPA.

Madam Chairman, having failed the important review required by the Kemp-Kasten anticoercion law, the gentleman from New York (Mr. CROWLEY) today is now attempting to gut, to weaken, to rig the 18-year-old Kemp-Kasten law by requiring that it only be operative if an organization ''knowingly and intentionally'' advances or expands coerced abortion or forced sterilization. If we adopt the Crowley language, enforcement of the current anticoercive law would be dead. Clearly, the whole idea behind this is that the money will flow to the UNFPA unfettered because with this standard, the weakened standard, there is little doubt that the money will flow.

U.S. investigators, if we adopted this language that is in the underlying bill, would now be required to investigate UNFPA personnel and ascertain their knowledge and their intent: What did they know and when did they know it? Given UNFPA's deplorable track record of denying that coercion even exists in China, it would be nearly impossible to prove intent. Even the hardliners in China, in the government, deny coercion or any knowledge of coercion or intent to compel abortions.

I have made three human rights trips to China. I met with the head of China's population control program, Peng Peiyun. Madame Peng Peiyun told me over and over in that lengthy conversation that there was no coercion in China and then she backed that up by citing UNFPA's participation in the program and UNFPA's public statements where UNFPA leaders have defended and said there is no coercion in China. For the past 24 years, again despite overwhelming evidence to the contrary, UNFPA has declared China's program to be, quote, purely voluntary, free of coercion and a model to be emulated by other countries. Let us not forget that proving intent, this weakening standard offered by the gentleman from New York, is usually the stuff of criminal prosecutions, not grant-making.

I would point out to my colleagues, also, if we applied the misguided Crowley standard to any other human rights standard, human trafficking or religious persecution, we would seriously undercut, even destroy, our efforts to mitigate these abuses around the world.

□ 1330

CROWLEY sets a dangerous precedent in human rights law.

Let me just point out to my colleagues I am the prime sponsor of the Trafficking Victims Protection Act of 2000. Pursuant to that law, Secretary Powell recently placed 15 countries on what we call the tier 3 sanctions list. Those sanctions will soon be imposed. Nowhere in the statute do we require

the Secretary of State to divine the intent of the officials or whether or not they knowingly engaged in these human rights abuses. To give the oppressors that out, that escape clause, would be a gross betrayal of the victims.

In like manner, I respectfully submit we betray the victims of forced abortion and forced sterilization, millions of Chinese women, millions of Chinese children, when we give the oppressors or the friends of the oppressors this engraved invitation to continue denying and obfuscating the truth and, of course, enabling this kind of carnage to go on.

I ask Members to support the Smith-Oberstar-Hyde amendment.

Madam Chairman, I reserve the balance of my time.

Mr. CROWLEY. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, the provisions the gentleman seeks to strike does not promote abortion, forced sterilization or any of the other horrible things opponents of UNFPA say it will do. Madam Chairman, the underlying Crowley-Lee provision funds the U.N. Population Fund, UNFPA, in its work in over 141 countries to provide for child and maternal health, child survival, HIV/AIDS prevention, and family planning.

Nearly 600,000 women die each year from causes related to pregnancy. Ninety-nine percent of those women are in the developing world. Many of these deaths could be prevented through maternal care and through family planning to space those pregnancies.

The President has finished up a 5-day, five-country tour in Africa where he talked about democracy and economic opportunity, but what he did not talk about were the empowerment and equality of women. When women have the ability and access to contraception to plan their families, their economic livelihoods improve. In Bangladesh, I saw UNFPA working with women in the garment industry, educating them without contraception and showing women how limiting their births can improve their economic situation. In Malawi, I saw UNFPA work with a rural birth assistant, providing clean razor blades to cut the umbilical cord, soap and kerosine for a lantern to help rural women deliver their babies safely.

Let me say what I have not seen, what UNFPA is not doing. UNFPA does not provide for abortion. I want to remind my colleagues that no U.S. funding can go to any group that provides for abortions. The gentleman from Illinois (Chairman HYDE) passed his amendment in 1984, and he knows it is still the law today. UNFPA does not engage in coercion of any kind.

Opponents will say that this provision will gut human rights and will say that UNFPA has been engaged in China. In fact, the Bush administration, which at first supported UNFPA by requesting $25 million for UNFPA and funding UNFPA's work in Afghanistan, abruptly changed course when it refused to release $34 million in funding, citing UNFPA's work in 31 counties in China.

Madam Chairman, I reserve the balance of my time.

Mr. GREENWOOD. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, since 1969 when the program was developed with the help of the United States of America, United Nations Family Planning Fund has met an incredible need. That need is that in developing countries in Africa and Asia and Central and South America, throughout the world, women find themselves hopelessly enmeshed in poverty without access to healthcare and without access to family planning services; and the result of that, as the gentleman from New York (Mr. CROWLEY) said, they have more pregnancies than they can bear physically. They have more children than they can feed, and their children are condemned to another cycle of poverty. United Nations Family Planning Agency in 160 countries meets that need so women around the world have access as Americans do.

The gentleman from New Jersey (Mr. SMITH) wants to cut that program in half with this amendment, and the gentleman from New Jersey (Mr. SMITH) wants to make sure that in 159 of those countries access to this service is cut because in one country, China, something terrible happens and that is coercive abortions. But when the President sent his team over there to China to find out what UNFPA's role was, they said we find no evidence that UNFPA has knowingly supported or participated in the management of a program of coercive abortion or involuntary sterilization in the PRC. In fact, it is the UNFPA that is the most effective organization in preventing that from happening, in getting the Chinese to move towards education, to move towards contraception, and away from coercive practices.

If we support the amendment, what we do is we cut off that funding not only to the agency that is trying to enlighten Chinese family planning programs, but we cut it off to 159 other countries, none of whom uses money for anything coercive nor for abortion at all.

Mr. SMITH of New Jersey. Madam Chairman, I yield myself 40 seconds.

I just want to point out to my colleagues that the State Department and Secretary of State Colin Powell relied on many sources to make their determination, and Secretary Powell made this comment in his letter of finding: ''Regrettably, the PRC has in place a regime of severe penalties on women who have unapproved births. This regime plainly operates to coerce pregnant women to have abortions in order to avoid the penalties and therefore amounts to a program of coercive abortion.'' He pointed out ''UNFPA's support of, and involvement in, China's population planning activities allows the Chinese government to implement more effectively its program of coercive abortion.''

Every dollar, Madam Chairman, that does not go to the UNFPA the Secretary of State has said in writing he wants to reprogram to family planning and to maternal healthcare initiatives elsewhere around the world.

Madam Chairman, I reserve the balance of my time.

Mr. CROWLEY. Madam Chairman, I yield 1 minute to the gentleman from California (Mr. LANTOS), ranking member of the House Committee on International Relations.

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

I rise in strong opposition to the amendment. I am second to no one in this body in my criticism of China's horrendous human rights record, including its population control policies. But the U.N. funds program in China is specifically designed to demonstrate the effectiveness of voluntary family planning programs free of coercion and free of quotas. In fact, for over three decades the U.N. fund has helped couples in scores of countries around the globe, avoiding unwanted pregnancies through voluntary family planning programs that fully respect individual rights.

Today, 99 percent of U.N. funds, and let me repeat, 99 percent of the funds are spent outside of China. But this amendment ignores 99 percent of the programs and cuts off our contribution solely over China. If this amendment should pass, more unwanted children will come into the world, and more unnecessary abortions will occur.

I strongly urge my colleagues to oppose the amendment.

Mr. SMITH of New Jersey. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam chairman, I rise in strong support of this amendment.

The Chinese government has a policy of killing unborn children it deems a waste of valuable space in one of the world's largest countries. And the UNFPA's response to this policy? Turn a blind eye to the practice of forcing women to kill their unborn children. In fact, it has gone so far as to praise China's population control tactics. Until that changes, UNFPA should not get a dime of the U.S. taxpayers' money.

Last year the State Department said that the UNFPA, and I quote, ''is helping improve the administration of local family planning offices that are effectively coercing women to have abortions.'' Witnesses have testified in the Committee on International Relations that the UNFPA shares office space in one Chinese county with the Chinese Office of Family Planning. That is the very same agency carrying out these coercive practices. And after these revelations, did the UNFPA change its ways? No. Instead, it claimed ignorance.

As we debate this bill, let us face the truth. UNFPA actively and passively supports the policy of forcing women to kill their unborn children based on the debatable claims that it controls population growth. Is that really what we want to support or encourage? I do not think so. If we truly care about human rights, we should support programs that work, programs that uphold the dignity of human life, not programs that allow a repressive communist government to enforce a systematic effort of abuse, repression, and forced abortion.

Some in this body are more committed to using taxpayer money to force Chinese women to have abortions because they have chosen to have children. They are so deeply committed to forcing these women to have abortions that they have already prevented us from sending more than $60 million to people in need.

Make no mistake about it, UNFPA is in bed with Beijing on forced abortions, and if we fund UNFPA, Beijing gets stronger. If we fund UNFPA, we only encourage the regime's strategy of exterminating the babies they do not want; and we should not do that.

Mr. CROWLEY. Madam Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE), the cosponsor of this amendment.

Ms. LEE. Madam Chairman, I rise today in strong opposition to the Smith amendment to deny basic, urgently needed health services to poor women living in over 141 countries around the globe. This dangerous amendment would strip the amendment that we successfully offered on a bipartisan basis in committee to restore UNFPA funding.

UNFPA saves the lives of women and their children. It prevents abortions, and it provides basic HIV/AIDS prevention services.

Madam Chairman, an overwhelming majority of this House voted for and the President recently signed into law an HIV/AIDS initiative. UNFPA funding is yet another important source of funding in the fight against the deadly pandemic and should be supported. Every day UNFPA is fighting the spread of HIV and AIDS and is saving the lives of hard-to-reach women in hard-to-reach places all around the world.

Finally, for those who are trying to turn this debate into a debate about abortion, let me clarify once more, not one single penny of UNFPA funds goes towards abortion. The Crowley-Lee amendment included in the bill strengthens the fact, and that is the reality. I urge a no on the Smith amendment.

Mr. GREENWOOD. Madam Chairman, I yield 2½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Madam Chairman, I thank the gentleman for yielding me this time.

Study after study and the experience of nation after nation has demonstrated that the more knowledge women have of how to control their reproductive capability, the more the abortion rate declines. We have seen this in spades in Russia and in countries around the world. Give women the knowledge they need to assume their family planning responsibilities, and they do not have abortions.

So why would you want to deny the women of Haiti $2.8 million in family planning funds and all of the women's health that accompanies these funds, all of the education women gain about how to care for themselves, how to have healthy babies as opposed to unhealthy babies, how to have safe deliveries, how to recover postpartum?

Why would you want to deny the women of Nicaragua $1.1 million in women's healthcare and in safe pregnancies?

Why would you want to deny the women of El Salvador $600,000?

Nigeria, a country in which there is terrible starvation, terrible deprivation, women get terrible healthcare and children die of hunger routinely, why would you want to deny the women of Nigeria $5.3 million so they could have the knowledge to handle their reproductive capabilities responsibly, plan their families so their children are spaced far enough apart, so their children survive and they survive to care for their children?

Why would you want to deny the women of Pakistan $4.1 million, India $13 million, and so on?

I do not comprehend. Why? Because China has a policy we absolutely oppose. So let's withhold our funds from China, but not from the rest of the women of the world!

□ 1345

Why can we not help us focus, as we have been willing to, on the problem in China? But do not deny the women of the world the power of knowledge, because it is that power of knowledge that helps them have healthy pregnancies, healthy babies, and reduces the rate of abortions dramatically; and that is a fact that cannot be denied.

Mr. SMITH of New Jersey. Madam Chairman, I yield myself 15 seconds to remind my colleagues that we provide almost half a billion dollars in family planning monies that go to Haiti, that go to Nicaragua, that go to El Salvador. We provide government-to-government and through nongovernmental organization support. And the money that does not go to the UNFPA will be reprogrammed dollar-for-dollar for these kinds of services.

Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Madam Chairman, I rise today in support of the Smith-Oberstar-Hyde amendment to H.R. 1950.

Madam Chairman, I am deeply troubled by the $25 million included in this bill for the United Nations Population Fund. The UNFPA has been proven to be an active participant in China's coercive population program. Secretary Colin Powell, following an investigation into the UNFPA's family planning programs, concluded that the ''UNFPA's support of, and involvement in, China's population-planning activities allows the Chinese government to implement more effectively its program of coercive abortion.''

Madam Chairman, by funding UNFPA, we are permitting women in China to be victimized through this policy of forced abortion and involuntary sterilization. Certainly these women deserve better than that. No woman, no woman should be forced to have an abortion. Yet this is precisely how the Chinese government enforces its population control agenda, with the assistance of UNFPA. Madam Chairman, we cannot support this egregious violation of human rights and violence against women.

By permitting the Crowley provision to remain in this bill, we will allow U.S. taxpayer dollars to be used to support coercive abortion practices overseas. To me, this is unthinkable. U.S. funds should not be connected to any program that is at all involved in a coercive population program, whether directly or indirectly. Due to the clear evidence of UNFPA's involvement in China, we cannot allow our taxpayers to contribute to this organization.

Madam Chairman, UNFPA fails women through its participation in China's policy of coercive abortion. Regardless, regardless of where one stands on the issue of abortion, I think we can all agree that no woman, no woman should be forced to abort her child. My colleague from Connecticut spoke earlier about denying women of Nigeria, Pakistan, Haiti, and so forth. But Madam Chairman, I do not want to deny the women of China the right to have their children.

I urge my colleagues to protect the fundamental human rights of women and children and support the Smith-Oberstar-Hyde amendment.

Mr. CROWLEY. Madam Chairman, I yield 1 minute and 15 seconds to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Chairman, I rise in strong opposition to this amendment and in support of funding for UNFPA.

The language this amendment's sponsors are trying to strike is simple. It says that no U.S. funds go to UNFPA if it directly supports coercive abortion and involuntary sterilization. That is in the bill.

My colleagues may argue that we devote enough to bilateral international family planning programs, that UNFPA is unnecessary. I say that while USAID reaches families in 58 countries, UNFPA reaches 141. In which of the 83 countries in question are there women whom we do not want to help?

My colleagues may argue that our bilateral programs are comprehensive

and UNFPA's is merely repetitive. I point to UNFPA's recent study on obstetric fistula. UNFPA is helping countries in sub-Saharan Africa to fix this terrible problem; USAID, to date, has done nothing.

My colleagues may argue that the language in question today waters down current law. I say that it clarifies current law, maintaining its strength while ensuring it cannot be misinterpreted in order to cut off funding to life-saving programs.

Madam Chairman, our refusal to fund UNFPA simply makes no sense. We do not champion human rights by cutting off UNFPA. What we do is prevent women from understanding what their rights are. We do not save women from coercive practices by cutting off UNFPA. We do, however, destroy an organization that is often the only place women can go to for basic medical and reproductive health care.

Please vote against this amendment.

Madam Chairman, I rise in opposition to this amendment, which would strike common-sense foreign policy from this bill.

The language in question here is simple—it says that no U.S. funds can go to UNFPA if it directly supports or participates in coercive abortion and involuntary sterilization. It codifies the notion that respect for human rights and individual choice are critical components of our identity as Americans, and they should be essential parts of our foreign assistance program.

The language in question fixes an egregious error in current law, an ambiguously-written, overly broad provision that allows politics—not sound policy—to decide where our foreign aid dollars go. Current law has prevented U.S. funding from reaching UNFPA programs since 2001—deeply injuring an organization that saves the lives of the poorest of the poor women and children around the world.

My colleagues may argue that it is enough that we devote hundreds of millions of dollars to bilateral international family planning programs. I say that while USAID reaches families in 58 countries, UNFPA reaches families in 141 countries. In which of the 83 countries in question are there women whom we don't want to help?

My colleagues may argue that our bilateral programs are comprehensive, eliminating the need for UNFPA's repetitive programs. I point to UNFPA's recent study on obstetric fistula, a debilitating result of unattended childbirth that affects more than 2 million women in Africa alone. UNFPA is providing technical and programmatic assistance to countries in sub-Saharan Africa with the will to fix this horrific problem; USAID, to date, has done nothing.

My colleagues may argue that the language in question today waters down current law. I say that it merely clarifies current law, to ensure it cannot be misinterpreted in order to cut off funding to life-saving programs around the world.

Our continued refusal to fund UNFPA should embarrass us, because it simply makes no sense. We do not champion human rights by cutting off UNFPA—we all know that you can't solve problems by attacking the problem-solvers. What the withholding does is prevent women from understanding what their rights actually are.

We do not save women from coercive practices by cutting off UNFPA. We do, however, destroy an organization that, in many countries, is the only place women can turn to for medical care and basic contraceptive products. The only point we make by zero funding UNFPA is that we do not care about the world's most vulnerable women. And that does not adequately reflect what the American people—and even the sponsors of this amendment—feel.

I urge my colleagues to oppose this amendment. Let's put politics aside and allow common-sense, basic human decency, and the merit of UNFPA's work dictate our foreign policy.

Mr. GREENWOOD. Madam Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

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

Mr. HOYER. Madam Chairman, I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for yielding me this time.

The gentleman from New Jersey (Mr. SMITH) is my good friend, but this amendment is misguided. I do not believe that the vast majority of the American public agree with the proposition in this amendment.

The fact is, this issue is not about abortion. It is about the health of millions of women and children in some of the poorest nations in the world. The United Nations Population Fund is the single largest global source of multilateral funding for maternal health and family planning programs, supporting programs in 150 developing nations. It helps mothers deliver healthy babies through prenatal care and safe delivery kits and counseling. It enables couples to determine the number and spacing of their children through the voluntary, and I stress voluntary, use of safe modern contraception. The gentleman from New Jersey, I do not think, believes in that, and I understand that.

This program reduces the incidence and prevents the transmission of HIV/AIDS and others sexually transmitted diseases.

Let us be clear. The United Nations Population Fund does not provide abortion or abortion services anywhere in the world. Not one penny of program funding is used to promote or to perform abortions. In fact, the U.N. Population Fund program in China was developed with the express purpose of moving China away from coerced abortion and involuntary stabilization practices.

I urge my colleagues to vote against this amendment and to support the bipartisan provision offered by the gentleman from New York (Mr. CROWLEY) that was adopted in committee.

Today, we do not ask the proponents of this amendment to abandon their deepest principles on abortion. They should not now ask us to put our heads in the sand and ignore the plight of millions of women and children.

Mr. SMITH of New Jersey. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Madam Chairman, the question is really whether U.S. dollars are going to be funding forced abortions. U.S. dollars may be used for some other things as well, but this amendment is dealing the restrictions to make sure that there will be no forced abortions. So if we vote ''yes'' on the amendment, then what we are going to do is effectively maintain the current ban on U.S. taxpayers' dollars being used to force abortions.

I recall when this came up, it was really quite a number of years ago, but it was an unusual situation. A professor from Stanford University had gone to China and was absolutely amazed at what he saw in their delivery rooms, the fact that women were being forced to have abortions. Those were the better-equipped delivery rooms. The other delivery rooms had buckets full of water, and the unwanted children were simply drowned.

Now, China has had this policy for some time. The question is whether or not we want to coerce our taxpayer dollars, first of all, to go and, second of all, to kill these children.

Well, the end of the story was that the professor talked about this publicly. It upset Stanford because they had so many Chinese students. Stanford told the professor to be quiet. He refused to be quiet, and he lost his job. But the damage was done. The American people found out about coerced abortions.

So it is ironic, it seems to me, that in the name of choice, that we are forcing taxpayers to pay their money and forcing women to have abortions.

Madam Chairman, I urge my colleagues to support the amendment and have no part of any coercion whatsoever.

Mr. GREENWOOD. Madam Chairman, I yield myself 10 seconds to note that the Stanford University professor who was just quoted, Steven Mosher, was kicked out of Stanford in the 1980s for academic fraud and misappropriation of university funds.

Mr. CROWLEY. Madam Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), a leader on this issue.

Mrs. MALONEY. Madam Chairman, I thank my colleagues, the gentleman from New York (Mr. CROWLEY) and the gentleman from Pennsylvania (Mr. GREENWOOD), for their extraordinary leadership in saving the lives of women and children around the world.

I will place in the RECORD two reports that will help clarify this debate. Members on the other side of the aisle, the gentleman from New Jersey (Mr. SMITH) and others, have talked about the China policy; and I will place in the RECORD the report from the British Government and the report from the President's own hand-picked investigatory team which found that UNFPA was not participating in any way in coercion or forced abortion in China, so it is clear and in the RECORD.

Now, let me tell my colleagues what this debate is really about. This debate is about saving women's lives around the world through international family planning. Over 1,600 women die each day in childbirth. That is roughly 600,000 women, at a minimum, each year. It is equivalent to two Boeing jets crashing each day.

What UNFPA is about is about handing out safe birthing kits to needy, poor women.

The CHAIRMAN pro tempore (Mrs. CAPITO). The time of the gentlewoman has expired.

Mr. GREENWOOD. Madam Chairman, I yield 30 seconds to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Madam Chairman, it includes simple things like a plastic mat, a razor, soap; basic items that can provide the necessary items that prevent the death of a woman in childbirth. That is what UNFPA is about.

Madam Chairman, 150 countries cannot be wrong. They support the efforts of UNFPA. Our country should be there too, helping the poor women and children around the world, not cutting off needed supplies like this birthing kit that only saves the lives of women in childbirth. And if my friends on the other side support life so much, they would support UNFPA's efforts to save the lives of women and children around the world.

The President's own handpicked investigatory team found that UNFPA was not participating in coercion.

In sum, based in what we saw, heard, and read, we find no evidence that UNFPA has knowingly supported or participated in the management of a program of coercive abortion or involuntary sterilization in the PRC. Indeed, UNFPA has registered its strong opposition to such practices. (Team Report to Colin Powell, July 22, 2002)

A team composed of members of Parliament from the UK in July 2002 found that UNFPA was not participating in coercion.

The [delegation] was convinced that the UNFPA program is a force for good, in moving China away from abuses such as forced-family planning, sterilizations, and abortions . . . It is vitally important that the UNFPA remains actively involved in China, with continued financial support from the UK and other Western Governments. (Report filed by MPs Christine McCafferty, Edward Leigh, and Norman Lamb (July 2, 2002) and forwarded to the U.S. State Department)

Mr. SMITH of New Jersey. Madam Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), my good friend and colleague.

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

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

I want to be clear on this issue. I am pro-life and I do not apologize for it, but there is no choice in China.

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There is no woman's right to choose in China. There is a policy of forced coercive abortion and family planning. Whether or not academics who first observed it were discredited entirely, there is a policy of forced abortion. And with regard to the UNFPA's role, Madam Chairman, I will quote none other than Secretary of State Colin Powell, July 21, 2002, saying, ''The UNFPA's support of and involvement in China's population planning activities allows the Chinese government to implement more effectively its program of coercive abortion; therefore, it is not permissible to continue funding of the UNFPA at this time.'' So said Secretary of State Colin Powell.

It is why we are here today, because there is an attempt to change the language first adopted in Kemp-Kasten in the 1985 Supplemental Appropriations Acts that barred funding to organizations that support or participate in the management of a program of coercive abortion or involuntary sterilization. The language adopted in the Committee on International Relations essentially creates a safe harbor where, as long as the UNFPA claims ignorance of China's barbaric birth control policies, they can receive U.S. funds.

The reality is that UNFPA has a history of supporting China's coercive family planning program. Sven Burmeister of the UNFPA actually called China's population control policies ''a gift to mankind.''

It is barbarism at its worst. I stand, therefore, in strong support of the Smith-Oberstar-Hyde amendment. It is not time to back up on fundamental human rights protections.

Mr. CROWLEY. Madam Chairman, I yield 30 seconds to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Madam Chairman, I rise in strong opposition to the Smith amendment and strongly support international family planning programs, the United Nations Population Fund, and the Crowley-Lee amendment. The UNFPA fund helps promote family services and maternal child health care.

Last year, I had an opportunity to visit Nicaragua. As some of you know, I am half Nicaraguan. I got to see the work that was happening out there to help improve the lives of women and their children. And in Nicaragua, UNFPA fund is working to train midwives, midwifes working in maternity houses that offer free shelter, medical counselling and assistance to high-risk pregnant women.

Madam Chairman, I rise in opposition to the Smith Amendment. I strongly support international family planning programs, the United Nations Population Fund, and Crowley Lee Amendment.

UNFPA helps promote family services and maternal and child health care.

It successfully operates in 34 countries in Latin America and the Caribbean and works to increase the number of skilled birth attendants and reduced high rates of maternal and infant mortality.

In Nicaragua, UNFPA is working to train midwives working in maternity houses that offer free shelter, medical counseling and assistance to high-risk pregnant women, I had a chance to visit and hear about these successes.

As a result, these UNFPA funded maternity homes have helped to reduce maternal mortality in Nicaragua, but many are facing severe funding shortages and may be forced to shut down.

The United States should be helping UNFPA address the continuing unmet need for reproductive and maternal health services in Latin America and around the world!

Mr. GREENWOOD. Madam Chairman, how much time remains?

The CHAIRMAN pro tempore (Mrs. CAPITO). The gentleman from Pennsylvania (Mr. GREENWOOD) has 3 minutes remaining. The gentleman from New Jersey (Mr. SMITH) has 4½ minutes remaining. The gentleman from New York (Mr. CROWLEY) has 3¼ minutes remaining.

Mr. GREENWOOD. Madam Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Chairman, I urge the defeat of this amendment, not because of my concerns over what is happening in China but my concerns over what is happening in Mexico. If you believe that we should reduce the population growth of Mexico, then you should be for the United Nations Population Fund which contributes to their program.

Is anyone in this Chamber concerned with the population of Haiti? If you are concerned with overly robust immigration from Haiti, especially illegal immigration, we should be concerned about smaller family size in that country. The UNFPA does that. And Nicaragua and Guatemala and El Salvador.

But much more directly, the Central Intelligence Agency has identified several countries of long-term concern to the United States, particularly the government of Pakistan which they believe may not survive this century. Are you concerned about population pressures there? Are you concerned about large numbers of Pakistanis entering the job market and not finding a job? Well, I am; and the UNFPA is directly supporting the Pakistani family planning program.

More directly, how about the UNFPA efforts to reduce the population size and pressure on Liberia, a government of direct interest to the U.S. national security community at this time? Or what about the mother of all countries in the Middle East undergirding our peace process there, Egypt? The UNFPA is the way that we support the Egyptian family planning program.

I would urge the defeat of this amendment for Mexico, for Haiti, for Pakistan, for Liberia, for Egypt.

Mr. SMITH of New Jersey. Madam Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING.)

Mr. KING of Iowa. Madam Chairman, I thank the gentleman for yielding me time.

I support the Smith-Oberstar-Hyde amendment which removes the Crowley amendment. The Crowley amendment to H.R. 1950 renders impotent

previous language known as the Kemp-Kasten anti-coercion provision, a long-standing provision that allows the President to withhold funding from organizations and programs that were supporters or participants in the management of a program of coercive abortion or involuntary sterilization.

The Crowley amendment replaces this easy-to-use oversight language with language that would make it virtually impossible to pull the plug on funding to questionable organizations, by requiring they ''knowingly and intentionally'' support the coercive program being carried out. Should not the fact that an organization merely subsidizes the effort of coercive abortions or forced sterilization be enough of a connection to make their hands too dirty to be trusted with taxpayer money?

The knowingly and intentionally standard is difficult and perhaps impossible to prove. It would allow offenders to invade the prohibition and receive United States tax dollars to subsidize forced abortions and sterilizations.

Quite frankly, we should not have to go through with a virtually impossible task of definitively establishing that an organization knowingly and intentionally supported a tyrannical government's coercive abortion practices. On the contrary, those organizations should have to prove to the nations funding them that they unequivocally do not force women to have abortions or undergo sterilizations in any way. An organization's mere connection to and support of a tyrannical government's overall population control infrastructure is compelling enough evidence that they should not receive funding.

Organizations that, wittingly or unwittingly, directly or indirectly, support the population control systems of a nation that forces a woman to undergo an abortion or take away a woman's availability to have a child have no business receiving U.S. tax dollars.

Mr. CROWLEY. Madam Chairman, I yield 30 seconds to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Chairman, I urge this House to reject the Smith amendment.

Slashing our contribution to the United Nations Population Fund would sacrifice the health and safety of some of the poorest women and children around the world. This program provides critical maternal health, emergency assistance for refugees, reproduction education, prevention and treatment for HIV and AIDS, and critical care for infants and children.

I saw with my own eyes recently in South Africa that this program is the only health care that many families receive. This Congress should know that each year we hold our funding hostage to the divisive politics we cost impoverished women and children their lives. Defeating this amendment is essential for child survival and AIDS prevention. Millions of orphans around the world are pleading with us.

Mr. SMITH of New Jersey. Madam Chairman, I yield myself 30 seconds.

Madam Chairman, presumably the gentleman from California (Mr. LANTOS), the gentleman from Pennsylvania (Mr. GREENWOOD) and virtually everybody in this Chamber opposes the tyrannical forced abortion policy of China, but not the UNFPA. Let me say that again, not the United Nations Population Fund.

Their representative has called this the most successful family planning policy in the history of mankind. They call it voluntary when it is not. They aid and abet this cruel policy in many, many tangible ways.

The State Department has it right. In the 32 counties as well as in the rest of China, when a woman gets pregnant and the baby is out of ''plan'', in other words, an illegal pregnancy—an illegal child—she faces Draconian fines of up to 6 years of salary. That is what compels the abortion. Desperate, with nowhere to turn, she aborts the child to avoid those fines. I urge support for Smith-Oberstar-Hyde amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 30 seconds back to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, in opposing the amendment we recognize that reproductive rights embrace certain human rights. We respect the rights of women to make personal decisions on the number, spacing, and timing of children they wish to bear, what type of birth control she chooses, and the right for health, including sexual health.

The UNPF is one of the most successful foreign aid programs that achieves these goals. By denying UNFPA funding to women in poor countries, we deprive them of human rights. UNFPA estimates that $69 million could prevent 4 million unwanted pregnancies, prevent 1.6 million abortions, prevent 9,400 maternal deaths and prevent 1,200 cases of serious material injury and illness.

Mr. SMITH of New Jersey. Mr. Chairman, we have one final speaker to close debate on my side.

Mr. CROWLEY. Mr. Chairman, I will reserve the right to close.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentleman from New York (Mr. CROWLEY) for yielding me time.

Mr. Chairman, we know that China participates in forced abortions and we all want that to end, but the argument that we are hearing from the other side is that, if we fund this program, that frees money up for China to participate with forced abortions. So that also means, logically, that the money that Secretary Thompson is using for HIV and AIDS investing in China is also freeing up money for them to use for forced abortions; and it also means the free trade deals that we sign that allow Motorola and other companies to put investment into China also frees up money for them to used for coerced abortion.

That does not make any sense. We all want to prevent abortions. That means funding this program will stop 800,000 abortions. That is the goal. Nobody wants coerced abortions in this Chamber. Nobody. Let us make the proper decision. Let us have preventative medicine and let us prevent 800,000 abortions right now with one vote.

I oppose this amendment. Vote it down. Keep the Crowley language.

Mr. GREENWOOD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is one of those days when I stand on the floor and wonder what it is that we are fighting about because our values are so common in so many ways.

Every one of us agrees not a penny of this money should go for abortions, and it does not. Everyone agrees that the policy of coerced abortion is an abomination. It is horrible.

The gentleman from New Jersey came to the floor with an amendment that said if this administration finds that UNFPA is engaged in helping coerced abortions to occur, we would get a 100 percent vote for it. If he said that, the funding to China or the UNFPA would stop. That is not what he has done.

What he has done is similar to in the movies when the bad guys come to town and somebody did something they did not like, so they line them up and they shoot them up.

The Smith amendment lines them up and shoots them all. It shoots them in Haiti. It shoots the program down in Nicaragua, throughout Africa, throughout Asia, throughout the world. All of the good that the gentleman says he supports he cuts in half with his amendment. Because, despite the fact that this administration said we find no evidence that the UNFPA has knowingly supported or participated in the management of coercive abortions, he suspects that perhaps there is an inkling that they do.

Mr. SMITH of New Jersey. Mr. Chairman, I yield our remaining time to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, to close debate for our side.

Mr. HYDE. Mr. Chairman, I thank the gentleman from New Jersey (Mr. SMITH) very much for yielding me time.

I really do not know where to begin. We have all agreed that the Chinese population control program is coercive and, therefore, violative of human rights. We ought to stay a thousand miles away from anything that facilitates that. And yet this money that we give to the population control fund facilitates the Chinese program.

Now, what no one has mentioned today is the law in China. The population and family planning law which was adopted a couple of years ago has

some chilling phrases in it. Citizens who give birth to a child in violation of Article 18 of this law may be ordered to pay a premium to a fund. Yes, they are ordered to pay a premium triple the yearly income which forces an abortion, coerces an abortion. And guess who enforces the Chinese population law? The People's Liberation Army, the Chinese People's Liberation Army enforces their population law.

Now, I listened very carefully to criticisms that the countries are going to be denied family planning. We are the largest spender on the globe, in the galaxy for family planning, and nobody will be denied anything. It just does not go through the U.N. You know the U.N. That is the organization that supplanted us on the Commission for Human Rights with Libya.

Now, if you think it is important for us to worry about the population of Mexico, as one of the late speakers did, I can understand a Mexican listening to that and saying, who are they to worry about our population?

I am out of time. I just want to say I am just getting wound up, but that is the way it goes. I hope you support the Smith amendment.

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Mr. CROWLEY. Mr. Chairman, before closing, I yield 30 seconds to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, I thank the gentleman for yielding me the time, and I thank him for his leadership on this issue.

As a woman and a Member of Congress, I am appalled to think that we would cut money for family planning in order to say we are cutting money from abortion. If we have family planning, all around the world we will reduce the number of abortions; and it seems to me that is a good thing.

The UNFPA money is not going to force abortions in China. This is a red herring. The former director of that group said any form of coercion is unacceptable.

Vote ''no'' on this ill-conceived amendment.

Mr. CROWLEY. Mr. Chairman, I yield myself the remaining time.

I will close by just saying that I have enormous respect for the authors of this amendment, the gentleman from New Jersey (Mr. SMITH), the gentleman from Illinois (Mr. HYDE), and the gentleman from Minnesota (Mr. OBERSTAR).

The gentleman from New Jersey (Mr. SMITH) has a stellar record when it comes to the issue of human rights, and I applaud him for that. We just simply do not agree on this issue.

If I believed that or any part of my body believed or my soul believed that the UNFPA was engaged in any form of forced abortion anywhere in the world, I would be the first person supporting their amendment. I just do not believe that to be the case.

I have seen the benefit of UNFPA in the world. I have been to Africa. I have been to Asia. I have been to Bangladesh and India and China. I have seen the abuses in China, and I do not agree with them. I do not agree with China on just about anything, but that does not mean we should gut a program that has worked all around this world to save lives.

Let me just say this in closing. Dr. Nafis Sadik, the former executive director of UNFPA, said, ''Any form of coercion is completely unacceptable, on practical as well as ethical grounds. Coercion is a violation of human rights. Although it is every country's sovereign right to determine its own policy, that right does not extend to coercive practices. The assumption behind coercion, that women are inferior, incapable of independent decision making, not to be trusted, are also those that undermine sustainable development.''

The choice is really clear. If you support family planning, you will oppose the Smith-Oberstar-Hyde amendment.

Mr. SHAYS. Mr. Chairman, I rise in opposition to this harmful amendment.

Cutting funds to the United Nations Population Fund will prevent vital assistance for poor women and children in developing countries. UNFPA's programs help families prevent unwanted pregnancies, undergo childbirth safely, avoid STDs including HIV/AIDS, and combats violence against women. I cannot understand how, in good conscience, a member could vote to cut these programs.

I believe we must support UNFPA and its family planning initiatives because world population continues to grow out of control. In 1960, there were 3 billion people that lived on this Earth. Today, there are 6 billion people; and in 40 years, without worldwide family planning services, it will rise to nearly 9 billion. The UNFPA responds to this growth by assisting the world's poorest countries in formulating population policies and strategies. Overpopulation threatens not only the world's political stability, but our global environment as well.

As a former Peace Corps volunteer, I can attest to the substantial contributions international family programs make to economic development, higher living standards and improved health nutrition.

We need to defeat the Smith/Hyde amendment.

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

The CHAIRMAN pro tempore (Mr. OSE). All time having expired, the question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH).

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

Mr. CROWLEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. SMITH) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 2 printed in House Report 108–206.

AMENDMENT NO. 2 OFFERED BY MR. HYDE

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

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

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HYDE:

Strike section 1 of the bill and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Millennium Challenge Account, Peace Corps Expansion, and Foreign Relations Authorization Act of 2003''.

Strike subsection (a) of section 2 of the bill and insert the following:

(a) ORGANIZATION OF ACT INTO DIVISIONS.—This Act is organized into four divisions as follows:

(1) DIVISION A.—Millennium Challenge Account Act of 2003.

(2) DIVISION B.—Peace Corps Expansion Act of 2003.

(3) DIVISION C.—Department of State Authorization Act, Fiscal Years 2004 and 2005.

(4) DIVISION D.—Defense Trade and Security Assistance Reform Act of 2003.

Redesignate division A of the bill as division C of the bill (and conform all titles, subtitles, and sections therein accordingly, and make all other related technical and conforming amendments).

Redesignate division B of the bill as division D of the bill (and conform all titles, subtitles, and sections therein accordingly, and make all other related technical and conforming amendments).

Insert after section 3 of the bill the following two new divisions (and conform the table of contents accordingly):

DIVISION A—MILLENNIUM CHALLENGE ACCOUNT

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the ''Millennium Challenge Account Act of 2003''.

SEC. 102. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) BOARD.—The term ''Board'' means the Board of Directors of the Corporation established pursuant to section 303 of this Act.

(3) COMPACT.—The term ''Compact'' means the Millennium Challenge Compact described in section 204 of this Act.

(4) CORPORATION.—The term ''Corporation'' means the Millennium Challenge Corporation established under section 301 of this Act.

(5) COUNCIL.—The term ''Council'' means the Millennium Challenge Advisory Council established under section 308 of this Act.

(6) MILLENNIUM DEVELOPMENT GOALS.—The term ''Millennium Development Goals'' means the key development objectives described in the United Nations Millennium Declaration, as contained in United Nations General Assembly Resolution 55/2 (September 2000), which aim to eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/AIDS,

malaria, and other infectious diseases, ensure environmental sustainability, and develop a global partnership for development.

SEC. 103. SUNSET.

All authorities under this division (other than title IV) shall terminate on October 1, 2007.

TITLE II—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 201. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) A principal objective of United States foreign assistance programs, as stated in section 101 of the Foreign Assistance Act of 1961, is the ''encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives''.

(2) The expanding acceptance of free trade and open markets and the spread of democracy and the rule of law have brought a better way of life to an increasing number of people in the world.

(3) Inequalities between men and women undermine development and poverty-reduction efforts in fundamental ways. A woman's limited access to resources and restrictions on the exercise of her rights, including the right to participate in social and political processes, disables her from maximizing her contribution to her family's health, education, and general well-being.

(4) On March 14, 2002, the President noted the successes of development assistance programs: ''The advances of free markets and trade and democracy and rule of law have brought prosperity to an ever-widening circle of people in this world. During our lifetime, per capita income in the poorest countries has nearly doubled. Illiteracy has been cut by one-third, giving more children a chance to learn. Infant mortality has been almost halved, giving more children a chance to live.''.

(5) Development is neither an easy process nor a linear one. There are successes and there are failures. Today, too many people are still living in poverty, disease has eroded many of the economic and social gains of previous decades, and many countries have not adopted policies, for a variety of reasons, that would enable them to compete in an open and equitable international economic system.

(6) More countries and more people will be able to participate in and benefit from the opportunities afforded by the global economy if the following conditions for sound and sustainable economic development are met:

(A) SECURITY.—Security is necessary for economic development. Persistent poverty and oppression can lead to hopelessness, despair, and to failed states that become havens for terrorists.

(B) POLICIES THAT SUPPORT BROAD-BASED ECONOMIC GROWTH.—Successful long-term development can only occur through broad-based economic growth that enables the poor to increase their incomes and have access to productive resources and services so that they can lead lives of decency, dignity, and hope.

(C) DEMOCRACY AND THE RULE OF LAW.—Democratic development, political pluralism, and respect for internationally recognized human rights are intrinsically linked to economic and social progress. The ability of people to participate in the economic and political processes affecting their lives is essential to sustained growth. The rule of law and a commitment to fight corruption is also critical to the development of a prosperous society.

(D) INVESTMENTS IN PEOPLE.—Economic growth and democracy can be sustained only if both men and women have the basic tools and capabilities that foster the opportunity for participation in the economic, social, and political life of their countries. Successful development of countries requires citizens who are literate, healthy, and prepared and able to work.

(7) Economic assistance programs authorized under part I of the Foreign Assistance Act of 1961, as administered by the United States Agency for International Development and other Federal agencies, are of critical importance in assisting countries to be in a position to maximize the effectiveness of assistance authorized by this title.

(8) It is in the national interest of the United States to help those countries that are implementing the economic and political reforms necessary for development to occur.

(9) On March 14, 2002, the President stated that the ''growing divide between wealth and poverty, between opportunity and misery, is both a challenge to our compassion and a source of instability . . . [w]e must confront it . . . [w]e must include every African, every Asian, every Latin American, every Muslim, in an expanding circle of development.''.

(10) The President has pledged that funds requested for the Millennium Challenge Account shall be in addition to, and not a substitute for, existing development and humanitarian programs.

(11) Development assistance alone is not sufficient to stimulate economic growth and development. Assistance has been shown to have a positive impact on growth and development in developing countries with sound policies and institutions. If countries have poor policies and institutions, however, it is highly unlikely that assistance will have a net positive effect.

(12) Economic development, and the achievement of the Millennium Development Goals, must be a shared responsibility between donor and recipient countries.

(b) STATEMENT OF POLICY REGARDING A NEW COMPACT FOR GLOBAL DEVELOPMENT.—It is, therefore, the policy of the United States to support a new compact for global development that—

(1) increases support by donor countries to those developing countries that are fostering democracy and the rule of law, investing in their people, and promoting economic freedom for all their people;

(2) recognizes, however, that it is the developing countries themselves that are primarily responsible for the achievement of those goals;

(3) seeks to coordinate the disparate development assistance policies of donor countries, and to harmonize the trade and finance policies of donor countries with their respective development assistance programs; and

(4) aims to reduce poverty by significantly increasing the economic growth trajectory of beneficiary countries through investing in the productive potential of the people of such countries.

SEC. 202. AUTHORIZATION OF ASSISTANCE.

(a) ASSISTANCE.—The President, acting through the Chief Executive Officer of the Millennium Challenge Corporation, is authorized to provide assistance to eligible countries to support policies and programs that advance the progress of such countries in achieving lasting economic growth and poverty reduction and are in furtherance of the purposes of this title.

(b) PRINCIPAL OBJECTIVES.—Assistance provided under subsection (a) should advance a country's progress toward promoting the following principal objectives:

(1) FOSTERING DEMOCRATIC SOCIETIES, HUMAN RIGHTS, AND THE RULE OF LAW.—The assistance should promote—

(A) political, social, and economic pluralism;

(B) respect for the rule of law;

(C) anti-corruption initiatives and law enforcement;

(D) development of institutions of democratic governance, including electoral and legislative processes;

(E) transparent and accountable public administration at all levels of government;

(F) a fair, competent, and independent judiciary; and

(G) a free and independent media.

(2) FOSTERING INVESTMENT IN EDUCATION AND HEALTH INFRASTRUCTURE AND SYSTEMS.—The assistance should foster improved educational opportunities and health conditions, particularly for women and children, including through—

(A) support for programs and personnel that promote broad-based primary education, including through the development of academic curricula, by making available textbooks and other educational materials, and through appropriate use of technology;

(B) support for programs to strengthen and build institutions, including primary health care systems, infrastructure, facilities, and personnel that provide quality health care;

(C) support for improved systems for the delivery of healthy water and sanitation services; and

(D) support for programs that reduce child mortality (including those programs that combat HIV/AIDS, malaria, tuberculosis, and other infectious diseases, consistent with sections 104(c), 104A, 104B, and 104C of the Foreign Assistance Act of 1961).

(3) PROMOTING ECONOMIC FREEDOM, BROAD-BASED ECONOMIC GROWTH, AND FOSTERING FREE MARKET SYSTEMS.—The assistance should foster the institutions and conditions needed to promote free market systems, trade, and investment, including—

(A) the reform and restructuring of banking and financial systems, including by allowing foreign competition in the banking and financial sectors, where appropriate;

(B) the development of transparent and efficient commercial codes and reduction in the regulatory burden on business;

(C) the protection of property rights, including—

(i) private property and intellectual property rights, including through the adoption and effective enforcement of intellectual property treaties or international agreements; and

(ii) the establishment and maintenance of an efficient and integrated legal property system that, among other things, facilitates the ability of the poor, particularly women, to convert physical and intellectual assets into capital, such as utilizing existing practices and customs that allow assets to be documented in a manner that makes the assets widely transferable, leveragable, and fungible, that allows individuals to hold legal title to their property, and that holds owners accountable for transactions involving their property;

(D) support for market-based policies that support increased agricultural production;

(E) a strong commitment to sound monetary and budgetary policies;

(F) the development of small businesses, private cooperatives, credit unions, and trade and labor unions;

(G) the protection of internationally recognized workers' rights; and

(H) the capacity of eligible countries to ameliorate damage to the environment and respect other environmental standards.

SEC. 203. ELIGIBILITY AND RELATED REQUIREMENTS.

(a) ASSISTANCE FOR LOW INCOME COUNTRIES.—

(1) FISCAL YEAR 2004.—A country shall be eligible to receive assistance under section 202 for fiscal year 2004 if—

(A) the country is eligible for assistance from the International Development Association, and the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for that year, as defined by the International Bank for Reconstruction and Development;

(B) subject to paragraph (3), the country is not ineligible to receive United States economic assistance by reason of the application of section 116, 490, or 620A of the Foreign Assistance Act of 1961, or by reason of the application of any other provision of law; and

(C) the Chief Executive Officer of the Corporation determines that the country has demonstrated a commitment to—

(i) bolster democracy, human rights, good governance and the rule of law;

(ii) invest in the health and education of its citizens; and

(iii) promote sound economic policies that promote economic freedom and opportunity.

(2) FISCAL YEARS 2005 AND 2006.—A country shall be eligible to receive assistance under section 202 for fiscal years 2005 and 2006 if—

(A) the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the fiscal year involved, as defined by the International Bank for Reconstruction and Development;

(B) the country meets the requirements of paragraph (1)(B); and

(C) the country meets the requirements of clauses (i) through (iii) of paragraph (1)(C), as determined by the Chief Executive Officer.

(3) RULE OF CONSTRUCTION.—For the purposes of determining whether a country is eligible for receiving assistance under section 202 pursuant to paragraph (1)(B), the exercise by the President, the Secretary of State, or any other officer or employee of the United States of any waiver or suspension of any provision of law referred to in such paragraph shall not be construed as satisfying the requirement of such paragraph.

(b) ASSISTANCE FOR LOWER MIDDLE INCOME COUNTRIES.—

(1) IN GENERAL.—In addition to countries described in subsection (a), a country shall be eligible to receive assistance under section 202 for fiscal year 2006 if the country—

(A) is classified as a lower middle income country in the then most recent edition of the World Development Report published by the International Bank for Reconstruction and Development;

(B) meets the requirements of subsection (a)(1)(B); and

(C) meets the requirements of clauses (i) through (iii) of subsection (a)(1)(C), as determined by the Chief Executive Officer.

(2) LIMITATION.—The total amount of assistance provided to countries under this subsection for fiscal year 2006 may not exceed 20 percent of the total amount of assistance provided to all countries under section 202 for fiscal year 2006.

(c) ASSISTANCE FOR SELECTED LOW INCOME COUNTRIES.—

(1) IN GENERAL.—A country shall be eligible to receive assistance for any of fiscal years 2004 through 2006 solely for the purpose of becoming eligible to receive assistance under subsection (a) if the country—

(A) meets the requirements of paragraphs (1)(B) and (2)(A) of subsection (a);

(B) demonstrates a commitment to meeting the requirements of clauses (i) through (iii) of subsection (a)(1)(C), as determined by the Chief Executive Officer; but

(C) fails to meet the eligibility criteria necessary to receive assistance under section 202, as established under subsection (e).

(2) ADMINISTRATION.—Assistance for countries eligible by reason of the application of this subsection shall be provided through the United States Agency for International Development.

(3) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated under section 208(a) for a fiscal year, not more than 15 percent of such amount is authorized to be appropriated to the President for the fiscal year to carry out this subsection.

(d) GENERAL AUTHORITY TO DETERMINE ELIGIBILITY.—

(1) GENERAL AUTHORITY.—The Chief Executive Officer shall determine whether or not a country is eligible to receive assistance under section 202.

(2) CONGRESSIONAL NOTIFICATION.—Not later than 7 days after making a determination of eligibility for a country under paragraph (1), the Chief Executive Officer shall provide notice thereof to the appropriate congressional committees. Such notice shall include a certification of the determination of the Chief Executive Officer that the country meets the requirements of clauses (i) through (iii) of subsection (a)(1)(C) in accordance with such subsection, subsection (a)(2)(C), subsection (b)(1)(C), or subsection (c)(1)(B), as the case may be.

(e) ELIGIBILITY CRITERIA.—

(1) INITIAL CRITERIA AND METHODOLOGY.—At soon as practicable after the date of the enactment of this Act, but not later than 30 days prior to making any determination of eligibility for a country under this section, the Chief Executive Officer—

(A) shall consult in-person with the appropriate congressional committees with respect to the establishment of eligibility criteria and methodology that the Chief Executive Officer proposes to use for purposes of determining eligibility under this section;

(B) shall establish such eligibility criteria and methodology; and

(C) shall prepare and transmit to such committees a written report that contains such eligibility criteria and methodology.

(2) REVISIONS TO CRITERIA AND METHODOLOGY.—If the Chief Executive Officer proposes to use revised or different criteria from the criteria described in paragraph (1) in making a determination of eligibility for a country under this section, then, not later than 15 days prior to making such determination, the Chief Executive Officer shall consult in-person with the appropriate congressional committees with respect to such revised or different criteria and methodology in accordance with paragraph (1)(A) and shall prepare and transmit a written report in accordance with paragraph (1)(C).

(f) FORM OF ASSISTANCE; RECIPIENTS.—

(1) FORM OF ASSISTANCE.—Assistance provided under section 202 for a country shall be provided to one or more of the entities described in paragraph (2) on a nonrepayable basis and in accordance with a fair, open, and competitive selection process that results in the awarding of such assistance on a merit basis using selection criteria that are made public by the Corporation in advance and are otherwise in accordance with standard and customary best practices for the provision of similar types of assistance.

(2) RECIPIENTS.—The entities referred to in paragraph (1) are the following:

(A) The national government of the country.

(B) Regional or local governmental units of the country.

(C) Nongovernmental organizations, including for-profit, not-for-profit, and voluntary organizations.

(D) International organizations and trust funds.

(g) CONGRESSIONAL NOTIFICATION.—The Chief Executive Officer may not make any grant or enter into any contract for assistance for a country under section 202 that exceeds $5,000,000 until 15 days after the date on which the Chief Executive Officer provides notification of the proposed grant or contract to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(h) PROHIBITION ON USE OF FUNDS.—The prohibitions on use of funds contained in paragraphs (1) through (3) of section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f)(1)–(3)) shall apply to funds made available to carry out this division to the same extent and in the same manner as such prohibitions apply to funds made available to carry out part I of such Act.

SEC. 204. MILLENNIUM CHALLENGE COMPACT.

(a) COMPACT.—The President, acting through the Chief Executive Officer of the Corporation, may provide assistance to an eligible country under section 202 only if the country enters into a contract with the United States, to be known as a ''Millennium Challenge Compact'', that establishes a multi-year plan for achieving shared development objectives in furtherance of the purposes of this title, and only if the President, acting through the Chief Executive Officer, provides to Congress notice regarding such Compact pursuant to subsection (h).

(b) ELEMENTS.—

(1) IN GENERAL.—The Compact shall take into account the national development strategy of the eligible country and shall contain—

(A) the specific objectives that the country and the United States expect to achieve;

(B) the responsibilities of the country and the United States in the achievement of such objectives;

(C) regular benchmarks to measure, where appropriate, progress toward achieving such objectives;

(D) an identification of the intended beneficiaries, disaggregated by income level, gender, and age, to the maximum extent practicable;

(E) a multi-year financial plan, including the estimated amount of contributions by the Corporation and the country and proposed mechanisms to implement the plan and provide oversight, that describes how the requirements of subparagraphs (A) through (D) will be met, including identifying the role of civil society in the achievement of such requirements;

(F) where appropriate, a description of the responsibility of other donors in the achievement of such objectives; and

(G) a plan to ensure appropriate fiscal accountability for the use of assistance provided under section 202.

(2) LOWER MIDDLE INCOME COUNTRIES.—In addition to the elements described in subparagraphs (A) through (G) of paragraph (1), with respect to a lower middle income country described in section 203(b), the Compact shall identify an appropriate contribution from the country relative to its national budget, taking into account the prevailing economic conditions, toward meeting the objectives of the Compact. Such contribution shall be in addition to government spending allocated for such purposes in the country's budget for the year immediately preceding the establishment of the Compact and shall continue for the duration of the Compact.

(c) DEFINITION.—In subsection (b), the term ''national development strategy'' means any strategy to achieve market-driven economic growth that has been developed by the government of the country in consultation with a wide variety of civic participation, including nongovernmental organizations, private and voluntary organizations, academia, women and student organizations, local trade and labor unions, and the business community.

(d) ADDITIONAL PROVISION RELATING TO PROHIBITION ON TAXATION.—In addition to the elements described in subsection (b), each Compact shall contain a provision that states that assistance provided by the United States under the Compact shall be exempt from taxation by the government of the eligible country.

(e) LOCAL INPUT.—In entering into a Compact, the United States and the eligible country—

(1) shall take into account the local-level perspectives of the rural and urban poor in the eligible country; and

(2) should consult with private and voluntary organizations, the business community, and other donors, in the eligible country.

(f) CONSULTATION.—During any discussions with a country for the purpose of entering into a Compact with the country, officials of the Corporation participating in such discussions shall, at a minimum, consult with appropriate officials of the United States Agency for International Development, particularly with those officials responsible for the appropriate region or country on development issues related to the Compact.

(g) COORDINATION WITH OTHER DONORS.—To the maximum extent feasible, activities undertaken to achieve the objectives of the Compact shall be undertaken in coordination with the assistance activities of other donors.

(h) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Not later than 15 days prior to entering into a Compact with an eligible country, the President, acting through the Chief Executive Officer—

(1) shall consult in-person with the appropriate congressional committees with respect to the proposed Compact;

(2) shall provide notification of the proposed Compact to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961;

(3) shall prepare and transmit to such committees a written report that contains a detailed summary of the proposed Compact and a copy of the full text of the Compact; and

(4) shall publish such detailed summary and full text of the proposed Compact in the Federal Register and on the Internet website of the Corporation.

(i) ASSISTANCE FOR DEVELOPMENT OF COMPACT.—Notwithstanding subsection (a), the Chief Executive Officer may enter into contracts or make grants for any eligible country for the purpose of facilitating the development of the Compact between the United States and the country.

SEC. 205. SUSPENSION AND TERMINATION OF ASSISTANCE.

(a) SUSPENSION OF ASSISTANCE.—

(1) IN GENERAL.—The President shall suspend assistance in whole or in part for a country under this title if the President determines that—

(A) the country is engaged in activities which are contrary to the national security interests of the United States;

(B) the elected head of state of the country or any member of the country's highest judicial tribunal has been removed from that office or forcibly detained through extra-constitutional processes; or

(C) the country has failed to adhere to its responsibilities under the Compact.

(2) REINSTATEMENT.—The President may reinstate assistance for a country under this title only if the President determines that the country has demonstrated a commitment to correcting each condition for which assistance was suspended under paragraph (1).

(3) CONGRESSIONAL NOTIFICATION.—A suspension of assistance under paragraph (1), or a reinstatement of assistance under paragraph (2), shall be effective beginning 15 days after the date on which the President transmits to the appropriate congressional committees a report that contains the determination of the President under paragraph (1) or paragraph (2), as the case may be.

(b) TERMINATION OF ASSISTANCE.—

(1) IN GENERAL.—The President, acting through the Chief Executive Officer of the Corporation, shall terminate all assistance for a country under this title if the President determines that the country has consistently failed to adhere to its responsibilities under the Compact or has significantly failed to meet the requirements of this title.

(2) CONGRESSIONAL NOTIFICATION.—A termination of assistance under paragraph (1) shall be effective beginning 15 days after the date on which the President, acting through the Chief Executive Officer, provides notification of the proposed termination of assistance to the congressional committees specified in section 634A(a) of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section.

SEC. 206. ANNUAL REPORT.

(a) REPORT.—Not later than April 1, 2005, and not later than April 1 of each year thereafter, the Chief Executive Officer of the Corporation shall prepare and transmit to the appropriate congressional committees a report on the implementation of this title for the preceding year.

(b) CONTENTS.—The report shall include the following:

(1) A description and assessment of the eligibility criteria and methodology utilized by the Chief Executive Officer to determine eligibility for each country under section 203.

(2) A description of the agreed upon measures of progress contained in each Compact.

(3)(A) An analysis, on a country-by-country, project-by-project basis, of the impact of assistance provided under this title on the economic development of each country.

(B) For each country, the analysis shall—

(i) to the maximum extent possible, be done on a sector-by-sector basis, gender basis, and per capita income basis, and identify trends within each of these bases;

(ii) identify economic policy reforms conducive to economic development that are supported by assistance provided under this title;

(iii) describe, in quantified terms to the extent practicable, the progress made in achieving assistance objectives for the country;

(iv) describe the amount and nature of economic assistance provided by other major donors which further the purposes of this title; and

(v) discuss the commitment and contribution of the country to achieving the assistance objectives contained in its Compact.

(4) A description and assessment of property rights in each country, including—

(A) the total value of legal and extralegal property and business holdings;

(B) the average time required to acquire land; and

(C) the average time required to register and wind up a business enterprise.

SEC. 207. PARTICIPATION OF CERTAIN UNITED STATES BUSINESSES.

(a) PARTICIPATION.—To the maximum extent practicable, the President, acting through the Chief Executive Officer, shall ensure that United States small, minority-owned, and disadvantaged business enterprises fully participate in the provision of goods and services that are financed with funds made available under this title.

(b) REPORT.—The Chief Executive Officer shall prepare and submit to the appropriate congressional committees an annual report that contains a description of the extent to which the requirement of subsection (a) has been met for the preceding year.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS; RELATED AUTHORITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President, acting through the Chief Executive Officer of the Corporation, to carry out this division (other than title IV) $1,300,000,000 for fiscal year 2004, $3,000,000,000 for fiscal year 2005, and $5,000,000,000 for fiscal year 2006.

(b) ADDITIONAL AUTHORITIES.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

(1) may be referred to as the ''Millennium Challenge Account'';

(2) are authorized to remain available until expended; and

(3) are in addition to amounts otherwise available for such purposes.

TITLE III—MILLENNIUM CHALLENGE CORPORATION

SEC. 301. MILLENNIUM CHALLENGE CORPORATION.

(a) ESTABLISHMENT.—There is hereby established in the executive branch a corporation to be known as the ''Millennium Challenge Corporation'' that shall be responsible for carrying out title II.

(b) GOVERNMENT CORPORATION.—The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

SEC. 302. CHIEF EXECUTIVE OFFICER.

(a) APPOINTMENT.—The Corporation shall be headed by an individual who shall serve as Chief Executive Officer of the Corporation, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) COMPENSATION AND RANK.—

(1) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, and shall have the equivalent rank of Deputy Secretary.

(2) AMENDMENT.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Chief Executive Officer, Millennium Challenge Corporation.''.

(c) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall exercise the powers and discharge the duties of the Corporation and any other duties, as conferred on the Chief Executive Officer by the President.

(d) AUTHORITY TO APPOINT OFFICERS.—The Chief Executive Officer shall appoint all officers of the Corporation.

SEC. 303. BOARD OF DIRECTORS.

(a) IN GENERAL.—There shall be in the Corporation a Board of Directors.

(b) DUTIES.—The Board may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Corporation may be conducted and in which the powers granted to it by law may be exercised.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall consist of—

(A) the Secretary of State, the Secretary of Treasury, the Administrator of the United States Agency for International Development, the Chief Executive Officer of the Corporation, and the United States Trade Representative; and

(B) four other individuals who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(2) EX-OFFICIO MEMBERS.—In addition to members of the Board described in paragraph (1), the Director of the Office of Management and Budget, the President and Chief Executive Officer of the Overseas Private Investment Corporation, the Director of the Trade and Development Agency, and the Director of the Peace Corps shall be non-voting members, ex officio, of the Board.

(d) TERMS.—

(1) OFFICERS OF FEDERAL GOVERNMENT.—Each member of the Board described in paragraphs (1)(A) and (2) of subsection (c) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(2) OTHER MEMBERS.—Each member of the Board described in subsection (c)(1)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 2 years.

(3) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(e) CHAIRPERSON.—The Secretary of State shall serve as the Chairperson of the Board.

(f) QUORUM.—A majority of the members of the Board shall constitute a quorum, which shall include at least one member of the Board described in subsection (c)(1)(B).

(g) MEETINGS.—The Board shall meet at the call of the Chairperson.

(h) COMPENSATION.—

(1) OFFICERS OF FEDERAL GOVERNMENT.—

(A) IN GENERAL.—A member of the Board described in paragraphs (1)(A) and (2) of subsection (c) may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(B) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(2) OTHER MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), a member of the Board described in subsection (c)(1)(B)—

(i) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(ii) while away from the member's home or regular place of business on necessary travel, as determined by the Chief Executive Officer, in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(B) LIMITATION.—A member of the Council may not be paid compensation under subparagraph (A)(i) for more than thirty days in any calendar year.

SEC. 304. INTERAGENCY COORDINATION.

In carrying out the functions described in this title, and consistent with section 101 of the National Security Act of 1947 (50 U.S.C. 402), the President shall ensure coordination of assistance authorized under title II with foreign economic assistance programs and activities carried out by other Federal departments and agencies.

SEC. 305. POWERS OF THE CORPORATION; RELATED PROVISIONS.

(a) POWERS.—The Corporation—

(1) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(2) may prescribe, amend, and repeal such rules, regulations, and procedures as are necessary for carrying out the functions of the Corporation and all Compacts;

(3) may make and perform such contracts, grants, and other agreements with any individual, corporation, or other private or public entity, however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation not exceeding $95,000 in any fiscal year;

(5) may lease, purchase, or otherwise acquire, own, hold, improve, use or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Corporation;

(6) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this division;

(7) may hire or obtain passenger motor vehicles;

(8) may use the United States mails in the same manner and on the same conditions as the Executive departments (as defined in section 101 of title 5, United States Code);

(9) may, with the consent of any Executive agency (as defined in section 105 of title 5, United States Code), use the information, services, facilities, and personnel of that agency on a full or partial reimbursement in carrying out the purposes of this division; and

(10) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction.

(b) OFFICES.—

(1) PRINCIPAL OFFICE.—The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(2) OTHER OFFICES.—The Corporation may establish other offices in any place or places outside the United States in which the Corporation may carry out any or all of its operations and business.

(c) COOPERATION WITH OTHER FEDERAL DEPARTMENTS AND AGENCIES.—In order to avoid unnecessary expense and duplication of functions, efforts, and activities between the Corporation and other Federal departments and agencies the Chief Executive Officer, or the Chief Executive Officer's designee—

(1)(A) shall consult, to the maximum extent practicable, with the Administrator of the United States Agency for International Development, or the Administrator's designee, in order to coordinate the activities of the Corporation and the Agency for International Development; and

(B) shall consult with the heads of other departments and agencies to ensure similar coordination of activities;

(2)(A) shall ensure proper coordination of activities of the Corporation with the provision of development assistance of relevant international financial institutions, including the International Bank for Reconstruction and Development, the International Monetary Fund, and the regional multilateral development banks; and

(B) shall provide to each United States Executive Director (or other United States representative) to the relevant international financial institutions a copy of each proposed Compact between the United States and an eligible country and a copy of each such final Compact.

(d) POSITIONS WITH FOREIGN GOVERNMENTS.—When approved by the Corporation, in furtherance of its purposes, employees of the Corporation (including individuals detailed to the Corporation) may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries or with international organizations.

SEC. 306. TRANSPARENCY AND ACCOUNTABILITY OF THE CORPORATION.

The Corporation and its officers and employees shall be subject to the provisions of section 552 of title 5, United States Code (relating to freedom of information).

SEC. 307. DETAIL OF PERSONNEL TO THE CORPORATION; OTHER AUTHORITIES AND LIMITATIONS.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer of the Corporation, the head of an agency may detail any employee of such agency to the Corporation on a fully or partially reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) LIMITATION ON TOTAL SERVICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no individual may serve in or under the Corporation (whether as an employee of the Corporation, a detailee to the Corporation, or a combination thereof) for a total period exceeding 5 years.

(2) EXCEPTIONS.—

(A) EXTENSION AUTHORITY.—The Chief Executive Officer may extend the 5-year period under paragraph (1) for up to an additional 3 years, in the case of any particular individual, if the Chief Executive Officer determines that such extension is essential to the achievement of the purposes of this division.

(B) OFFICERS.—Nothing in this subsection shall limit the period for which an individual may serve as an officer of the Corporation appointed pursuant to section 302(d) nor shall any period of service as such an officer be taken into account for purposes of applying this subsection.

(c) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Corporation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Corporation—

(i) by reason of the application of subsection (b); or

(ii) for any other reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Corporation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph)

within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Corporation without regard to the provisions of—

(1) chapter 51 of title 5, United States Code (relating to the classification of positions), and

(2) subchapter III of chapter 53 of such title (relating to General Schedule pay rates),

except that no employee of the Corporation may receive a rate of basic pay that exceeds the rate for level II of the Executive Schedule under section 5313 of such title.

(e) ASSIGNMENT TO UNITED STATES EMBASSIES.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post, or United States Agency for International Development field mission.

(f) PRIVILEGES AND IMMUNITIES.—The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(g) RESPONSIBILITY OF CHIEF OF MISSION.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

(h) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Corporation may allocate or transfer to the United States Agency for International Development or any other agency any part of any funds available for carrying out the purposes of this division. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this title or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) CONGRESSIONAL NOTIFICATION.—The Chief Executive Officer shall notify the appropriate congressional committees not later than 15 days prior to a transfer of funds under paragraph (1) that exceeds $5,000,000.

(3) USE OF SERVICES.—For carrying out the purposes of this division, the Corporation may utilize the services and facilities of, or procure commodities from, any agency under such terms and conditions as may be agreed to by the head of the agency and the Corporation.

(i) FUNDING LIMITATION.—Of the funds allocated under subsection (h) in any fiscal year, not more than 7 percent of such funds may be used for administrative expenses.

(j) OTHER AUTHORITIES.—Except to the extent inconsistent with the provisions of this division, the administrative authorities under chapters 1 and 2 of part III of the Foreign Assistance Act of 1961 shall apply to the provision of assistance under this division to the same extent and in the same manner as such authorities apply to the provision of economic assistance under part I of such Act.

(k) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Corporation shall be subject to the provisions of chapter 91 of subtitle VI of title 31, United States Code, except that the Corporation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

''(Q) the Millennium Challenge Corporation.''

(l) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the United States Agency for International Development shall serve as Inspector General of the Corporation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Corporation.

(2) AUTHORITY OF THE BOARD.—In carrying out its responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board of Directors.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Corporation shall reimburse the United States Agency for International Development for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 208(a) for a fiscal year, up to $1,000,000 is authorized to be made available to the Inspector General of the United States Agency for International Development to conduct reviews, investigations, and inspections of operations and activities of the Corporation.

(m) COMPTROLLER GENERAL.—

(1) IN GENERAL.—The Comptroller General shall conduct audits, evaluations, and investigations of the Corporation.

(2) SCOPE.—The activities and financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be evaluated, investigated, or audited by the Comptroller General in accordance with such rules and regulations as may be prescribed by the Comptroller General.

(3) ACCESS AND RECORDS.—Any evaluation, investigation, or audit shall be conducted at the place or places where pertinent information of the Corporation is normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Corporation and necessary to facilitate the evaluation, investigation, or audit; and full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such representatives. All such books, accounts, financial records, reports, files, and other papers or property of the Corporation shall remain in the possession and custody of the Corporation throughout the period beginning on the date such possession or custody commences and ending three years after such date, but the General Accounting Office may require the retention of such books, accounts, financial records, reports, files, papers, or property for a longer period under section 3523(c) of title 31, United States Code.

(4) REPORT.—A report of such audit, evaluation, or investigation shall be made by the Comptroller General to the appropriate congressional committees and to the President, together with such recommendations with respect thereto as the Comptroller General shall deem advisable.

(n) DEFINITIONS.—For purposes of this section—

(1) the term ''agency'' means an Executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term ''detail'' means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Corporation.

SEC. 308. MILLENNIUM CHALLENGE ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is hereby established in the executive branch an advisory council to the Corporation to be known as the Millennium Challenge Advisory Council.

(b) FUNCTIONS.—

(1) GENERAL FUNCTIONS.—The Council shall advise and consult with the Chief Executive Officer of the Corporation and the Board of Directors with respect to policies and programs designed to further the purposes of this division and shall periodically report to the Congress with respect to the activities of the Corporation. In addition, the Council shall review on an annual basis the criteria and methodology used to determine eligibility of countries for assistance under title II and make recommendations to the Chief Executive Officer and the Board to improve the effectiveness of such criteria and methodology in order to achieve the purposes of this division.

(2) ADDITIONAL FUNCTIONS.—Members of the Council shall (subject to subsection (d)(1)) conduct on-site inspections, and make examinations, of the activities of the Corporation in the United States and in other countries in order to—

(A) evaluate the accomplishments of the Corporation;

(B) assess the potential capabilities and the future role of the Corporation;

(C) make recommendations to the Chief Executive Officer, the Board of Directors, and Congress, for the purpose of guiding the future direction of the Corporation and of helping to ensure that the purposes and programs of the Corporation are carried out in ways that are economical, efficient, responsive to changing needs in developing countries and to changing relationships among people, and in accordance with law;

(D) make such other evaluations, assessments, and recommendations as the Council considers appropriate.

(3) PUBLIC PARTICIPATION.—The Council may provide for public participation in its activities, consistent with section 552b of title 5, United States Code.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of seven individuals, who shall be appointed by the Chief Executive Officer, and who shall be broadly representative of nongovernmental entities with expertise and interest in international trade and economic development, including business and business associations, trade and labor unions, private and voluntary organizations, foundations, public policy organizations, academia, and other entities as the Chief Executive Officer determines appropriate.

(2) ADDITIONAL REQUIREMENT.—No member appointed under paragraph (1) may be an officer or employee of the United States Government.

(d) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Council—

(A) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Council; and

(B) while away from the member's home or regular place of business on necessary travel, as determined by the Chief Executive Officer, in the actual performance of duties as a member of the Council, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(2) LIMITATION.—A member of the Council may not be paid compensation under paragraph (1)(A) for more than thirty days in any calendar year.

(e) QUORUM.—A majority of the members of the Council shall constitute a quorum for the purposes of transacting any business.

(f) FINANCIAL INTERESTS OF MEMBERS.—A member of the Council shall disclose to the Chairperson of the Council and the Chief Executive Officer of the existence of any direct or indirect financial interest of that member in any particular matter before the Council and may not vote or otherwise participate as a Council member with respect to that particular matter.

(g) CHAIRPERSON.—The Chief Executive Officer shall designate one of the members of the Council as Chairperson, who shall serve in that capacity for a term of two years. The Chief Executive Officer may renew the term of the member appointed as Chairperson under the preceding sentence.

(h) MEETINGS, BYLAWS, AND REGULATIONS.—

(1) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter and shall meet at the call of the President, the Chief Executive Officer, the Chairperson of the Board, the Chairperson of the Council, or two members of the Council.

(2) BYLAWS AND REGULATIONS.—The Council shall prescribe such bylaws and regulations as it considers necessary to carry out its functions. Such bylaws and regulations shall include procedures for fixing the time and place of meetings, giving or waiving of notice of meetings, and keeping of minutes of meetings.

(i) REPORT TO THE PRESIDENT, CHIEF EXECUTIVE OFFICER, AND BOARD.—

(1) REPORT.—Not later than January 1, 2005, and not later than January 1 of each year thereafter that the Corporation is in existence, the Council shall submit to the President, the Chief Executive Officer, and the Board a report on its views on the programs and activities of the Corporation.

(2) CONTENTS.—Each report shall contain a summary of the advice and recommendations provided by the Council to the Chief Executive Officer and the Board during the period covered by the report and such recommendations (including recommendations for administrative or legislative action) as the Council considers appropriate to make to the Congress.

(3) ADDITIONAL REQUIREMENT.—Not later than 90 days after receiving each such report, the Chief Executive Officer shall transmit to Congress a copy of the report, together with any comments concerning the report that the Chief Executive Officer considers appropriate.

(j) ADMINISTRATIVE ASSISTANCE.—The Chief Executive Officer shall make available to the Council such personnel, administrative support services, and technical assistance as are necessary to carry out its functions effectively.

(k) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Council. Notwithstanding section 102 of this Act, the authorities of the Council shall terminate on December 31, 2007.

SEC. 309. MILLENNIUM CHALLENGE SEED GRANTS.

(a) FINDINGS.—Congress finds the following:

(1) Many countries in the developing world lack the academic and public policy advocacy base essential to attaining the principal objectives of the Millennium Challenge Account.

(2) Because of widespread government repression of free speech and poverty, the countries of Africa in particular suffer an acute shortage of nongovernmental organizations which effectively study and promote the principal objectives of the Millennium Challenge Account.

(3) Many developing countries, particularly low income countries, lack the institutional capacity to enhance the quality and accuracy of data upon which the eligibility criteria in section 203 relies. Such countries may also lack the ability to monitor and evaluate development projects effectively.

(4) The Millennium Challenge Account will struggle to reach its goals unless countries in the developing world possess a home grown intellectual commitment and culture of advocacy aimed at promoting its principal objectives.

(b) ASSISTANCE.—The Chief Executive Officer of the Corporation is authorized to provide assistance in support of nongovernmental organizations (including universities, independent foundations, and other organizations) in low income and lower middle income countries, and, where appropriate, directly to agencies of foreign governments in low income countries, that are undertaking research, education, and advocacy efforts aimed at promoting democratic societies, human rights, the rule of law, improved educational opportunities and health conditions, particularly for women and children, and economic freedom, including research aimed at improving data related to the eligibility criteria and methodology established by this division with respect to such a country or monitoring and evaluating the impact of assistance provided under this division.

(c) LIMITATION.—Not more than $10,000,000 of the amount made available to carry out this division for a fiscal year may be made available to carry out this section.

TITLE IV—PROVISIONS RELATING TO UNITED STATES ECONOMIC ASSISTANCE

SEC. 401. DEFINITION.

In this title, the term ''United States economic assistance'' means any bilateral economic assistance, from any budget functional category, that is provided by any department or agency of the United States to a foreign country, including such assistance that is intended—

(A) to assist the development and economic advancement of friendly foreign countries and peoples, including assistance provided under title II (relating to the Millennium Challenge Account);

(B) to promote the freedom, aspirations, or sustenance of friendly peoples under oppressive rule by unfriendly governments;

(C) to promote international trade and foreign direct investment as a means of aiding economic growth;

(D) to save lives and alleviate suffering of foreign peoples during or following war, natural disaster, or complex crisis;

(E) to assist in recovery and rehabilitation of countries or peoples following disaster or war;

(F) to protect refugees and promote durable solutions to aid refugees;

(G) to promote sound environmental practices;

(H) to assist in development of democratic institutions and good governance by the people of foreign countries;

(I) to promote peace and reconciliation or prevention of conflict;

(J) to improve the technical capacities of governments to reduce production of and demand for illicit narcotics; and

(K) to otherwise promote through bilateral foreign economic assistance the national objectives of the United States.

SEC. 402. FRAMEWORK FOR ASSISTANCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that a coherent framework for United States economic assistance should be established in accordance with this section.

(b) ELEMENTS.—The framework described in subsection (a) includes the following elements:

(1) The United States Agency for International Development, under the direction and foreign policy guidance of the Secretary of State, should be responsible for—

(A) providing assistance to countries that face natural and man-made disasters in order to provide humanitarian relief to the peoples of such countries, in coordination with refugee programs administered by the Department of State;

(B) providing assistance to countries that are suffering from conflicts or are in post-conflict situations in order to provide humanitarian relief, transition assistance, and reconstruction assistance;

(C) providing assistance to help moderate-to-poorly performing countries achieve development progress in the areas described in part I of the Foreign Assistance Act of 1961, including progress toward becoming eligible for assistance under this title, and to promote international health worldwide, as well as assisting in the development of country and regional development strategies;

(D) addressing transnational problems, such as environmental degradation, food insecurity, and health problems; and

(E) assisting other Federal departments and agencies, including the Corporation established under title III, to carry out assistance activities abroad, including providing technical assistance and advice to such departments and agencies, coordinating its assistance programs with such departments and agencies, and using its field offices to help implement such assistance.

(2) The Corporation established under title III should provide assistance to countries that have demonstrated a commitment to bolstering democracy, good governance, and the rule of law, to investing in the health and educations of their people, and to promoting sound economic policies that foster economic opportunity for their people.

(3) The Department of State should be responsible for allocating security assistance to support key foreign policy objectives of the United States and shall administer assistance in such areas as non-proliferation, anti-terrorism, counter-narcotics, and relief for refugees.

(4) Other Federal departments and agencies with expertise in international development-related activities, such as the Overseas Private Investment Corporation, the Trade and Development Agency, the Department of Agriculture, the Department of Health and Human Services, and the Centers for Disease Control and Prevention, to the extent such departments and agencies have the authority to carry out development-related programs, and in coordination with the Department of State and the United States Agency for International Development, should provide expertise in specific technical areas and shall provide assistance, including assistance

provided with funds made available from the Corporation to assist United States Government international development activities.

SEC. 403. REPORT RELATING TO IMPACT AND EFFECTIVENESS OF ASSISTANCE.

(a) REPORT.—Not later than December 31, 2004, and December 31 of each third year thereafter, the President shall transmit to Congress a report which analyzes, on a country-by-country basis, the impact and effectiveness of United States economic assistance furnished under the framework established in section 402 to each country during the preceding three fiscal years. The report shall include the following for each recipient country:

(1) An analysis of the impact of United States economic assistance during the preceding three fiscal years on economic development in that country, with a discussion of the United States interests that were served by the assistance. This analysis shall be done on a sector-by-sector basis to the extent possible and shall identify any economic policy reforms which were promoted by the assistance. This analysis shall—

(A) include a description, quantified to the extent practicable, of the specific objectives the United States sought to achieve in providing economic assistance for that country, and

(B) specify the extent to which those objectives were not achieved, with an explanation of why they were not achieved.

(2) A description of the amount and nature of economic assistance provided by other donors during the preceding three fiscal years, set forth by development sector to the extent possible.

(3) A discussion of the commitment of the host government to addressing the country's needs in each development sector, including a description of the resources devoted by that government to each development sector during the preceding three fiscal years.

(4) A description of the trends, both favorable and unfavorable, in each development sector.

(5) Statistical and other information necessary to evaluate the impact and effectiveness of United States economic assistance on development in the country.

(6) A comparison of the analysis provided in the report with relevant analyses by international financial institutions, other international organizations, other donor countries, or nongovernmental organizations.

(b) LISTING OF MOST AND LEAST SUCCESSFUL ASSISTANCE PROGRAMS.—The report required by this section shall identify—

(1) each country in which United States economic assistance has been most successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in subsection (a)(1)(A), were achieved; and

(2) each country in which United States economic assistance has been least successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in subsection (a)(1)(A), were not achieved.

For each country listed pursuant to paragraph (2), the report shall explain why the assistance was not more successful and shall specify what the United States has done as a result.

(d) DE MINIMUS EXCEPTION.—Information under subsections (a) and (b) for a fiscal year shall not be required with respect to a country for which United States economic assistance for the country for the fiscal year is less than $5,000,000.

DIVISION B—REAUTHORIZATION AND EXPANSION OF THE PEACE CORPS

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Peace Corps Expansion Act of 2003''.

SEC. 1002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) DIRECTOR.—The term ''Director'' means the Director of the Peace Corps.

(3) HOST COUNTRY.—The term ''host country'' means a country whose government has invited the Peace Corps to establish a Peace Corps program within the territory of the country.

(4) PEACE CORPS VOLUNTEER.—The term ''Peace Corps volunteer'' means a volunteer or a volunteer leader under the Peace Corps Act.

(5) RETURNED PEACE CORPS VOLUNTEER.—The term ''returned Peace Corps volunteer'' means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

SEC. 1003. FINDINGS.

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service abroad of volunteers who are United States citizens. The spirit of service and commitment to helping others is a fundamental component of democracy.

(2) Since its establishment, more than 168,000 volunteers have served in the Peace Corps in 136 countries throughout the world.

(3) The three goals codified in the Peace Corps Act which have guided the Peace Corps and its volunteers over the years, can work in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(4) The Peace Corps has sought to fulfill three goals—to help people in developing countries meet basic needs, promote understanding abroad of the values and ideals of the United States, and promote an understanding of other peoples by the people of the United States.

(5) After more than 40 years of operation, the Peace Corps remains the world's premier international service organization dedicated to promoting grassroots development by working with families and communities to improve health care for children, expand agricultural production, teach in schools, fight infectious diseases, protect the environment, and initiate small business opportunities.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote international peace, cross-cultural awareness, and mutual understanding between the United States and other countries.

(7) The Peace Corps is an independent agency, and, therefore, no Peace Corps personnel or volunteers should be used to accomplish any goal other than the goals established by the Peace Corps Act.

(8) The Crisis Corps has been an effective tool in harnessing the skills and talents of returned Peace Corps volunteers and should be expanded, to the maximum extent practicable, to utilize the talent of returned Peace Corps volunteers.

(9) In fiscal year 2003, the Peace Corps is operating with an annual budget of $295,000,000 in 70 countries, with more than 7,000 Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation in many parts of the world, particularly in countries with substantial Muslim populations, with respect to United States values and ideals. A new or expanded Peace Corps presence in such places could foster better understanding between the people of the United States and such countries.

(11) Congress has declared, and the Peace Corps Act provides, that the Peace Corps shall maintain, to the maximum extent practicable and appropriate, a volunteer corps of at least 10,000 individuals.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service.

(13) Any expansion of the Peace Corps should not jeopardize the quality of the Peace Corps volunteer experience and, therefore, necessitates, among other things, an appropriate increase in field and headquarters support staff.

(14) In order to ensure that the proposed expansion of the Peace Corps preserves the integrity of the program and the security of volunteers, the integrated Planning and Budget System supported by the Office of Planning and Policy Analysis should continue its focus on strategic planning.

(15) A streamlined, bipartisan Peace Corps National Advisory Council composed of distinguished returned Peace Corps volunteers, former Peace Corps staff, and other individuals with diverse backgrounds and expertise can be a source of ideas and suggestions that may be useful to the Director of the Peace Corps as the Director discharges the duties and responsibilities as head of the agency.

TITLE XI—AMENDMENTS TO PEACE CORPS ACT; RELATED PROVISIONS

SEC. 1101. ADVANCING THE GOALS OF THE PEACE CORPS.

(a) RECRUITMENT OF VOLUNTEERS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by adding at the end the following new sentence: ''As an independent agency, the Peace Corps shall be responsible for recruiting all of its volunteers.''.

(b) DETAILS AND ASSIGNMENTS.—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by striking ''*Provided*, That'' and inserting ''*Provided*, That such detail or assignment furthers the fulfillment of Peace Corps' development and public diplomacy goals as described in section 2: *Provided further*, That''.

SEC. 1102. REPORTS AND CONSULTATIONS.

(a) ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended by striking the section heading and the text of section 11 and inserting the following:

''SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.

''(a) ANNUAL REPORTS.—The Director shall transmit to Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain information—

''(1) describing efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

''(A) a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and

''(B) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations;

''(2) describing—

''(A) any major new initiatives that the Peace Corps has under review for the upcoming fiscal year, and any major initiatives

that were undertaken in the previous fiscal year that were not included in prior reports to the Congress;

''(B) the rationale for undertaking such new initiatives;

''(C) an estimate of the cost of such initiatives; and

''(D) the impact on the safety of volunteers;

''(3) describing in detail the Peace Corps plans, including budgetary plans, to have 14,000 volunteers in service by 2007 while maintaining the quality of the volunteer experience, ensuring the safety and security of all volunteers, and providing for appropriate administrative and other support; and

''(4) describing standard security procedures for any country in which the Peace Corps operates programs or is considering doing so, as well as any special security procedures contemplated because of changed circumstances in specific countries, and assessing whether security conditions would be enhanced—

''(A) by co-locating volunteers with international or local nongovernmental organizations; or

''(B) with the placement of multiple volunteers in one location.

''(b) CONSULTATIONS ON NEW INITIATIVES.—The Director of the Peace Corps shall consult with the appropriate congressional committees with respect to any major new initiatives not previously discussed in the latest annual report submitted to Congress under subsection (a) or in budget presentations. Whenever possible, such consultations should take place prior to the initiation of such initiatives, or as soon as practicable thereafter.''.

(b) ONE–TIME REPORT ON STUDENT LOAN FORGIVENESS PROGRAMS.—Not later than 30 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report—

(1) describing the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service;

(2) comparing such programs with other Government-sponsored student loan forgiveness programs; and

(3) recommending any additional student loan forgiveness programs which could attract more applications from low- and middle-income individuals who are carrying considerable student-loan debt burdens.

(c) ANNUAL REPORT TO CONGRESS ON THE FEDERAL EQUAL OPPORTUNITY RECRUITMENT PROGRAM (FEORP).—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Director shall report on the progress of the Peace Corps in recruiting historically underrepresented groups. The Director shall prepare this report in accordance with section 7201 of title 5, United States Code, and subpart B of part 720 of title 5, Code of Federal Regulations.

(d) REPORT ON MAINTAINING THE INTEGRITY OF THE MEDICAL SCREENING AND MEDICAL PLACEMENT COORDINATION PROCESSES.—Not later than 120 days after the date of enactment of this Act, the Director shall prepare and submit to the appropriate congressional committees a report that—

(1) describes the medical screening procedures and standards of the Office of Medical Services/Screening Unit of the Peace Corps to determine whether an applicant for Peace Corps service has worldwide clearance, limited clearance, a deferral period, or is not medically, including psychologically, qualified to serve in the Peace Corps as a volunteer;

(2) describes the procedures and criteria for matching applicants for Peace Corps service with a host country to ensure that the applicant, reasonable accommodations notwithstanding, can complete at least two years of volunteer service without interruption to host country national projects due to foreseeable medical conditions; and

(3) with respect to each of fiscal years 2000 through 2002 and the first six months of fiscal year 2003, states the number of—

(A) medical screenings conducted;

(B) applicants who have received worldwide clearance, limited clearance, deferral periods, and medical disqualifications to serve;

(C) Peace Corps volunteers who the agency has had to separate from service due to the discovery of undisclosed medical information; and

(D) Peace Corps volunteers who have terminated their service early due to medical, including psychological, reasons.

SEC. 1103. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR CERTAIN COUNTRIES.

(a) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report that—

(1) describes the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in host countries; and

(2) lists the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS AND FORMER STAFF.—The Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers and former Peace Corps staff who have relevant language and cultural experience and may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

SEC. 1104. GLOBAL INFECTIOUS DISEASES INITIATIVE; COORDINATION OF HIV/AIDS ACTIVITIES.

(a) INITIATIVE.—

(1) IN GENERAL.—The Director, in cooperation with international public health experts, such as the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local public health officials, shall expand the Peace Corps' program of training for Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases which are prevalent in host countries in order to ensure that the Peace Corps increases its contribution to the global campaign against such diseases.

(2) ADDITIONAL REQUIREMENT.—Activities for the education, prevention, and treatment of infectious diseases in host countries by the Peace Corps shall be undertaken in a manner that is consistent with activities authorized under sections 104(c), 104A, 104B, and 104C of the Foreign Assistance Act of 1961.

(b) COORDINATION OF HIV/AIDS ACTIVITIES.—

(1) IN GENERAL.—The Director should designate an officer or employee of the Peace Corps who is located in the United States to coordinate all HIV/AIDS activities within the Peace Corps. Such individual may be an individual who is an officer or employee of the Peace Corps on the date of the enactment of this Act.

(2) FIELD COORDINATION.—In addition to the position established under paragraph (1), the Director should designate an individual within each country in sub-Saharan Africa, the Western Hemisphere, and Asia in which Peace Corps volunteers carry out HIV/AIDS activities to coordinate all such activities of the Peace Corps in such countries.

(c) DEFINITIONS.—In this section:

(1) AIDS.—The term ''AIDS'' means the acquired immune deficiency syndrome.

(2) HIV.—The term ''HIV'' means the human immunodeficiency virus, the pathogen that causes AIDS.

(3) HIV/AIDS.—The term ''HIV/AIDS'' means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(4) INFECTIOUS DISEASES.—The term ''infectious diseases'' means HIV/AIDS, tuberculosis, and malaria.

SEC. 1105. PEACE CORPS NATIONAL ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511; relating to the Peace Corps National Advisory Council) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

''(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers and former Peace Corps staff in fulfilling the goals of the Peace Corps; and'';

(2) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) in the first sentence—

(I) by striking ''fifteen'' and inserting ''eleven''; and

(II) by striking ''President, by and with the advice and consent of the Senate'' and inserting ''Director of the Peace Corps'';

(ii) by striking the second sentence and inserting the following: ''Six of the members shall be former Peace Corps volunteers, at least one of whom shall have been a former staff member abroad or in the Washington headquarters, and not more than six shall be members of the same political party.'';

(B) by striking subparagraph (B);

(C) by amending subparagraph (D) to read as follows:

''(D) The members of the Council shall be appointed to 2-year terms.'';

(D) in subparagraph (H), by striking ''nine'' and inserting ''seven'';

(E) in subparagraph (I), by striking ''President shall nominate'' and inserting ''Director shall appoint''; and

(F) by redesignating subparagraphs (C), (D), (E), (F), (G), (H), and (I) as subparagraphs (B), (C), (D), (E), (F), (G), and (H), respectively; and

(3) by amending subsection (g) to read as follows:

''(g) CHAIR.—The Director shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a term of two years. The Director may renew the term of a voting member appointed as Chair under the preceding sentence.''.

SEC. 1106. READJUSTMENT ALLOWANCES.

The Peace Corps Act is amended—

(1) in section 5(c) (22 U.S.C. 2504(c)), by striking ''$125 for each month of satisfactory service'' and inserting ''$275 for each month of satisfactory service during fiscal year 2004 and $300 for each month of satisfactory service thereafter''; and

(2) in section 6(1) (22 U.S.C. 2505(1)), by striking ''$125 for each month of satisfactory service'' and inserting ''$275 for each month of satisfactory service during fiscal year 2004 and $300 for each month of satisfactory service thereafter''.

SEC. 1107. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS AND FORMER STAFF.

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop and carry out programs and projects to promote the objectives of the Peace Corps Act, as set forth in section 2(a) of that Act (22 U.S.C. 2501(a)).

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—

(1) GRANT AUTHORITY.—

(A) IN GENERAL.—To carry out the purpose of this section, and subject to the availability of appropriations, the Director may award grants on a competitive basis to private nonprofit corporations for the purpose of enabling returned Peace Corps volunteers to use their knowledge and expertise to develop and carry out the programs and projects described in paragraph (2).

(B) DELEGATION OF AUTHORITY AND TRANSFER OF FUNDS.—The Director may delegate the authority to award grants under subparagraph (A) and may transfer funds authorized under this section subject to the notification procedures of section 634A of the Foreign Assistance Act of 1961 to the Chief Executive Officer of the Corporation for National and Community Service (referred to in this section as the ''Corporation'').

(2) PROGRAMS AND PROJECTS.—Such programs and projects may include—

(A) educational programs designed to enrich the knowledge and interest of elementary school and secondary school students in the geography and cultures of other countries where the volunteers have served;

(B) projects that involve partnerships with local libraries to enhance community knowledge about other peoples and countries; and

(C) audio-visual projects that utilize materials collected by the volunteers during their service that would be of educational value to communities.

(3) ELIGIBILITY FOR GRANTS.—To be eligible to compete for grants under this section, a nonprofit corporation shall have a board of directors composed of returned Peace Corps volunteers and former Peace Corps staff with a background in community service, education, or health. If the grants are made by the Corporation, the nonprofit corporation shall meet all appropriate Corporation management requirements, as determined by the Corporation.

(c) GRANT REQUIREMENTS.—Such grants shall be made pursuant to a grant agreement between the Peace Corps or the Corporation and the nonprofit corporation that requires that—

(1) the grant funds will only be used to support programs and projects described in subsection (a) pursuant to proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) the nonprofit corporation will give consideration to funding individual programs or projects by returned Peace Corps volunteers, in amounts of not more than $50,000, under this section;

(3) not more than 20 percent of the grant funds made available to the nonprofit corporation will be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation;

(4) the nonprofit corporation will not receive grant funds for programs or projects under this section for a third or subsequent year unless the nonprofit corporation makes available, to carry out the programs or projects during that year, non-Federal contributions—

(A) in an amount not less than $2 for every $3 of Federal funds provided through the grant; and

(B) provided directly or through donations from private entities, in cash or in kind, fairly evaluated, including plant, equipment, or services; and

(5) the nonprofit corporation shall manage, monitor, and submit reports to the Peace Corps or the Corporation, as the case may be, on each program or project for which the nonprofit corporation receives a grant under this section.

(d) STATUS OF THE FUND.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the Federal Government or to make the members of the board of directors or any officer or employee of such nonprofit corporation an officer or employee of the United States.

(e) FACTORS IN AWARDING GRANTS.—In determining the number of nonprofit corporations to receive grants under this section for any fiscal year, the Peace Corps or the Corporation—

(1) shall take into consideration the need to minimize overhead costs that direct resources from the funding of programs and projects; and

(2) shall seek to ensure a broad geographical distribution of grants for programs and projects under this section.

(f) CONGRESSIONAL OVERSIGHT.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

(g) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section up to $10,000,000. Such sum shall be in addition to funds made available to the Peace Corps under this division.

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

(h) CRISIS CORPS.—

(1) STATEMENT OF POLICY.—Congress states that the Crisis Corps has been an effective tool in harnessing the skills and talents of returned Peace Corps volunteers.

(2) INCREASE IN NUMBER OF CRISIS CORPS ASSIGNMENTS.—The Director, in consultation with the governments of host countries and appropriate nongovernmental organizations, shall increase the number of available Crisis Corps assignments for returned Peace Corps volunteers to at least 120 assignments in fiscal year 2004, 140 assignments in fiscal year 2005, 160 assignments in fiscal year 2006, and 165 assignments in fiscal year 2007.

SEC. 1108. DECLARATION OF POLICY.

Congress declares its support for the goal announced by President Bush of doubling the number of Peace Corps volunteers to 14,000 by 2007 and supports the funding levels necessary to accomplish this growth.

SEC. 1109. PEACE CORPS IN SIERRA LEONE.

(a) FINDINGS.—Congress makes the following findings:

(1) Peace Corps service to Sierra Leone was suspended in 1994 due to a brutal civil war between the government and the Revolutionary United Front (RUF).

(2) Backed by British military intervention and a United Nations peacekeeping operation, government authority has been reestablished throughout the country and ''free and fair'' national elections took place in May 2002.

(3) Sierra Leone is a majority Muslim country.

(4) The Peace Corps has given the safety and security of its volunteers high priority.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Peace Corps should return its program to Sierra Leone as soon as security conditions are consistent with the safety and security of its volunteers.

SEC. 1110. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended by striking ''and $365,000,000 fiscal year 2003'' and inserting ''$365,000,000 for fiscal year 2003, $366,868,000 for fiscal year 2004, $411,800,000 for fiscal year 2005, $455,930,000 for fiscal year 2006, and $499,400,000 for fiscal year 2007''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Illinois (Mr. HYDE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

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

I rise today to offer amendment No. 2, which includes the text of H.R. 2441, the Millennium Challenge Account Authorization and Peace Corps Expansion Act of 2003.

The Millennium Challenge Account is based on the revolutionary idea that countries must be accountable for their actions, be responsible for developing and advancing their own plans of progress, and must show results in order to receive economic assistance from the American taxpayer. The Peace Corps Expansion Act supports the President's vision that he described in this Chamber during his 2002 State of the Union address to double the number by the year 2007 of Peace Corps volunteers serving their Nation overseas.

Many U.S. assistance programs have not achieved results over the years. Some assistance has allowed corrupt leaders to amass personal fortunes and remain in power beyond the will of the citizenry. Other aid has allowed leaders and governments to abdicate responsibility for effective governance and pursue detrimental, self-destructive, or personally self-enriching policies. Other assistance has gone to consultants or middlemen with little results to show in the end.

These failures of the past should not lead us to turn our backs on the developing world. Just the opposite. Now is the time for American leadership and for America to recognize through its aid those countries that respect the rights of citizens, promote democracy, and encourage economic freedom and prosperity. However, we need to demonstrate what works and what does not, and we need to hold accountable those governments and leaders who do not choose the right path of reform.

The President's proposal is the first serious attempt to address the fact that existing U.S. development assistance programs have consistently failed to meet their stated goals. Despite decades of economic aid, many Nations are poorer now than they were before first receiving development assistance. The President's proposal is enthusiastically supported by the relief and development nongovernmental community, as well as by the Heritage Foundation, the Wall Street Journal, and other organizations that have previously assailed foreign assistance as wasteful, inefficient, and ineffective.

The U.S. must be more selective in aid distribution if the assistance is to be effective and a positive contributor to development. As proposed by the President and included in the legislation before us today, MCA assistance will reward only those recipients who

willingly adopt good policies and institutions. Of the 70-or-so countries currently eligible for development assistance, it is possible that only 10 countries will meet the strict criteria stipulated by the President and endorsed in this bill.

At the funding levels proposed, this may mean a very high level of assistance for MCA-eligible countries. The administration believes this will create a competition among cusp countries which may accelerate reforms and the adoption of good policies. This amendment endorses this approach.

The President's proposal for a Millennium Challenge Account deserves our support. We should embrace the idea of increasing U.S. economic assistance but only to those countries that demonstrate a commitment to human rights, democratic ideals and practices, and investment in people.

H.R. 2441, reported favorably by the Committee on International Relations, is truly a bipartisan bill that supports two of the President's key foreign policy initiatives and has more than 70 cosponsors. The work of the gentleman from California (Mr. LANTOS), the ranking member on this committee, has been indispensable; and I congratulate and thank him, and I urge my colleagues to support the Hyde-Lantos amendment, which incorporates the text from H.R. 2441.

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

The CHAIRMAN pro tempore. Does the gentleman from California (Mr. LANTOS) seek to control the time on the proposed amendment?

Mr. LANTOS. Mr. Chairman, yes, I do.

The CHAIRMAN pro tempore. The gentleman is recognized.

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

First, I want to commend my good friend and colleague, the gentleman from Illinois (Chairman HYDE), for the power and integrity of his convictions. The Millennium Challenge Account would not have been possible without his leadership and commitment to a bipartisan approach to international poverty reduction.

The Millennium Challenge Account, as conceived by the President and crafted by the Committee on International Relations, marks the beginning of a revolution in U.S. international development assistance by recognizing the importance of democratic rule, good governance, and human rights. In achieving sustainable levels of economic growth and social development, the MCA creates the political and economic linkages critical to reducing poverty and to achieving progress.

At the same time, the MCA removes the Cold War-era strategic calculus from the development assistance equation. Each potential recipient of our assistance is to be judged on its own merits, based on their commitment to progress and our commitment to the political, economic, social, and humanitarian value of development assistance.

Finally, the MCA implicitly endorses a critical aspect of our approach to combatting international terrorism. Although the administration has not focused on this point, modern terrorism of the kind that struck our Nation on September 11 is fueled in part by the desperation and hopelessness that pervades much of the developing world. The MCA provides new hope, and as such, represents a powerful antidote to terrorism and other forms of violent conflict that have stalled the developing world.

Mr. Chairman, when the Committee on International Relations held its first meeting on the MCA, I expressed a range of concerns about various aspects of the administration's initial proposal. I am pleased to say that the legislation included in this amendment has addressed satisfactorily each of my earlier concerns, and the Hyde-Lantos amendment before us has my very strong support.

The administration's initial proposal relegated USAID, the most capable agency within our government in administering international assistance, to a bit part in managing this massive account. Our bipartisan amendment restores USAID to its rightful role by providing its administrator with a seat and a vote on the Millennium Challenge Corporation's board of directors. Together with the interagency coordination that our amendment requires, this improvement promises to strengthen the MCA considerably.

Our bipartisan amendment also addresses my earlier concerns about the rigid application of strict eligibility criteria by mandating congressional and societal consultations on the finalization of criteria. By providing for an annual reevaluation process and by authorizing limited assistance to those countries on the cusp of eligibility, our legislation safeguards against the inherently arbitrary nature of mechanically selecting qualified states.

Mr. Chairman, the Hyde-Lantos MCA amendment will not single handedly eradicate poverty, nor will it place the United States in the same company as Denmark, Norway, and the Netherlands, the global leaders in this field, in terms of per capita levels of development assistance; but our legislation will renew our commitment to poor, but striving, countries in our common fight against hunger and despair.

Speaking as someone who as a youth experienced both tremendous deprivation and the bounty of American generosity, I can testify to the profound influence that U.S. assistance can have on shaping the perceptions of foreign nations of our great country.

Mr. Chairman, allow me to conclude by addressing the reauthorization of the Peace Corps, which is also included in this amendment. It is fitting that we consider the Millennium Challenge Account and the Peace Corps jointly because both are critical to enhancing U.S. international development assistance.

Since President Kennedy first deployed the Peace Corps in 1961, the program's 168,000 volunteers, men and women, young and old, have made an immeasurable contribution to reducing poverty and promoting American values literally all over the globe. Reauthorizing this inspirational initiative is clearly in our national interests and in the interests of reducing poverty and restoring hope across the globe.

Two of our colleagues deserve special recognition for bringing the Peace Corps reauthorization before us. The gentlewoman from Minnesota (Ms. MCCOLLUM), a new, but invaluable, member of our committee, and the gentleman from California (Mr. FARR), a former Peace Corps volunteer himself, were instrumental in crafting this amendment; and I am deeply indebted to both of them.

Mr. Chairman, today this Chamber has the opportunity to reauthorize the Peace Corps and to establish the Millennium Challenge Account. Both initiatives offer the best hope to defeat international poverty and international terrorism, and I strongly urge all of my colleagues to support the Hyde-Lantos amendment.

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

Mr. HYDE. I yield 3 minutes to the gentleman from Wisconsin (Mr. GREEN).

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

Mr. Chairman, some months ago, I met with an American ambassador posted in an Islamic nation. That ambassador said she often heard the charge that America was losing the battle for the hearts and minds of the young Muslim world. She said to me that that charge was untrue. It was not that we were losing the battle, but that we are not even in it.

Mr. Chairman, today, by supporting the Millennium Challenge Account, we step into the fray not just with respect to young Muslims but to Africans in general and Asians and Latin Americans and others in the underdeveloped world who have all too often been left behind or been left out.

There is so much to commend the Millennium Challenge Account. For conservatives, it will bring greater accountability and results in our foreign assistance. For internationalists, it will dramatically increase foreign assistance. For all of us, this legislation, in very bold ways, rewards and encourages and reinforces those policies that will root out corruption, policies that will produce education reform, a commitment to health care, and, most importantly, greater freedom.

Mr. Chairman, during these troubled times, the best thing I can say about the Millennium Challenge Account is

that it will make a historic difference in our long struggle with terrorism. An observer recently noted that in our long battle with the threat of terrorism it is not enough for us to merely hunt down the terrorists. We must also shut down the schools and institutions and the policies that churn out wave after wave of hate-filled attackers. We cannot destroy all the terrorists and potential terrorists. We cannot capture every last bomb and every bullet. We have to change their minds as well. And we can only do so by showing them in compassionate ways our values and our principles in action.

We must attack those conditions that foster despair, because despair can lead to radicalism; and in tyranny that radicalism can lead to vivid evil violence, violence that we have seen too painfully in recent months.

The Millennium Challenge Account must be our answer. It offers resources to those in need. It shows beyond doubt that Americans care about the plight of humanity. And, finally, it rewards those leaders who are committed to freedom and reform and the values and the principles that everyone in this Chamber holds dear.

I commend the President for his vision in introducing the Millennium Challenge Account. I commend and thank the chairman of the Committee on International Relations and the ranking member for their leadership in bringing it here today. I congratulate them. Together, my friends, we are making history, in my view, in a very positive way.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from California (Mr. FARR), my good friend and colleague and a former Peace Corps volunteer.

Mr. FARR. Mr. Chairman, I want to thank my colleagues, the Chair and ranking member of the Committee on International Relations, for this great piece of legislation that is coming before us. I want to express my particular appreciation for the inclusion of the Peace Corps Expansion Act in this bill.

Five of us now serving in the United States House of Representatives are returned Peace Corps volunteers, and we very much appreciate the work of this committee to strengthen the Peace Corps. I want to thank the gentleman from Illinois (Mr. HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for their leadership in bringing this important bill to the floor.

The Peace Corps was, for me, a life-challenging experience, a life-changing experience as well as challenging. The Peace Corps Expansion Act will help offer this unique experience to more Americans than ever before. I would like to engage in a brief colloquy with the distinguished ranking member about an amendment that I offered that was not made in order for this rule. My understanding is that the gentleman has had the opportunity to familiarize himself with the amendment, known as the Winning The Peace Act of 2003 that seeks to strengthen U.S. capabilities in responding to the challenges of postconflict reconstruction.

The framework for the amendment is the result of my work and that of my colleagues, the gentleman from Virginia (Mr. WOLF) and the gentleman from Nebraska (Mr. BEREUTER), on the Post-Conflict Reconstruction Commission.

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

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

Mr. LANTOS. Mr. Chairman, I am fully aware of the gentleman's excellent amendment, and I support his efforts in enhancing our capability to provide post-conflict reconstruction assistance.

The legislation of the gentleman addresses the importance of providing a coherent strategy in the provision of assistance to postconflict reconstruction in countries and regions. In today's world, we are continually faced with humanitarian disasters, wars and other crises, and enhancing our capability in providing reconstruction assistance in times of such crises is a vital and necessary goal that we must achieve.

I want to commend my friend for proposing this very useful approach.

Mr. FARR. Reclaiming my time, Mr. Chairman, I thank the gentleman for his comments, and I look forward to working both with the chairman and the ranking member on this important legislation.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2½ minutes to the distinguished gentlewoman from Florida (Ms. HARRIS).

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

Ms. HARRIS. Mr. Chairman, H.R. 2441, the Millennium Challenge Account Authorization Act of 2003 implements President Bush's historic initiative to comprehensively reform how the United States designs, implements, and monitors its financial assistance to the developing world.

The President proposed the Millennium Challenge Account, or MCA, as the vehicle for realizing, in his words, ''a new compact for global development defined by a new accountability for both rich and poor nations alike.'' The testimony that this committee heard on March 6 confirmed that many U.S. financial assistance programs have fallen short of their objective in past years. Basing aid allocations upon recipient governments' pledges of future reform, these programs have often funded corruption and waste.

Instead of lifting countries out of poverty, the American taxpayer money has lined the pockets of corrupt leaders, consultants and middlemen while perpetuating inefficient and counterproductive government policies. Particularly in the post 9–11 environment, these concerns must not deter us from attempting to foster freedom and prosperity throughout the world. Quite to the contrary, our national security and defense from terrorism depends upon how well we promote these national precursors of peace and stability.

Through the MCA, the United States will gradually increase its annual aid to developing nations. Unlike the current economic assistance programs, however, the MCA will distribute this additional assistance based upon the existing record and achievements of eligible nations rather than upon the promises of their governments.

Mr. Chairman, this legislation is not perfect, and in particular I remain concerned that the provisions in the current bill limiting the participation of middle income nations will exclude many of our Latin American neighbors that still wrestle with large intractable pockets of poverty. For moral, strategic, and economic reasons, the challenges that confront Latin America must remain at the top of our priorities of our foreign aid and strategy.

As the legislative process continues, I will persist in drawing attention to this critical issue. Many Latin American nations can serve as strategic models for the reforms that this legislation tries to encourage.

Notwithstanding this one concern, I believe we stand at the cusp of a remarkable achievement. I commend President Bush and our honorable chairman for their extraordinary vision and foresight in proposing this aptly named initiative. They have truly posed a challenge to the nations we seek to assist and a challenge to us all as well.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 minute to the gentleman from New Jersey (Mr. PAYNE), the distinguished ranking member of our Subcommittee on Africa.

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

Mr. PAYNE. Mr. Chairman, let me commend the gentleman from Illinois (Mr. HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for bringing this important legislation to the floor.

When President Bush announced his MCA initiative, I originally was skeptical and concerned about the rigid eligibility criteria and those groups who would be determined eligible. But after considering what the MCA could do for development around the world, I offer my support; and I have worked with my colleagues on both sides of the aisle to make sure this program works and also to make sure not only that we do not cut back our other foreign assistance commitment but to keep this program and bring it to its full force.

During the recent trip of the President, he spoke about the MCA and pledged to the heads of state from Africa his commitment to make sure that the Millennium Challenge Account is fully funded. I am concerned about the

fact that the MCA is not fully funded and this Congress has only appropriated $800 million this past cycle. How will we ever make the $5 billion we were supposed to do over a 3-year period? The administration requested $1.3 billion, but only $800 million has been appropriated.

So I urge the restoring of the full amount to the Millennium account.

The CHAIRMAN pro tempore (Mr. OSE). The Committee will rise informally.

The SPEAKER pro tempore (Mr. GREEN of Wisconsin) assumed the Chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Ms. Evans, one of his secretaries.

The CHAIRMAN pro tempore. The Committee will resume its sitting.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005—Resumed

The Committee resumed its sitting.

Mr. SHAYS. Mr. Chairman, I rise in strong support of the Hyde/Lantos amendment and want to thank the gentlemen for their leadership.

The Millennium Challenge Account is an excellent initiative, and I believe it will make great strides in the way the United States provides aid to countries most in need.

I rise today, however, to speak about the Peace Corps, which will be reauthorized and expanded under this amendment.

I spent two of the greatest, most profound, years of my life serving with my wife Betsi as a Peace Corps volunteer in Fiji. Words cannot describe how important those years were to me, and how they helped me to develop as a person and a leader.

Expanding the Peace Corps from 7,000 to 14,000 members is an excellent idea. We will have an extra 7,000 well-trained and motivated young people prepared as future leaders of America. More importantly, this expansion doubles our commitment to the world's poor. 7,000 additional Peace Corps volunteers will help educate children, improve small businesses, bring cleaner water for communities, and provide hope for many more communities around the world.

I appreciate the Chairman and Ranking Member's commitment to the expansion of the Peace Corps, and urge the adoption of the Hyde/Lantos Amendment.

Ms. MCCOLLUM. Mr. Chairman, I rise today in support of the Hyde-Lantos amendment.

I am greatly encouraged by the bipartisan work of this body in moving forward with the Millennium Challenge Account (MCA) and reauthorization of the Peace Corps. Today, we take a significant step forward in addressing the needs of the developing world and strengthening the United States commitment to our global neighbors and families.

While I support the unprecedented increase in foreign assistance provided through the MCA, I am concerned with the lack of environmental safeguards in the bill. Last night the Rules Committee refused to make in order my amendment to address this critically important issue. This amendment would have promoted environmental sustainability and the protection of our natural resources by requiring the compact made between the U.S. and an eligible country, under MCA, include an environmental assessment and regular benchmarks to monitor an evaluate impacts during the implementation of the project.

Any development initiative that offers lasting relief from poverty and promotes economic opportunity must take into account the protection of the natural resources on which all people—all families—depend upon. The major environmental challenges facing the world today—water scarcity, poor sanitation, degradation of agricultural lands, and pandemic diseases, such as malaria—weaken the foundation for a strong and prosperous economy, a secure nation, and poverty reduction.

In order for developing countries to assure the protection of their natural resources, achieve sustainable economic growth and promote the health, education and well-being of their citizens an assessment of the environmental effects of projects funded through the MCA should be required to be conducted. This amendment is consistent with environmental assessments currently required under the Foreign Assistance Act for USAID and the Overseas Private Investment Corporation—two of our largest foreign development organizations. These assessments are required for U.S.-sponsored development projects around the world and I believe should continue to be used on all future projects funded through the MCA.

The MCA places a strong emphasis on the ability of developing nations to invest in their people wisely, rule justly and pursue sound economic principles that stimulate enterprise and entrepreneurship. Although we can all agree that each of these principles is critically important, it is unrealistic to expect any developing nation to achieve these principles unless a healthy environment exists. Without clean air, clean water and the protection of our natural resources, sustainable development, adequate health care and education, a stable open market and opportunities for economic growth are not possible. Economic growth at the expense of the environment is completely contradictory to the development goals of the United States.

If investments in development are to yield sustainable benefits, the effects on a developing nation's natural resources must be taken into account. To do this, an assessment of a project's environmental impact must be part of a country's development plan from the beginning.

I look forward to working with Chairman HYDE, Ranking Member LANTOS and my colleagues in the other body on this important issue in the weeks and months ahead.

Mr. THORNBERRY. Mr. Chairman, I rise in support of the amendment offered by Chairman HYDE and Mr. LANTOS to implement the Millennium Challenge Account. MCA can truly provide the revolution in foreign assistance so desperately desired by the American taxpayers and by the people in the countries we are trying to help.

I am particularly interested in the language related to property rights. The amendment includes property rights as one of the primary objectives and metrics to be used in assessing progress in recipient countries. The work of Peruvian economist Hernando do Soto provides real, empirical evidence that property rights is the key to economic progress. All too often, our attempts to help other peoples has ignored this fundamental building block.

Economic success of any people or nation requires that individuals are motivated to work and accumulate wealth. That ''wealth'' might look like a shack to us, but if one can begin to accumulate something of value and have that wealth protected by the government, one will be more likely to work to build more. If that wealth can then be passed along to one's children, one is motivated to work even harder and has a stake in the future of that system. Hope for the future is absolutely critical for future economic success and for success in the war on terrorism. Respect for the rule of law and a legal system that protects the fruits of one's labors must be established. No amount of money for economic development will be successful without them.

This amendment is a hopeful start toward much needed reform. I support it and hope we can build on it in order to achieve a better future for all of us.

Mr. PETRI. Mr. Chairman, I rise in support of the Hyde/Lantos amendment, which would authorize the establishment of the Millennium Challenge Account and support the doubling of the number of Peace Corps volunteers to 14,000 by the year 2007.

I served as a Peace Corps volunteer in Somalia for two years, which was a meaningful experience for me. The Peace Corps has proven to be a very cost-effective mechanism for disseminating foreign assistance—from the bottom up. Doubling the number of Peace Corps volunteers will only make these efforts more effective, and allow more U.S. citizens to serve our country on the international level.

The Hyde/Lantos amendment also provides for the establishment of a new and innovative foreign aid initiative, the Millennium Challenge Account.

This initiative shows great promise as it would fund programs which already have shown impressive rates of performance. U.S. foreign aid would then be invested in those programs that actually work, not just those that promise to work.

Expanding the Peace Corps and establishing the Millennium Challenge Account will make U.S. foreign aid more accountable and effective. I encourage my colleagues to support this amendment.

Mr. CROWLEY. Mr. Chairman, as an original cosponsor of the Millennium Challenge Account, I rise to speak in strong support of the Hyde/Lantos amendment.

The MCA has the potential to do much good throughout the developing world and I commend Chairman HYDE and Mr. LANTOS for working together to produce a strong bipartisan bill.

This bill represents the largest spending increase in foreign aid by the United States in the past half century.

The MCA will provide increased development assistance to the world's poorest nations.

The MCA will not just give out this aid to the worlds poorest countries instead they will have to meet a set of indicators to be eligible for MCA funding.

These indicators include the rule of law and good governance to name a few.

When countries realize that meeting these standards not only enables them to receive

aid through MCA but also puts them on the right path to economic and political sustainability.

I want to thank the Chair and the Ranking Member for including a priority of mine, language highlighting the role credit unions and other micro-enterprise development offers for economic growth.

This bill will also enable a small amount of aid to near miss countries, these are the countries that demonstrate a commitment to development but fail to meet a sufficient number of performance standards.

The MCA will not only help those countries that receive aid but will encourage countries who do not qualify to make the necessary changes to meet the required indicators.

I urge all my colleagues to support this amendment.

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

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 3 printed in House Report 108–206.

AMENDMENT NO. 3 OFFERED BY MR. KENNEDY OF MINNESOTA TO AMENDMENT NO. 2 OFFERED BY MR. HYDE

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment made in order pursuant to the rule.

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

The text of the amendment to the amendment is as follows:

Amendment No. 3 offered by Mr. KENNEDY of Minnesota to amendment no. 2 offered by Mr. HYDE:

Page 14, line 10, add at the end before the semicolon the following: '', including, with respect to investment in the health of its citizens, a calculation of the amount of both public and private expenditures on health initiatives as a percentage of the gross domestic product of the country''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Minnesota (Mr. KENNEDY) and a Member opposed each will control 5 minutes.

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

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield myself such time as I may consume, and I rise to support the Millennium Challenge Account. My amendment deals with the manner in which countries are deemed eligible on the basis of public health expenditures.

The Millennium Challenge Account and the corporation which will be created to administer it will have three basic criteria for eligibility: nations will be required to rule justly, invest in their people, and encourage freedom. Those nations that qualify will be eligible for grants for projects involving the development of agriculture, education, health, trade and investment capacity.

Mr. Chairman, I have a concern about how this will actually work. The administration's plans calls for a country's investment in health to be measured solely on the amount of public sector expenditure. Mr. Chairman, I worry that such a requirement may inadvertently provide an incentive to developing nations to rely exclusively on solutions in the public sector instead of seeking the energy and innovation of the private sector. This oversight might end up hurting fledgling market systems from developing.

We need to make sure that we are encouraging nations to pursue private sector solutions to their problems whenever possible. Mr. Chairman, I am prepared to withdraw my amendment if the gentleman from Illinois, the distinguished chairman of the Committee on International Relations, will enter into a colloquy with me.

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

Mr. KENNEDY of Minnesota. I yield to the gentleman from Illinois, the distinguished chairman of the Committee on International Relations.

Mr. HYDE. Mr. Chairman, the gentleman from Minnesota makes a very good point. The Millennium Challenge Account is not about creating big government or promoting socialized health care. Instead, it is about promoting responsibility and accountability on the part of governments of developing countries. I am confident that the President's proposal is an appropriate way to hold these governments to high standards and is an appropriate manner in which to determine eligibility.

But the gentleman's point is a good one. We should not be exporting big government to developing countries, but we should be promoting government that is responsive and accountable to its citizens.

Mr. KENNEDY of Minnesota. Mr. Chairman, reclaiming my time, I thank the distinguished chairman for his consideration. I look forward to working with him on this bill to ensure the final legislative product resolves this potential defect in what I believe is an important initiative.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman's amendment is withdrawn.

It is now in order to consider amendment No. 4 printed in House Report 108–206.

AMENDMENT NO. 4 OFFERED BY MR. KOLBE TO AMENDMENT NO. 2 OFFERED BY MR. HYDE

Mr. KOLBE. Mr. Chairman, I offer an amendment made in order by the rule.

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

The text of the amendment to the amendment is as follows:

Amendment No. 4 offered by Mr. KOLBE to amendment No. 2 offered by Mr. HYDE:

Page 15, beginning on line 17, strike ''fiscal year 2006'' and insert ''fiscal years 2004 through 2006''.

Page 16, line 6, strike ''fiscal year 2006'' and insert ''each of fiscal years 2004 through 2006''.

Page 16, line 8, strike ''fiscal year 2006'' and insert ''the fiscal year involved''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Arizona (Mr. KOLBE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

□ 1445

AMENDMENT NO. 4 OFFERED BY MR. KOLBE, AS MODIFIED, TO AMENDMENT NO. 2 OFFERED BY MR. HYDE

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the amendment to the amendment be modified in the form I have sent to the desk.

The CHAIRMAN pro tempore (Mr. OSE). The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 4 offered by Mr. KOLBE, as modified, to amendment No. 2 offered by Mr. HYDE:

Page 15, beginning on line 17, strike ''fiscal year 2006'' and insert ''fiscal years 2005 through 2006''.

Page 16, line 6, strike ''fiscal year 2006'' and insert ''each of fiscal years 2005 through 2006''.

Page 16, line 8, strike ''fiscal year 2006'' and insert ''the fiscal year involved''.

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. HYDE. Mr. Chairman, I claim the time in opposition to the amendment, and I ask unanimous consent to yield half of my time to the gentleman from California (Mr. LANTOS) and that he may control that time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Arizona (Mr. KOLBE)?

There was no objection.

Mr. KOLBE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for the exceptionally good work that they and their committee have done in bringing this Millennium Challenge Account legislation to the floor as part of this State Department authorization. It is one of the more important things that we have done in the last several years.

The amendment that I have offered at the desk, the revision, would extend the number of countries eligible to apply for the Millennium Challenge Funding Account for a single year only of 2004. As drafted in my original amendment, it would have been for 2004, 2005 and 2006. The underlying bill is for 2006, so this would extend it for 1 year.

I offer this amendment because I think it is critical for U.S. foreign policy and because I think this debate is

more about the signals of good governance that we have in countries around the world. It is about investing in people and economic freedom. It is more about that than it is about money; and I am concerned about the signal that we are sending to a lot of countries around the world, the so-called lower middle income countries who are not going to be able to join this process of applying for the MCA in my view until too late if we do not include them now.

That includes many countries in this hemisphere; and, as we know with the AIDS Initiative which the President has announced, it is almost exclusively limited to Africa. With the way this is drafted to now, it would be limited to mostly countries in Africa until at least the year 2006 and then limited to only 20 percent of the money after that.

I think our hemisphere is being left behind, and I believe, from traveling down there very recently, I have found that people down there do feel this way about it. So the debate is not really about money. The issue of this development in the developing world has never really been about money. It is about the quality of political, economic and social governance.

The amendment that I am offering today would make sure that the signals are sent out to more countries around the world that they, too, can participate in this. Because it is about whether or not they have shown the commitment to good governance as to whether or not they can apply.

As the bill is structured, there are two pools of countries. Those with per capita incomes below $1,435 a year, that is in Tier 1 or the first pool; and the second tier are those between $1,435 and $2,995 per year. As drafted, the second tier would only become eligible to participate in the year 2006. The Tier 1 countries, those with incomes below $1,435, are eligible to qualify if they need 16 performance indicators envisioned by the President. They are ranked, and we will not go into the details of that.

But how many countries in Tier 1 would qualify? Estimates range on the number of countries with below $1,435 in per capita incomes, but we might have as many as 80 or 90 countries being evaluated. How many countries in Tier 2 might? There are another 30 countries that might qualify as a result of that.

That is what this is about, those second tier countries, some 30 in number, that otherwise would have to wait until 2006 before they can compete for even 20 percent of the resources included in this bill.

What is the impact of this amendment? Immediately, in the first year only, a few countries in the Western Hemisphere are eligible to compete. Those are the Tier 1 countries. That would include in this hemisphere Nicaragua, Haiti, Guyana, Honduras, Bolivia, Ecuador, and Paraguay. That is only seven out of 80 or 90 countries around the world that might participate that come in our own hemisphere; and two of those, Ecuador and Paraguay, are likely to find themselves cut off because they are right at the edge, and if their income exceeds that, they would then drop out of being eligible to participate. So we might find only five countries in the entire Western Hemisphere that are able to participate.

What kind of Latin American countries are going to be left behind if we do not have this amendment until at least 2006? Countries such as Guatemala, Colombia, Peru, El Salvador, Dominican Republic, St. Vincent and Grenadines, Jamaica, and Belize. Many of these countries have a tremendously low income level. Many of these countries are ones where a large percentage of those people in those countries are living below the $1 a day. Sixteen percent of the people in Guatemala live at less than $1 a day, and 23 percent in El Salvador live on less than $1 a day. This is the absolute bare minimum that the United Nations says represents the poverty level. These are countries that will not be eligible if they have the good governance, and many of these countries do, to participate in this program until the year 2006.

I am just suggesting, give them some hope. Move them up 1 year and give them an opportunity to participate 1 year earlier. At that time, we will have more money, I am convinced, available to us to fund these programs than we do in this very first year, which is why I have limited it to only adding the year 2005.

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

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

Mr. Chairman, I rise in opposition to the amendment, but I respect the dedication with which the gentleman from Arizona has advocated on behalf of development assistance generally and the Millennium Challenge Account particularly. His dedication to the less fortunate in the developing world is to be commended. It is in this spirit of goodwill and compassion for the people, the lower middle income countries, that I know the gentleman from Arizona (Mr. KOLBE) offers his amendment.

Unfortunately, I am convinced that the gentleman's amendment will serve to deplete the very limited funds that are available for countries with the lowest per capita incomes and, by definition, countries which have fewer resources and less recourse to alternative financing. Moreover, the widespread poverty that often exists in the countries the gentleman from Arizona (Mr. KOLBE) is talking about is due to the vast income disparities which exist in many of these countries. The underlying cause of those disparities will not be solved by the Millennium Challenge Account but rather through a change of domestic policies in those countries, a reality which the gentleman from New Jersey (Mr. PAYNE) addressed through his amendment in committee. I, therefore, regretfully must urge my colleagues not to support the Kolbe amendment.

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

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for offering the amendment and rise in favor of it. It is similar to an amendment that I offered in the Committee on International Relations.

I believe this amendment helps create economic stability in the Western Hemisphere which will then create political stability, stem the flow of undocumented workers, improve health care and biodiversity, and ultimately create a growing market for American products and services.

Now, 200 million citizens in Latin America and the Caribbean earn under $2 a day, 100 million live on less than $1 a day, and yet these poorest of the poor in our hemisphere will not qualify for assistance under the MCA. Experts tell us that only 15 to 25 million of those 200 million of the poorest of the poor would benefit from the MCA.

Without this amendment, only 3 out of the 34 democracies in the Western Hemisphere would be included in the first year. That is not in the national interest of the United States. That ultimately undermines the problems we are having in the Western Hemisphere where there is a serious concern by leading analysts and experts on our hemisphere who say that, in fact, the march for democracy and free markets is being undermined. Latin Americans believe that march towards democracy and free markets is not bringing good things to their life.

I applaud what is being done generally with the Millennium Challenge Account, but we need to bring the countries of Latin America and the Western Hemisphere into this as well. I applaud the gentleman's amendment. I believe it is limited in its scope, and I urge support of it.

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

While the Kolbe amendment is based on the idea of promoting more assistance for people in Latin and South America, the result of this amendment will be middle income countries like Russia and Turkey becoming eligible. The administration vigorously opposes the bill if this amendment were adopted, so I urge its defeat. It is harmful and it is opposed by the widest possible assemblage of interests, Republicans, Democrats, NGOs, U.S. Conference on Catholic Bishops and, I am told, the White House.

It is well-intentioned, but it would disrupt the compromise that the gentleman from California (Mr. LANTOS) and I worked on for many months. This plan sets aside MCA assistance for the poorest countries in 2004 and 2005 and opens up eligibility for lower middle

income countries in 2006. The Kolbe amendment would make middle income countries around the world eligible for MCA in 2005, countries that are less in need of MCA assistance than the poorer countries.

Low-income countries have much greater needs; and if they meet the other criteria proposed, we will be helping more people on the road to human development and economic growth. For instance, the infant mortality rate in low-income countries is 69 per 1,000 live births, but in lower middle income countries it is only 27 per 1,000 live births. Life expectancy in low-income countries is only 56 years, whereas in lower middle income countries like Turkey, it is 70 years. Lower middle income countries receive other U.S. assistance. The group of countries that would become eligible in the third year includes many countries of strategic importance to the U.S. These countries also receive already the largest share of U.S. economic and security assistance.

I know this is a well-intentioned amendment, but I urge its defeat.

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

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. HARRIS).

Ms. HARRIS. Mr. Chairman, I vigorously support the amendment of the gentleman from Arizona (Mr. KOLBE). We share one central concern, and that is by limiting the MCA's authority to assist lower middle income countries to a 20 percent cap in the final year of authorization, we undermine the very foundation of President Bush's visionary initiative. Further, basing a country's eligibility for assistance on per capita national income ignores the key reality that in Latin America large subregions labor under tremendous disparity in income. The income of many of these subregions remains far below the income of many of the nations targeted for assistance under the MCA.

□ 1500

Chairman HYDE's original draft of this bill included a provision that permitted MCA to consider subregions in determining eligibility. Further, by giving per capita national income levels disproportionate weight, the proponents of this amendment unintentionally penalize the nations that are pursuing the very reforms MCA seeks to promote. We will not find more eager, receptive partners for MCA than our friends and neighbors in the Western Hemisphere. We must stand with them side by side particularly as they confront the poisonous rhetoric that entices them to jettison the extraordinary democratic progress that they have made during this last decade.

Absent this amendment, few nations in the Americas may qualify for MCA. Congress must not sacrifice the MCA's desperately needed reforms upon the altar of political expediency. We must find a more balanced approach.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE), the distinguished ranking member of the Subcommittee on Africa.

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

Mr. PAYNE. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Arizona. My colleagues in the Committee on International Relations and I have worked hard to ensure that the authorization of the Millennium Challenge Account stays true to its original purpose and objectives. Those were to reduce poverty, to reward good governance, and to encourage free market activity.

The MCA, as passed through the Committee on International Relations, would focus in the first year on the low-income countries that are IDA eligible, meaning those countries which are determined to be the poorest countries in the world by the World Bank, and expand the pool to include low-income countries that meet the historic cutoff for IDA in the second year, and then establish a separate competition for lower-middle-income countries in the third year. The NGO community and think tanks such as the Center for Global Development and the Brookings Institution have advocated focusing funding on just the low-income and IDA-eligible countries. However, I am not pushing for that, and we said that we do believe that the third tier should come in.

I could not agree more with the gentleman from New Jersey (Mr. MENENDEZ). We have overlooked Latin America. However, we should not take what the concept of the Millennium Challenge Account is to do and, therefore, say that we should include many of the Latin American countries that are in the lower-middle-income tier. I think we need to focus on Latin America. I think that we have a responsibility to do something there. But I think it should be a separate program that we should take a look at how we adjust the problems of immigration and so forth in this hemisphere.

I stand supportive of the opposition to the amendment. There are even lower-middle-income countries in Africa, such as South Africa and Namibia, where there is a skewed income level but they are ineligible also, and they should be because we should deal with the poorest of the poor, especially those countries that are trying to have good governance, that are looking to improve.

I urge the defeat of the Kolbe amendment.

Mr. HYDE. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, firstly I would like to recognize the commendable spirit of the amendment because there are many countries throughout the world, many, where we have key interests that could use Millennium Challenge Account aid. But my concern is that this amendment by opening the door to so many middle-income countries, as the chairman said earlier, countries like Russia, countries like Turkey could actually qualify under that amendment, that would stretch the funds at the expense of the most impoverished, mainly in Africa.

I serve as chairman of the Subcommittee on Africa. While the Millennium Challenge Account is rightly focused on developing countries in Latin America and in Asia too, we need to be aware that Africa is a continent in profound crisis. And while we have seen some positive developments, there is no getting around the fact that war and poverty and environmental degradation and so many other ills are devastating many African countries. Africa is the most impoverished continent in the world. It is the most economically marginalized continent in the world. With some 15 percent of the world's population, Africa does 1 percent of the world's trade. Many African countries stand on the precipice of political, economic, health, and humanitarian disaster. In traveling through the continent last week, President Bush championed the Millennium Challenge Account as one means of our engagement with Africa. My concern is that this amendment would lessen the Millennium Challenge Account's impact on this continent where we do have so many key interests. It is for that reason that I oppose this particular amendment, but I certainly support the underlying Hyde-Lantos amendment to expand the Peace Corps and to establish the Millennium Challenge Account.

I have had the chance to meet with Peace Corps volunteers serving in Africa, extraordinary men and women, many of whom work in challenging circumstances. President Bush has offered a bold vision to significantly expand the Peace Corps. This Hyde-Lantos underlying amendment gives the President what he needs to make this vision a reality. Under the leadership of Director Gaddi Vasquez, the Peace Corps is well poised to address the rapidly evolving challenges of the developing world. Also, the Hyde-Lantos amendment contains a provision that I offered in committee expressing the sense that the Peace Corps should return to Sierra Leone as soon as security conditions permit. Sierra Leone, which was so bleak a few years ago, is now making real strides in recovering from a horrific war. The mayhem spread by the Revolutionary United Front with the Liberian warlord Charles Taylor as the sponsor for that organization thankfully has come to an end.

Mr. Chairman, because of this brutal conflict, the Peace Corps was forced to terminate its program in Sierra Leone in 1994, after a long tradition of service focused on education,

health, and agriculture. If the West African region is to have a chance at peaceful development, Charles Taylor must be brought to justice by the Special Court in Sierra Leone, and programs like the Peace Corps must return.

With the Millennium Challenge Account, we're taking a new and innovative approach to development aid. Countries making strides to root-out corruption and institute sound, market-based policies will be treated as partners. Our experience with the African Growth and Opportunity Act has shown us that these standards are an effective approach to engaging with the nations of Africa. The MCA rightly sets standards, so that all benefit: countries that receive MCA funds benefit, but so too does the United States—by making what should be productive investments in the developing world, where our nation has an increasing number of key interests.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. OSE). The gentleman from Arizona (Mr. KOLBE) is recognized for 1½ minutes.

Mr. KOLBE. Mr. Chairman, with all due respect, I do not think it would be accurate to say that the administration does vigorously oppose this. They have not in any way indicated, certainly to me, that they would. I think it is important to note that in the legislation that was sent up by the administration, they did not have any cap, any 20 percent cap or any cap of any sort beginning in the year 2006 on the amount of funds. So it does not seem very reasonable that with a 20 percent cap they would be opposed to having that made available to countries in the year 2005 that come in the second tier.

Let me just say in conclusion that I hope my colleagues will support this. Again, I want to say I have the greatest respect for the chairman and the ranking member and the others who oppose this, but I just think this is really about giving hope to other countries. Let us keep our eye on the ball, what the MCA is and what it is not. It is not a poverty program. We have USAID programs that are funded through my subcommittee that are about that. This is about governance. This is about giving hope to countries that have made a commitment, that have made a commitment to reducing corruption, that have made a commitment to transparency, that have made a commitment to the rule of law, that have made a commitment to titling property, that have made a commitment to actually having development that will work to sustain economic growth for their people.

Let us give them some hope. Do not turn our back now on the Western Hemisphere. So much has been accomplished in the last 10 years. Give them hope. They are teetering on the edge at this moment. This is not the time now for us to turn our back on these countries.

I urge my colleagues to support this amendment allowing these countries in tier 2 to be eligible only 1 year earlier than otherwise in the Hyde-Lantos amendment.

Mr. LANTOS. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from California (Mr. BERMAN).

The CHAIRMAN pro tempore. The gentleman from California (Mr. BERMAN) is recognized for 1½ minutes.

Mr. BERMAN. Mr. Chairman, I thank the gentleman from California (Mr. LANTOS) for yielding me this time. With great reluctance, I disagree on one of those rare occasions with my friend from Arizona, the author of the amendment.

The beauty of the Millennium Challenge Account is that it is not about neighbors and it is not about friends and it is not about how much you voted with us in the U.N. and it is not what your position was on Iraq. It is about helping, committing a portion of our foreign assistance to the poorest of the poor where the people of those countries have undertaken steps in terms of governance to promote democracy, human rights in terms of respect, and economic progress and concern for public health and education; and where they have made those internal changes and reforms, to try and establish what we think is fundamental principles that apply to all people all around the world, where they have made those decisions without regard to political reasons, interests of neighbors versus others but simply based on their poverty. We are going to devote a portion of our political resources to helping the poorest of the poor.

Unfortunately, when you make that decision, if you raise the eligibility standard earlier than it otherwise would be raised, you will therefore have less money to help the poorest of the poor. It is just automatic simple logic and math. In the lower-middle-income countries, you have countries like Turkey and Russia and Colombia as the fourth-largest recipient. I would urge we keep consistent with the intent of the bill and the administration's proposal, help the poorest of the poor and vote ''no'' on this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arizona (Mr. KOLBE), as modified, to the amendment offered by the gentleman from Illinois (Mr. HYDE).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. KOLBE), as modified, to the amendment offered by the gentleman from Illinois (Mr. HYDE) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 108–206.

AMENDMENT NO. 5 OFFERED BY MR. KOLBE TO AMENDMENT NO. 2 OFFERED BY MR. HYDE

Mr. KOLBE. Mr. Chairman, I offer an amendment made in order by the rule.

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

The text of the amendment to the amendment is as follows:

Amendment No. 5 offered by Mr. KOLBE to amendment No. 2 offered by Mr. HYDE:

Page 56, after line 3, insert the following new section:

SEC. 310. CLARIFICATION OF ROLE OF USAID.

(a) STATUS OF USAID.—The Administrator of the United States Agency for International Development shall report to the President through, and operate under the foreign policy authority and direction of, the Secretary of State. The United States Agency for International Development shall be administered under the supervision and operational direction of the Administrator of the Agency.

(b) FUNCTIONS OF USAID.—The United States Agency for International Development is authorized—

(1) to receive appropriated funds;

(2) to be the United States Government agency primarily responsible for administering sections 103 through 108 (other than section 104A), 214, and 491 of the Foreign Assistance Act of 1961, the ''Child Survival and Health Programs Fund'', and other United States economic assistance as directed in writing by the President or the Secretary of State, or as otherwise provided by law;

(3) to provide assistance to a country currently ineligible for assistance provided under title II in order that it may become eligible for such assistance; and

(4) upon the request of the Chief Executive Officer of the Corporation and with the concurrence of the Administrator of the Agency, to assist in the evaluation, execution, and oversight of Millennium Challenge Compacts described in section 204.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Arizona (Mr. KOLBE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume. As I understand it, this will be acceptable to the committee. Let me just say, these are clarifying amendments that clarify the authority of both the Secretary of State and USAID to the Millennium Challenge Account and I think just helps make it clear the lines of authority.

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

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

Mr. HYDE. Mr. Chairman, this is good government practice. It improves the bill. I do not see any reason why the administration would oppose it. I think my friend, the gentleman from California (Mr. LANTOS), supports this. And so I urge the adoption of this amendment.

Mr. LANTOS. Mr. Chairman, I will not oppose this amendment at this time. However, there are a number of concerns with the amendment, including changing USAID's relationship to the Department of State.

For example, current law provides that USAID is under the ''direct authority and foreign policy guidance of the Secretary of State.'' The amendment has a different formula. Not sure how these two different responsibilities will be reconciled.

Moreover, the amendment provides that USAID have certain responsibilities under the Foreign Assistance Act, but leaves out a number of important programs. These include assistance to promote human rights and democracy, protection and management of the environment, preservation of tropical forests, assistance for victims of torture, and assistance to victims of trafficking in persons.

I think we need to carefully consider what other provisions of law are properly on this list.

Finally, I am unclear how this provision relates to other parts of the legislation with respect to USAID's role in providing Millennium Challenge Assistance. Under the legislation before the House, USAID is on the Board of the new Corporation, must be consulted regarding Millennium Challenge Contracts, and plays a variety of other roles. Nothing is mentioned in this provision in this regard.

I look forward to working with the Chairman of the Committee and the Gentleman from Arizona in working on this amendment as the legislative process moves forward.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arizona (Mr. KOLBE) to the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment to the amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by the gentleman from New Jersey (Mr. SMITH), amendment No. 4 offered by the gentleman from Arizona (Mr. KOLBE), and amendment No. 2 offered by the gentleman from Illinois Mr. HYDE).

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 1 OFFERED BY MR. SMITH OF NEW JERSEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. SMITH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 211, not voting 8, as follows:

[Roll No. 362]

AYES—216

Aderholt	Barrett (SC)	Bilirakis
Akin	Bartlett (MD)	Bishop (UT)
Alexander	Barton (TX)	Blackburn
Bachus	Beauprez	Blunt
Baker	Bereuter	Boehner
Ballenger	Berry	Bonilla
Bonner	Hefley	Peterson (MN)
Bono	Hensarling	Peterson (PA)
Boozman	Herger	Petri
Brady (TX)	Hobson	Pickering
Brown (SC)	Hoekstra	Pitts
Brown-Waite, Ginny	Holden	Pombo
Burgess	Hostettler	Porter
Burns	Hulshof	Portman
Burr	Hunter	Putnam
Burton (IN)	Hyde	Quinn
Buyer	Isakson	Radanovich
Calvert	Issa	Rahall
Camp	Istook	Regula
Cannon	Jenkins	Rehberg
Cantor	John	Renzi
Carter	Johnson (IL)	Reynolds
Chabot	Johnson, Sam	Rogers (AL)
Chocola	Jones (NC)	Rogers (KY)
Coble	Keller	Rogers (MI)
Cole	Kennedy (MN)	Rohrabacher
Collins	Kildee	Ros-Lehtinen
Costello	King (IA)	Royce
Cox	King (NY)	Ryan (WI)
Crane	Kingston	Ryun (KS)
Crenshaw	Kline	Saxton
Cubin	Knollenberg	Schrock
Culberson	LaHood	Sensenbrenner
Cunningham	Latham	Sessions
Davis (TN)	LaTourette	Shadegg
Davis, Jo Ann	Lewis (KY)	Sherwood
Deal (GA)	Linder	Shimkus
DeLay	Lipinski	Shuster
DeMint	LoBiondo	Simpson
Diaz-Balart, L.	Lucas (KY)	Skelton
Diaz-Balart, M.	Lucas (OK)	Smith (MI)
Doolittle	Manzullo	Smith (NJ)
Doyle	McCotter	Smith (TX)
Dreier	McCrery	Souder
Duncan	McHugh	Stearns
Ehlers	McInnis	Stenholm
Emerson	McIntyre	Stupak
English	McKeon	Sullivan
Everett	Mica	Tancredo
Feeney	Miller (FL)	Tauzin
Flake	Miller (MI)	Taylor (MS)
Fletcher	Miller, Gary	Taylor (NC)
Forbes	Mollohan	Terry
Fossella	Moran (KS)	Thornberry
Franks (AZ)	Murphy	Tiahrt
Gallegly	Murtha	Tiberi
Garrett (NJ)	Musgrave	Toomey
Gibbons	Myrick	Turner (OH)
Gillmor	Nethercutt	Upton
Gingrey	Neugebauer	Vitter
Goode	Ney	Walsh
Goodlatte	Northup	Wamp
Goss	Norwood	Weldon (FL)
Graves	Nunes	Weldon (PA)
Green (WI)	Nussle	Weller
Gutknecht	Oberstar	Whitfield
Hall	Ortiz	Wicker
Harris	Osborne	Wilson (SC)
Hart	Otter	Wolf
Hastert	Oxley	Young (AK)
Hastings (WA)	Paul	Young (FL)
Hayes	Pearce	
	Pence	

NOES—211

Abercrombie	Carson (OK)	Evans
Ackerman	Case	Farr
Allen	Castle	Fattah
Andrews	Clay	Filner
Baca	Clyburn	Foley
Baird	Conyers	Ford
Baldwin	Cooper	Frank (MA)
Ballance	Cramer	Frelinghuysen
Bass	Crowley	Frost
Becerra	Cummings	Gerlach
Bell	Davis (AL)	Gilchrest
Berman	Davis (CA)	Gonzalez
Biggert	Davis (FL)	Gordon
Bishop (GA)	Davis (IL)	Granger
Bishop (NY)	Davis, Tom	Green (TX)
Blumenauer	DeFazio	Grijalva
Boehlert	DeGette	Gutierrez
Boswell	Delahunt	Harman
Boucher	DeLauro	Hastings (FL)
Boyd	Deutsch	Hill
Bradley (NH)	Dicks	Hinchey
Brady (PA)	Dingell	Hinojosa
Brown (OH)	Doggett	Hoeffel
Brown, Corrine	Dooley (CA)	Holt
Capito	Dunn	Honda
Capps	Edwards	Hooley (OR)
Capuano	Emanuel	Houghton
Cardin	Engel	Hoyer
Cardoza	Eshoo	Inslee
Carson (IN)	Etheridge	Israel
Jackson (IL)	Meehan	Schakowsky
Jackson-Lee (TX)	Meek (FL)	Schiff
Johnson (CT)	Meeks (NY)	Scott (GA)
Johnson, E. B.	Menendez	Scott (VA)
Jones (OH)	Michaud	Serrano
Kanjorski	Miller (NC)	Shaw
Kaptur	Miller, George	Shays
Kelly	Moore	Sherman
Kennedy (RI)	Moran (VA)	Simmons
Kilpatrick	Nadler	Slaughter
Kind	Napolitano	Smith (WA)
Kirk	Neal (MA)	Snyder
Kleczka	Obey	Solis
Kolbe	Olver	Spratt
Kucinich	Ose	Stark
Lampson	Owens	Strickland
Langevin	Pallone	Sweeney
Lantos	Pascrell	Tanner
Larsen (WA)	Pastor	Tauscher
Larson (CT)	Payne	Thomas
Leach	Pelosi	Thompson (CA)
Lee	Platts	Thompson (MS)
Levin	Pomeroy	Tierney
Lewis (CA)	Price (NC)	Towns
Lewis (GA)	Pryce (OH)	Turner (TX)
Lofgren	Ramstad	Udall (CO)
Lowey	Rangel	Udall (NM)
Lynch	Reyes	Van Hollen
Majette	Rodriguez	Velazquez
Maloney	Ross	Visclosky
Markey	Rothman	Walden (OR)
Marshall	Roybal-Allard	Waters
Matheson	Ruppersberger	Watson
Matsui	Rush	Watt
McCarthy (MO)	Ryan (OH)	Waxman
McCarthy (NY)	Sabo	Weiner
McCollum	Sanchez, Linda T.	Wexler
McDermott	Sanchez, Loretta	Wilson (NM)
McGovern	Sanders	Woolsey
McNulty	Sandlin	Wu
		Wynn

NOT VOTING—8

Berkley	Greenwood	Jefferson
Ferguson	Hayworth	Millender-McDonald
Gephardt	Janklow	

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. OSE) (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1533

Mr. TURNER of Texas, Ms. MCCARTHY of Missouri, Mr. LARSEN of Washington, Mrs. TAUSCHER, and Ms. LORETTA SANCHEZ of California changed their vote from ''aye'' to ''no.''

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr HAYWORTH. Mr. Chairman, as you know, I was absent today for medical reasons. If I had been in attendance, I would have voted ''yes'' on rollcall vote No. 362.

Stated against:

Mr. GREENWOOD. Mr. Chairman, on rollcall No. 362 I was inadvertently detained and failed to vote. Had I been present, I would have voted ''no.''

AMENDMENT NO. 4 OFFERED BY MR. KOLBE, AS MODIFIED, TO AMENDMENT NO. 2 OFFERED BY MR. HYDE, AS AMENDED

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 4 printed in House Report 108–206, as modified, by the gentleman from Arizona (Mr. KOLBE) to the amendment by the gentleman from Illinois (Mr. HYDE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment, as modified, to the amendment.

The Clerk redesignated the amendment, as modified, to the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 110 noes 313, not voting 11, as follows:

[Roll No. 363]

AYES—110

Abercrombie
Aderholt
Baca
Baird
Ballance
Ballenger
Barton (TX)
Bass
Becerra
Bell
Biggert
Bishop (NY)
Boehlert
Bono
Boucher
Bradley (NH)
Brown (OH)
Cannon
Capuano
Carson (OK)
Castle
Clyburn
Cole
Crenshaw
Crowley
Davis, Tom
DeFazio
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Ehlers
Evans
Farr
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gonzalez
Graves
Green (TX)
Greenwood
Grijalva
Gutierrez
Gutknecht
Harris
Hill
Hinchey
Hinojosa
Houghton
Johnson (CT)
Kaptur
Kelly
Kilpatrick
Kirk
Kolbe
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
Meehan
Menendez
Miller (NC)
Miller, Gary
Moore
Napolitano
Neal (MA)
Nethercutt
Olver
Ortiz
Ose
Oxley
Pallone
Pastor
Platts
Quinn
Radanovich
Renzi
Reyes
Rodriguez
Rothman
Roybal-Allard
Ryan (OH)
Sandlin
Serrano
Shadegg
Shays
Sherwood
Simmons
Smith (WA)
Snyder
Solis
Stupak
Sullivan
Sweeney
Thomas
Towns
Udall (CO)
Upton
Van Hollen
Velazquez
Visclosky
Weiner
Weldon (FL)
Weldon (PA)
Wicker

NOES—313

Akin
Alexander
Allen
Andrews
Bachus
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Beauprez
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Boozman
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Cardoza
Carson (IN)
Carter
Case
Chabot
Chocola
Clay
Coble
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Everett
Fattah
Feeney
Filner
Flake
Fletcher
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Green (WI)
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, George
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Osborne
Otter
Owens
Pascrell
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shaw
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Ackerman
Bereuter
Berkley
Davis, Jo Ann
Ferguson
Gephardt
Hayworth
Janklow
Jefferson
Millender-McDonald
Wexler

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1541

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

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

So the amendment, as modified, to the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HAYWORTH. Mr. Speaker, as you know, I was absent today for medical reasons. If I had been in attendance, I would have voted ''no'' on rollcall vote No. 363.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, on rollcall vote No. 363 I was in a meeting with the Commissioner of the EU. Had I been present, I would have voted ''no.''

Mr. BEREUTER. Mr. Chairman, a few minutes ago, I was chairing a meeting with the Commissioner of External Affairs, Chris Patton, of the European Union; and we were not able to conclude it in time. Therefore, I missed the vote on the Kolbe amendment to the Hyde amendment. Had I been here, I would have voted ''no'' on the Kolbe amendment.

AMENDMENT NO. 2 OFFERED BY MR. HYDE, AS AMENDED

The CHAIRMAN pro tempore. The question is on the amendment No. 2 offered by the gentleman from Illinois (Mr. HYDE), as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in House Report 108–206.

AMENDMENT NO. 6 OFFERED BY MR. PAUL

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

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

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. PAUL:

Page 32, after line 3, insert the following (and amend the table of contents accordingly):

Subtitle C—Limitations

SEC. 131. LIMITATION ON USE OF FUNDS AUTHORIZED TO BE APPROPRIATED BY THIS ACT FOR ANY UNITED STATES CONTRIBUTION TO THE UNITED NATIONS OR ANY AFFILIATED AGENCY OF THE UNITED NATIONS.

Notwithstanding any other provision of this Act, none of the funds authorized to be appropriated by this Act may be obligated or expended to pay any United States contribution to the United Nations or any affiliated agency of the United Nations.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Texas (Mr. PAUL) and a Member opposed (Mr. HYDE) each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

□ 1545

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

Mr. Chairman, this amendment takes away the funding from the United Nations as well as any affiliated U.N. agency.

Mr. Chairman, last year we spent $3.25 billion on the U.N. as well as the other agencies at the U.N. I do not believe that is money worthwhile. It is not a good investment. I do not think the money is spent well. The amendment, as I said, defunds the United Nations as well as its agencies. We pay 21 percent of the budget, and on peacekeeping missions we pay over 27 percent. I think this is essentially wasted money.

We also lose our sovereignty when we look to the U.N. for guidance. When we

declared war or when we went to war without declaration of war last fall, we had a resolution on the floor which cited the U.N. 23 different times. I do not believe we should go to war under U.N. resolutions, and we have essentially been in Iraq under U.N. resolution because in the early 1990s it was under U.N. resolution that we went to war. The old-fashioned way of going to war was a declaration of war.

We went into Korea over 50 years ago under a U.N. resolution. We are still in Korea. We still have serious problems in Korea. There is still a confrontation that we have with the government of North Korea. I do not see where it is to our benefit, I do not see where it is a benefit to world peace to rely on the United Nations. Even though we rely on the United Nations for authority, when we want the United Nations to go along with our policy as our President asked earlier this year, it was refused. So in many ways we have a policy that does not make a whole lot of sense. We first rely on the United Nations, spend a lot of money, then they do not do our bidding.

It gets to be almost a joke around the world about some of the things the U.N. does. When you think about the Commission of Human Rights and who is appointed as the chairman of the Commission of Human Rights, nobody else other than Libya. And before the war it was actually Iraq who was supposed to chair the Disarmament Commission.

So this I think in many ways reflects the ineptness of the United Nations and its inability to pursue any policy that is in our interest. So it is for this reason, whether it is rejoining UNESCO and throwing more money down another on another useless program, we here are spending a lot of money giving up our sovereignty. Much of this money should be spent here at home.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I thank the distinguished chairman of the committee for yielding me time.

I rise, Mr. Chairman, in the strongest possible opposition to the Paul amendment which would cause great harm to our national interests. Mr. Chairman, I do not look upon the United Nations through rose-colored spectacles. It is obvious that for every criticism my good friend, the gentleman from Texas (Mr. PAUL), has of the United Nations, I could probably cite a half dozen. But the fact remains that many of the activities of the United Nations are clearly in the U.S. national interest.

The International Atomic Agency monitors and exposes countries such as North Korea and Iran attempting to develop nuclear weapons. The World Health Organization works to prevent infectious diseases throughout the world, and it was critical recently in putting a stop to the spread of SARS. UNESCO, which the President wisely decided to rejoin, will provide us an opportunity to make our voice heard in the educational, cultural and scientific field of the international organization. UNICEF, the United Nations International Children's Fund, is providing invaluable assistance across the globe to millions of children in desperate need; and the U.N. itself, more often than not, is helpful in attaining our own foreign policy objectives.

The absurdity of the United States, the one remaining superpower, the most powerful civilizing force on the face of this planet in the 21st century, withdrawing from the United Nations is nothing short of absurd; and I strongly urge all of my colleagues to reject overwhelmingly this amendment.

Mr. PAUL. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, whether you think the U.N. is an efficacious organization or you think it is a useless organization, whether you think that we are advantaged as a country of being a member of the U.N. or you think we ought not be a member of the U.N., you can vote for the Paul amendment with confidence that you are doing the right thing. Let me explain.

Both the Department of Defense and the Congressional Research Service have documented that we have spent over $19 billion of taxpayers' money on legitimate U.N. peacekeeping activities. Now, the U.N. has legitimized our claim that this ought to be credited against our dues because they have credited $1.8 billion of this against our dues.

I am going to vote for this amendment. I will vote for any amendment that denies funding to the U.N. without any argument whether we ought to belong, any argument of whether it is good or bad, but the simple argument that, in all fairness, please do an accounting of the monies we have spent on legitimate U.N. peacekeeping activities. Please credit appropriate amounts of that to our U.N. dues. Then, if there are dues left over, we will pay those dues. But until that accounting is done, everybody in this Congress, we are in very tough financial times now, ought to vote yes for the Paul amendment that will demand that the accounting is done; and then we can debate another day whether or not we ought to be members of the U.N. or whether or not it is an efficacious organization.

But, for today, the simple fact that we have not been credited for almost $17 billion of monies that we have spent on legitimate U.N. peacekeeping activities is more than a legitimate right to vote for this amendment. Vote for the Paul amendment.

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

Mr. Chairman, this is a tempting amendment to the bill, but more mature thought says no, it is not all that good of an idea. The fact is we still need the U.N. and its agencies to promote peacekeeping efforts in some parts of the world, to assist in the global anti-terrorist campaign to help rebuild Iraq and Afghanistan, to promote nuclear non-proliferation by rogue states such as Iran and North Korea, and help implement our legislation designed to fight against HIV/AIDS.

Without the World Food Program, there would be more starvation and suffering in the world. Without the Food and Agricultural Organization, there would be scant support for global food standards. And without the International Civil Aviation Organization, there would be no effective management of civilian airplane traffic around the world.

Finally, to the extent that we decide to commit any U.S. troops as part of a regional West African peacekeeping force in Liberia, we certainly should not be cutting off funding for U.N. peacekeeping when we will need those same peacekeepers to relieve our troops, providing us with an exit strategy, safeguarding our interests.

With great respect, I urge the defeat of this amendment.

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

Mr. PAUL. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Texas (Mr. PAUL) is recognized for 1½ minutes.

Mr. PAUL. Mr. Chairman, I once again urge a yes vote on this amendment to limit the funding to the United Nations and to all its agencies.

The gentleman from California (Mr. LANTOS) mentioned that there were some programs under the United Nations which were sort of ''feel-good'' programs, social welfare programs, and I think I would grant that some of these programs have had some benefit. That in itself is not enough for me to endorse the concept of international welfare through the United Nations.

However, too often I think they leave doing these programs that are designed to help people who are truly suffering versus getting involved with what we call peacekeeping missions. The United Nations are not allowed to declare war. They never go to war, and yet too often we get involved in war. That is why they were called peacekeepers in Korea. That is why it is a peacekeeping mission when we go to Iraq. But, still, the armies are raised, and young men are called off, and people are killed on these peacekeeping missions. Therefore, I say that the United Nations has tended to take away the responsibilities of this Congress to make these very, very important decisions.

I believe in many ways that by joining the United Nations we have allowed our Constitution to be amended merely by U.N. vote. If the U.N. votes and says something and we go along with that, we do that by majority vote here in the Congress. Where if we look to the Constitution for the authorities that we

are allowed to do and what we are not permitted to do, we look to article I, section 8; and what the U.N. is doing is not permissible under the article.

□ 1600

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

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

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

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

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

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

It is now in order to consider amendment No. 7 printed in House Report 108–206.

AMENDMENT NO. 7 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment, and I am the designee of the gentleman from Arizona (Mr. HAYWORTH).

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

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. KING of Iowa:

Page 88, after line 17, insert the following new section (and amend the table of contents accordingly):

SEC. 406. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS REGULAR BUDGET.

Section 11 of the United Nations Participation Act of 1945 (22 U.S.C. 287e-3) is amended by striking ''22 percent of the total of all assessed contributions for that budget'' and inserting ''the largest assessed contribution of any other permanent member country of the United Nations Security Council''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

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

As a cosponsor of H.R. 2303, sponsored by the gentleman from Arizona (Mr. HAYWORTH), I am happy to offer this amendment, which is the first step in reforming the United Nations.

In the run-up to the war with Iraq, France was able to hold U.S. policy hostage by virtue of its status as a permanent member of the Security Council and the veto power that goes with it, but France was not alone. The other permanent Security Council Members, China, Russia, United Kingdom, of course, also the United States, they all have a veto power; and they regularly obstruct our foreign policy goals and vote the opposite of the United States.

According to the State Department's voting practices in the United Nations of 2002, on votes important to U.S. interests, France and the U.K. voted with us just 50 percent of the time, Russia 22 percent of the time and China, 20 percent.

Even though the U.S. has no more power on the Security Council than any of the other four permanent members, it pays the lion's share of the United Nations' budget. The United States pays $341 million a year, or 22 percent of the overall budget. China pays just $24 million, even though it has the world's second largest economy. Russia pays a paltry $19 million, which is less than Canada, Holland, Australia, or Switzerland.

This amendment would limit the U.S. contribution to the regular U.N. budget to no more than the highest amount paid by any other member of the Security Council. Our veto power should cost us no more than what China, France, Russia, or the U.K. pay for theirs.

This proposal would not affect U.S. payments to the U.N. for peacekeeping operations, voluntary programs, or membership organizations. It would only affect the U.N. regular budget. Even at this reduced amount, the U.S. would still contribute over $1.4 billion in various U.N. programs, far more than any other country.

So aside from simple equity, enactment of this amendment would hopefully lead to reconsideration of how U.N. dues are assessed among permanent members. China and Russia are now essentially getting a free ride at our expense. The solution would be for all permanent members to pay equal amounts of the regular budget because of their veto power, and I say this amendment is a first step in the direction of reforming the United Nations.

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

Mr. HYDE. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. HYDE) is recognized for 5 minutes.

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

The amendment offered by the gentleman from Arizona by way of Arizona does raise an important issue of how our dues to the U.N. regular budget are calculated. I would be glad to hold follow-up briefings and a hearing in the committee on our role at the U.N. and how our membership should promote our national interests and how our current assessment should reflect a fair share of all the other member states of the U.N.

There are, however, serious problems with the way this amendment is written insofar as it unilaterally alters our existing financial obligations to the United Nations. It will reduce our assessment from the current 22 percent to the level of 6.5 percent, thereby generating close to $250 million in new arrearages to the U.N. It would reduce our share of the funding of the regular budget of the U.N. far below the level currently being paid by Japan and Germany and would give those countries every reason to reduce their contributions accordingly.

The amendment mistakenly makes the assumption that the permanent members of the U.N. Security Council are assessed their dues on the basis of their inclusion in this body. The assessments are made instead on the basis of a member state's share of the world gross domestic product. In the case of the U.S., however, our share should actually be well over 22 percent.

In short, the amendment would have the same practical effect as that of the gentleman from Texas' (Mr. PAUL) amendment, undercutting any role we would have in the U.N. and eventually leading to our withdrawal from the world body. If my colleagues voted against the Paul amendment, they should oppose this amendment as well.

In short, it takes a unilateral approach which could potentially harm U.S. interests and objectives around the world. Our contributions to the U.N. regular budget and to all other U.N. programs and agencies are agreed to by mutual consent of all U.N. members. If the U.S. were to unilaterally cut its assessment, we would start building arrears to the U.N. again just after completing a 3-year arrearage repayment effort under the Helms-Biden legislation where we obtained substantial management and administrative reforms in return for the payment of our back dues.

Adoption of this amendment would undercut those ongoing reform efforts, and I urge it be defeated.

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

Mr. KING of Iowa. Mr. Chairman, might I inquire as to the amount of time I have remaining.

The CHAIRMAN pro tempore. The gentleman from Iowa (Mr. KING) and the gentleman from Illinois (Mr. HYDE) both have 2½ minutes remaining.

Mr. KING of Iowa. Mr. Chairman, I yield myself the balance of my time.

I appreciate the gentleman from Illinois' remarks with regard to the United Nations and some of the implications of any change that we might make in how the dues are assessed against the United States, and I would point out that our gross domestic product is comparable to that of the balance of the Security Council and all the other priority members that are there; and even though it is indexed to the gross domestic product, it is certainly out of proportion.

Additionally, these members of the United Nations Security Council have exerted far more influence than their economy contributes to the world economy or to the United Nations dues or any type of forces that we might have out there, and so I would suggest that the United Nations has become a

Third World class envy debating society where the strongest and most powerful countries' foreign policy is dictated by countries who wish to undermine the United States. It is entirely inappropriate that the United States must contribute an inordinate amount to provide a democratic platform to dictators and tyrants, and that is a broad fellowship in the approach of the United Nations.

People tend to believe that because each country has a vote in the United Nations, and we set things up in kind of a proportional method as far as the dues are concerned in the Security Council, that somehow or another we have got a democratic debating society there; but we see dictators and tyrants at the United Nations, who give them full voice to utter their opinions, their tyrannical opinions, when they would not let a single one of their citizens do the same within their own country; and this is the flaw in the United Nations that we have lived with all of these years.

We have got to move down the path of reforming the United Nations, and this is the first good step to do so.

U.N. membership, structure, and policy aside, it is preposterous that the United States continues to pay for 22 percent of the entire U.N. regular budget. That 22 percent is $341 billion; and in fact, the U.N. votes against the United States 32 percent of the time on important issues. The United States contributes currently $115 million more to the regular budget than France, Germany, Russia, and China combined; but our veto power should cost no more than what France, Russia, or China pays for theirs. China only pays $24 million, even though it is the world's second largest economy. The Russians pay $19 million, which is less than Canada, Holland, Australia, or Switzerland. It is ridiculous to have this position. The United States is funding its political opposition.

I want to make it clear that this amendment would not affect U.S. payments to the U.N. for peacekeeping operations, voluntary programs, or membership organizations. If this amendment is adopted, the U.S. will still contribute more than $1.4 billion to various programs. In summary, this amendment would simply limit the U.S. contributions to the U.N. regular budget.

I urge my colleagues to vote ''yes'' on this amendment. A ''yes'' vote is not a vote against the U.S., but rather a vote to make it more accountable.

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

I might just say that the gentleman is certainly making common sense, and the problem is we just cannot do it unilaterally. It might be wise for us to constantly review our dues and payments to the U.N., but there is a process that is not unilateral in getting them changed.

Mr. Chairman, I am pleased to yield such time as I have remaining to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I want to thank the distinguished chairman of our committee for yielding me the time, and I want to identify my views with his and just add a few footnotes.

The United Nations was founded at the end of the Second World War when the United States was economically not only a superpower but had a vastly disproportionate share of global gross domestic product. At that time, our contribution to the U.N. was 40 percent. It is now 22 percent; and I think a legitimate case can be made for multilaterally, through negotiation, adjusting our contributions to the U.N. as gross domestic products of the various countries change. But to take unilateral action at this stage, when the United Nations is so badly needed, despite all of its flaws, would be a singularly ill-advised move; and I strongly urge all of my colleagues to reject this amendment.

Mr. HAYWORTH. Mr. Chairman, I rise today in support of the Hayworth/King Amendment that would limit what the U.S. pays in U.N. dues to an amount no more than the highest amount paid by any other permanent U.N. Security Council member.

Let's put this amendment in perspective. In the run-up to the war against Saddam Hussein, we saw all too clearly the real goal of France in obstructing and sabotaging U.S. policy—to challenge U.S. global leadership and set itself up as the leader of a competing coalition.

By itself, however, France is incapable of countering or competing with the U.S. militarily or economically, and that situation will only grow worse as France faces a demographically-driven decline. The key to France's strategic ambition is therefore based solely on its permanent membership on the UN Security Council, or UNSC, and, most importantly, the veto power that goes with it. Without its veto, France would lose its chief claim to geopolitical relevance.

I don't mean to pick on France, Mr. Chairman, but its actions leading up to the war with Iraq make it an easy target. The truth is, the entire Security Council regularly obstructs our foreign policy goals and permanent members—China, France, Russia, and the U.K.—regularly vote the opposite of the U.S.

According to the State Department's Voting Practices in the United Nations 2002, on votes important to U.S. interests, France and the U.K. voted with us just 50 percent of the time, Russia 22 percent, and China 20 percent. Overall, the General Assembly voted the U.S. position only 32 percent of the time on important issues. Areas of specific disagreement include the Middle East, nuclear disarmament, certain human rights issues, and the International Criminal Court.

What makes all this even more galling is that even though the U.S. has no more power on the Security Council than any of the other four permanent members, it pays the lion's share of the U.N. budget. Indeed, even though the aggregate GDP of the other permanent members nearly equals that of the U.S., the U.S. contributes about $115 million more to the U.N. regular budget than those four countries combined.

What's more, U.N. dues are supposed to be based on ability to pay. Yet there are a dozen countries that in 2003 will pay more in dues than China's $24 million even though it now has the world's second largest economy. The Chinese are clearly getting a lot of bang for their U.N. buck. So are the Russians. Their 2003 assessment is a paltry $19 million, less than Canada, Holland, Australia, and Switzerland.

The Hayworth/King Amendment would restore some balance to this picture. It would limit the U.S. contribution to the regular U.N. budget to no more than the highest amount paid by any other permanent UNSC member. The rationale is simple. Our veto power should cost us no more than what China, France, Russia, or the U.K. pay for theirs.

The U.S.'s 2003 assessment for the U.N. regular budget is $341 million. Under this amendment, we would pay no more than France, which has been assessed the second-highest amount, or $100 million. This proposal would not effect U.S. payments to the U.N. for peacekeeping operations, voluntary programs, or membership organizations. It would only affect the U.N. regular budget. Even at this reduced amount the U.S. would still contribute over $1.4 billion to various U.N. programs, far more than any other country.

Aside from simple equity, enactment of my bill would hopefully lead to a reconsideration of how U.N. dues are assessed among permanent members. China and Russia are now essentially getting a free ride at our expense. The solution would be for all permanent members to pay equal amounts of the regular budget because of their veto power. France and the U.K. would have to pay a little more, Russia and China a lot more, the U.S. a lot less.

A debate over dues could also prompt a broader discussion on U.N. reform. The outrages are not limited to the meltdown over Iraq. Cuba began its recent crackdown on dissidents as the U.N.'s Human Rights Commission was holding its annual meeting in Geneva. It promptly elected Cuba to another three-year term, an act author Carl Hiaasen wrote was ''a little like naming a necktie after the Boston Strangler.'' The commission is headed by Libya and includes some of the worst abusers of human rights in the world, including Vietnam, Syria, Saudi Arabia, Sudan, and Zimbabwe.

If the U.N. does not reform itself, it risks becoming, in the words of Mexican Foreign Minister Luis Ernesto Derbez, another ''Red Cross.'' The U.N. can become relevant again, but whether it does so will ultimately rest on the goodwill and magnanimity of the five permanent UNSC members who can block any reform with a veto.

As we have learned, U.N. reform takes time. Ronald Reagan pulled the U.S. out of UNESCO, the United Nations Educational, Scientific, and Cultural Organization, in 1984. It took 18 years for UNESCO to implement sufficient reforms for the U.S. to return. More fundamental reform could take even longer.

By approving this action today we will be sending a message that the U.S. is serious about reform at the U.N.

Support the Hayworth/King Amendment.

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

The CHAIRMAN pro tempore. The question is on the amendment offered

by the gentleman from Iowa (Mr. KING).

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

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

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

It is now in order to consider amendment No. 8 printed in House Report 108–206.

AMENDMENT NO. 8 OFFERED BY MRS. TAUSCHER

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

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

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. TAUSCHER:

Add the following at the end:

SEC. 1716. MARKETING INFORMATION FOR COMMERCIAL COMMUNICATIONS SATELLITES.

(a) IN GENERAL.—A license shall not be required under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the transfer of marketing information for the purpose of providing information directly related to the sale of commercial communications satellites and related parts to a member country of the North Atlantic Treaty Organization (NATO) or to Australia, Japan, or New Zealand.

(b) MARKETING INFORMATION.—In this section, the term ''marketing information''—

(1) means data that a seller must provide to a potential customer (including a foreign end user) that will enable the customer to make a purchase decision to award a contract for goods or services, including system description, functional information, price and schedule information, information required for installation, operation, maintenance, and repair; and

(2) includes that level of data necessary to ensure safe use of the product, but does not include sensitive encryption and source code data, detailed design data, engineering analysis, or manufacturing know-how.

(c) EXCEPTION.—Nothing in this section shall exempt commercial communications satellites from any licensing requirement under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for defense items and defense services, except as described in subsection (a).

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentlewoman from California (Mrs. TAUSCHER) and a Member opposed each will control 5 minutes.

Mr. HYDE. Mr. Chairman, may I claim time in opposition because I am reluctantly opposed to the gentlewoman's amendment?

The CHAIRMAN pro tempore. The gentleman from Illinois may.

The Chair recognizes the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the amendment I am offering with the gentleman from Nebraska (Mr. BEREUTER) would provide a small, but vital, fix to the cumbersome process that governs the export of commercial communication satellites to our closest allies.

The amendment is identical to language that Senator ENZI offered and that was passed as part of the Senate foreign relations bill.

Under current law, satellite sellers must obtain a license from the State Department just to talk to a prospective buyer of a product. When a foreign buyer calls and asks for basic information, the company cannot immediately answer any questions. The current process means American companies have to wait for weeks or months to call back potential customers. This is undermining an industry we used to dominate at a time when our economy is in a major slump.

As the COMSAT market continues to shrink, we want to ensure that U.S. companies are left standing. This amendment levels the playing field between the U.S. satellite industry and its foreign competitors.

Under exception provided by our amendment, exporters of commercial communications satellites would be allowed to provide marketing information only to member countries of the North Atlantic Treaty Organization, and Japan, Australia and New Zealand. It would not affect any of the licensing requirements for countries like China and would keep in place all of the national security statutes put in place by Congress.

The amendment also improves the U.S. export control system. It enables the State Department to focus its resources on the transfer of truly sensitive data and allows U.S. companies to communicate with our allies internationally and friends in a timely and cost-effective manner about basic marketing information.

Our national security is closely linked to our technological leadership which guarantees the military advantage we have today, but our national security is being undermined by a sick industry that is falling behind its competition because of onerous bureaucracies that are doing nothing to protect our national security.

I urge my colleagues to support the Tauscher-Bereuter amendment.

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

□ 1615

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I thank my friend for yielding me this time, and I rise in opposition to this amendment loosening satellite export controls.

I am profoundly concerned, Mr. Chairman, that the language of the amendment would result in all satellite marketing information being exempted from any licensing requirement at all. Even if unclassified, some of the information transferred might well be sensitive. It is also possible that companies, without the government review of a license requirement, may unintentionally transfer more information than they should under the pressure of making a sale. The Departments of State and Defense would have no idea whatsoever what information is actually being transferred.

The Congress needs more time and information to consider the full and serious ramifications of this change in satellite licensing regime in order to ensure that our national security is not compromised. I would urge the sponsors of this amendment, for whom I have a great deal of respect, to include at a future time a provision making clear that companies must first obtain a license to transfer marketing information. Short of that, I reluctantly oppose the amendment and ask all of my colleagues to vote against it.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER), the coauthor of this amendment.

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

Mr. BEREUTER. Mr. Chairman, I thank the gentlewoman for yielding me this time. The gentlewoman has explained adequately the very limited number of circumstances under which licensing would not be required. In fact, they have to require such licensing now. That is the point of this amendment.

But the U.S. market share in the commercial satellite industry generally has fallen from around 75 percent of the market now to 50. As U.S. sales have dropped, European commercial satellites have dramatically increased. Among the key concerns which commercial satellite customers cite as a concern when working with U.S. satellite producers is the delay frequently associated with licensing requirements. In some cases, a simple license to release unclassified information takes up to 60 days.

Furthermore, exempting from licensing the sharing of very limited type of nonclassified marketing information does in no way jeopardize the security interests of the United States. Amazingly, the competitiveness of U.S. satellite processors, however, if we damage it by continuing this unnecessary licensing, does damage the security interest of the United States.

I was a member of the Cox Commission which generated the concern about licensing information. I am very concerned about the transfer of classified information or something that would jeopardize our national security. This in no way does. There is no good argument why this nonclassified marketing information should not be shared, and I urge support for this amendment by the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's yielding

me this time to speak on this amendment.

This is an example of why our export control regime is broken and badly in need of review. The typical high school teenager's bedroom has more computing power than the United States possessed when it developed the atomic and hydrogen bombs. Our friends and allies are worthy partners to deal with us in the satellite industry. As has been pointed out by my two colleagues in favor of this, what we are doing is we are forcing people to deal with other entities in Europe and around the world, so actually we are undermining the United States' long-term security interests, forcing them to other markets while we undermine American business.

I almost never disagree with my chairman and ranking member, but I would respectfully suggest that this is an illustration of why we need to revise our export control regime. And before and unless we do that, adopting this amendment is good for business, it is good for technology development, and it is common sense. I urge its adoption.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. HUNTER), the learned chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank my colleague for yielding me this time, and let me just rise to oppose what I think is a very dangerous amendment.

Historically, companies do not have to have a license to transmit marketing information to foreign customers. A couple of years ago, when we strengthened export controls on satellite exports, foreign customers started increasing their demands for what they called technical information as part of a marketing pitch. The foreign customers were not looking for the kind of information that the public can get. They were after proprietary design, integration, and operational information that could be used for a variety of purposes, including improvements in their own capabilities.

So while the Tauscher amendment purports to prevent that information from being sent abroad, it leaves the definition of marketing information up to the prospective foreign customer.

And let me just say, Mr. Chairman, that this technology, this technology of separation of a payload from a booster that puts a satellite up is very much akin to the technology that accompanies a separation of a MIRV'd nuclear warhead from its booster. This is dangerous technology, and I would ask everyone to vote against the Tauscher amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield myself the balance of my time to simply remind my colleagues that, first and foremost, this is marketing information that is declassified. Second, this is information that would only be allowed to be transmitted to NATO allies, Australia, Japan, and New Zealand. I think it is very important that we keep the controls that we have in place for any kind of technology transfer for places like China, Russia, and others, but this is for our own allies.

While we have watched this business that we dominated at one time leave our shores and go to foreign competitors, I think it is very important that we keep our strict controls, that we keep the State Department involved in the licensing, but in these declassified marketing materials that everyone agrees are basically innocent, that we should allow them to be disseminated so that we can keep the small part of the business that we have left.

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

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

If there is no export license requirement, it is difficult if not impossible to prevent information from being retransferred to a third country. This is important since our European allies do not always have the same policies as we do in satellite cooperation with China and other countries. The practical effect would be to deregulate much information about satellites and satellite technology. Given the importance of space technology to our national security, I am persuaded that such a drastic step should be approached with an abundance of precaution and entertained, if at all, only after detailed analysis.

In sum, if this amendment were written to provide the President with discretion to not require licensing, that would be one thing. But this amendment prohibits the President from controlling information about satellites. I think that is a reach too far, and I respectfully, if painfully, suggest the gentlewoman's amendment be defeated.

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

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentlewoman from California (Mrs. TAUSCHER).

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

Mrs. TAUSCHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Mrs. TAUSCHER) will be postponed.

Amendment No. 9 having not been offered, it is now in order to consider amendment No. 10 printed in House Report number 108–206.

AMENDMENT NO. 10 OFFERED BY MR. MENENDEZ

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

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

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. MENENDEZ:

At the end of the bill, add the following new section (and conform the table of contents accordingly):

SEC. ___. ASSISTANCE TO TAMIL NADU.

(a) FINDINGS.—Congress makes the following findings:

(1) Several United States businesses invested more than $800,000,000 in capital in the Indian State of Tamil Nadu to build and operate state-of-the-art electric generation facilities to serve local customers.

(2) For nearly 2 years since these power plants went into service, the Tamil Nadu Electricity Board has violated the principle of contract sanctity by consistently refusing to pay the contractually-required price for the electricity produced by these companies.

(3) The Tamil Nadu Electricity Board now owes these United States companies in excess of $150,000,000 in arrearages despite repeated assurances by the Government of Tamil Nadu that the situation would be resolved.

(4) All of the projects are in a technical state of default on the principal of their loans and none of the United States companies is making a return on their equity.

(b) RESTRICTION..—No funds authorized by this Act (including any amendments made by this Act) or authorized under any other provision of law may be used to directly or indirectly support any programs, projects, or activities (other than humanitarian, health, or rule of law programs, projects, or activities) located in or designed to benefit the State of Tamil Nadu, India.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from New Jersey (Mr. MENENDEZ) and a Member opposed will each control 5 minutes.

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

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

My amendment is premised on an unfortunate situation that has arisen in the state of Tamil Nadu, India, involving several American companies that are currently attempting to conduct business there.

In seeking to provide additional electrical generating capacity, several years ago the Tamil Nadu government sought to induce foreign companies to design and build power plants there. Five American companies accepted this proposition and constructed four projects that generate approximately 800 megawatts of electricity in Tamil Nadu at a combined cost of about $1 billion. Each company entered into a long-term contract for the purchase of the electricity generated at these plants at an agreed-upon price.

After getting these plants up and running, the Tamil Nadu government then began a systematic underpayment of the contract terms, sufficient to keep them running but providing no return on the initial investment. Technically, the projects are in a state of default; and, as far as we know, the Tamil Nadu government owes these American companies approximately $150 million under the terms of these contracts.

Now, India has been a strategic ally and trading partner of the United States. Unfortunately, the state of Tamil Nadu has lagged behind the rest

of that country in terms of maintaining a strong commitment to the rule of law and providing for these types of open, transparent transactions. So we simply, through our amendment, seek to create an opportunity to ensure that, while we will not certainly affect India as a country, that the state of Tamil Nadu cannot have the good deal and resources of this country if it continues to unjustifiably hold American companies hostage in this way.

We do nothing to affect any foreign assistance that deals with human rights or nutrition or any of those things, but we do deal with all other issues that are not humanitarian, health-related, or justice sector relief initiatives designed to help those citizens of Tamil Nadu. So this is a way to stand up for U.S. companies who make legitimate investments and do the right thing and at the end of the day do not have the transparency and the opportunity to have their investments honored in a way in which we want to see throughout the world.

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

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

Mr. LANTOS. Mr. Chairman, I thank my friend for yielding. I strongly support his amendment.

Mr. Chairman, it is outrageous that American businesses entering in good faith into commercial transactions in various countries should be subjected to provincial governmental abuse. This is not the government of India which is refusing to meet its obligation but a constituent state of India, Tamil Nadu.

I think the gentleman is bringing an important matter before us, and I urge all of my colleagues to support him.

Mr. MENENDEZ. Mr. Chairman, reclaiming my time, I thank the distinguished ranking member for his comments.

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

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

Mr. HYDE. Mr. Chairman, I have some reservations about this amendment. This points out a serious problem which is actually ongoing with not just India but some other countries as well. However, I am willing to accept this amendment and will do so with pleasure.

Mr. MENENDEZ. Reclaiming my time once again, Mr. Chairman, I thank the distinguished chairman for his support.

Hopefully, Mr. Chairman, we will have a resolution and will not have to pursue it much further than this. But I appreciate the opportunity to at least have these companies have their chance to have an opportunity for their investments to be upheld under international law.

Mr. SMITH of Michigan. Mr. Chairman, I rise in support of the amendment and ask unanimous consent to revise and extend my remarks.

This amendment sends a signal to the government of the Indian state of Tamil Nadu that it must abide by its contracts with American and other foreign investors. Five American energy companies built state-of-the-art energy plants in Tamil Nadu. These companies negotiated contracts with the state government to provide energy at a guaranteed minimum rate. However, the government of Tamil Nadu has paid less than this guaranteed rate to the tune of over $130 million.

One of the affected companies, CMS Energy, is based in the 7th district of Michigan. CMS built a state-of-the-art energy plant, providing jobs and training to the Tamil people. It also provides steady energy to support economic development and growth in Tamil Nadu. The government of Tamil Nadu's violation of its contract has cost CMS over $14 million.

The amendment affects only the state of Tamil Nadu. It is not anti-India. It will do nothing to affect other Indian states that respect the sanctity of contracts and provide an excellent environment for the foreign investment that benefits both India and investors. We should not be using our aid to reward governments that do not respect contracts.

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

The CHAIRMAN pro tempore. Does any Member claim time in opposition?

If not, the question is on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. WELDON of Pennsylvania:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used to provide assistance to the Republic of Moldova unless the President determines and certifies to Congress that the Government of Moldova has met its obligations with respect to investments made by United States citizens in the ''Aroma'' cognac factory located in Moldova.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

□ 1630

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

Mr. Chairman, my amendment concerns the loss of an investment in Moldova by a constituent of mine due to the actions of the Moldovan government. I am prepared to withdraw my amendment if the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, will enter into a colloquy with me.

Mr. Chairman, a long-time constituent of mine invested $2.5 million in Moldova for the purpose of purchasing a distillery in that country. The Moldovan government gave him a promissory note as security for $76 million and also produced a signed deed from the Minister of Agriculture and the Minister of Privatization together with a legal opinion from the dean of their law school stating that these documents were legal and binding in Moldova. The property was never sold by the government, and my constituent never saw his money again.

I have taken this matter to the President of Moldova on several occasions. Recently, my constituent met with President Voronin in March of this year. The President promised this matter would be resolved in 3 to 4 weeks. It is July now, and the matter has still not been resolved.

I have visited Moldova twice. I have led delegations. In fact, I spoke to their parliament when they convened on a Saturday session. I enjoyed meeting and want to work with the government leaders of that country. It is not my intention to alienate Moldova by withholding foreign aid. However, this type of outright fraud and corruption frightens many Americans from investing in Moldova and other former Soviet states. The Moldovan government must remedy this matter and provide assurances to other investors that Moldova is ready to safeguard foreign investment.

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

Mr. WELDON of Pennsylvania. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I agree that foreign investment in countries of the former Soviet Union, such as Moldova, can carry significant risks for Americans and others. If the governments of these countries wish to enhance their economic prospects by encouraging foreign investment, then ensuring the security of those investments and honoring contractual agreements must be a top priority. I urge the government of Moldova to improve the transparency of its actions regarding foreign investment and to further develop the rule of law in this and other areas.

Mr. WELDON of Pennsylvania. Mr. Chairman, as I have stated before, I do not want to alienate Moldova. The citizens of Moldova are not at fault. They are good people. It is their government that is at fault, and I do not think it is fair that its people suffer. Something must be done to remedy this matter. I will request to withdraw my amendment with assurances from the gentleman from Illinois that we will try to remedy this situation.

Mr. HYDE. Mr. Chairman, by working together, I believe we will be able to resolve this matter in a manner that is satisfactory to all parties concerned.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the chairman of the Committee on International Relations and the ranking member who do such a great job for consideration of all issues. I look forward to working with him on this legislation.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENTS EN BLOC OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, pursuant to section 2 of House Resolution 316, I offer amendments en bloc consisting of the following amendments printed in House Report 108–206: amendments numbered 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 36, 38, 39, 40 and 42.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. HYDE, consisting of the following:

Amendment No. 12 offered by Mr. MANZULLO:

After section 3 of the bill, insert the following new section (and conform the table of contents accordingly):

SEC. 4. SPECIAL RULES FOR APPLYING BUY AMERICAN ACT.

(a) ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES.—With respect to any acquisition under this Act or any amendment made by this Act of articles, materials, or supplies that are subject to section 2 of the Buy American Act (41 U.S.C. 10a), such section shall be applied to such acquisition by substituting ''at least 65 percent'' for ''substantially all''; or

(b) CONTRACTS FOR CONSTRUCTION, ALTERNATION, OR REPAIR.—With respect to any contract for the construction, alteration, or repair of any public building or public work entered into under this Act or any amendment made by this Act that is subject to section 3 of the Buy American Act (41 U.S.C. 10b), such section shall be applied to such contract by substituting ''at least 65 percent'' for ''substantially all''.

Amendment No. 13 offered by Mr. CROWLEY:

Page 111, after line 13, insert the following new section (and amend the table of contents accordingly):

SEC. 507. CONTRACTOR REQUIREMENTS.

(a) FINDINGS.—The Congress finds that the overriding national security aspects of the international programs of the International Broadcasting Bureau require the assurance of uninterrupted logistic support under all circumstances for the programs. Therefore, it is in the best interests of the United States to provide a preference for United States contractors bidding on these projects.

(b) PREFERENCE FOR UNITED STATES CONTRACTORS.—Notwithstanding any other provision of law, in any case where there are two or more qualified bidders on projects of the International Broadcasting Bureau, including design and construction projects and projects with respect to transmitters, antennas, spare parts, and other technical equipment, all the responsive bids of United States persons and qualified United States joint venture persons shall be considered to be reduced by 10 percent.

(c) EXCEPTION.—

(1) Subsection (b) shall not apply with respect to any project of the International Broadcasting Bureau when—

(A) precluded by the terms of an international agreement with the host foreign country;

(B) a foreign bidder can establish that the foreign bidder is a national of a country whose government permits United States contractors and suppliers the opportunity to bid on a competitive and nondiscriminatory basis with its national contractors and suppliers, on procurement and projects related to the construction, modernization, upgrading, or expansion of—

(i) its national public radio and television sector,

(ii) its private radio and television sector, to the extent that such procurement or project is, in whole or in part, funded or otherwise under the control of a government agency or authority,

(C) the Secretary of Commerce certifies (in advance of the award of the contract for that project) to the Board of the International Broadcasting Bureau that the foreign bidder is not receiving any direct subsidy from any government, the effect of which would be to disadvantage the competitive position of United States persons who also bid on the project, or

(D) the statutes of a host foreign country prohibit the use of United States contractors on such projects within that country.

(2) An exception under paragraph (1)(D) shall only become effective with respect to a foreign country 30 days after the Secretary of State certifies to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate what specific actions the Secretary has taken to urge the foreign country to permit the use of United States contractors on such projects.

(d) DEFINITIONS.—For purposes of this section:

(1) The term ''United States person'' means a person that—

(A) is incorporated or otherwise legally organized under the laws of the United States, including any State (and any political subdivision thereof) and the District of Columbia;

(B) has its principal place of business in the United States;

(C) has been incorporated or otherwise legally organized in the United States for more than 5 years before the issuance date of the Invitation For Bids or the Request For Proposals with respect to a project under subsection (b);

(D) has proven, as indicated by prior contracting experience, to possess the technical, managerial, and financial capability to successfully complete a project similar in nature and technical complexity to that being contracted for;

(E)(i) employs United States citizens in at least 80 percent of its principal management positions in the United States;

(ii) employs United States citizens in more than half of its permanent, full-time positions in the United States; and

(iii) will employ United States citizens in at least 80 percent of the supervisory positions on the project site; and

(F) has the existing technical and financial resources in the United States to perform the contract.

(2) The term ''qualified United States joint venture person'' means a joint venture in which a United States person or persons own at least 51 percent of the assets of the joint venture.

(3) The term ''responsive bid'' includes only a bid where the bidder can establish that the United States goods and services content, excluding consulting and management fees, of the bidder's proposal and the resulting contract will not be less than 55 percent of the value of the bidder's proposal and the resulting total contract.

(e) EFFECTIVE DATE.—The provisions of this section shall apply to any project with respect to which the Request For Proposals (commonly referred to as ''RFP'') or the Invitation For Bids (commonly referred to as ''IFB'') was issued after the date of the enactment of this Act.

Amendment No. 14 offered by Mr. SCHIFF:

At the end of title VII (relating to miscellaneous provisions) insert the following:

SEC. 735. SENSE OF CONGRESS CONCERNING THE TIMELY ISSUANCE OF VISAS FOR RUSSIAN WEAPONS SCIENTISTS INVOLVED IN ARMS CONTROL AND NONPROLIFERATION EXCHANGES WITH THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States visa approval system has in the past lacked proper oversight, coordination, and supervision. A more systematic, stringent, and rigorous evaluation system for visa approvals is clearly in the best interests of the United States.

(2) Many distinguished scholars, professors, researchers, and foreign associates of United States national academies have been prevented by visa delays from entering the United States for engagements at major conferences, meetings, and teaching invitations at American universities.

(3) Research collaborators for United States laboratories have also been prevented from entering the United States. Their absence halts projects and compromises United States commitments in long-standing international cooperative agreements aimed at reducing stockpiles of weapons of mass destruction.

(4) Visa restrictions came within one day of forcing the cancellation of an important meeting in Washington, D.C. of the National Academy of Sciences Committee on United States Russian Cooperation on Nuclear Non-Proliferation.

(5) Russian weapons scientists involved in nuclear non-proliferation cooperative efforts with the United States are critical to American efforts to ensure that nuclear weapons-grade materials remain under control and out of the hands of terrorists.

(6) In a December 2002 statement, the Presidents of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine found that a United States approach to visas that welcomes qualified foreign scientists, engineers, health professionals, and students serves national goals in three distinct ways:

(A) It harnesses international cooperation for counterterrorism.

(B) It builds stronger allies through scientific and technical cooperation.

(C) It maintains United States global leadership in science and technology.

(7) The Presidents of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine have found that current United States policy toward granting visas, to foreign scientists is harmful to the United States scientific community and to the longterm well-being of the United States. They stated on December 13, 2002, that ''To make our nation safer, it is extremely important that our visa policy not only keep out foreigners who intend to do us harm, but also facilitate the acceptance of those who bring us considerable benefit. Recent efforts by our government to constrain the flow of international visitors in the name of national security are having serious unintended consequences for American science, engineering, and medicine. The long-term security of the United States depends on admitting scholars who benefit our nation. In short, the United States scientific, engineering, and health communities cannot hope to maintain their present position of international leadership if they become isolated from the rest of the world. We view

this as an urgent matter, one that must be promptly addressed if the United States is to meet both its national security and economic development goals.''.

(8) Currently, consular officials send many visa applications back to the United States for sequential security clearances by several agencies, which may lead to long delays in visa processing. Consular officers are subject to criminal penalties if they grant a visa to a person who subsequently commits a terrorist act in the United States. However, there are currently no incentives for consular officers to facilitate scientific exchanges, which may advance the national interest of the United States.

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

(1) to the extent possible and consistent with national security objectives, the United States should expedite the processing of granting visas to Russian weapons scientists, especially those participating in bilateral weapon disarmament talks, negotiations, and exchanges, to enable them to participate in cooperative nonproliferation activities with their counterparts in the United States, and

(2) the Department of State is encouraged to consider streamlining the process of granting visas for such scientists as follows:

(A) Reinstate a procedure of pre-security clearance for scientists and engineers with the proper credentials.

(B) Involve the United States scientific and technical community in determining areas of particular security concern.

Amendment No. 15 offered by Ms. SCHAKOWSKY:

Page 78, after line 23, insert the following (and amend the table of contents accordingly):

SEC. 724. ALLOCATION OF RESOURCES FOR EMBASSIES AND CONSULATES.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of State should provide such resources, personnel, and training at each United States Embassy and consulate as are adequate to carry out the duties and responsibilities of such posts and to meet the needs of those seeking services at such posts. In particular, given Public Notice 4393 (Federal Register, July 7, 2003) which restricts the number of waivers that can be granted for interviews of nonimmigrant visas, the Secretary of State should provide sufficient resources, particularly in countries that are allies of the United States, to ensure that staff can process visa applications, including conducting personal interviews, in a manner that is timely, while complying with all the application requirements, including security concerns.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report concerning the allocation of resources for embassies and consulates to the appropriate congressional committees.

Amendment No. 16 offered by Mr. GALLEGLY:

At the end of title VII (relating to miscellaneous provisions) insert the following:

SEC. 736. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

(a) PERIOD OF DESIGNATION.—Section 219(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking ''Subject to paragraphs (5) and (6), a'' and inserting ''A''; and

(B) by striking ''for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)'' and inserting ''until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)'';

(2) by striking subparagraph (B) and inserting the following:

''(B) REVIEW OF DESIGNATION UPON PETITION.—

''(i) IN GENERAL.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

''(ii) PETITION PERIOD.—For purposes of clause (i)—

''(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

''(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

''(iii) PROCEDURES.—Any foreign terrorist organization that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) have changed in such a manner as to warrant revocation with respect to the organization.

''(iv) DETERMINATION.—

''(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

''(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

''(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

''(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6).''; and

(3) by adding at the end the following:

''(C) OTHER REVIEW OF DESIGNATION.—

''(i) IN GENERAL.—If in a 4-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6).

''(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

''(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.''.

(b) ALIASES.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) AMENDMENTS TO A DESIGNATION.—

''(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

''(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

''(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

''(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(B), by striking ''subsection (b)'' and inserting ''subsection (c)'';

(B) in paragraph (6)(A)—

(i) in the matter preceding clause (i), by striking ''or a redesignation made under paragraph (4)(B)'' and inserting ''at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4)''; and

(ii) in clause (i), by striking ''or redesignation'';

(C) in paragraph (7), by striking '', or the revocation of a redesignation under paragraph (6),''; and

(D) in paragraph (8)—

(i) by striking '', or if a redesignation under this subsection has become effective under paragraph (4)(B),''; and

(ii) by striking ''or redesignation''; and

(2) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking ''of the designation in the Federal Register,'' and all that follows through ''review of the designation'' and inserting ''in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review'';

(B) in paragraph (2), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation'';

(C) in paragraph (3), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation''; and

(D) in paragraph (4), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation'' each place that term appears.

(d) SAVINGS PROVISION.—For purposes of applying section 219 of the Immigration and Nationality Act on or after the date of enactment of this Act, the term ''designation'', as used in that section, includes all redesignations made pursuant to section 219(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)(B)) prior to the date of enactment of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraph (5) or (6) of section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

Amendment No. 18 offered by Mr. BURTON of Indiana:

Page 78, after line 23, insert the following:

SEC. 274. NOTICE TO UNITED STATES EMBASSIES ABROAD REGARDING CHILDREN WHO ARE THE SUBJECT OF INTERNATIONAL CHILD ABDUCTION AND GUIDELINES RELATING TO ASYLUM FOR SUCH CHILDREN.

(a) NOTICE OF INTERNATIONAL CHILD ABDUCTION.—The Secretary of State shall establish procedures to ensure that appropriate United States Embassies abroad are notified of the possible presence in that country of any child who has been the subject of international child abduction in violation of the order of a court in the United States.

(b) GUIDELINES FOR ASYLUM.—The Secretary of State shall promulgate guidelines for the personnel of United States Embassies abroad concerning procedures relating to asylum at such facilities for children who are the subject of international child abduction.

SEC. 275. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS AND RELATIVES OF SUCH ABDUCTORS.

(a) IN GENERAL.—Section 212(a)(10)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)(ii)) is amended—

(1) in subclause (I), by striking the comma at the end and inserting a semicolon;

(2) in subclause (II), by striking ''; or'' at the end and inserting a semicolon;

(3) by amending subclause (III) to read as follows:

''(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, cousin, uncle, aunt, nephew, niece, or grandparent of an alien described in clause (i), is an agent of such an alien, or is a principal employing such an alien as an agent, if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion; or'' and

(4) by adding at the end the following:

''(IV) is a spouse of the abducted child described in clause (i), if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion, is inadmissible until such child is surrendered to the person granted custody by the order described in that clause, and such custodian and child are permitted to return to the United States or such custodian's place of residence.''.

(b) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS; NOTICE TO CUSTODIAL PARENTS AND GUARDIANS; ANNUAL REPORT; DEFINITIONS.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by adding at the end the following:

''(iv) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—In all instances in which an alien commits an act described in clause (i), the Secretary of State shall take appropriate action to identify the individuals who are inadmissible under clause (ii).

''(v) NOTICE TO CUSTODIAL PARENTS AND GUARDIANS.—In all instances in which an alien commits an act described in clause (i), the Secretary of State shall, upon request of the person granted custody of the child concerned, inform the person of whether, and when, any individual who is inadmissible under clause (ii) by reason of such act has been issued a visa or otherwise authorized to enter the United States.

''(vi) ANNUAL REPORT.—The Secretary of State annually shall submit to the Committee on International Relations, the Committee on Government Reform, and the Committee on the Judiciary of the United States House of Representatives, and the Committee on Foreign Relations, the Committee on Governmental Affairs, and the Committee on the Judiciary of the United States Senate, a report that provides, with respect to the preceding year, an accounting of the number of cases known to the Secretary of State, disaggregated according to the nationality of the alien concerned—

''(I) in which an authority under this subparagraph was exercised (and with respect to each such case, the specific ground for inadmissibility shall be specified); and

''(II) in which an authority under this subparagraph has not been exercised but in which an alien, after entry of an order by a court in the United States granting custody to a person of a United States citizen child, detained or retained the child, or withheld custody of the child, outside the United States from the person granted custody by that order.

''(vii) DEFINITIONS.—For purposes of this subparagraph—

''(I) the term 'child' means an individual who was a child at the time the individual was detained or retained, or at the time custody of the individual was withheld, as described in clause (i), regardless of the age or marital status of the individual after such time; and

''(II) the term 'sibling' includes a step-sibling or half-sibling.''.

Amendment No. 19 offered by Mr. ACKERMAN:

Page 14, strike lines 1 through 4, and insert the following:

(5) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—

(A) For ''Protection of Foreign Missions and Officials'', $25,000,000 for the fiscal year 2004 and $25,000,000 for the fiscal year 2005.

(B) In addition to amounts authorized to be appropriated by subparagraph (A), there is authorized to be appropriated $30,600,000 for ''Protection of Foreign Missions and Officials'' only to reimburse the City of New York for necessary expenses incurred since 1999 for the protection of foreign missions and officials.

(C) Notwithstanding section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706), the Secretary is authorized to reprogram not more than $5,000,000 of funds otherwise authorized to be appropriated by this section for the purposes of this paragraph.

Amendment No. 20 offered by Mr. ACKERMAN:

Page 70, after line 2 insert the following (and amend the table of contents accordingly):

SEC. 231. INTERFERENCE WITH PROTECTIVE FUNCTIONS.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 117. Interference with certain protective functions

''Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged, within the United States or the special maritime territorial jurisdiction of the United States, in the performance of the protective functions authorized by section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic Security Act (22 U.S.C. 4802) shall be fined under this title or imprisoned not more than one year, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''117. Interference with certain protective functions.''.

Amendment No. 21 offered by Mr. ANDREWS:

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

SEC. ___. SENSE OF CONGRESS RELATING TO REGARDING SECURITY FOR TAIWAN.

(a) FINDINGS.—Congress finds the following:

(1) For over half a century a close relationship has existed between the United States and Taiwan which has been of enormous economic, cultural, and strategic advantage to both countries.

(2) Taiwan today is a full-fledged democracy with a vibrant economy and a vigorous multi-party political system that respects human rights and the rule of law.

(3) Taiwan is an ally of the United States, as most recently evidenced by Taiwan's provision of humanitarian and financial assistance to Afghanistan at the request of the United States and its support for Operation Iraqi Freedom.

(4) The security of the 23 million people in Taiwan is threatened by the deployment by the People's Republic of China of over 400 short–range ballistic missiles targeted at Taiwan, and the purchase by the PRC of advanced weaponry systems, including Su–27 and Su–30 fighter planes, Kilo submarines, and Sovremenny destroyers.

(5) Taiwan was threatened by missile exercises conducted by the PRC in August 1995 and again in March 1996 when Taiwan was conducting its first free and direct presidential elections.

(6) Section 2(b)(4) of the Taiwan Relations Act (22 U.S.C. 3301(b)(4)) considers any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States.

(7) Section 2(b)(6) of the Taiwan Relations Act (22 U.S.C. 3301(b)(6)) requires the United States to maintain the capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.

(8) In his January 17, 2001, confirmation hearing as Secretary of State, General Colin Powell stated that ''We will stand by Taiwan and will provide for the defense needs of Taiwan in accordance with the Taiwan Relations Act and the subsequent communiques.''.

(9) President Bush stated on April 24, 2001, that the United States will do whatever it takes to help Taiwan defend itself.

(10) In his testimony before the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate in February and March of 2002, Admiral Dennis Blair of the United States Pacific Command testified that ''China continued to build and exercise its force of short–range ballistic missiles ranging Taiwan. It still seeks to develop a range of military options to influence and intimidate Taiwan, and has not abandoned the option of using force to resolve Taiwan's status.''.

(11) The July 2002 U.S.-China Economic and Security Review Commission report to Congress stated that ''China is enhancing its capability to carry out attacks across the Taiwan Strait with its special operations forces, air forces and navy and missiles forces with little notice,'' and ''the Commission recommends that the U.S. along with its allies should continue to call upon China to renounce the threat of or the use of force against Taiwan.''.

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

(1) grave concerns exist concerning the deployment by the People's Republic of China

of hundreds of ballistic missiles directed toward Taiwan, which threaten the security and stability in the Taiwan Strait;

(2) the President should direct all appropriate United States officials to raise these concerns with the appropriate officials from the People's Republic of China, and should seek a public, immediate, and unequivocal renunciation from the leaders of the People's Republic of China of any threat or use of force against Taiwan;

(3) the President should affirm with the leaders of the People's Republic of China that there will not be a *quid pro quo* between the dismantling of missiles aimed at Taiwan by the People's Republic of China, and arms sales to Taiwan by the United States;

(4) China should dismantle the missiles that threaten Taiwan, otherwise the President should authorize the sale of the Aegis system to Taiwan, which would enable Taiwan to defend itself against the threat of a missile attack by China; and

(5) the future of Taiwan should be determined peacefully and with the express consent of the people of Taiwan.

Amendment No. 22 offered by Mr. BEREUTER:

Page 211, after line 11, insert the following section (and amend the table of contents accordingly):

SEC. 736. SENSE OF CONGRESS IN APPRECIATION OF THE ARMED FORCES OF THE UNITED STATES AND REGARDING RESTORING STABILITY AND SECURITY IN IRAQ.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States, with the support of forces from Great Britain and other countries, historically and courageously liberated Iraq in three weeks.

(2) Conditions on the ground in parts of Iraq continue to pose a grave threat to American troops, thereby complicating efforts to restore law and order and essential public services for Iraqis. Such efforts are further complicated by the absence of effective communications with the Iraqi people.

(3) Ultimately, maintaining law and order in Iraq and preserving its territorial integrity will require the creation of a professionally trained Iraqi police force and a reformed Iraqi military; however, that will take a significant amount of time and in the meantime international armed forces and police must assume these responsibilities.

(4) Approximately 145,000 United States troops are currently deployed in Iraq, meaning that American troops comprise roughly 90 percent of Coalition forces. If, as the Department of Defense has stated, an additional 10,000 international troops join the Coalition effort in Iraq by September, Americans will still comprise roughly 85 percent of Coalition forces.

(5) Maintaining the existing force level in Iraq currently requires $3,900,000,000 each month.

(6) The Department of Defense has stated that it will require one year to train a new Iraqi Army of 12,000 soldiers and three years to train 40,000 soldiers.

(7) The Coalition Provisional Authority has stated that it will require at least one year to recruit and train a police force of 40,000 officers capable of assuming minimal policy functions in Iraq, that it will require five years to recruit and train a full force of 75,000 officers, and that at least 5500 additional international police are needed to train, assist, and jointly patrol with the existing Iraqi police force.

(8) President Bush has noted that ''The rise of Iraq, as an example of moderation and democracy and prosperity, is a massive and long-term undertaking,'' and it is clear that increasing the number of troops and police from countries other than the United States will reduce risks to American soldiers and the financial cost to the United States.

(9) Secretary Rumsfeld testified that ''We certainly want assistance from NATO and from NATO countries'' and it is clear that involving the North Atlantic Treaty Organization, as is being done in Afghanistan and has been done in Kosovo and Bosnia, allows the Coalition to maintain a robust military presence while decreasing the exposure and risk to American troops.

(10) Rebuilding Iraq's neglected infrastructure and economy and administering Iraq--including providing basic services and paying public sector salaries--is likely to require tens of billions of dollars over several years and projected Iraqi oil revenues will be insufficient to meet these costs.

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

(1) it is in the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government;

(2) the President should consider requesting formally and expeditiously that the North Atlantic Treaty Organization (NATO) raise a force for deployment in post-war Iraq similar to what it has done in Afghanistan, Bosnia, and Kosovo and the Congress urges NATO allies and other nations to provide troops and police to Coalition efforts in Iraq; and

(3) the President should consider calling on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq and resources to help rebuild and administer Iraq.

Amendment No. 23 offered by Ms. BORDALLO:

Page 83, after line 10, insert the following (and amend the table of contents accordingly):

SEC. 311. TREATMENT OF TERRITORIES AND POSSESSIONS AS PART OF THE GEOGRAPHIC UNITED STATES FOR PURPOSES OF TRANSFER ALLOWANCES.

Notwithstanding any other provision of law, for purposes of transfer allowances for employees of the Department of State under section 5924(2)(B) of title 5, United States Code, the territories and possessions of the United States, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands, shall be considered part of the geographic United States.

Amendment No. 24 offered by Mr. BROWN of Ohio:

At the end of subtitle A of title VII (relating to reporting requirements) insert the following:

SEC. 713. REPORT CONCERNING OBSERVER STATUS FOR TAIWAN AT THE SUMMIT OF THE WORLD HEALTH ASSEMBLY.

Not later than 30 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter, the Secretary of State shall submit a report to the Congress, in unclassified form, describing the United States plan to endorse and obtain observer status for Taiwan at the annual weeklong summit of the World Health Assembly (WHA) held by the World Health Organization (WHO) in May of each year in Geneva, Switzerland. Each report shall include the following:

(1) An account of the efforts the Department of State has made, following the previous year's meeting of the World Health Assembly to enourage WHO member states to promote Taiwan's bid to obtain observer status.

(2) The steps the Department of State will take to endorse and obtain observer status at the forthcoming annual meeting of the World Health Assembly in Geneva, Switzerland.

Amendment No. 25 offered by Mr. CRANE:

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

SEC. ___. ATTACKS ON UNITED STATES CITIZENS BY PALESTINIAN TERRORISTS.

(a) FINDINGS.—Congress finds the following:

(1) Since Yasser Arafat renounced violence in the Oslo Peace Accords on September 13, 1993, at least 42 United States citizens, including one unborn child, have been murdered by Palestinian terrorists.

(2) On December 1, 1993, in a drive-by shooting north of Jerusalem, Hamas killed United States citizen Yitzhak Weinstock, 19, whose family came from Los Angeles.

(3) On October 9, 1994, Hamas kidnapped and murdered United States citizen Nachshon Wachsman, 19, whose family came from New York City.

(4) On April 9, 1995, an Islamic Jihad bomb attack on a bus near Kfar Darom killed United States citizen Alisa Flatow, 20, from West Orange, New Jersey.

(5) On August 21, 1995, in a Hamas bus bombing in Jerusalem, United States citizen Joan Davenny, from New Haven, Connecticut, was killed.

(6) On September 9, 1995, Mara Frey of Chicago was stabbed in Ma'ale Michmash resulting in her unborn child's death.

(7) On February 25, 1996, three United States citizens, Sara Duker of Teaneck, New Jersey, Matthew Eisenfeld of West Hartford, Connecticut, and Ira Weinstein of New York City, were killed in a Hamas bus bombing in Jerusalem.

(8) On May 13, 1996, United States citizen David Boim, 17, of New York City, was killed in a drive-by shooting near Beit El, north of Jerusalem.

(9) On June 9, 1996, United States citizen Yaron Ungar was killed in a drive by-shooting near Beit Shemesh.

(10) On July 30, 1997, United States citizen Leah Stern of Passaic, New Jersey, was killed in a Hamas bombing in Jerusalem's Mahane Yehuda market.

(11) On September 4, 1997, a Hamas bombing on Ben-Yehuda Street, Jerusalem, killed Yael Botwin, 14, of Los Angeles.

(12) On April 19, 1998, an attack near the Israeli town of Maon killed United States citizen Dov Dribben, 28.

(13) On October 8, 2000, Rabbi Hillel Lieberman, 36, of New York City, was stabbed and killed near Nablus.

(14) On October 30, 2000, United States citizen Esh-Kodesh Gilmore, 25, was shot in Jerusalem.

(15) On December 31, 2000, Rabbi Binyamin Kahane, 34, and his wife, Talia Hertzlich Kahane, both formerly of New York City, were killed in a drive-by shooting near Ofra.

(16) On May 9, 2001, Jacob ''Koby'' Mandell, 13, of Silver Spring, Maryland, was killed in an attack near Tekoah.

(17) On May 29, 2001, Sarah Blaustein, 53, of Lawrence, New York, was killed in a drive-by shooting near Efrat.

(18) On August 9, 2001, two United States citizens, Judith L. Greenbaum, 31, and Malka Roth, 15, were killed in the Jerusalem Sbarro pizzeria bombing.

(19) On November 4, 2001, Shoshana Ben-Yishai, 16, of New York City, was shot and killed during an attack on a Jerusalem bus.

(20) On January 15, 2002, Avraham Boaz, 72, of New York City, was killed in a shooting near Bethlehem.

(21) On January 18, 2002, United States citizen Aaron Elis, 32, was killed in a shooting in Hadera.

(22) On February 15, 2002, United States citizen Lee Akunis, was shot and killed near Ramallah.

(23) On February 16, 2002, Keren Shatsky, 14, of New York City and Maine, and Rachel Thaler, 16, of Baltimore, Maryland, were killed in a bombing in Karnei Shomron.

(24) On February 25, 2002, United States citizen Moran Amit, 25, was stabbed and killed in Abu Tor Peace Forest, Jerusalem.

(25) On March 24, 2002, Esther Kleinman, 23, formerly of Chicago, was shot and killed near Ofra.

(26) On March 27, 2002, United States citizen Hannah Rogen, 90, was killed in a bombing at a hotel Passover seder in Netanya.

(27) On June 18, 2002, Moshe Gottlieb, 70, of Los Angeles, was killed in a bus bombing in Jerusalem.

(28) On June 19, 2002, United States citizen Gila Sara Kessler, 19, was killed in a bombing at a Jerusalem bus stop.

(29) On July 31, 2002, five United States citizens were killed in a bombing of a Hebrew University cafeteria: Marla Bennett, 24, of San Diego, Benjamin Blutstein, 25, of Susquehanna Township, Pennsylvania, Janis Ruth Coulter, 36, of Massachusetts, David Gritz, 24, of Peru, Massachusetts (and of dual French-United States citizenship), and Dina Carter, 37, of North Carolina.

(30) On March 5, 2003, Abigail Leitel, 14, who was born in Lebanon, New Hampshire, died in a bus bombing in Haifa.

(31) On March 7, 2003, United States citizens Rabbi Eli Horowitz, 52, who grew up in Chicago, and Dina Horowitz, 50, who grew up in Florida, were killed in their home.

(32) On June 11, 2003, United States citizen Alan Beer, 47, who grew up in Cleveland, was killed in bus bombing in Jerusalem.

(33) On June 20, 2003, United States citizen Tzvi Goldstein, 47, originally from New York City, was shot and killed in an attack while driving through the West Bank.

(34) At least another 79 United States citizens have been injured in Palestinian terrorist attacks, including United States citizen Jack Baxter, 50, of New York City, who was injured on April 30, 2003, in a bombing at a Tel Aviv pub.

(35) The official Palestinian Authority television broadcast on March 14, 2003, of a live sermon calling for the destruction of the United States and Israel was a blatant attempt to incite violence against United States and Israeli citizens.

(b) STATEMENTS OF POLICY.—Congress—

(1) condemns the attacks on United States citizens by Palestinian terrorists and demands that the Palestinian Authority work with Israel to protect all innocent individuals, regardless of citizenship, from terrorist atrocities;

(2) offers its condolences to the families and loved ones of United States citizens who were killed by Palestinian terrorist attacks; and

(3) calls on the Secretary of State to include a listing of the killing of every United States citizen by terrorists in the ''Chronology of Significant Terrorist Incidents'', as included in the annual Department of State's Patterns of Global Terrorism Report.

Amendment No. 26 offered by Mr. HUNTER:

Page 211, after line 11, insert the following:

SEC. 736. SENSE OF CONGRESS AND REPORT CONCERNING WASTEWATER TREATMENT AND THE INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.

(a) FINDINGS.—The Congress finds as follows:

(1) The failure by the International Boundary and Water Commission, United States and Mexico, to complete negotiations on a new Treaty Minute with Mexico, as directed by Congress in Public Law 106–457, has endangered the health of the residents of San Diego County.

(2) The continued flow of Mexican sewage on San Diego, California, beaches has caused extensive and persistent beach closings thereby causing economic hardship to the local economy.

(3) The International Boundary and Water Commission has shown insignificant progress in negotiations with Mexico.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States Section of the International Boundary and Water Commission shall make treaty negotiations with Mexico on the establishment of a public-private partnership to construct and operate a wastewater treatment facility in Mexico as outlined in Public Law 106–457 a priority.

(c) REPORT TO CONGRESS.—The United States Section of the International Boundary and Water Commission, United States and Mexcio, shall submit monthly reports to the appropriate congressional committees concerning progress in negotiations on a new Treaty Minute with Mexico.

Amendment No. 27 offered by Mr. HYDE:

At the end of title XVII of division B of the bill, insert the following:

SEC. ___. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) BAHRAIN.—To the Government of Bahrain, the OLIVER HAZARD PERRY class guided missile frigate GEORGE PHILIP (FFG 12).

(2) PORTUGAL.—To the Government of Portugal, the OLIVER HAZARD PERRY class guided missile frigate SIDES (FFG 14).

(b) TRANSFERS BY SALE.—The President is authorized to transfer vessels to foreign countries on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) BRAZIL.—To the Government of Brazil, the SPRUANCE class destroyer O'BRIEN (DD 975).

(2) CHILE.—To the Government of Chile, the SPRUANCE class destroyer FLETCHER (DD 992).

(3) TURKEY.—To the Government of Turkey, the ANCHORAGE class dock landing ship ANCHORAGE (LSD 36).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred to countries in any fiscal year under subsection (g) of that section.

(d) COSTS OF TRANSFERS ON GRANT BASIS.—Any expense incurred by the United States in connection with a transfer authorized to be made on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to the authority provided by subsection (a) shall be charged to the recipient (notwithstanding section 516(e)(1) of such Act).

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

Amendment No. 28 offered by Mr. HYDE:

Strike section 227 (relating to GAO assessment of security capital cost sharing) and insert the following:

SEC. 227. SECURITY CAPITAL COST SHARING.

(a) AUTHORIZATION.—The first section of the Foreign Service Buildings Act, 1926 (22 U.S.C. 292) is amended by adding at the end the following new subsection:

''(c) SECURITY CAPITAL COST-SHARING PROGRAM.—(1) The Secretary of State, as the single manager of all buildings and grounds acquired under this Act or otherwise acquired or authorized for the use of the diplomatic and consular establishments in foreign countries, is authorized to establish and implement a Security Capital Cost-Sharing Program to collect funds from each agency on the basis of its total overseas presence in a manner that encourages rightsizing of its overseas presence, and expend those funds to accelerate the provision of safe, secure, functional buildings for United States Government personnel overseas.

''(2) The Secretary is authorized to determine annually and charge each Federal agency the amount to be collected under paragraph (1) from the agency. To determine such amount, the Secretary may prescribe and use a formula that takes into account the number of authorized positions of each agency, including contractors and locally hired personnel, who are assigned to United States diplomatic facilities and are under the authority of a chief of mission pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

''(3) The head of an agency charged a fee under this section shall remit the amount of the fee to the Secretary of State through the Intra-Governmental Payment and Collection System or other appropriate means.

''(4) There shall be established on the books of the Treasury an account to be known as the 'Security Capital Cost-Sharing Program Fund', which shall be administered by the Secretary. There shall be deposited into the account all amounts collected by the Secretary pursuant to the authority under paragraph (1), and such funds shall remain available until expended. Such funds shall be used solely for the provision of new safe, secure, functional diplomatic facilities that comply with all applicable legal standards, including those standards established under the authority of the Secure Embassy Construction and Counterterrorism Act of 1999. The Secretary shall include in the Department of State's Congressional Presentation Document an accounting of the sources and uses of the amounts deposited into the account.

''(5) The Secretary shall not collect a fee for an authorized position of an agency of the Federal Government that has been or would be granted a waiver pursuant to section 606(a)(2)(B)(i) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(2)(B)(i)).

''(6) In this subsection—

''(A) the term 'agency of the Federal Government'—

''(i) includes the Interagency Cooperative Administrative Support Service; and

''(ii) does not include the Marine Security Guard; and

''(B) the term 'United States diplomatic facility' has the meaning given that term in

section 603 of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2004.

Amendment No. 29 offered by Mr. HYDE:

In section 226 (relating to validity of United States passports) strike ''travellers'' both places it appears and insert ''travelers''.

Strike line 14 on page 43 through line 2 on page 46.

Page 79, line 15, after ''Act'' insert ''of 1956''.

Page 79, lines 16 and 18, strike ''(o)'' and insert ''(n)''.

Page 79, line 20, strike ''(p)'' and insert ''(o)''.

In the first sentence in section 301(b)(1) of the Foreign Assistance Act of 1961, as proposed to be added by section 116(e) of the bill, strike ''For fiscal year fiscal year 2004'' and insert ''For fiscal year 2004''.

In section 1707 of the bill, redesignate the second paragraph (1) as paragraph (2).

Amendment No. 30 offered by Mr. LANTOS:

In section 1713 of the bill (relating to enhanced police training)—

(1) strike ''Section 660(b) of the Foreign Assistance Act of 1961'' and insert ''(a) IN GENERAL.—Section 660(b) of the Foreign Assistance Act of 1961''; and

(2) add at the end the following new subsection:

(b) NOTIFICATION REQUIREMENT.—Section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) is amended by adding at the end the following new subsection:

''(e) Funds may not be obligated for assistance under subsection (b)(8) unless the Secretary of State notifies the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of the amount and nature of the proposed assistance at least 15 days in advance of the proposed obligation in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act. Such notification shall include a comprehensive report and, where practicable, a plan describing the police assistance and rule of law programs of relevant United States agencies for each country which is to receive assistance under section 660(b)(8).''.

Amendment No. 31 offered by Mrs. MALONEY:

In division B of the bill—

(1) redesignate title XVII as title XVIII (and conform all sections therein accordingly and conform the table of contents); and

(2) insert after title XVI the following new title (and conform the table of contents accordingly):

TITLE XVII—ACCESS FOR AFGHAN WOMEN

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Access for Afghan Women Act of 2003''.

SEC. 1702. FINDINGS.

Congress makes the following findings:

(1) Despite the removal of the Taliban from power, women in Afghanistan continue to experience brutal and frequent violation of their human rights, generally outside of Kabul where warlords are reexerting control.

(2) Strong and continued support from the United States and the international community can ensure that the advances made by Afghan women since the fall of the Taliban will continue and grow, rather than recede.

(3) While the United States and the international community continue to make substantial contributions to emergency humanitarian and relief operations in Afghanistan, the establishment of a stable, peaceful, prosperous, and democratic Afghanistan with a broad-based, multi-ethnic, gender-sensitive, and fully representative government requires a significant increase in long-term investments in development and reconstruction assistance.

(4) The maternal mortality rate in Afghanistan is among the highest in the world, with recent reports estimating that every 30 minutes an Afghan woman dies of pregnancy related causes, or approximately 15,000 women every year. The estimated maternal mortality rate of 1,600 deaths per 100,000 live births can be significantly reduced through access to primary health care services, including safe birthing supplies, emergency obstetric care, prenatal and postnatal care, contraception, and prevention and treatment for the effects of sexual coercion and rape.

(5) Women comprise 75 percent or more of the refugees and internally displaced in camps, urban areas, and villages in Afghanistan.

(6) 85 percent of Afghanistan's population lives in rural areas. The women in rural areas perform vital roles in food production, processing, and preparation. Successful reconstruction and development assistance must target rural women as part of any agricultural interventions.

(7) Within Afghanistan and outside of Afghanistan, local women's organizations are delivering critical services and have the knowledge and experience to assist the United States in delivering effective relief aid.

(8) The Afghan Ministry for Women's Affairs is an important ministry that is essential for re-establishing women's human rights, ensuring that women are included in all development efforts, and delivering critical legal, health, education, and economic services to women throughout Afghanistan's 30 provinces.

(9) Afghan women are taking the initiative to reach across the conflict divide and foster peace. Women's perspectives and experiences in seeking solutions to conflicts are necessary to ensure lasting peace.

(10) The inadequate security situation in Afghanistan disproportionately impacts women and girls as the lack of rule of law results in the frequent assault, kidnapping, and sexual abuse of Afghan women and girls throughout Afghanistan.

(11) Despite significant improvements in healthcare and education infrastructure for women and girls in Afghanistan, the lack of security and rule of law throughout most of Afghanistan effectively denies access to these facilities and the critical services they provide.

SEC. 1703. ESTABLISHMENT OF AFGHAN WOMEN'S FUND.

(a) ESTABLISHMENT.—The Administrator of the United States Agency for International Development shall establish a fund for the purpose of assisting women and girls in Afghanistan in the areas of political and human rights, health care, education, training, security, and shelter.

(b) ACTIVITIES SUPPORTED.—The fund established under subsection (a) shall support the activities described in section 103(a)(7) of the Afghanistan Freedom Support Act of 2002 and the following activities:

(1) Direct financial and programmatic assistance to the Ministry of Women's Affairs in Afghanistan (hereafter in this section referred to as the ''Ministry'') to promote the strengthening of the Ministry as the Government of Afghanistan continues its transition to a long-term government structure and to enable the Ministry to fulfill its mandate. The Ministry may use such assistance to support activities such as the following:

(A) Multiyear women-centered economic development programs, including programs to assist widows, female heads of household, women in rural areas, and disabled women.

(B) Collaboration with the Ministry of Health to construct culturally appropriate health infrastructure and delivery of high-quality comprehensive health care programs, including primary, maternal, child, reproductive, and mental health care.

(C) Programs to prevent trafficking in persons, assist victims, and apprehend and prosecute traffickers in persons.

(2) Direct financial assistance to the National Human Rights Commission of Afghanistan.

(3) Construction of women's educational facilities in Afghanistan.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not less than $22,500,000 for each of the fiscal years 2003, 2004, and 2005 and such sums as are necessary for each subsequent fiscal year.

SEC. 1704. ASSISTANCE TO AFGHANISTAN.

Notwithstanding any other provision of law, not less than 15 percent of the aggregate amount of economic and humanitarian assistance authorized to be appropriated under section 1703(c) to be made available to Afghanistan for each of the fiscal years 2003, 2004, and 2005 shall be made available for assistance directly to Afghan-led local nongovernmental organizations, including Afghan women-led organizations, with demonstrated experience in delivering services to Afghan women and children to support their programmatic activities and organizational development. In recognition of the appreciating capacity of Afghan-led local nongovernmental organizations, including Afghan women-led organizations, an appropriate percentage of the aggregate amount of economic and humanitarian assistance authorized to be made available to Afghanistan for fiscal year 2006 and each subsequent fiscal year shall be made available for assistance directly to Afghan-led local nongovernmental organizations, including Afghan women-led organizations.

SEC. 1705. REQUIREMENTS RELATING TO UNITED STATES ACTIVITIES IN AFGHANISTAN.

(a) IN GENERAL.—Activities described in subsections (b) through (e) that are carried out by the United States in Afghanistan should comply with the applicable requirements contained in such subsections.

(b) GOVERNANCE OF AFGHANISTAN.—With respect to the governance of Afghanistan, the applicable requirements are the following:

(1) Include the perspectives and advice of Afghan women's organizations, networks, and leaders in United States policymaking related to the governance of Afghanistan.

(2) Promote the inclusion of a significant number of women in future legislative bodies to ensure that women's full range of human rights are included and upheld in any constitution or legal structures of Afghanistan.

(3) Encourage the appointment of women to high level positions within Afghan Ministries.

(c) POST-CONFLICT RECONSTRUCTION AND DEVELOPMENT.—With respect to activities relating to post-conflict stability in Afghanistan, the applicable requirements are the following:

(1) Encourage United States organizations that receive funds authorized by this title to partner with or create Afghan-led counterpart organizations and provide these organizations with significant financial resources, technical assistance, and capacity building.

(2) Increase women's access to or ownership of productive assets such as land, water, agricultural inputs, credit, and property.

(3) Provide long-term financial assistance for primary, secondary, higher, nontraditional, and vocational education for Afghan girls, women, boys, and men.

(4) Integrate education and training programs for former combatants with economic development programs to encourage their reintegration into society and to promote post-conflict stability.

(5) Provide assistance to rehabilitate children affected by the conflict, particularly child soldiers.

(6) Support educational efforts to increase awareness with respect to landmines, facilitate the removal of landmines, and provide services to individuals with disabilities caused by landmines.

(d) AFGHAN MILITARY AND POLICE.—With respect to training for military and police forces in Afghanistan, the applicable requirements are the following:

(1) Include training on the protection, rights, and the particular needs of women and emphasize that violations of women's rights are intolerable and should be prosecuted.

(2) Encourage such trainers who will carry out the activities in paragraph (1) to consult with women's organizations in Afghanistan to ensure that training content and materials are adequate, appropriate, and comprehensive.

(e) RELIEF, RESETTLEMENT, AND REPATRIATION OF REFUGEES AND INTERNALLY DISPLACED PERSONS.—With respect to the relief, resettlement, and repatriation of refugees and internally displaced persons in Afghanistan, the applicable requirements are the following:

(1) Take all necessary steps to ensure that women refugees and internally displaced persons in camps, urban areas, and villages are directly receiving food aid, shelter, relief supplies, and other services from United States-sponsored programs.

(2) Take all necessary steps to ensure that women refugees in camps, urban areas, and villages are accessing high-quality health and medical services, including primary, maternal, child, and mental health services.

(3) Take all necessary steps to ensure that women and children in refugee camps are protected from sexual exploitation.

(4) Take all necessary steps to ensure refugees and internally displaced persons that seek to return to their place of origin can do so voluntarily, safely, and with the full protection of their rights. United States-sponsored efforts shall not coerce refugees or internally displaced persons to return to their places of origin.

SEC. 1706. REPORTING REQUIREMENTS.

Not later than 60 days after the date of the enactment of this Act, and annually thereafter, the President shall prepare and transmit to Congress a report that contains documentation of the progress in implementing the requirements of section 1705. All data in the report shall be disaggregated by gender.

Amendment No. 34 offered by Mr. SMITH of New Jersey:

Add at the end of the bill the following new division (and conform the table of contents accordingly):

DIVISION C—ASSISTANCE FOR VIET NAM

TITLE XX—CONDITIONS ON INCREASED NONHUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF VIET NAM

SEC. 2001. BILATERAL NONHUMANITARIAN ASSISTANCE.

(a) ASSISTANCE.—

(1) IN GENERAL.—United States nonhumanitarian assistance may not be provided to the Government of Viet Nam in an amount exceeding the amount so provided for fiscal year 2003—

(A) for fiscal year 2004 unless not later than 30 days after the date of the enactment of this Act the President determines and certifies to Congress that the requirements of subparagraphs (A) through (D) of paragraph (2) have been met during the 12–month period ending on the date of the certification; and

(B) for each subsequent fiscal year unless the President determines and certifies to Congress in the most recent annual report submitted pursuant to section 501 that the requirements of subparagraphs (A) through (E) of paragraph (2) have been met during the 12–month period covered by the report.

(2) REQUIREMENTS.—The requirements of this paragraph are that—

(A) the Government of Viet Nam has made substantial progress toward releasing all political and religious prisoners from imprisonment, house arrest, and other forms of detention;

(B)(i) the Government of Viet Nam has made substantial progress toward respecting the right to freedom of religion, including the right to participate in religious activities and institutions without interference by or involvement of the Government; and

(ii) has made substantial progress toward returning estates and properties confiscated from the churches;

(C) the Government of Viet Nam has made substantial progress toward allowing Vietnamese nationals free and open access to United States refugee programs;

(D) the Government of Viet Nam has made substantial progress toward respecting the human rights of members of ethnic minority groups in the Central Highlands and elsewhere in Viet Nam; and

(E)(i) neither any official of the Government of Viet Nam nor any agency or entity wholly or partly owned by the Government of Viet Nam was complicit in a severe form of trafficking in persons; or

(ii) the Government of Viet Nam took all appropriate steps to end any such complicity and hold such official, agency, or entity fully accountable for its conduct.

(b) EXCEPTION.—

(1) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the Government of Viet Nam to meet the requirements of subsection (a)(2), the President may waive the application of subsection (a) for any fiscal year if the President determines that the provision to the Government of Viet Nam of increased United States nonhumanitarian assistance would promote the purposes of this Act or is otherwise in the national interest of the United States.

(2) EXERCISE OF WAIVER AUTHORITY.—The President may exercise the authority under paragraph (2) with respect to—

(A) all United States nonhumanitarian assistance to Viet Nam; or

(B) one or more programs, projects, or activities of such assistance.

(c) DEFINITIONS.—In this section:

(1) SEVERE FORM OF TRAFFICKING IN PERSONS.—The term ''severe form of trafficking in persons'' means any activity described in section 103(8) of the Trafficking Victims Protection Act of 2000 (Public Law 106–386 (114 Stat. 1470); 22 U.S.C. 7102(8)).

(2) UNITED STATES NONHUMANITARIAN ASSISTANCE.—The term ''United States nonhumanitarian assistance'' means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

(i) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(ii) assistance which involves the provision of food (including monetization of food) or medicine; and

(iii) assistance for refugees; and

(B) sales, or financing on any terms, under the Arms Export Control Act.

TITLE XXI—ASSISTANCE TO SUPPORT HUMAN RIGHTS AND DEMOCRACY IN VIET NAM

SEC. 2101. ASSISTANCE.

(a) IN GENERAL.—The President is authorized to provide assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote democracy and internationally recognized human rights in Viet Nam.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out subsection (a) $2,000,000 for each of the fiscal years 2004 and 2005.

TITLE XXII—UNITED STATES PUBLIC DIPLOMACY

SEC. 2201. RADIO FREE ASIA TRANSMISSIONS TO VIET NAM.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to take such measures as are necessary to overcome the jamming of Radio Free Asia by the Government of Viet Nam, including the active pursuit of broadcast facilities in close geographic proximity to Viet Nam.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to such amounts as are otherwise authorized to be appropriated for the Broadcasting Board of Governors, there are authorized to be appropriated to carry out the policy under subsection (a) $9,100,000 for the fiscal year 2004 and $1,100,000 for the fiscal year 2005.

SEC. 2202. UNITED STATES EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS WITH VIET NAM.

It is the policy of the United States that programs of educational and cultural exchange with Viet Nam should actively promote progress toward freedom and democracy in Viet Nam by providing opportunities to Vietnamese nationals from a wide range of occupations and perspectives to see freedom and democracy in action and, also, by ensuring that Vietnamese nationals who have already demonstrated a commitment to these values are included in such programs.

TITLE XXIII—UNITED STATES REFUGEE POLICY

SEC. 2301. REFUGEE RESETTLEMENT FOR NATIONALS OF VIET NAM.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to offer refugee resettlement to nationals of Viet Nam (including members of the Montagnard ethnic minority groups) who were eligible for the Orderly Departure Program (ODP), Resettlement Opportunities for Vietnamese Returnees (ROVR) or any other United States refugee program and who were deemed ineligible due to administrative error or who for reasons beyond the control of such individuals (including insufficient or contradictory information or the inability to pay bribes demanded by officials of the Government of Viet Nam) were unable or failed to apply for such programs in compliance with deadlines imposed by the Department of State.

(b) AUTHORIZED ACTIVITY.—Of the amounts authorized to be appropriated to the Department of State for Migration and Refugee Assistance for each of the fiscal years 2004, 2005, and 2006, such sums as may be necessary are authorized to be made available for the protection (including resettlement in appropriate cases) of Vietnamese refugees and asylum seekers, including Montagnards in Cambodia.

TITLE XIV—ANNUAL REPORT ON PROGRESS TOWARD FREEDOM AND DEMOCRACY IN VIET NAM

SEC. 2401. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act and every 12 months thereafter, the Secretary of State shall submit to the Congress a report on the following:

(1)(A) The determination and certification of the President that the requirements of section 2001(a)(2) have been met, if applicable.

(B) The determination of the President under section 2001(b)(2), if applicable.

(2) Efforts by the United States Government to secure transmission sites for Radio Free Asia in countries in close geographical proximity to Viet Nam in accordance with section 2201(a).

(3) Efforts to ensure that programs with Viet Nam promote the policy set forth in section 302 and with section 102 of the Human Rights, Refugee, and Other Foreign Policy Provisions Act of 1996 regarding participation in programs of educational and cultural exchange.

(4) Steps taken to carry out the policy under section 2301(a).

(5) Lists of persons believed to be imprisoned, detained, or placed under house arrest, tortured, or otherwise persecuted by the Government of Viet Nam due to their pursuit of internationally recognized human rights. In compiling such lists, the Secretary shall exercise appropriate discretion, including concerns regarding the safety and security of, and benefit to, the persons who may be included on the lists and their families. In addition, the Secretary shall include a list of such persons and their families who may qualify for protection under United States refugee programs.

(6) A description of the development of the rule of law in Viet Nam, including, but not limited to—

(A) progress toward the development of institutions of democratic governance;

(B) processes by which statutes, regulations, rules, and other legal acts of the Government of Viet Nam are developed and become binding within Viet Nam;

(C) the extent to which statutes, regulations, rules, administrative and judicial decisions, and other legal acts of the Government of Viet Nam are published and are made accessible to the public;

(D) the extent to which administrative and judicial decisions are supported by statements of reasons that are based upon written statutes, regulations, rules and other legal acts of the Government of Viet Nam;

(E) the extent to which individuals are treated equally under the laws of Viet Nam without regard to citizenship, race, religion, political opinion, or current or former associations;

(F) the extent to which administrative and judicial decisions are independent of political pressure or governmental interference and are reviewed by entities of appellate jurisdiction; and

(G) the extent to which laws in Viet Nam are written and administered in ways that are consistent with international human rights standards, including the requirements of the International Covenant on Civil and Political Rights.

(b) CONTACTS WITH OTHER ORGANIZATIONS.— In preparing the report under subsection (a), the Secretary shall, as appropriate, consult with and seek input from nongovernmental organizations, human rights advocates (including Vietnamese-Americans and human rights advocates in Viet Nam), and the United States Commission on Religious Freedom.

Amendment No. 35 offered by Mr. SOUDER:

Page 78, after line 23, insert the following section (and amend the table of contents accordingly):

SEC. 274. ARCHITECTURAL INTEGRITY OF UNITED STATES EMBASSIES, CONSULATES, AND OTHER DIPLOMATIC BUILDINGS.

It is the sense of the Congress that, to the greatest extent possible, in the construction and renovation of United States embassies, consulates, and other diplomatic buildings, the Secretary of State shall consider and seek to preserve the architectural integrity and cohesiveness of the neighborhood and environs and minimize any disruption due to the presence of the embassy, consulate, or other diplomatic building.

Amendment No. 36 offered by Mr. STEARNS:

Page 211, after line 11, insert the following:

SEC. 736. SENSE OF CONGRESS REGARDING ALLOCATION OF RESOURCES FOR THE DEPARTMENT OF STATE AS THE CENTRAL AUTHORITY FOR THE UNITED STATES UNDER THE HAGUE CONVENTION ON INTERCOUNTRY ADOPTION.

It is the sense of the Congress that the Department of State should direct significant resources to their new role as the central authority for the United States under the Hague Convention on Intercountry Adoption.

Amendment No. 38 offered by Mr. DREIER:

Strike section 731 (page 199, line 22 through page 204, line 10) and insert the following:

SEC. 731. SENSE OF CONGRESS REGARDING MIGRATION ISSUES BETWEEN THE UNITED STATES AND MEXICO.

(a) FINDINGS.—The Congress finds as follows:

(1) During President Bush's first meeting with President Fox in Guanajuato, Mexico, the Presidents stated in the Joint Communique of February 16, 2001 that ''we are instructing our Governments to engage, at the earliest opportunity, in formal high level negotiations aimed at achieving short and long-term agreements that will allow us to constructively address migration and labor issues between our two countries.''.

(2) During President Fox's official visit to Washington, D.C., the Joint Statement of September 6, 2001, summarized the meeting as follows: ''The Presidents reviewed the progress made by our joint working group on migration chaired by Secretaries Powell, CastaZeda, and Creel and Attorney General Ashcroft and noted this represented the most fruitful and frank dialogue we have ever had on a subject so important to both nations. They praised implementation of the border safety initiative, and recognized that migration-related issues are deeply felt by our publics and vital to our prosperity, well-being, and the kind of societies we want to build. They renewed their commitment to forging new and realistic approaches to migration to ensure it is safe, orderly, legal and dignified, and agreed on the framework within which this ongoing effort is based. This includes: matching willing workers with willing employers; serving the social and economic needs of both countries; respecting the human dignity of all migrants, regardless of their status; recognizing the contribution migrants make to enriching both societies; shared responsibility for ensuring migration takes place through safe and legal channels. Both stressed their commitment to continue our discussions, instructing the high-level working group to reach mutually satisfactory results on border safety, a temporary worker program and the status of undocumented Mexicans in the United States. They requested that the working group provide them proposals with respect to these issues as soon as possible. The Presidents recognized that this is an extraordinarily challenging area of public policy, and that it is critical to address the issue in a timely manner and with appropriate thoroughness and depth.''.

(3) On September 7, 2001, during President Fox's historic State Visit to Washington, the United States and Mexico issued a joint statement instructing our cabinet-level working group to provide us with specific proposals to forge a new and realistic framework that will ensure a safe, legal, orderly, and dignified migration flow between our countries. We have today agreed that our Cabinet level migration group should continue the work we charged it with in Guanajuato and Washington.

(4) When the Presidents met in Monterrey, Mexico, the Presidents stated in a Joint Statement on March 22, 2002, as follows: ''Slightly more than one year ago, in Guanajuato, we talked about migration as one of the major ties that join our societies. We launched then the frankest and most productive dialogue our countries have ever had on this important and challenging subject. Those talks have continued over the past year, and have yielded a clearer assessment of the scope and nature of this issue. This bond between our nations can render countless benefits to our respective economies and families.

(5) Over the past year, important progress has been made to enhance migrant safety and particularly in saving lives by discouraging and reducing illegal crossings in dangerous terrain.

(6) At the conclusion of the Mexico-United States Binational Commission (BNC) meeting in Mexico City in November 2002, Secretary of State Powell's press conference was summarized by the State Department as follows: The BNC's migration working group ''affirmed our strong commitment to advancing our bilateral migration agenda,'' he stressed, adding that ''there should be no doubt in anyone's mind that this is a priority for President Bush, just as it is a priority for [Mexican] President [Vicente] Fox.''

(7) Secretary Powell said no schedule had been established for a migration accord, but he confirmed that the United States and Mexico want to come up with a series of migration initiatives over the course of the next six months to a year.

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

(1) that the United States and Mexico should as soon as is practicable commence negotiations in an attempt to reach a migration accord that is as comprehensive as possible and which addresses the key issues of concern for both nations; and

(2) that as part of any migration agreement between the United States and Mexico, the issues of the extradition of violent criminals and law enforcement cooperation between the two nations be addressed.

Amendment No. 39 offered by Mr. WALSH:

Page 77, after line 3, insert the following new section and (amend the table of contents accordingly):

SEC. 258. AMENDMENT AND EXTENSION OF IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM.

(a) AMENDMENT OF PROGRAM.—

(1) Section 2(a)(2)(A) of such the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended by adding at the end ''No participant in the program may have a degree from an institution of higher education.''.

(2) Section 101(a)(15)(Q)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)(ii)(I)) is amended—

(A) by striking ''35 years of age or younger having a residence'' and inserting ''21 to 35 years of age, unemployed for not less than 6 months, having resided for not less 6 months in the Republic of Ireland or the United Kingdom,''; and

(B) by striking ''36 months'' and inserting ''24 months''.

(3) Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) is amended by inserting after subsection (p) the following:

''(q)(1) Except as provided in paragraph (2), no person admitted under section 101(a)(15)(Q)(ii)(I) or acquiring such status after admission shall be eligible to apply for an immigrant visa, or for permanent residence, or for nonimmigrant visa status under this Act until it is established that such person has resided and been physically present in the country of nationality or last residence for an aggregate of a least two years following departure from the United States.

''(2) The Secretary of Homeland Security may waive the requirement of such one-year foreign residence abroad if the Secretary determines that—

''(A) departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or an alien lawfully admitted for permanent residence); or

''(B) the admission of the alien is in the public interest or the national interest of the United States.''.

(b) EXTENSION OF PROGRAM.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(1) in subsection (d)(1) by striking ''2006,'' and inserting ''2008,'';

(2) in subsection (d)(2) by striking ''2005,'' and inserting ''2011,'';

(3) in subsection (a)(3) by striking ''the third program year and for the 3 subsequent years,'' and inserting ''each program year''.

(c) TECHNICAL AND CONFORMING CHANGES.—The Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note; Public Law 105–319) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(2) by striking ''Immigration and Naturalization Service'' each place it appears and inserting ''Department of Homeland Security''.

Amendment No. 40 offered by Mr. COLLINS:

At the end of subtitle B of title VII, add the following new section:

SEC. ___. TRANSFER OF VIETNAM-ERA CESSNA L–19D BIRD DOG AIRCRAFT TO ARMY AVIATION HERITAGE FOUNDATION.

(a) AUTHORITY TO CONVEY.—The Secretary of State may convey, without consideration, to the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, all right, title, and interest of the United States in and to a Vietnam-era Cessna L–19D Bird Dog aircraft (serial No. 24020, National registration number N32FL)(in this section referred to as the ''aircraft'') that is excess to the needs of the Department of State. The conveyance shall be made by means of a conditional deed of gift

(b) CONDITION OF AIRCRAFT.—The aircraft shall be conveyed in its current ''as is'' condition. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) CONDITION ON CONVEYANCE.—The Secretary shall include in the instrument of conveyance of the aircraft the following conditions:

(1) The Army Aviation Heritage Foundation may not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary.

(2) The Army Aviation Heritage Foundation shall operate and maintain the aircraft in compliance with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration.

(d) REVERTER UPON BREACH OF CONDITIONS.—If the Secretary determines at any time that the Army Aviation Heritage Foundation has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(e) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft shall be made at no cost to the United States. Any costs associated with the conveyance and costs of operation and maintenance of the aircraft conveyed shall be borne by the Army Aviation Heritage Foundation.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(g) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, upon the conveyance of ownership of the aircraft to the Army Aviation Heritage Foundation, the United States shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft by any person other than the United States.

Amendment No. 42 offered by Mr. HEFLEY:

After section 1312 of the bill, insert the following new section (and conform the table of contents accordingly):

SEC. 1313. CONDITION ON THE PROVISION OF CERTAIN FUNDS TO INDONESIA.

(a) CONDITION ON ASSISTANCE.—Subject to subsection (c), no funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763) or chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) in fiscal year 2004, other than funds made available for expanded military education and training under such chapter, may be available for a program that involves the Government of Indonesia or the Indonesian Armed Forces until the President makes the certification described in subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification submitted by the President to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are taking effective measures, including cooperating with the Director of the Federal Bureau of Investigation—

(1) to conduct a full investigation of the attack on United States citizens in West Papua, Indonesia on August 31, 2002; and

(2) to criminally prosecute the individuals responsible for such attack.

(c) LIMITATION.—Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counterterrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

Mr. HYDE. Mr. Chairman, I ask unanimous consent that Crane amendment No. 25, Burton of Indiana amendment No. 18 and Dreier amendment No. 38 be modified in the form I have caused to be placed at the desk.

The CHAIRMAN pro tempore. The Clerk will report the amendments, as modified.

The Clerk read as follows:

The amendment as modified is as follows:

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

SEC. ___. ATTACKS ON UNITED STATES CITIZENS BY PALESTINIAN TERRORISTS.

(a) FINDINGS.—Congress finds the following:

(1) Since Yasser Arafat renounced violence in the Oslo Peace Accords on September 13, 1993, at least 41 United States citizens have been murdered by Palestinian terrorists and one United States citizen miscarried after being stabbed in a Palestinian terrorist attack.

(2) On December 1, 1993, in a drive-by shooting north of Jerusalem, Hamas killed United States citizen Yitzhak Weinstock, 19, whose family came from Los Angeles.

(3) On October 9, 1994, Hamas kidnapped and murdered United States citizen Nachshon Wachsman, 19, whose family came from New York City.

(4) On April 9, 1995, an Islamic Jihad bomb attack on a bus near Kfar Darom killed United States citizen Alisa Flatow, 20, from West Orange, New Jersey.

(5) On August 21, 1995, in a Hamas bus bombing in Jerusalem, United States citizen Joan Davenny, from New Haven, Connecticut, was killed.

(6) On September 9, 1995, Mara Frey of Chicago was stabbed in Ma'ale Michmash resulting in her unborn child's death.

(7) On February 25, 1996, three United States citizens, Sara Duker of Teaneck, New Jersey, Matthew Eisenfeld of West Hartford, Connecticut, and Ira Weinstein of New York City, were killed in a Hamas bus bombing in Jerusalem.

(8) On May 13, 1996, United States citizen David Boim, 17, of New York City, was killed in a drive-by shooting near Beit El, north of Jerusalem.

(9) On June 9, 1996, United States citizen Yaron Ungar was killed in a drive by-shooting near Beit Shemesh.

(10) On July 30, 1997, United States citizen Leah Stern of Passaic, New Jersey, was killed in a Hamas bombing in Jerusalem's Mahane Yehuda market.

(11) On September 4, 1997, a Hamas bombing on Ben-Yehuda Street, Jerusalem, killed Yael Botwin, 14, of Los Angeles.

(12) On April 19, 1998, an attack near the Israeli town of Maon killed United States citizen Dov Dribben, 28.

(13) On October 8, 2000, Rabbi Hillel Lieberman, 36, of New York City, was stabbed and killed near Nablus.

(14) On October 30, 2000, United States citizen Esh-Kodesh Gilmore, 25, was shot in Jerusalem.

(15) On December 31, 2000, Rabbi Binyamin Kahane, 34, and his wife, Talia Hertzlich Kahane, both formerly of New York City, were killed in a drive-by shooting near Ofra.

(16) On May 9, 2001, Jacob ''Koby'' Mandell, 13, of Silver Spring, Maryland, was killed in an attack near Tekoah.

(17) On May 29, 2001, Sarah Blaustein, 53, of Lawrence, New York, was killed in a drive-by shooting near Efrat.

(18) On August 9, 2001, two United States citizens, Judith L. Greenbaum, 31, and Malka Roth, 15, were killed in the Jerusalem Sbarro pizzeria bombing.

(19) On November 4, 2001, Shoshana Ben-Yishai, 16, of New York City, was shot and killed during an attack on a Jerusalem bus.

(20) On January 15, 2002, Avraham Boaz, 72, of New York City, was killed in a shooting near Bethlehem.

(21) On January 18, 2002, United States citizen Aaron Elis, 32, was killed in a shooting in Hadera.

(22) On February 15, 2002, United States citizen Lee Akunis, was shot and killed near Ramallah.

(23) On February 16, 2002, Keren Shatsky, 14, of New York City and Maine, and Rachel Thaler, 16, of Baltimore, Maryland, were killed in a bombing in Karnei Shomron.

(24) On February 25, 2002, United States citizen Moran Amit, 25, was stabbed and killed in Abu Tor Peace Forest, Jerusalem.

(25) On March 24, 2002, Esther Kleinman, 23, formerly of Chicago, was shot and killed near Ofra.

(26) On March 27, 2002, United States citizen Hannah Rogen, 90, was killed in a bombing at a hotel Passover seder in Netanya.

(27) On June 18, 2002, Moshe Gottlieb, 70, of Los Angeles, was killed in a bus bombing in Jerusalem.

(28) On June 19, 2002, United States citizen Gila Sara Kessler, 19, was killed in a bombing at a Jerusalem bus stop.

(29) On July 31, 2002, five United States citizens were killed in a bombing of a Hebrew University cafeteria: Marla Bennett, 24, of San Diego, Benjamin Blutstein, 25, of Susquehanna Township, Pennsylvania, Janis Ruth Coulter, 36, of Massachusetts, David Gritz, 24, of Peru, Massachusetts (and of dual French-United States citizenship), and Dina Carter, 37, of North Carolina.

(30) On March 5, 2003, Abigail Leitel, 14, who was born in Lebanon, New Hampshire, died in a bus bombing in Haifa.

(31) On March 7, 2003, United States citizens Rabbi Eli Horowitz, 52, who grew up in Chicago, and Dina Horowitz, 50, who grew up in Florida, were killed in their home.

(32) On June 11, 2003, United States citizen Alan Beer, 47, who grew up in Cleveland, was killed in bus bombing in Jerusalem.

(33) On June 20, 2003, United States citizen Tzvi Goldstein, 47, originally from New York City, was shot and killed in an attack while driving through the West Bank.

(34) At least another 79 United States citizens have been injured in Palestinian terrorist attacks.

(b) STATEMENTS OF POLICY.—Congress—

(1) condemns the attacks on United States citizens by Palestinian terrorists;

(2) calls on the Palestinian Authority to work with Israel to protect all innocent individuals, regardless of citizenship, from terrorist atrocities;

(3) offers its condolences to the families and loved ones of United States citizens who were killed by Palestinian terrorist attacks; and

(4) calls on the Secretary of State to include a listing of the killing of every United States citizen by terrorists in the ''Chronology of Significant Terrorist Incidents'', as included in the Department of State's Patterns of Global Terrorism Report issued after the date of the enactment of this Act.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA,

The amendment as modified is as follows:

Page 78, after line 23, insert the following:

SEC. 274. NOTICE TO UNITED STATES EMBASSIES ABROAD REGARDING CHILDREN WHO ARE THE SUBJECT OF INTERNATIONAL CHILD ABDUCTION AND GUIDELINES RELATING TO SANCTUARY FOR SUCH CHILDREN.

(a) NOTICE OF INTERNATIONAL CHILD ABDUCTION.—The Secretary of State shall establish procedures to ensure that appropriate United States Embassies abroad are notified of the possible presence in that country of any child who has been the subject of international child abduction in violation of the order of a court in the United States.

(b) GUIDELINES FOR SANCTUARY.—The Secretary of State shall promulgate guidelines for the personnel of United States Embassies abroad concerning procedures relating to sanctuary at such facilities for children who are the subject of international child abduction.

SEC. 275. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS AND RELATIVES OF SUCH ABDUCTORS.

(a) IN GENERAL.—Section 212(a)(10)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)(ii)) is amended—

(1) in subclause (I), by striking the comma at the end and inserting a semicolon;

(2) in subclause (II), by striking '', or'' at the end and inserting a semicolon;

(3) by amending subclause (III) to read as follows:

''(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, cousin, uncle, aunt, nephew, niece, or grandparent of an alien described in clause (i), is an agent of such an alien, or is a principal employing such an alien as an agent, if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion; or'' and

(4) by adding at the end the following:

''(IV) is a spouse of the abducted child described in clause (i), if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion, is inadmissible until such child is surrendered to the person granted custody by the order described in that clause, and such custodian and child are permitted to return to the United States or such custodian's place of residence.''.

(b) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS; NOTICE TO CUSTODIAL PARENTS AND GUARDIANS; ANNUAL REPORT; DEFINITIONS.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by adding at the end the following:

''(iv) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—In all instances in which an alien commits an act described in clause (i), the Secretary of State shall take appropriate action to identify the individuals who are inadmissible under clause (ii).

''(v) NOTICE TO CUSTODIAL PARENTS AND GUARDIANS.—In all instances in which an alien commits an act described in clause (i), the Secretary of State shall, upon request of the person granted custody of the child concerned, inform the person of whether, and when, any individual who is inadmissible under clause (ii) by reason of such act has been issued a visa or otherwise authorized to enter the United States.

''(vi) ANNUAL REPORT.—The Secretary of State annually shall submit to the Committee on International Relations, the Committee on Government Reform, and the Committee on the Judiciary of the United States House of Representatives, and the Committee on Foreign Relations, the Committee on Governmental Affairs, and the Committee on the Judiciary of the United States Senate, a report that provides, with respect to the preceding year, an accounting of the number of cases known to the Secretary of State, disaggregated according to the nationality of the alien concerned—

''(I) in which an authority under this subparagraph was exercised (and with respect to each such case, the specific ground for inadmissibility shall be specified); and

''(II) in which an authority under this subparagraph has not been exercised but in which an alien, after entry of an order by a court in the United States granting custody to a person of a United States citizen child, detained or retained the child, or withheld custody of the child, outside the United States from the person granted custody by that order.

''(vii) DEFINITIONS.—For purposes of this subparagraph—

''(I) the term 'child' means an individual who was a child at the time the individual was detained or retained, or at the time custody of the individual was withheld, as described in clause (i), regardless of the age or marital status of the individual after such time; and

''(II) the term 'sibling' includes a step-sibling or half-sibling.''.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. DREIER

The amendment, as modified is as follows:

Strike section 731 (page 199, line 22 through page 204, line 10) and insert the following:

SEC. 731. SENSE OF CONGRESS REGARDING MIGRATION ISSUES BETWEEN THE UNITED STATES AND MEXICO.

(a) FINDINGS.—The Congress finds as follows:

(1) During President Bush's first meeting with President Fox in Guanajuato, Mexico, the Presidents stated in the Joint Communique of February 16, 2001 that ''we are instructing our Governments to engage, at the earliest opportunity, in formal high level negotiations aimed at achieving short and long-term agreements that will allow us to constructively address migration and labor issues between our two countries.''.

(2) During President Fox's official visit to Washington, D.C., the Joint Statement of September 6, 2001, summarized the meeting as follows: ''The Presidents reviewed the progress made by our joint working group on migration chaired by Secretaries Powell, CastaZeda, and Creel and Attorney General Ashcroft and noted this represented the most fruitful and frank dialogue we have ever had on a subject so important to both nations. They praised implementation of the border safety initiative, and recognized that migration-related issues are deeply felt by our publics and vital to our prosperity, well-being, and the kind of societies we want to build. They renewed their commitment to forging new and realistic approaches to migration to ensure it is safe, orderly, legal and dignified, and agreed on the framework within which this ongoing effort is based. This includes: matching willing workers with willing employers; serving the social and economic needs of both countries; respecting the human dignity of all migrants, regardless of their status; recognizing the contribution migrants make to enriching both societies; shared responsibility for ensuring migration takes place through safe and legal channels. Both stressed their commitment to continue our discussions, instructing the high-level working group to reach mutually satisfactory results on border safety, a temporary worker program and the status of undocumented Mexicans in the United States. They requested that the working group provide them proposals with respect to these issues as soon as possible. The Presidents recognized that this is an extraordinarily challenging area of public policy, and that it is critical to address the issue in a timely manner and with appropriate thoroughness and depth.''.

(3) On September 7, 2001, during President Fox's historic State Visit to Washington, the

United States and Mexico issued a joint statement instructing our cabinet-level working group to provide us with specific proposals to forge a new and realistic framework that will ensure a safe, legal, orderly, and dignified migration flow between our countries. We have today agreed that our Cabinet level migration group should continue the work we charged it with in Guanajuato and Washington.

(4) When the Presidents met in Monterrey, Mexico, the Presidents stated in a Joint Statement on March 22, 2002, as follows: ''Slightly more than one year ago, in Guanajuato, we talked about migration as one of the major ties that join our societies. We launched then the frankest and most productive dialogue our countries have ever had on this important and challenging subject. Those talks have continued over the past year, and have yielded a clearer assessment of the scope and nature of this issue. This bond between our nations can render countless benefits to our respective economies and families.

(5) Over the past year, important progress has been made to enhance migrant safety and particularly in saving lives by discouraging and reducing illegal crossings in dangerous terrain.

(6) At the conclusion of the Mexico-United States Binational Commission (BNC) meeting in Mexico City in November 2002, Secretary of State Powell's press conference was summarized by the State Department as follows: The BNC's migration working group ''affirmed our strong commitment to advancing our bilateral migration agenda,'' he stressed, adding that ''there should be no doubt in anyone's mind that this is a priority for President Bush, just as it is a priority for [Mexican] President [Vicente] Fox.''

(7) Secretary Powell said no schedule had been established for a migration accord, but he confirmed that the United States and Mexico want to come up with a series of migration initiatives over the course of the next six months to a year.

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

(1) that the United States and Mexico should as soon as is practicable conclude negotiations in an attempt to reach a migration accord that is as comprehensive as possible and which addresses the key issues of concern for both nations; and

(2) that as part of any migration agreement between the United States and Mexico, the issues of the extradition of violent criminals and law enforcement cooperation between the two nations be addressed.

Mr. HYDE (during the reading). Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. Without objection, the amendments are modified.

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. LANTOS).

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

I rise in strong support of the Hyde en bloc amendments. This measure includes a number of critical amendments that were ruled in order by the Committee on Rules. They include initiatives in support of U.S. companies and U.S. workers obtaining procurement contracts from our foreign policy agencies, improvements in our visa processing system, tools to fight international child abduction, an important measure encouraging a greater role for the United Nations and for NATO in maintaining peace in Iraq, support for the women of Afghanistan, and an important plan to compel the agencies that use our diplomatic facilities to share the costs of building and protecting them.

A number of our colleagues contributed to this important package, and I would like to recognize them. I commend the gentleman from New York (Mr. CROWLEY), the gentleman from California (Mr. SCHIFF), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentleman from New York (Mr. ACKERMAN), the gentleman from New Jersey (Mr. ANDREWS), the gentlewoman from Guam (Ms. BORDALLO), and the gentlewoman from Connecticut (Mrs. MALONEY) for their important work; and I urge all of my colleagues to support the Hyde en bloc amendments.

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

Mr. HYDE. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I thank the gentleman from Illinois (Mr. HYDE) for an opportunity to talk about what has happened to manufacturing in our country and to thank the gentleman for including this amendment in the en bloc amendments.

In the latest report put out by the National Association for Manufacturing, the executive summary ends with this startling statement. ''If the U.S. manufacturing base continues to shrink at its present rate and its critical mass is lost, the manufacturing innovation process will shift to other global centers. Once that happens, a decline in U.S. living standards in the future is virtually assured.''

What this amendment does, it requires the State Department to increase the content of the articles, materials and supplies for construction, alteration or repair, to increase it from the 50 percent threshold to 65 percent. It is a modest amendment, but it takes the acquisitions that our government has and uses them to level the playing field so as to assure contracts to help out our precious manufacturing base.

We have lost nearly 3 million manufacturing jobs in the past 2 and a half years. Fifty-four thousand manufacturing jobs are lost every month, and that has been continuous for the past 34 months.

So we come to the United States Congress and the House of Representatives and we say something has to be done to stop the destruction of manufacturing in this country. This amendment helps out because it increases the content, which assures more manufacturing jobs for the manufacturers of America.

SECURING AMERICA'S FUTURE: THE CASE FOR A STRONG MANUFACTURING BASE

U.S. manufacturing is the heart of a significant process that generates economic growth and has produced the highest living standards in history. But today this complex process faces serious domestic and international challenges which, if not overcome, will lead to reduced economic growth and ultimately a decline in living standards for future generations of Americans.

Manufacturing's innovation process is the key to past, present and future prosperity and higher living standards. The intricate process starts with an idea for a new product or process, prompting investments in research and development. R&D successes lead to investments in capital equipment and workers, and to ''spillovers'' that benefit manufacturing and other economic sectors. This process not only generates new products and processes, but also leads to well-paying jobs, increased productivity, and competitive pricing. Yet while this process produces wealth and higher living standards, most of it is hidden from view and poorly understood.

Manufacturing's innovation process provides enormous benefits for the entire U.S. economy:

Grows the Economy—Manufacturing growth spawns more additional economic activities and jobs than any other economic sector. Every $1 of final demand for manufactured goods generates an additional $0.67 in other manufactured products and $0.76 in products and services from nonmanufacturing sectors.

Invents the Future—Manufacturers are responsible for almost two-thirds of all private sector R&D—$127 billion in 2002. Spillovers from this R&D benefit other manufacturing and nonmanufacturing firms. R&D spillovers are enhanced by geographic proximity.

Generates Productivity Increases—Manufacturing productivity gains are historically higher than those of any other economic sector—over the past two decades, manufacturing averaged twice the annual productivity gains of the rest of the private sector. These gains enable Americans to do more with less, increase our ability to compete, and facilitates higher wages for all employees.

Provides More Rewarding Employment—Manufacturing salaries and benefits average $54,000, higher than the average for the total private sector. Two factors in particular attract workers to manufacturing: higher pay and benefits, and opportunities for advanced education and training.

Pays the Taxes—Manufacturing has been an important contributor to regional economic growth and tax receipts at all levels of government. During the 1990s, manufacturing corporations paid 30–34 percent of all corporate taxes collected by state and local governments, Social Security and payroll taxes, excise taxes, import and tariff duties, environmental taxes and license taxes.

Meanwhile, other nations, recognizing that a strong manufacturing base is the proven path to a world-class economy, have been learning from the American example and are forging their own innovation processes to compete with ours.

America's manufacturing innovation process requires a critical mass to generate wealth and higher standards of living. If the U.S. manufacturing base continues to diminish at its present rate that process may deteriorate beyond repair and with it the seedbed

of our industrial strength and competitive edge.

The most serious challenges to the long-term viability of the U.S. manufacturing base and the innovation process that underlie it are:

Loss of Jobs—U.S. manufacturers historically lead the way in an economic expansion, but are still struggling to recover from the recent recession. Since July 2000, manufacturing has lost 2.3 million jobs, many of which have been outsourced or relocated overseas. Manufacturing output has shown no growth since December 2001—the official end of the recession—in the weakest manufacturing recovery since 1919.

Loss of Export Potential—Manufacturing exports as a share of GDP have contracted since 1997, reflecting the strong dollar overseas, the impact of the recession on our trading partners, the terrorist attacks in the United States in September 2001, and increased global competition. The U.S. trade deficit has ballooned to historic highs—reflecting an increase in purchases of foreign-made goods, especially from countries which do not freely float their currencies.

Investments are Going Elsewhere—U.S. manufacturing's share of capital investment and R&D expenditures, once a dominant feature of our nation's commitment to progress, is diminishing. While U.S. manufacturers conduct two-thirds of private R&D, their R&D spending between 2000 and 2002 grew at only half the pace of the previous decade.

Needs More Skilled Workers—Despite the loss of 2.3 million jobs, manufacturing is facing a potential shortfall of highly qualified employees with specific educational backgrounds and skills, especially those specific skills needed to produce manufactured goods. If the skills and knowledge of the American workforce do not improve it will be detrimental to manufacturing's competitive edge and to the prospect for economic growth.

Facing Dramatically Rising Costs—The cost of doing business in the United States is rising dramatically, in large measure because of significant costs related to healthcare, litigation, and regulation. As a result, many U.S. manufacturers shut down or move production overseas to countries where they do not face, to the same extent, those kinds of impediments to reducing productions.

U.S. manufacturing's innovation process leads to investments in equipment and people, to productivity gains, to beneficial spillovers, and to new and improved products and processes. This intricate process generates economic growth and higher living standards superior to any other economic sector. But serious challenges threaten to undermine the critical mass of manufacturing necessary to maintain a dynamic innovation process. If the U.S. manufacturing base continues to shrink at its present rate and the critical mass is lost, the manufacturing innovation process will shift to other global centers. Once that happens, a decline in U.S. living standards in the future is virtually assured.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. HUNTER).

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

I wanted to speak in support of the amendment which expresses a sense of the Congress that the International Boundary and Water Commission should move forward with a program that is intended to eliminate the flow of Mexican sewage across the international border in the Pacific region into waters that end up polluting the Southern California coastline and requiring a quarantine of that coastline.

Mr. Chairman, we have been urging the International Boundary and Water Commission to make treaty negotiations with Mexico on establishing a public-private partnership to construct and operate a wastewater treatment facility in Mexico as outlined in existing Public Law 106–457. To date, they have shown insignificant progress. They have shown no inclination to move forward on this important mandate which is in law, and this is a sense of Congress to urge them to get moving.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Chairman, I rise today to support the en bloc amendment, which includes a provision to bring equity between the State Department employees from Guam and other insular areas with those from the mainland United States.

Current law allows the reimbursement of travel expenses for employees and their dependents in a foreign posting to return home. However, because of a flawed definition, the State Department is prohibited from providing this benefit if the home location is a U.S. territory. My amendment would correct this problem. My amendment would include Guam, American Samoa, the Virgin Islands, Puerto Rico and the Northern Mariana Islands within the geographic definition of the United States for the purposes of educational travel from a foreign area posting. I hope that in conference this might be perfected to include all of the State Department allowances in Title V. Congress would then eliminate the need to revisit this issue for every allowance.

Let me close by giving an example of the problem that the current language imposes. A constituent of mine who is proudly serving our Nation as a State Department employee in Beijing wanted to send his son home to the University of Guam. His request was denied only to be told that Guam and the University of Guam is not in the United States.

Today, the House will right this wrong; and I would like to thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), the ranking member, and the State Department for supporting this change.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. BEREUTER. Mr. Chairman, I rise in strong support of the en bloc amendments and appreciate the fact that it includes amendment No. 22, so I thank the chairman and the ranking member.

This amendment offered by this Member begins with a set of findings concerning the liberation of Iraq by U.S. coalition forces, the current situation on the ground and the challenges and demands facing American military forces and American taxpayers in bringing stability to Iraq.

Included in the findings is a statement by President Bush that, ''The rise of Iraq as an example of moderation and democracy and prosperity is a massive and long-term undertaking,'' and testimony by Defense Secretary Rumsfeld that, ''We certainly want assistance from NATO and from NATO countries.''

This amendment exactly parallels the amendment offered by Senator BIDEN, endorsed by Senator LUGAR which passed the Senate recently by a 97–0 vote. In the operative section, the amendment expresses the sense of Congress that it is in the national security interest of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government.

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The amendment goes on to suggest that the President should consider a formal request for NATO to assume a greater role in Iraq and that other NATO allies and other nations should provide troops and police to coalition efforts in Iraq. Finally, the amendment again, a sense of Congress amendment, asks the President to consider calling on the United Nations to urge its member states to provide personnel and resources to stabilize and rebuild Iraq.

Let me emphasize that the amendment text makes clear that sovereign member states should provide military forces and civilian police to promote security, not the U.N. itself. The situation in Iraq is far too dangerous for a U.N. peacekeeping operation. It deserves to have the first-rate one, NATO.

Mr. Chairman, this Member believes we have no option but to remain engaged in Iraq, but this Member believes that we should seek as much assistance in this effort as possible.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1 minute to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Chairman, I want to rise in support of the en bloc amendment and certainly recognize the wisdom that has now been included in the en bloc amendment of my original amendment in the Committee on International Relations calling for a conclusion of a migratory agreement between the United States and Mexico in the national interests of both countries. It certainly is in the national interest of the United States to regularize the border between Mexico and the United States, to make sure that the human capital that helps fuel our economy here at home can be had but in a way that is dignified on both sides.

And certainly I am happy to see the removal of the Mexican oil from the migration agreement that was not only offensive but outright wrong as far as our foreign policy is concerned. As the ranking Democrat on the Subcommittee on the Western Hemisphere, I am pleased to see that we are headed now in the right direction. I am very pleased that Democrats have led on this issue and that our Republican colleagues have joined us on it in this en bloc amendment.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding time and for his extraordinary leadership on international affairs and so many issues that are important to this country.

Mr. Chairman, I am pleased to support the en bloc amendment and to note that the amendment which the gentleman from California (Mr. LANTOS) and I put forward to help women and girls in Afghanistan was included. I thank the gentleman from Illinois (Mr. HYDE).

The amendment creates the Afghan Women's Fund of not less than $22 million per year for the years 2003, 2004, and 2005. The Afghan Women's Fund will support the efforts of the Afghan Ministry of Women's Affairs, other government ministries, and independent commissions to increase women and girls' access to health care, education, and income-earning opportunities, as well as to programs to prevent trafficking in girls and women. This amendment also ensures that not less than 15 percent of the Afghan Women's Fund will reach organizations run by Afghans, especially Afghan women.

These organizations and civil society leaders are ideal partners, as they offer extensive development experience, knowledge of the local culture, and deep connections with the people they serve. Their success is also very closely tied to the success of efforts in Afghanistan for democracy because democracies cannot stabilize without a strong civil society. The Afghan women's amendment will support Afghan women and girls as they endeavor to make their country a more stable, safer, and better place.

I thank the leadership on the Democrat and Republican side for including this important amendment.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. FILNER).

Mr. FILNER. I thank my colleague for yielding me this time. I want to thank the managers of the bill, the gentleman from Illinois (Mr. HYDE), for including in the en bloc amendment the so-called Hunter-Cunningham-Davis-Filner amendment, which deals with a rather amazing situation on the Mexico-California border in my district. Three years ago, this House passed by unanimous vote a bill that was authored by then-Congressman Bilbray and myself which set up a process and a plan for solving the sewage problem at the border.

Mr. Chairman, there are 50 million gallons of raw sewage that flow throughout my district every day. Because the Tijuana River flows north, Mexico simply does not have the technical ability to treat its sewage, we get it, and the health of our citizens is threatened. Mr. Bilbray and I, sanctioned by this House, came up with a public-private partnership to solve this issue. Three years ago, we voted unanimously to instruct the International Boundary and Water Commission to carry out this plan. Three years and nothing has happened. Absolutely nothing has occurred to carry out the wishes of this Congress and to protect the health of the citizens of the United States. That is absolutely incredible. It is absolutely threatening to, really, the authority of the United States Congress.

What we have in the en bloc amendment is a sense of Congress saying to the IBWC, the International Boundary and Water Commission, to get to it, do something. I think they should be held in contempt of Congress myself because the Chair of that commission, in testimony to the United States Congress, to the Committee on Transportation and Infrastructure, said they were going to carry this out. He has not done so. That commission, Mr. Chairman, is in disarray. This Congress should carry out an investigation of that commission, but this is a first step in the sense of Congress resolution. I thank the managers for it.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today to speak on the State Department Authorization Bill. The bill contains key provisions that will improve international relations. I commend Chairman HYDE and Ranking Member LANTOS on their hard work and dedication to international affairs.

The citizens of the United States have benefitted greatly from the strides made by medical science, but despite these advances, the health status of people living in developing countries lags far behind the rest of our citizens. Funding for the United Nations Population Fund is needed to ensure that future generations in other countries prosper. The United Nations Population Fund (UNFPA) is the largest internationally funded source of population assistance to developing countries. Over the past 33 years, UNFPA has provided more than $6 billion in assistance to more than 160 countries for voluntary family planning and maternal and child health care.

The UNFPA provides great assistance to a number of African countries. UNFPA's priorities include working to increase access to reproductive health services, improve approaches to adolescent reproductive health; promote safe pregnancy and delivery, reduce maternal mortality, provide emergency assistance in refugee situations, and prevent and treat HIV/AIDS. I am especially concerned about the HIV/AIDS epidemic in Africa. The HIV/AIDS virus infected approximately 3.5 million Africans. HR 1950 calls for $1,000,000 for the fiscal year 2004 to be available for HIV/AIDS research and mitigation strategies internationally.

In addition to health assistance, we need to do more to help countries in the continent of Africa with peacekeeping solutions. The diplomatic capacity at the UN needs to be enhanced to end the suffering of the people of Africa. In the country of Liberia, the people have endured and suffered bloody civil war and unrest for the past 13 years. This war is destroying the future of many Liberian children who are forced to become brutal soldiers at such young ages. We as a nation must assist the people of Liberia. We must help them reverse the deterioration of their country. This bill will provide $40,000,000 to implement peackeeping activities in Africa.

Heightened awareness of what we can do to improve international affairs is very important. Therefore, Mr. Chairman, I would urge all people throughout America and, quite frankly, throughout the world to pay more attention to our developing countries so that not only can we all maintain better health, but also so that we can have peace. Peace is the only way to gain prosperity.

Ms. JACKSON-LEE of Texas. Mr. Chairman and Ranking Member, I speak to you today regarding a pressing matter that deserves attention as we balance out the debate on H.R. 1950. While the stringent nature of the Rules governing the amendment process for this bill preclude my input by way of amendment, I submit that the issue of famine in Ethiopia is worthy of inclusion with the report language on this bill.

Unfortunately, even as we speak now, some 11–14 million people will go hungry in the coming months.

EFFECT OF FAMINE ON THE AGRICULTURE INDUSTRY

Severe drought conditions destroyed over 15 percent of the October–November 2002 harvest in Ethiopia. The resultant failure of root vegetables and green crops to grow has caused families that depend on subsistence farming to not only lack food, but also seeds for replanting next year. This situation makes the availability of genetically modified organism (GMO) seeds dangerously attractive to the hungry, inuring them to the host of side affects and ailments that have yet to be confirmed or denied by the Food and Drug Administration.

As a result of the poor arability of the land and other adverse conditions, not only are the people's crops suffering, but their livestock as well. With the mortality rate steadily rising, those remaining are experiencing a lowered body weight, which results in reduced traction, power and milk production, which again will lead to insecure food sources. Unless veterinary services improve, the death toll will continue to increase as the livestock's immune system grows weaker resulting from poor conditions and common diseases.

The combined effect of plummeting livestock prices and skyrocketing cereal prices, the poorer households face an even worse predicament in obtaining food. Their wage rate is reported to be 3 times lower in the current year than in the same period last year.

According to recent studies, there were 35,000 people in Ziquala, 34,920 people in Ambassel, 16,300 in Wadla, 17,455 in Kewet and 156,200 in the three words of South Gondar who were in need of external assistance through the upcoming months.

ETHIOPIAN ECONOMY IN THE FACE OF FAMINE

Ethiopia's poverty-stricken economy is based on agriculture, which accounts for half of GDP, 85% of exports, and 80% of total employment. The agricultural sector suffers from frequent drought and poor cultivation practices, and as many as 4.6 million people need food assistance annually. Coffee is critical to the Ethiopian economy with exports of some $260 million in 2000. Other important exports include live animals, hides, and gold.

The war with Eritrea in 1999–2000 and recurrent drought have buffeted the economy, in particular coffee production. In November 2001, Ethiopia qualified for debt relief from the Highly Indebted Poor Countries (HIPC) initiative. Under Ethiopia's land tenure system, the government owns all land and provides long-term leases to the tenants; the system continues to hamper growth in the industrial sector as entrepreneurs are unable to use land as collateral for loans. Despite this limitation, strong growth is expected to continue in the near term as good rainfall, the cessation of hostilities, and renewed foreign aid and debt relief push the economy forward.

SHORT-TERM CONSEQUENCES OF INACTION OR LACK OF TIMELY REMEDIAL MEASURES

An estimated six children die of drought-related conditions daily in Ethiopia, according to one estimate. Many of them have collapsed from disease or dehydration after walking for days with their families in search of nourishment. Thousands are fleeing remote villages where wells have dried up and agencies have yet to establish food stations.

WHO IS AT RISK?

The U.N. warns that as many as 16 million people are at risk of starvation in 10 countries across East and central Africa, from Burundi to Eritrea on the Red Sea. The crisis is most severe in Ethiopia's perpetually dry Ogaden region, where wells have gone dry, crops have withered and the skeletons of cattle and sheep lay in barren fields. Camels in Ogaden have stopped lactating, leaving children without milk, a staple in the impoverished nation.

Some Ethiopians are fortunate enough to have access to feeding centers, which supply rehydration treatments and high protein biscuits. Relief agencies are struggling to set up more centers in remote regions before residents migrate elsewhere for food. Sometimes, lack of clean drinking water, which is needed to mix the children's food into gruel, makes it impossible for centers to be stationed in some areas.

A RICH HISTORY OF FIGHTING HUNGER IN THE 18TH CONGRESSIONAL DISTRICT

The late Honorable Mickey Leland established the House Select Committee on Hunger in 1984 and served as its chairman until his tragic death in 1989. The Select Committee was instrumental in drawing attention to the problem of hunger internationally and within the United States. On a humanitarian mission to Africa, Mickey experienced the death of a starving child in his arms. This eye-opening experience led him to redouble his efforts to fight hunger, resulting in 350,000 tons of food to aid famine victims in Ethiopia. Congressman Leland lost his life in Ethiopia trying to save more lives. I would like to work with this committee to include report language in this bill that encourages a greater emphasis on the ongoing famine and a solution to this deadly problem.

Ms. JACKSON-LEE of Texas. Mr. Chairman and Ranking Member, I speak to you today regarding a pressing matter that deserves attention as we balance out the debate on H.R. 1950. I appreciate the opportunity to discuss with you an issue, the relevance of which, will potentially merit inclusion into the House Reports on H.R. 1950, the State Department Authorization bill. The issue concerns the initiative of achieving international peace by way of the leadership of women.

WOMEN LEADERS AS THE UNIVERSAL HUB IN THE PEACE PROCESS

Mr. Chairman and Ranking Member, I propose that women play any and all roles that will give them an opportunity to use their leadership skills in the peace process. Therefore, this request would include diplomatic as well as formal organizational leadership roles. I support the International Leadership Act of 2003, co-authored by you and Representative DAVID DREIER, Chairman of the House Committee on Rules and included in the bill provisions.

WOMEN'S ROLE IN THE INTERNATIONAL LEADERSHIP ACT OF 2003

I see women leading and adding important skills to the ''Democracy Caucus'' proposed in the Act. The Democracy Caucus would work as a very timely vehicle for women to lead the way, especially in the area of rebuilding democratic government in post-war Iraq. With the help of the United Nations, we can prevent rogue regimes from assuming dangerous amounts of influence and taking advantage of the vulnerabilities of rebuilding nations such as Iraq and even Liberia. I would posit that fashioning the proposed diplomacy program under the Act to give women particular attention will greatly enhance the multilateral character of our ambassador fleet.

THE OSLO SUMMIT: WOMEN'S PARTNERSHIP FOR PEACE

Mr. Chairman, I took advantage of a unique experience when I served as an Honorary Chair for the Women's Partnership for Peace in the Middle East in Oslo, Norway in June of this year. I shared a panel with an unprecedented group of more than 70 women from Israel, Palestine, the United States, Europe and Asia who met in Oslo, Norway at the Nobel Peace Institute to launch the Women's Partnership for Peace in the Middle East.

The objective of the Oslo Summit was to set clear goals and devise a plan of action for achieving a greater role for women in peace negotiations in the region and in the overall effort to achieve peace, a movement largely devoid of women's perspectives and participations. I would like to see women play a more pronounced role not only in the establishment of business opportunity but also in the peace process, and this kind of forum offers a platform that is both transnational as well as international. In training our diplomats to act as more efficient international ''joints,'' it is critical that we deputize our strong women leaders.

HER EXCELLENCY DR. INONGE MBIKUSITA-LEWANIKA: AN ICON OF PEACE

As a final remark and by way of example, I would like to highlight the experience and achievement of Her Excellency Dr. Inonge Mbikusita-Lewanika, Ambassador to Zambia. This woman, whom I had the honor and pleasure of presenting the Freedom Magazine Award for Human Rights Leadership on July 9, 2003 is an example of the impact a woman can have on international peace negotiations and efforts.

If I may chronicle a few of her accomplishments, she was appointed as a special envoy to the African Union and allowed to advance the movement of women in her nation in the effort for peace. Her various posts have decorated her career with great international breadth and astute conflict-resolution skill: UNICEF Regional Advisor for Families and Children in 19 countries; as stated above, a Peace Envoy convening numerous peace missions such as the Organization for African Unity; and the United Nations-sponsored peace mission to Rwanda amidst the period of human rights atrocity and genocide. In fact, Her Excellency Lewanika is one of the few prominent African women to serve in United Nations missions for war-torn African nations. Moreover, she understands the importance and the benefits of structuring and maintaining an organized democratic government and an effective electoral process. These initiatives are evidenced by her audacious efforts to lead a 1,000-member observe team from the Electoral Institute of Southern Africa to Zimbabwe's parliamentary elections and to spearhead the nine-member resignation from the Ruling Party in Zambia due to findings of corruption and lack of vision in 1993, whereupon she was elected Founding President of the Opposition National Party. Furthermore, her positions of leadership in organizations such as the Forum for Parliamentarians for Peace in Eastern and Southern Africa; the African Women Committee for Peace and Development; the Women Development Association; and the Federation of African Women's Peace Networks, heading the first delegation of women for peace to Ethiopia and Eritrea during the bloody and tumultuous border war Zambia's Opposition Party, Agenda for Zambia as President, exemplifies her tenacity and willingness to commit the time and effort that is required to follow through on organization mission statements rather than spewing forth rhetoric and flowery speeches absent any real action.

For the reasons stated above, I would hope that these concerns regarding women involved in international peace efforts can be included in report language during conference.

Ms. JACKSON-LEE of Texas. Mr. Chairman and Ranking Member, I speak to you today regarding a pressing matter that deserves attention as we balance out the debate on H.R. 1950. I appreciate the opportunity to discuss with you an issue, the relevance of which, will potentially merit inclusion into the House Reports on H.R. 1950, the State Department Authorization bill. The issue concerns a nation that was founded during the nineteenth century by freed American slaves. Once a nation founded on the premises of freedom and opportunity, the Liberia of today is wrought with political upheaval and social unrest.

Within the last twenty years, Liberia has been the site of intense devastation and profound loss due to almost two decades of civil war. The latest war has lasted for approximately three years and has caused immense disruption to the social and political fabric of the region.

The health infrastructure in Liberia has crumbled, schools have become refugee camps, and the people have taken the law into their own hands. Nearly half of the Liberian population has been forced to flee to neighboring countries or to internationally assisted camps in Liberia. Large numbers of innocent, young children are being made into

child soldiers. Those children that are fortunate enough to escape the life of forced military service are often left with little to no options aside from living on the streets. This conflict has brought about political destablization on a mass scale, increased economic disparity, and what can only be described as societal chaos. And although a ceasefire was recently agreed upon, fighting and civil disobedience within the country has yet to subside.

Charles Taylor has exacerbated the civil war in Liberia since 1989 when he led the armed military faction that initiated a seven-year civil war in Monrovia. Of the emerging military factions in Liberia during this unsettling time, the group led by Charles Taylor was arguably the most dangerous and recalcitrant. An attempted peace process in mid-1996 resulted in the unexpected election of Charles Taylor as president. Although Liberia appeared to have entered into a time of normalcy, the killing and harassment of notable opposition leaders and the censure of Liberia's print and radio media raised doubts among many observers and prompted immediate concern from the U.S. as well as the rest of the international community. In 1999, President Taylor was charged with aiding the Revolutionary Front (RUF) rebels fighting the Sierra Leonean government. The U.S. has subsequently pursued unilateral policies that directly target the Taylor government.

The U.S. has had a long historical relationship with Liberia dating back to its original founding. Views diverge on whether the U.S. should provide Liberia with any assistance and if so what type of how much. The extensive historical involvement between U.S. and Liberia obligates, in my opinion, our government to take special responsibility to answer Liberia's humanitarian and developmental needs, promote an effective democracy, and work diligently to stop human rights abuses. Liberia has served as an important ally for the U.S. particularly during the Cold War era; it is in recognition of this long-standing relationship that the U.S. should serve as a vigilant presence in the efforts to bring calm and civility to this war-ravaged country.

Of course this is not the first time that U.S. presence has been requested to aid in the restoration of civility in a nation. Our involvement with conflicts and civil strife in Haiti, Bosnia, and Kosovo are a few of the more recent examples of successful humanitarian interventions. We were certainly more than willing to involve ourselves in Iraq under the auspices of terrorism and global peace; if peace be our aim, then we should have no qualms about coming to the aid of Liberian citizens. The question we should ask is why there is any hesitation to become involved with Liberia when there are well-established historical ties to this country. It is vital that the U.S. send in U.S. peacekeeping and humanitarian aid to support the Economic Community of West African States.

We know that Charles Taylor needs to go. He has been negating the peace process for years and it is therefore high time that he make his exit, once and for all.

The rhetoric put forth by those on the other side of the table, on the surface, speak to the dangers and long-term global implications of external intervention. However, we are quite selective about the dangers we are willing to face and the implications we are willing to make in the name of peace. What determines this difference? I think that those on the other side simply view Liberia as a region of nonstrategic importance for U.S. foreign policy interests. This type of biased selectivity is unproductive and ineffective in the global community in which we live.

A consistent supply of humanitarian aid in the form of shelter, food, water, and medical care should be supplied to the region as well. In essence, we must do all we can to ensure that peace and stability return to Liberia once and for all. I hope to monitor the debate on this need and would hope that report language could be included in the report of the bill on helping Liberia now!

Mr. WEXLER. Mr. Chairman, I rise in support of the amendment offered by the four cochairs of the Congressional Taiwan Caucus endorsing Taiwan's entrance into the World Health Organization.

It is unconscionable that 23 million Taiwanese are precluded from receiving the benefits of membership in the WHO. This politicized exclusion has deprived the people of Taiwan from a number of progressive health care developments, impaired its crisis response teams and created a wall of separation between Taiwan's medical field and that of the rest of the world. Moreover, Taiwan's exclusion from the WHO has deprived the international community from the invaluable contributions of Taiwan has made to promote medical research and global health.

Never were the affects of Taiwan's exclusion from the WHO more pronounced than this past year, when Taiwan was denied assistance from the WHO to diagnose and treat suspected cases of SARS—a disease which caused over 800 deaths, 84 of which occurred in Taiwan. Despite the extraordinary grave health conditions posed by SARS, the WHO repeatedly rejected Taiwan's requests for help, and consequently endangered the lives of its entire population.

Unconscionably, the WHO's decisions were based—not upon its concern for the people of Taiwan—but rather, on short-sided political considerations and China's rejection of Taiwan's membership in the WHO.

Mr. Chairman, health is an issue that transcends borders and politics. As the pace of globalization quickens, so too does the spread of infectious disease. In this post-SARS world, it clear that all nations—including Taiwan—must work together to promote global health, combat disease and ensure the safety of their citizens in organizations like the WHO.

This amendment makes a clear and uncompromising declaration of U.S. support for Taiwan's candidacy for observer status in the WHO and secures an even stronger commitment from President Bush and the State Department in this regard. I urge the Bush Administration, which has taken bold steps to assist Taiwan in the past, to bring this issue to a vote at the World Health Assembly in May 2004.

Mr. Chairman, the SARS crisis further highlights the urgency of combating disease on a global scale. It is apparent that until Taiwan's 23 million citizens become members of the WHO, they will continue to be deprived of the critical assistance needed to fight infectious disease and safeguard its people from harm.

Today, I strongly urge my colleagues to support this amendment, which protects the health interests of the people of Taiwan and ensures that they will not fall victim to the next global health crisis.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of an amendment to support human rights in Vietnam. This important amendment will impose a significant penalty on the dictators in Hanoi for their ongoing and egregious persecution of their own people.

During the 107th Congress, I introduced H.R. 2833, legislation designed to address the human rights situation in Vietnam. It passed the House by an overwhelming 410–1 margin, but stalled in the Senate. This year, I introduced nearly identical legislation, H.R. 1587, with 30 original cosponsors.

Many felt that the ratification of the Bilateral Trade Agreement with Vietnam in 2001 would lead to an improvement in human rights. Unfortunately, the human rights situation in Vietnam has deteriorated dramatically since this agreement, especially for Montagnard Christians in the Central Highlands of Vietnam. Legislation to address the serious human rights situation is needed now more than ever.

In late 2002 the Government of Vietnam launched a fresh wave of arrests and crackdowns against peaceful critics of the Vietnamese government, its policy of repression, and its corrupt practices. Unfortunately, Dr. Nguyen Dan Que, one of the country's greatest human rights leaders who has already endured two lengthy prison sentences, was arrested on March 17. This is a government that consistently pursues a policy of harassment, discrimination, and intimidation, and, increasingly in the last three years, imprisonment and other forms of detention, against those who peacefully express dissent from government's extreme policies against religion and freedom. This is a government that punishes not just individuals who oppose them, but also often their family members.

At its Seventh Plenum in January 2003, the Communist Party's Central Committee issued a resolution calling for the establishment of cells of Communist Party members within each of Vietnam's six approved religions in order to foil ''hostile forces.'' All religious groups in Vietnam face great restrictions and suffer some form of persecution.

To address these and other abuses, my amendment, based on the text of H.R. 1587: requires the President to issue a certification each year on the progress of the regime towards respecting human rights; prohibits an increase in nonhumanitarian U.S. assistance unless the regime shows improvement; seeks to fund the efforts of NGOs who promote democracy in Vietnam and help to overcome the jamming of Radio Free Asia; helps ensure continued access of refugees to our refugee resettlement programs; and requires the State Department to give detailed reports about the status of human rights in Vietnam that include victims lists.

Unfortunately, the list of human rights abuses carried out by the regime goes on and on. Buddhists, Protestants, Catholics and members of indigenous Vietnamese religions are subject to persecutions that include detention and imprisonment of both religious leaders and believers, church closings, and confiscation of religious and personal property. One of the most courageous religious leaders imprisoned is Father Nguyen Van Ly, a Catholic priest.

Tens of thousands of children suffer exploitation as workers and many Vietnamese suffer

under the government's official export labor program, in which the government forces its own people to endure involuntary servitude and debt bondage.

As Chairman of the House Veterans Affairs Committee, I am particularly concerned about the continued persecution of the Montagnards, who were some of our greatest allies during the war. Many of our pilots are alive today and have families because they were rescued by Montagnards after bailing out of downed aircraft. We receive numerous and credible reports that allege that Montagnards are being imprisoned, tortured and systematically relocated to infertile lands by the Communist Party leaders in retaliation for their past loyalty to America. This past December, Vietnamese soldiers reportedly threatened to shoot Montagnard Christians if they celebrated Christmas, and several were arrested and tortured.

I would like to submit the findings of H.R. 1587, which lay out a more complete case of Human Rights in Vietnam, to the CONGRESSIONAL RECORD. They were kept out of this amendment because of their length, but they speak loudly with respect to the regime and the world about the egregious human rights abuses occurring in Vietnam.

Vietnam's continued policy of harassment, discrimination, intimidation, and persecution of religious and human rights leaders is shameful. The Vietnam Human Rights amendment in the State Department Authorization Bill sends as strong a message that this persecution and tyranny will not be tolerated.

FINDINGS FROM H.R. 1587, ''THE VIETNAM HUMAN RIGHTS ACT''

Congress finds the following:

(1) Viet Nam is a one-party state, ruled and controlled by the Vietnamese Communist Party.

(2)(A) The Government of Viet Nam denies the people of Viet Nam the right to change their government and prohibits independent political, social, and labor organizations.

(B) The Government of Viet Nam prohibits and hinders the formation of civil society in Viet Nam.

(3)(A) The Government of Viet Nam consistently pursues a policy of harassment, discrimination, and intimidation, and sometimes of imprisonment and other forms of detention, against those who peacefully express dissent from government or party policy. This policy includes collectively punishing family members of individuals targeted for persecution. A government decree allows detention without trial for 6 months to 2 years.

(B) Following the United States ratification of the Bilateral Trade Agreement with Viet Nam in 2001, the human rights situation in Viet Nam has remained extremely poor. For certain groups, such as the Montagnards, and other ethnic minorities in Central and North Vietnam, conditions have deteriorated dramatically. In late 2002, the Government of Viet Nam launched a fresh wave of arrests and crackdowns against peaceful critics of the Vietnamese Government, its policy of repression, and its corrupt practices.

(C) Recent victims of such mistreatment, which violates the rights to freedom of expression and association recognized in the Universal Declaration of Human Rights, include Dr. Nguyen Dan Que, a leading human rights activist who was arrested on March 17, 2003, and has already served two lengthy prison sentences, Dr. Nguyen Thanh Giang, Most Venerable Thich Huyen Quang, Most Venerable Thich Quang Do, linguist Tran Khue, businessman Nguyen Khac Toan, journalist Nguyen Vu Binh, publicist Le Chi Quang, writer Hoang Tien, military historian Pham Que Duong, Hoang Minh Chinh, Tran Dung Tien, Hoang Trong Dung, Nguyen Vu Viet, Nguyen Truc Cuong, Nguyen Thi Hoa, Vu Cao Quan, Nguyen The Dam, Nguyen Thi Thanh Xuan, Father Chan Tin, author Duong Thu Huong, poet Bui Minh Quoc, Dr. Nguyen Xuan Tu (Ha Si Phu), Dr. Pham Hong Son, Mai Thai Linh, Most Venerable Thich Huyen Quang, Most Venerable Thich Quang Do, Father Nguyen Van Ly, Pastor Nguyen Lap Ma, Father Phan Van Loi, numerous leaders of the Hoa Hao Buddhist Church and of independent Protestant churches, and an undetermined number of members of the Montagnard ethnic minority groups who participated in peaceful demonstrations in the Central Highlands of Viet Nam during February 2001.

(4) The Government of Viet Nam systematically deprives its citizens of the fundamental right or organized religious activities outside the state's control. Although some freedom of worship is permitted, believers are forbidden to participate in religious activities except under circumstances rigidly defined and controlled by the Government:

(A)(i) In April, 1999 the Government issued a Decree Concerning Religious Activities, which declared in pertinent part that ''[a]ll activities using religious belief in order to oppose the State of the Socialist Republic of Viet Nam, to prevent the believers from carrying out civic responsibilities, to sabotage the union of all the people, and against the health culture of our nation, as well as superstitious activities, will be punished in conformity with the law''.

(ii) All public religious activities must be approved by the Government in advance. The United States Commission on International Religious Freedom in October 2002 recommended that Viet Nam be classified as a country of particular concern. At its Seventh Plenum in January 2003, the Communist Party's Central Committee issued a resolution calling for the establishment of cells of Communist Party members within each of Vietnam's 6 approved religions in order to foil ''hostile forces''.

(B)(i) The Unified Buddhist Church of Viet Nam (UBCV), the largest religious denomination in the country, has been declared illegal by the Government, and over the last 27 years its clergy have often been imprisoned and subjected to other forms of persecution. The Patriarch of the Unified Buddhist Church, 85-year-old Most Venerable Thich Huyen Quang, has been detained for 25 years in a ruined temple in an isolated area of central Viet Nam.

(ii) Most Venerable Thich Quang Do, the Executive President of the Unified Buddhist Church, has also been in various forms of detention since 1977, and was recently rearrested and placed under house arrest after he had proposed to bring Most Venerable Thich Huyen Quang to Saigon for medical treatment.

(iii) Many other leading Buddhist figures, including Thich Hai Tang, Thich Khong Tanh, Thich Thai Hoa, Thich Tue Si, Thich Quang Hue, Thich Tam An, Thich Nguyen Ly, Thich Thanh Huyen, Thich Thong Dat, Thich Chi Mau, Thich Chi Thang, Thich Chon Niem, Thich Thanh Quang are under tight surveillance. Several members of the UBCV have fled to Cambodia

(C)(i) The Hao Hoa Buddhist Church was also declared to be illegal until 1999, when the Government established an organization which purports to govern the Hao Hoa. According to the United States Commission on International Religious Freedom, ''[t]his organization is made up almost entirely of Communist Party members and apparently is not recognized as legitimate by the vast majority of Hao Hoas . . . [n]evertheless, [this government-sponsored organization] has sought to control all Hao Hoa religious activity, particularly at the Hao Hoa village, which is the center of Hao Hoa religious life''.

(ii)(I) Hao Hoa believers who do not recognize the legitimacy of the government organization are denied the right to visit the Hao Hoa village, to conduct traditional religious celebrations, or to display Hao Hoa symbols. Many have been arrested and subjected to administrative detention, and several Hao Hoa have been sentenced to prison terms for protesting these denials of religious freedom.

(II) The Government interferes with Hao Hoa efforts to conduct charitable works, and prohibits public celebration to commemorate the founder's disappearance as well as the distribution of the founder's teachings. The Government controls greatly the leadership selection process of the Cao Dais, another indigenous Vietnamese religion.

(III) At least the following Hao Hoa believers are known to be in prison or house detention: Ha Hai, Tran Van Be Cao, Tran Nguyen Huon, Phan Thi Tiem, Le Quang Liem, Nguyen Van Dien, Le Minh Triet, and Vo Van Thanh Liem.

(D)(i) Independent Protestants, most of whom are members of ethnic minority groups, are subjected to particularly harsh treatment by the Government of Viet Nam. According to the United States Commission on International Religious Freedom, such treatment includes ''police raids on homes and house churches, detention, imprisonment, confiscation of religious and personal property, physical and psychological abuse, and fines for engaging in unapproved religious activities (such as collective worship, public religious expression and distribution of religious literature, and performing baptisms, marriages, or funeral services) . . . [i]n addition, it is reported that ethnic Hmong Protestants have been forced by local officials to agree to abandon their faith''.

(ii)(I) According to human rights activists in Viet Nam, 2 secret central plans—Plan 184A and 184B—issued in 1999 by the Communist Party to combat Protestant believers were fully implemented throughout the country, and led to a crackdown on the Protestant movement, especially in the Central and Northern Highland areas.

(II) An estimated 14,000 Christians fled from the North to the Central Highlands in the past 5 years. According to the Southern Evangelical Church of Viet Nam, the Government of Viet Nam forcibly closed 354 of the 412 churches in Dak Lak province, 56 pastors from the Central Highlands have disappeared, and at least 43 evangelical Montagnards have been sentenced to prison. Freedom House has reported on the beating death of Hmong Christian Mua Bua Senh by police authorities.

(E)(i) Other religious organizations, such as the Catholic Church, are formally recognized by the Government but are subjected to pervasive regulation which violates the right to freedom of religion. For instance, the Catholic Church is forbidden to appoint its own bishops without Government consent, which is frequently denied, to accept seminarians without specific official permission, and to profess Catholic doctrines which are inconsistent with Government policy. Government restrictions on the seminary process have caused a severe shortage of priests.

(ii) A Catholic priest, Father Nguyen Van Ly, was arrested in March 2001 and remains in detention after submitting written testimony to the United States Commission on International Religious Freedom. On October 19, 2001, he was sentenced to a total of 20 years of imprisonment and house arrest; the

trial in Hue took place closed to the public and without a defense lawyer.

(iii) In October 2002, the Vietnamese Bishops Conference took an unprecedented step when they protested to the National Assembly about the persecutions endured by Catholic ethnic minorities.

(F) The Government has also confiscated numerous churches, temples, and other properties belonging to religious organizations. The vast majority of these properties—even those belonging to religious organizations formally recognized by the Government—have never been returned.

(5)(A) Since 1975 the Government of Viet Nam has persecuted veterans of the Army of the Republic of Viet Nam and other Vietnamese who had opposed the Viet Cong insurgency and the North Vietnamese invasion of South Viet Nam. Such persecution typically included substantial terms in ''re-education camps'', where detainees were often subjected to torture and other forms of physical abuse, and in which many died.

(B) Re-education camp survivors and their families were often forced into internal exile in ''New Economic Zones''. Many of these former allies of the United States, as well as members of their families, continue until the present day to suffer various forms of harassment and discrimination, including denial of basic social benefits and exclusion from higher education and employment.

(6)(A) The Government of Viet Nam has been particularly harsh in its treatment of members of the Montagnard ethnic minority groups of the central Highlands of Viet Nam, who were the first line in the defense of South Viet Nam against invasion from the North and who fought courageously beside members of the Special Forces of the United States, suffering disproportionately heavy casualties, and saving the lives of many of their American and Vietnamese comrades-in-arms.

(B) Since 1975 the Montagnard peoples have been singled out for severe repression, in part because of their past association with the United States and in part because their strong commitment to their traditional way of life and to their Christian religion is regarded as inconsistent with the absolute loyalty and control demanded by the Communist system. The Government employs a policy of assimilation and oppression against the Montagnards, forcibly displacing them from their ancestral lands to make way for North Vietnamese settlers, coffee plantations, and logging operations.

(C) Between February and March 2001, several thousand members of the mountain tribes Djarai, Bahnar, and Rhade from the provinces of Pleiku, Gialai, and Daklak took part in a series of peaceful demonstrations to demand the release of 2 Montagnard Christians, religious freedom and restoration of their confiscated lands. The Government responded by closing off the Central Highlands and sending in military forces, tanks and helicopter gunships. Hundreds of demonstrators were injured. Altogether, more than 200 people, among them 60 evangelical priests and tribal chieftains, were arrested. Some regions of the Central Highlands remain closed to journalists and foreign diplomats.

(D) Credible reports by refugees who have escaped to Cambodia indicate that the Government has executed some participants in the demonstrations and has subjected others to imprisonment, torture, and other forms of physical abuse.

(E) The Government of Viet Nam has also taken steps to prevent further Montagnards from escaping, and there are credible reports that Vietnamese security forces in Cambodia are offering bounties for the surrender of Montagnard asylum seekers.

(F) According to Human Rights Watch, in December 2002 '[The Government] arrested or detained dozens of highlanders and banned Christmas church services in order to prevent minority Christians from gathering. Six highlanders were detained during the third week in December in Krong Ana and Cu Jut districts, Dak Lak, during Christmas prayer services, while another eight were taken into custody as they are attempting to cross the border to Cambodia. Villagers throughout the Central Highlands were warned they would face fines and even imprisonment if they organized Christmas services. In many areas authorities banned gatherings of four or more people'.

(7) The Government of Viet Nam has also persecuted members of other ethnic minority groups, including the Khmer Kron from the Mekong Delta, many of whom fought alongside United States military personnel during the Viet Nam war and whose Hinayana Buddhist religion is not among those recognized by the Government.

(8) The Government of Viet Nam also engages in or condones serious violations of the rights of workers. In August 1997, the United Nations Children's Fund (UNICEF) reported that child labor exploitation is on the rise in Viet Nam with tens of thousands of children under 15 years of age being subject to such exploitation. The government's official labor export program also has subject workers, many of whom are women, to involuntary servitude, debt bondage, and other forms of abuse, and the reaction of government officials to worker complaints of such abuse has been to threaten the workers with punishment if they do not desist in their complaints. The government of Viet Nam has made some minor efforts to improve this situation, but enforcement of child labor laws remains weak, and the child exploitation still persists.

(9)(A) United States refugee resettlement programs for Vietnamese nationals, including the Orderly Departure Program (ODR), the Resettlement Opportunities for Returning Vietnamese (ROVR) program, and resettlement of boat people from refugee camps throughout Southeast Asia, were authorized by law in order to rescue Vietnamese nationals who have suffered persecution on account of their wartime associations with the United States, as well as those who currently have a well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group.

(B) In general, these programs have served their purposes well. However, many refugees who were eligible for these programs were unfairly denied or excluded, in some cases by vindictive or corrupt Communist officials who controlled access to the programs, and in others by United States personnel who imposed unduly restrictive interpretations of program criteria. These unfairly excluded refugees include some of those with the most compelling cases, including many Montagnard combat veterans and their families.

(C) The Department of State has agreed to extend the September 30, 1994, registration deadline for former United States employees, ''re-reduction'', survivors, and surviving spouses spouses of those who did not survive ''re-education'' camps to sign for United States refugee programs.

(D) The Department of State has agreed to resume the Vietnamese In-Country Priority One Program in Viet Nam to provide protection to victims of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group who otherwise have no access to the Orderly Departure Program.

(E) The Bureau of Citizenship and Immigration Service in the Department of Homeland Security has agreed to resume the processing of former United States employees under the U11 program, which had been unilaterally suspended by the United States Government.

(F) The Bureau of Citizenship and Immigration Service has agreed to review the applications of Americans, children of America servicemen left behind in Viet Nam after the war ended in April 1975, for resettlement to the United States under the Amerasian Homecoming Act of 1988..

(10) The Government of Viet Name systematically jams broadcasts by Radio Free Asia, and indepdent broadcast service funded by the United States in orderly to provide news and entertainment to the people of countries in Asia whose government deny the right to freedom of expression and of the press.

(11) In 1995 the Governments of the United States and Viet Nam announced the ''normalization'' of diplomatic relations. In 1998 then-President Clinton waived the application of section 402 of the Trade Act of 1974 (commonly) known as the ''Jackson-Vanik Amendments'', which restircts economic assistance to countries with non-market economies whose government also restrict freedom of emigration. In 1999 the Governments of the United States and Viet Nam announced ''an agreement in principle,'' on a bilateral trade agreement. This agreement was signed in 2000 and came into effect on December 10, 2001.

(12) The Congress and the American People are united in their determination that the extension or expansion of trade relations with a country whose Government engaged in serious and systematic violations of fundamental human rights must be considered as a statement of approval or complacency about such practices. The promotion of freedom and democracy around the world—and particularly for people who have suffered in large part because of their past association with the United States and because they share our values—is and must continue to be a central objective of United States foreign policy.

Mr. ISSA. Mr. Chairman, I rise today in support of the Hunter amendment. This amendment is critically important in both its timing and substance. The beaches of San Diego County are suffering from a massive pollution problem that has crippled the tourism industry and disrupted the lives of thousands of beach enthusiasts. For the past few years, pollution has forced San Diego County beaches to close for as many as 200 days of the year. This problem originates from an estimated 60 million gallons of raw sewage that is pumped into the Tijuana River in Mexico on a daily basis. The problem has grown from a minor annoyance to a major health crisis.

I find it frustrating that this problem was to have been addressed by the International Boundary and Water Commission (IBWC) in 2000, yet little has been done since then. On September 12, 2000, the House passed the Tijuana River Valle Estuary and Beach Sewage Cleanup Act, which required the IBWC to negotiate a resolution to this problem with the government of Mexico. So what has been happening these past three years? A review of the progress on this project is a frustrating lesson in the damage that an ineffective and slow-moving bureaucracy can do to a good idea.

The IBWC opposed the idea of building a wastewater treatment plant in Mexico because they insisted on maintaining total control over the project. They demanded the authority and the extra money they felt they needed to build it on the U.S. side of the border. In their effort

to develop this plant, the IBWC completely lost financial control of the project, forcing Congress to cap it at $239 million—over $100 million more than had been authorized for the project. Despite the massive cost overrun, the plant still did not meet U.S. Clean Water Act standards and may soon be forced to close as a result of numerous Clean Water Act violations.

In an attempt to find an innovative solution to this problem, the House authorized a public-private partnership that will keep the cost for a new plant low, while meeting the need to provide water treatment for the City of Tijuana. Furthermore, an estimated 56 percent of Tijuana's water needs will be met by reclaimed water from this proposed plant. More importantly, this project will be built in Mexico, at the source of the problem and it will be built quicker and cheaper than any public-only alternative.

This amendment requires the IBWC to make this project a priority and finally, after 70 years of misery for San Diego beach communities, end the pollution problem that has damaged our coastline. This project is critical for the future of San Diego County, and it is critical for California. I urge my colleagues to support this amendment.

Mr. STEARNS. Mr. Chairman, I am grateful to the Rules Committee for making this amendment in order that I might take this opportunity to lend the support of Congress to the Office of Children's Issues who will now act as the central authority on the Hague Convention on intercountry adoption. This office will act in the best interest of the child and the families by facilitating the placement of children in permanent homes while making certain that the strictest protection guidelines are in place throughout the process.

There are too many children in this country and abroad who are growing up without a family. Tonight, around the world, no one knows how many children will go to bed in orphanages. There is no United State agency or international organization that counts the number of children who are warehoused in institutions. The U.S. has proven that it has an interest in and the ability to adopt children that would otherwise grow up without a family in their own country. This year the State Department expects that 21–25 thousand children will be brought to this country and placed in permanent, loving homes. That number speaks of a huge victory in the fight for abandoned children throughout the world. The numbers prove that the office of Children's Issues could be a powerful ally in the fight against the harmful institutionalization of children worldwide. Unfortunately, some powerful international organizations believe that, with respect to the child, even institutionalization is better than adoption outside a child's home country. While everyone would hope that a child could find a loving, permanent family within their home country, we recognize that intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her country of origin.

The office of Children's Issues will soon assume their new responsibility as the central authority for the Hague Convention. In this capacity, they will act to assist in the placement of children into families of this country while working to protect those children who are at risk for exploitation in vulnerable regions of the world. This office will also increase our nation's ability to protect children by establishing a system by which agencies may be accredited to ensure a transparent placement process. As such, understanding that it must take measures to ensure that intercountry adoptions are made in the best interest of the child, the office will not only work to ensure that all of these adoptions are conducted with respect to the fundamental rights of the child, they will also work to prevent the abduction of, sale of, or trafficking in children.

In this new role, the office will find their duties greatly expanded and we hope that this amendment will express the support of Congress not only to the efforts of the State Department on behalf of intercountry adoption, but also to the Commerce, Justice, and State Appropriations Committee whose job it will be to ensure that the Office of Children's Issues has sufficient resources to continue their work on behalf of the millions of children in orphanages throughout the world.

I am thankful to the Chairman for his support of the amendment and would urge Members who wish to support the State Department's role in intercountry adoptions to also support the amendment.

Mrs. DAVIS of California. Mr. Chairman, Imperial Beach, the city which is the brilliant cornerstone on the Southwestern point of our country, has a beautiful beach as well as a unique location. However, for too many days of the year, this natural resource cannot be enjoyed by its children, families, and visitors.

Unfortunately, the burgeoning city of Tijuana located just across the border and the source of the Tijuana River lacks adequate sewage treatment. As a result, particularly when rain falls on the mesas and canyons along this border, raw sewage and other pollutants are washed into the Tijuana River, flow across the Tijuana Estuary on the Imperial Beach side of the border, and empty into the Pacific Ocean just next to the beautiful sand of Imperial Beach.

Congress enacted Public Law 106–457 in 2000 to authorize the International Boundary and Water Commission, composed of representatives of both the United States and Mexico, to complete a new Treaty Minute for creation of a public-private partnership to construct and operate a wastewater treatment facility in Mexico. However, this has not occurred.

As members of Congress, our San Diego delegation has sought to resolve this issue through repeated questions of members of the IBWC. However, they have not been forthcoming. Therefore, this amendment is needed to make completion of this agreement not only obligatory but also to require monthly reports from that Commission on its progress to the appropriate congressional committees.

The community of Imperial Beach has been prevented from fully using its natural resource for too many years. It is time to require action.

Mr. HEFLEY. Mr. Chairman, my amendment is intended to highlight a troubling situation in Indonesia.

On August 31, 2002, the staff of the International School in West Papua, Indonesia decided to take a picnic. The teachers lived and worked in Tembagapura, a company town located high in the mountains near the Grasberg gold and copper mine. The group of eleven people, including a six-year old child, drove in two vehicles to a picnic site about ten miles away on the road to Timika. Because it began to rain, they decided to return to town for lunch.

The road they were traveling on is not an ordinary road. The road is surrounded by the gold and copper mine, and is heavily guarded by the Indonesian military. At both ends of this mountain road are military check points, which seals the road and control access to Tembagapura.

As they returned home, the group was brutally attacked by a band of terrorists. Two Americans, Ted Burgon (from Oregon) and Rick Spier (from Colorado), and an Indonesian man were killed in the ambush. The attack, which occurred less than a half-mile away from an Indonesian military check point, went on for approximately 45 minutes. Hundreds of rounds were fired at the teachers and their vehicles. Most of the survivors, including the six-year old child, were shot. Several of the teachers were shot multiple times and suffered horrible injuries.

Ted Burgon of Sunriver, Oregon was killed and his wife Nancy suffered facial cuts and abrasions. Rick Spier of Littleton, Colorado was killed, and his wife Patsy was shot in the back and foot. Francine Goodfriend of Rockford, Illinois was shot and has a spinal cord injury. Steven Emma of Broward County, Florida was shot in the legs, buttocks, and suffered injuries to his back. Lynn Poston of Olga, Washington was shot in the shoulder and legs. Suandra Hopkins of Sunriver, Oregon was shot in the side, legs, and pellets around the eye and his wife Taia was shot in the buttocks.

Following the attack, the Indonesian Police promptly began in investigation. They collected evidence, interviewed witnesses and reconstructed the ambush. The Indonesian Police issued a report (that I ask for unanimous consent to submit for the record) concluding, ''there is a strong possibility that the Tembagapura case was perpetrated by members of the Indonesian National Army Force, however, it still needs to be investigated further.''

In early November 2002, the Sydney Morning Herald reported that ''United States intelligence agencies have intercepted messages between Indonesian army commanders indicating that they were involved in staging an ambush at the remote mine in which three school teachers, two of them Americans, were killed. . . .'' The Washington Post has reported these same intelligence intercepts.

Despite this intelligence, the investigation of the attack has faltered. The Indonesian Police have been effectively removed from the case due to their report that implicated the military. The two senior Indonesian police officers who uncovered evidence of the army's involvement have been transferred to new posts, and the investigation has now been handed over to a joint military police team. Not surprisingly, the Indonesian military has exonerated itself. American investigative teams, including the FBI, have not been able to complete their investigations due mainly to the Indonesian military's refusal to cooperate and its tampering of evidence.

The evasions and obstructions of the Indonesian military are wholly unacceptable, and it is incumbent upon this Congress to see that a thorough investigation is conducted. The victims of this brutal attack deserve no less. My amendment is, therefore, intended to ensure

that the perpetrators of this heinous crime against Americans are brought to justice. To the extent that the Indonesian military was involved, the United States should insist on criminal prosecution of all involved parties.

My amendment would limit Indonesia from receiving International Military Education and Training (IMET) funds until the President certifies to Congress that the Government of Indonesia and the Indonesian Armed Forces are taking effective measures, including cooperating with the Director of the FBI, in conducting a full investigation of the attack and to criminally prosecute the individuals responsible for the attack.

My amendment will not prohibit the United States from continuing to conduct programs or training with the Indonesian Armed Forces, including counter-terrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of enactment it would prevent future exchanges.

Mr. Chairman, this amendment is important. It gives voice to our commitment that the United States will hold accountable the perpetrators and protectors of terrorism. We will exhaust every means to protect our citizens. We will pursue terrorists wherever they may be and hold to account. We will demand justice for attacks against our citizens and withhold aid from those countries that do not cooperate in bringing terrorists to justice. As President Bush has stated, ''if you are not with us you are against us.'' It is time for Indonesia to choose who it will align itself with, the terrorists or the coalition of nations that bring them to justice.

Make no mistake, a vote against this amendment is a vote against holding nations accountable for terrorist attacks.

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

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

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendments en bloc, as modified, offered by the gentleman from Illinois (Mr. HYDE).

The amendments en bloc, as modified, were agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 17 printed in House Report 108–206.

AMENDMENT NO. 17 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment made in order under the rule.

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

The text of the amendment is as follows:

1Amendment No. 17 offered by Mr. HOSTETTLER:

Page 70, after line 2, insert the following new section (and conform the table of contents accordingly):

SEC. 231. ISSUANCE OF CONSULAR IDENTIFICATION CARDS BY FOREIGN MISSIONS.

(a) ISSUANCE OF CONSULAR IDENTIFICATION CARDS.—The Congress finds that foreign governments have been issuing consular identification cards to foreign nationals in the United States for purposes other than those intended by the Vienna Convention on Consular Relations (done at Vienna on 24 April 1963).

(b) ISSUANCE OF CONSULAR IDENTIFICATION CARDS.—The issuance by foreign missions of consular identification cards shall be considered a benefit to a foreign mission under section 203(2) of the State Department Basic Authorities Act of 1956 and shall be regulated by the Secretary in accordance with this section and section 204 of that Act.

(c) AUTHORITY TO ISSUE REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall issue regulations consistent with this section with respect to the issuance by foreign missions in the United States of consular identification cards to foreign nationals residing in the United States.

(d) CONTENT OF REGULATIONS.—Regulations referred to in subsection (c) shall include the following restrictions and requirements:

(1) NOTIFICATION TO THE UNITED STATES GOVERNMENT.—A foreign mission shall notify the Secretary of State of each consular identification card issued within the United States, including the name and current address within the United States of the recipient of a card.

(2) ISSUANCE TO BONA FIDE CITIZENS OF THE COUNTRY OF ORIGIN.—A foreign mission may issue a consular identification card only to a national of the country represented by the foreign mission. Foreign missions shall establish procedures to verify the nationality of card recipients through either national birth registry systems or voter registration identification systems, and bona fide documents such as a passport issued by the country of origin.

(3) MAINTENANCE OF ACCURATE AND COMPLETE RECORDS.—A foreign mission shall maintain at the mission complete and accurate records of all consular identification cards issued and shall maintain an automated record system that contains such records in a manner that can be rapidly accessed to prevent duplicate or fraudulent issuance of such cards.

(4) ADDRESS CHANGE NOTIFICATION REQUIREMENT.—A foreign mission shall require card recipients to notify the foreign mission of any change of address within 30 days after such address change.

(5) ACCESS TO AUDIT RECORDS.—At the request of the Secretary of State, a foreign mission shall make available for audit and review, by the Secretary or the Inspector General of the Department of State, the records of all consular identification cards issued.

(e) FAILURE TO ADHERE TO REGULATIONS.—(1) If the Secretary of State determines that a foreign mission has issued consular identification cards in violation of the requirements of regulations related to the issuance of such cards by foreign missions and such violation potentially threatens the security of the United States or facilitates fraudulent or criminal acts, the Secretary of State shall notify the government of the country represented by the foreign mission that the foreign mission must suspend the issuance of consular identification cards until compliance with applicable regulations is established.

(2) If the foreign mission of a country fails to suspend issuance of consular identification cards in accordance with a notification under paragraph (1), the Secretary of State shall direct consular officials in that country to cease the issuance of immigrant or nonimmigrant visas, or both, to nationals of that country until such time as the Secretary of State determines that the foreign mission of that country is in compliance with the requirements of regulations related to the issuance of such cards by foreign missions.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from Indiana (Mr. HOSTETTLER) and the gentleman from New Jersey (Mr. MENENDEZ) each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I yield myself 1 minute.

This amendment establishes, Mr. Chairman, requirements that must be met by foreign governments in issuing consular identification cards in the United States and authorizes the Secretary of State to regulate the issuance of those documents.

In the last 2 years, foreign governments have issued more than 1.5 million consular cards in the United States. Recent testimony by the FBI before the Subcommittee on Immigration, Border Security, and Claims, which I chair, highlights the need for such requirements. The FBI explained that the most commonly issued of these cards are vulnerable to fraud and forgery, posing both criminal threats and a potential terrorist threat. The requirements set forth in the amendment will address these flaws.

It is important to note that this amendment does not address the acceptance of these documents in the United States, nor does it prohibit their issuance so long as the foreign mission complies with the requirements of the amendment. Rather, it simply extends the Secretary of State's authority under the Foreign Missions Act to regulate consulates to include their issuance of consular ID cards.

Further, this amendment does not violate our responsibilities under the Vienna Convention. In light of these facts, I urge passage of the amendment.

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

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

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

Mr. MENENDEZ. Mr. Chairman, this amendment may seem by the way it was just described rather innocuous, but it is rather outrageous. It is a thinly veiled attempt to end something called the matricula consular.

To start with, this amendment could create a negative boomerang effect on the United States. The amendment tells other countries' consulates what they can and cannot do above and beyond existing law. Do we want other countries to do the same to us? Do we want other countries to tell our consulates how we can relate to our own citizens abroad? This is an unprecedented attempt to change how a country can relate to its own nationals in a host country. I think it is a patently improper interpretation of the Foreign Missions Act and the Vienna Convention on Consular Affairs. The amendment would set a dangerous precedent for our embassies abroad.

But let me get to the core issue. This amendment is another anti-immigration tactic designed to get rid of the

matricula consular. Basically, they have loaded this amendment with requirements that are unreasonable for workers in this country to be able to achieve. How can migrant workers be expected to notify their own mission within 30 days every time they move? And we expect poor people from rural areas to produce all of the records that they suggest. This makes no sense. And then in a final attempt to completely get rid of the matricula consular, they included a punishment so strong that many countries might simply stop using it. If a country fails to comply with these onerous provisions, the United States would stop issuing immigrant and nonimmigrant visas. What country could take that risk?

I do not quite understand it. I thought we had a victory collectively in moving into the right way in our bilateral relations with Mexico. This amendment takes us another step back. Over and over again, Members on the other side of the aisle have shown their true feelings about some of the issues on the Hispanic community, the immigrant communities; and this amendment is no exception.

I strongly urge my colleagues to vote against this outrageous and dangerous amendment.

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

Mr. HOSTETTLER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations.

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

Mr. HYDE. Mr. Chairman, increasingly, foreign governments have been lobbying localities in the United States to accept their consular cards as valid identification. At least two countries now issue consular cards in the U.S. for these purposes and many others are planning to do so. No standards govern those cards, and there is little information on which localities can rely in deciding whether to accept a country's consular card. All this amendment does is clarify the Secretary of State's power to ensure that issuance of these cards is rational and safe.

By authorizing the Secretary of State to regulate these cards and setting requirements that countries must meet in issuing the cards, this amendment will allow localities to make informed decisions on whether to accept such documents. Regulation of the cards will also protect the American people from the risks that unregulated and unreliable documents pose. Those risks were underscored recently by the FBI, which determined that because of their vulnerability to fraud and forgery, these cards pose criminal threats as well as a potential terrorist threat. The requirements in this amendment will address those threats by deterring fraud and improving the reliability of consular identification cards.

The amendment also provides an enforcement mechanism that empowers the Secretary of State to regulate consulates' compliance with these requirements. It is appropriate to vest this responsibility in the State Department. Not only does its Office of Foreign Missions currently regulate the activities of foreign consulates in the U.S. but the Department will also bring to this role its expertise in evaluating foreign documents. This amendment is needed to allow the State Department necessary authority to regulate foreign consulates in a changing environment. For this reason, I urge passage of this amendment.

Mr. Chairman, I just would like to respond to my friend from New Jersey who every time someone offers an amendment or a bill trying to get a handle on illegal immigration, known as undocumented, where we have God knows how many people in this country living in substandard style because of the illegality of their presence, and it could be in the millions, it does not mean there is some antipathy toward a racial group or an ethnic group at all. It is just a feeble attempt to get a handle on the borders of our country and who is here and who is not.

□ 1700

The problem is not getting better. It is getting worse. But trying to do something about it in good faith does not manifest the hostility at all. We are all immigrants sooner or later or back far enough, but I really resent the conclusion the gentleman draws that all Republicans do not like people of different ethnicity. I would say just the opposite.

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

I appreciate the chairman's concern. I resent the constant surge of amendments that confront particularly a single community.

Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from California (Mr. BERMAN), senior member of the Committee on International Relations who has worked on these issues.

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

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

I rise in very strong opposition to the amendment. I have to say to the chairman of the committee, if this amendment were to pass, there will be no such card and the issue of finding out where the undocumented people are and who they are will not be enhanced one bit because no one who is here in undocumented status will give their accurate address if they know it is going to be turned over to the administration for enforcement. So the amendment totally undermines the goal of the chairman of the committee in his comments.

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

Mr. BERMAN. I have 20 seconds. Can I take it on the gentleman's time?

Mr. HYDE. Mr. Chairman, I just want to say no card is better than a misleading card.

Mr. BERMAN. Mr. Chairman, that is where I believe where a card which truly reflects the identity of the person who is getting it, which this card does, helps the police. It helps banks know to open checking accounts, to stop loan sharks who are trying to put incredible surcharges on remittances.

Most of all, it is the sanction of this amendment where they have the gall to say that if the Mexican or any other government refuses to comply with the State Department's guidelines, we will penalize any employer in the United States who wanted to get specialized H–1B visa for a Mexican national, anyone who has stayed in Mexico and waited in line for 8 years, no nonimmigrant visas, no immigrant visas. What an outrageous sanction for people who are abiding by the law, for American employers and American families who are trying to reunite. The sanction has no relationship whatsoever to the conduct the author of the amendment is seeking to address.

I strongly urge the body to vote no.

Mr. Chairman, I rise in strong opposition to this amendment.

In recent weeks we have held a number of hearings on the issue of identity cards issued by foreign states to their nationals in the United States. In these hearings, representatives of the Departments of Justice, Homeland Security, and State have testified that they are participating in an interagency working group that is studying the issuance of these cards and developing a policy on their use. I look forward to seeing the result of their work.

In the meantime, we have been presented with this very troublesome amendment.

There are three very important reasons to oppose this amendment:

It will encourage fraud. This amendment lays out a policy for the State Department to implement and part of that policy would be require foreign states issuing these identity cards to provide the name and address of every cardholder to the State Department. Knowing as we do that many of these cards are held by undocumented aliens in the United States, we can be sure that if the cardholders know that their address is being sent to the United States government they will be less likely to provide an accurate address.

This would totally undermine the benefits of these cards to state and local law enforcement. We have to solve the problem of undocumented aliens in this country, but in the meantime, undocumented aliens are living in our states and cities.

Police Departments across the country have decided to accept this card when other identification is not available. Having some form of ID is better than having none.

This amendment tells the State Department to implement a policy on these cards and then requires State to order another sovereign nation to stop issuing cards to its own nationals if that foreign government does not comply with the policy. While it is certainly our business to decide what forms of identification we accept from foreign nationals, it is not the business of our government to order another government to stop issuing identification to its citizens.

Finally, under the Hostettler amendment, a foreign state's refusal to comply with a State Department order to stop issuing identification to its citizens would result in the State Department instituting a ban on visas for the offending country. This makes absolutely no sense. Under this logic, we would punish nationals of a country, refuse them visas for which they qualify—for family reunification or to accept a job. We would punish these lawful immigrants, their families, and U.S. employers because some nationals of their country might have a meaningless ID. This publishes those who follow the rule because there are some who might not.

Mr. Chairman, I strongly urge my colleagues to oppose this amendment. It is bad for foreign policy; it is bad for domestic policy; and we should reject it.

Mr. HOSTETTLER. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. GALLEGLY).

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

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

Mr. Chairman, the FBI and the Department of Homeland Security have serious national security concerns regarding the issuance of consular cards. The FBI concluded the matricula consular is not a reliable form of identification due to the nonexistence of any means to verify the true identity of the card holder. The FBI also testified that, although there are many generations of the Mexican consular card, 90 percent of those in circulation are the older generation, which are very vulnerable to counterfeit and forgery.

The truth is that Poland, Mexico, Nicaragua, and other countries that are trying to expand their consular ID programs in the United States are doing so in an effort to allow illegal immigrants to receive services to which they are not entitled. One service is the ability to use such cards to board commercial airplanes. Mr. Chairman, this is a dramatic step backwards toward the type of security we had before 9/11.

In addition, the six countries currently expanding the consular card programs could easily be 60 in the next few years.

I strongly urge my colleagues to advocate that the United States Federal Government, through the Department of State, regulate the issuance of those cards.

Mr. MENENDEZ. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Texas (Mr. HINOJOSA) who resides and deals with the border all the time.

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

Mr. HINOJOSA. Mr. Chairman, I rise in strong opposition to the Hostettler-Gallegly amendment. It is a thinly veiled attack on the consular ID card that has been used by the Embassy of Mexico for over 130 years, sometimes referred to as the Matricula Consular card.

Contrary to what the Hostettler-Gallegly amendment contends, Mexico and other foreign governments have been issuing consular identification cards to foreign nationals in the United States following precisely the guidelines established by the Vienna Convention on Consular Relations. This amendment would constitute a violation of that convention.

Under that convention, consular function is established as ''performing any other functions entrusted to a consular post which are not prohibited by the laws and regulations of the receiving state.'' There is no U.S. Federal law which forbids the issuance of consular ID cards. In fact, the Treasury Department has issued regulations under section 326 of the PATRIOT Act that would allow the financial institutions to accept consular ID cards as valid forms of ID for the purpose of opening accounts.

Mr. Chairman, I rise in strong opposition to the Hostettler/Gallegly amendment. It is a thinly veiled attack on the Consular ID Card that has been issued by the Embassy of Mexico for over 131 years, sometimes referred to as the Matricula Consular card.

Contrary to what the Hostettler-Gallegly amendment contends, Mexico and other foreign governments have been issuing consular identification cards to foreign nationals in the United States following precisely the guidelines established by the Vienna Convention on Consular Relations. This amendment would constitute a violation of that convention.

Under that convention, consular function is established as ''performing any other functions entrusted to a consular post which are not prohibited by the laws and regulations of the receiving State.'' There is no U.S. Federal law which forbids the issuance of Consular ID cards.

In fact, the Treasury Department has issued regulations under Section 326 of the PATRIOT Act that would allow financial institutions to accept Consular ID cards as valid forms of ID for the purpose of opening accounts. More than 100 financial institutions accept these cards as valid forms of ID. Police Departments across the United States praise the use of these cards, because they enable them to identify foreign nationals.

The State Department adamantly opposes this amendment because an Interagency Working Group is already working to address the issue of Consular ID cards. Consequently, this amendment prejudges the outcome of the Interagency Working Group's efforts.

The State Department also has reciprocity concerns. The U.S. does, in certain instances, issue Consular ID cards to American nationals overseas.

The State Department fears reciprocal retaliation from overseas if the amendment were to pass.

These Consular ID cards are simply identification cards. They do not legalize the status of any immigrant.

They cannot be used to obtain any immigration or citizenship benefits such as work authorization or to obtain public benefits.

Their continued use, with consultations between the U.S. and Mexican governments, will foster greater transparency and increase security in the United States.

For these reasons and many others, I strongly urge my colleagues to oppose this amendment.

Mr. BACA. Mr. Chairman, I rise in strong opposition to the Tancredo Amendment.

I have always been a strong advocate of efforts that give Hispanics and other minorities greater access to our financial services system.

Whether that means providing more financial literacy programs or approving the use of the matricula consular card, we must do what it takes to make sure that every person in this country can live the American dream.

That is why I am here today.

When we look to the future, we have to make sure that it includes people of all races and all colors. We must give all members of our society the tools they need to fully participate and benefit from our great democracy.

Unfortunately, there are those in this body who are trying to shut the doors on our immigrant community.

They do not care that there are as many as 10 million American households that do not have bank accounts. That is not acceptable.

Hispanics deserve the same opportunity others have to buy a home, invest in a business, pay for a college education, and improve the financial security of their families.

How do we do this? We do this by giving everyone the keys that open the doors to our financial system.

Everyone deserves the opportunity to open a bank account or get a credit card. We cannot have a society of ''haves'' and ''have-nots.''

That is why Arrowhead Credit Union in my district, Wells Fargo, Bank of America, and credit unions and banks across the country support the use of the matricula consular.

They understand that when you hurt our most vulnerable members of our society, we all lose.

The support that financial institutions have given to these cards is matched by the support we have received from local law enforcement organizations.

In my district, the Rialto police department recently decided to accept matricula consular cards, joining the police departments in Chino, Colton, Fontana, Indio, Redlands, San Bernardino, and Upland.

There are now more than 100 law enforcement agencies in California that accept the matricula card.

I trust our local law enforcement officers, our first responders, to protect our communities. I urge you to do the same.

I urge all my colleagues to vote NO on the Hostettler/Gallegly/Tancredo amendment.

Mr. SOLIS. Mr. Chairman, I rise in strong opposition to this amendment.

If passed, it would require the State Department to heavily regulate foreign government's issuance of identification documents.

If the State Department determines that a foreign government is not in compliance with the issued regulations, a foreign government could have to suspend issuance of the identification documents and stop issuing visas to individuals from that country altogether.

The amendment would violate the Vienna Convention on Consular Relations and U.S. citizens living abroad.

If the U.S. does not acknowledge valid foreign IDs, others have no obligation to recognize U.S. IDs.

It's clear to me that this amendment is an attack on the Mexican consular ID and the millions of Mexicans living in the U.S. and elsewhere who use it daily as a form of identification.

The matricula plays a vital role in our homeland security efforts by enabling the reliable identification of millions of Mexicans living and working in the United States.

800 police departments, various local governments, and at least 80 banks have accepted the matricula because it increases public safety, national security, and our economic competitiveness.

Law enforcement understands that the matricula helps identify people, including suspects, witnesses, and those who come forward to report crimes and suspicious activities.

The matricula is a safe, secure form of identification.

It has a number of extremely sophisticated security features, including a digitized photo, in-person consular interviews and review of supporting documentation, as well as standards for supporting documentation that are more demanding than those used for U.S.-government issued IDs.

Acceptance of the Mexican consular ID has a proven track record of increasing public safety.

Failure to recognize it would preclude millions of Mexicans living and working in the U.S. to identify themselves and assist in our homeland security efforts.

I urge my colleagues to vote against the Hostettler-Gallegly amendment.

The CHAIRMAN pro tempore (Mr. SWEENEY). The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

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

RECORDED VOTE

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

A recorded vote was ordered.

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 6 offered by the gentleman from Texas (Mr. PAUL), amendment No. 7 offered by the gentleman from Iowa (Mr. KING), amendment No. 8 offered by the gentlewoman from California (Mrs. TAUSCHER), and amendment No. 17 offered by the gentleman from Indiana (Mr. HOSTETTLER).

The first electronic vote will be conducted as a 15-minute vote. Remaining votes will be conducted as 5-minute votes.

AMENDMENT NO. 6 OFFERED BY MR. PAUL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 74, noes 350, not voting 10, as follows:

[Roll No. 364]

AYES—74

Barrett (SC)
Barton (TX)
Bilirakis
Bishop (UT)
Boozman
Burgess
Burton (IN)
Cannon
Cantor
Carter
Coble
Collins
Crane
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Garrett (NJ)
Gibbons
Goode
Hayes
Hostettler
Istook
Johnson, Sam
Jones (NC)
Keller
Kingston
Lucas (OK)
Manzullo
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Obey
Otter
Paul
Pence
Platts
Pombo
Putnam
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryun (KS)
Schrock
Sessions
Shadegg
Shuster
Smith (MI)
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Tiahrt
Tiberi
Weldon (FL)
Wilson (SC)
Young (AK)

NOES—350

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
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 (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
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 (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—10

Bartlett (MD)
Berkley
Chabot
Ferguson
Gephardt
Hayworth
Janklow
Jefferson
Johnson (CT)
Millender-McDonald

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY) (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1729

Messrs. MCDERMOTT, LINDER, MATHESON, CASTLE, MEEKS of New York, ABERCROMBIE, HOLT, and GRAVES changed their vote from ''aye'' to ''no.''

Messrs. NEY, KINGSTON, SMITH of Michigan, YOUNG of Alaska, SCHROCK, PUTNAM, and CRANE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1730

AMENDMENT NO. 7 OFFERED BY MR. KING OF IOWA

The CHAIRMAN pro tempore (Mr. SWEENEY). The pending business is the demand for a recorded vote on amendment No. 7 offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

The vote was taken by electronic device, and there were—ayes 187, noes 237, not voting 10, as follows:

[Roll No. 365]

AYES—187

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
LaHood
Latham
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Lynch
Manzullo
McCotter
McCrery
McInnis
McIntyre
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Wamp
Weldon (FL)
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—237

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Goss
Greenwood
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McKeon
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
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—10

Berkley
Emerson
Ferguson
Gephardt
Hayworth
Janklow
Jefferson
Johnson (CT)
Millender-McDonald
Spratt

□ 1738

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MRS. TAUSCHER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 8 offered by the gentlewoman from California (Mrs. TAUSCHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 207, noes 219, not voting 8, as follows:

[Roll No. 366]

AYES—207

Abercrombie
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Cannon
Capps
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crane
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Fossella
Frank (MA)
Frost
Gilchrest
Gonzalez
Goodlatte
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Hill
Hinchey
Hinojosa
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Osborne
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Petri
Pombo
Pomeroy
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stearns
Stupak
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (SC)
Woolsey
Wu
Wynn

NOES—219

Ackerman
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capuano
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Duncan
Emerson
English
Everett
Feeney
Fletcher
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hayes
Hefley
Hensarling
Herger
Hobson
Hoeffel
Hoekstra
Holden
Hostettler
Hunter
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Lampson
Lantos
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Ose
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Porter
Portman
Pryce (OH)
Putnam
Quinn
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stenholm
Strickland
Sullivan
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Velazquez
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Berkley
Ferguson
Gephardt
Hayworth
Janklow
Jefferson
Millender-McDonald
Spratt

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised that there are two minutes remaining in the vote.

□ 1751

Messrs. CARTER, SIMPSON, TANCREDO, OTTER, NEUGEBAUER, TERRY, WHITFIELD, BURTON of Indiana, BROWN of South Carolina, Mrs. CUBIN, Messrs. SHIMKUS, FEENEY, BRADY of Texas, NETHERCUTT, KIRK, Mrs. JOHNSON of Connecticut and Mrs. BIGGERT changed their vote from ''aye'' to ''no.''

Mrs. KELLY, and Messrs. EDWARDS, THOMAS, RAHALL and ABERCROMBIE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. HOSTETTLER

The CHAIRMAN pro tempore (Mr. SWEENEY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 198, not voting 10, as follows:

[Roll No. 367]

AYES—226

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Doolittle
Duncan
Dunn
Emerson
English
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Herger
Hill
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
LaHood
Latham
LaTourette
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gillmor
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hensarling
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
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
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Berkley
Ferguson
Gephardt
Hayworth
Janklow
Jefferson
Millender-McDonald
Smith (WA)
Spratt
Weldon (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1759

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HAYWORTH. Mr. Chairman. As you know, I was absent today for medical reasons. If I had been in attendance, I would have voted ''no'' on rollcall vote No. 364; ''yes'' on rollcall vote No. 365; ''no'' on rollcall vote No. 366; and ''yes'' on rollcall vote No. 367.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 32 printed in House Report 108–206.

AMENDMENT NO. 32 OFFERED BY MR. RANGEL

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

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

The text of the amendment is as follows:

Amendment No. 32 offered by Mr. RANGEL:

At the appropriate place in the bill, insert the following (and conform the table of contents accordingly):

SEC. ___. ASSISTANCE TO COMBAT HIV/AIDS IN CERTAIN COUNTRIES OF THE CARIBBEAN REGION.

Section 1(f)(2)(B)(ii)(VII) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(ii)(VII)) is amended by inserting after ''Zambia,'' the following: ''Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, Dominican Republic,''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from New York (Mr. RANGEL) and a Member opposed (Mr. BEREUTER) each will control 5 minutes.

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

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

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

□ 1800

Mr. RANGEL. Mr. Chairman, the gentlewoman from California (Ms. LEE) and I have brought this amendment to this piece of legislation which would expand the coverage of the $15 billion emergency plan for AIDS relief to include 14 additional countries in the Caribbean.

Recently, the President had a very successful trip to Africa where, in support of the African Growth and Opportunity Bill, he made it abundantly clear that in order to be healthy trading partners with the United States of America you had to be healthy, and the $15 billion was an attempt to prevent and to provide cure for the ravaging epidemic that has swept sub-Saharan Africa.

In addition to Africa, Haiti and Guyana were named. What we are saying is that we have spent a lot of time and effort in trying to build a better Caribbean basin initiative program where our friends in the Caribbean can share in trade with the United States of America. The leaders of the countries in this area believe that in order to get a handle on this disease, which is the largest region second only to sub-Saharan Africa, that you have to go beyond Guyana, you have to go beyond Haiti; you have to have a comprehensive approach to this disease in education, in prevention and in cure.

And so it makes a lot of sense, we think, that as we approach this serious disease, that we give the leaders, especially the medical leaders in this area, an opportunity to put their program to work.

Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. LEE), who has spent most of her legislative career trying to correct this disease, and I thank her for her effort, and I ask unanimous consent that she be entitled to yield to whomever the time would allow her to yield to.

The CHAIRMAN pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume, and I want to thank the gentleman from New York for yielding me this time and for his leadership and his commitment to addressing the HIV/AIDS pandemic globally.

We passed very recently H.R. 1298, the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, and the President signed this into law. This bill would expand the list of countries which the HIV/AIDS response coordinator has directed funding authority over.

Now, while USAID administers programs in some of the countries, such as Jamaica and the Dominican Republic, the practical effect of this amendment would be to highlight the Caribbean as a region that deserves our special attention in the fight against the global AIDS pandemic. As we look at the Caribbean, we must focus on the fact that the prevalence rates are similar to what they were in sub-Saharan Africa before this unbelievable explosion.

Today, over 500,000 people in the Caribbean are estimated to be living with HIV and AIDS with prevalence rates in most countries ranging from 1 to 3 percent. While it is clear that Africa, as the epicenter of the AIDS pandemic, should be the focus of our global AIDS initiative, we must be very clear and aware that the Caribbean is poised to undergo a dramatic increase in the number of new AIDS cases, with estimates of over 1 million people infected by 2010.

The Caribbean has, as the gentleman from New York (Mr. RANGEL) indicated, the second largest population of persons affected outside of sub-Saharan Africa with AIDS. And it is important that while he support AIDS prevention and treatment efforts in Haiti and Guyana, two of the hardest-hit countries respectively, we must also promote a regional response to the epidemic rather than a piecemeal two-country strategy. Such a response must also take into consideration the high volume of mobility within the Caribbean due to labor force shifts and the tourism industry.

We have a moral obligation to act not only because of the devastation that the AIDS pandemic has and will cause, but also because of our close connection to the Caribbean region and its people, as there are nearly 23 million Caribbean immigrants residing in the United States today; and over 10 million people from the United States visit the Caribbean annually.

The Rangel-Lee amendment does not preclude other countries from receiving funding, it does not authorize new funding, and will not steer an arbitrary level of funding to go to the Caribbean. It merely adds CARICOM countries and the Dominican Republic to the list of countries the HIV/AIDS response coordinator will oversee so that we can better coordinate our response to the pandemic in the Caribbean region.

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

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

Mr. LANTOS. Mr. Chairman, I strongly support the Rangel-Lee amendment. I think it is a very constructive contribution to our global fight against AIDS, and I urge all of our colleagues to do so.

The CHAIRMAN pro tempore. The gentlewoman's time has expired.

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

I did claim the time in opposition, although I recognize the efforts and interests on the part of the gentleman from New York and the gentlewoman from California, and I respect the contribution just made by the ranking member of the committee. They want to focus more attention on HIV/AIDS in the Caribbean region. That is understandable. Actually, the authorizing legislation focuses not just on Africa, not sub-Saharan Africa only, but also specifically mentions the Caribbean, the only other part of the world mentioned beyond sub-Saharan Africa.

It is a growing problem in the island nations and the coastal countries of the Caribbean, no doubt about it; and this would add 13 countries to the list of two Caribbean countries already identified by the President as focus countries. Under PL 180–25, the United States Leadership Against HIV/AIDS Act, it provides the President with the authority to add additional countries to the list of countries under the purview of the coordinator.

I would have to say to the gentleman from New York that this does not expand the coverage because there are no

limits on the number of countries that may be assisted; but it does place those countries listed, illustrative countries, as being under the purview of the coordinator to give special attention. It actually puts more control by the White House through the coordinator on any of those that are listed. And if the gentleman expands that list, then we run the danger, I think, of diluting the focus of the HIV/AIDS. China could just as well be listed soon, unfortunately; Southeast Asia, certainly countries there.

I would say, Mr. Chairman, that since we have no adverse and negative, or very negative reaction from the White House, and since I think it does no damage, although we may well be adding all of the countries eventually we are going to work under this kind of theory, I would not express opposition to the gentleman and gentlewoman's amendment.

Mrs. CHRISTENSEN. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentlewoman from the Virgin Islands.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Chairman, I thank the gentleman for yielding to me, and I will be brief.

A little over a month ago, I rose to urge the passage of H.R. 1298 because of the moral imperative for Congress to act and take an affirmative step towards fighting AIDS globally, particularly in Africa and the Caribbean. We may not be able to correct all the deficiencies we saw in that bill today, but the Lee-Rangel amendment does help in one critical area, and that is in expanding the coverage of that $15 billion emergency plan to an additional 14 countries in the Caribbean. As you know, Mr. Chairman, the Caribbean has the second highest rate of HIV infection and AIDS in the world, and the economies of those small island nations are strained to deal with the impact of it.

I want to take this opportunity to thank the gentleman from New York (Mr. RANGEL) and the gentlewoman from California (Ms. LEE) for their leadership and commitment for the Caribbean and for continuing to press for the amendment that is before us now. I urge my colleagues to support it.

Mr. BEREUTER. Mr. Chairman, I urge support of the amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 33 printed in House Report No. 108–206.

AMENDMENT NO. 33 OFFERED BY MR. SHERMAN

Mr. SHERMAN. Mr. Chairman, I offer an amendment made in order under the rule.

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

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. SHERMAN:

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

SEC. ___. STATEMENT OF POLICY RELATING TO DEMOCRACY IN IRAN.

(a) FINDINGS.—Congress finds the following:

(1) Iran is neither free nor democratic. Men and women are not treated equally in Iran, women are legally deprived of internationally recognized human rights, and religious freedom is not respected under the laws of Iran. Undemocratic institutions, such as the Guardians Council, thwart the decisions of elected leaders.

(2) The April 2003 report of the Department of State states that Iran remained the most active state sponsor of terrorism in 2002.

(3) That report also states that Iran continues to provide funding, safe-haven, training and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(b) POLICY.—It is the policy of the United States that—

(1) currently, there is not a free and fully democratic government in Iran;

(2) the United States supports transparent, full democracy in Iran;

(3) the United States supports the rights of the Iranian people to choose their system of government; and

(4) the United States condemns the brutal treatment, imprisonment and torture of Iranian civilians expressing political dissent.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from California (Mr. SHERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. SHERMAN).

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

Mr. Chairman, our hearts go out to the people of Iran who are fighting valiantly for freedom and democracy. The least we could do in this bill is to provide our support and put the United States on record in favor of minority rights, women's rights, democracy, and freedom for the people of Iran.

I want to commend Senator BROWNBACK, who authored the very words of this amendment and persuaded the Senate to adopt them and add them to their version of this bill. I want to commend the Senate for adopting these words on a voice vote.

Let me just summarize the provisions of this amendment. It contains, first, findings which state: ''Iran is neither free nor democratic. Men and women are not treated equally. Women are deprived of legal and internationally recognized rights. Religious freedom is not respected under the laws of Iran. And undemocratic institutions, such as the Guardians Council, thwart the decisions of elected leaders.''

It goes on to cite the September 2003 report of the Department of State which identified Iran as the most active state sponsor of terrorism in the year 2002, and specifically sites the provisions of that report which indicate that Iran continues to provide funding and safe haven to such terrorist groups as Hezbollah, Hamas, and the Palestinian Islamic Jihad.

The second part of the amendment indicates it is the policy of the United States to support transparent, full democracy in Iran; that the United States supports the rights of the Iranian people to choose their system of government; and the United States condemns the brutal treatment and torture of Iranian civilians expressing political dissent.

Mr. Chairman, I would hope that we could adopt this amendment on voice vote, just as the Senate did, so as to eliminate a possible difference between the bodies as this bill goes to conference.

I should also point out, Mr. Chairman, that I have a separate bill, H.R. 2466, that provides much more substantive support for democracy. It is called the Iran Democracy Support Act, and I would hope that on some other occasion we would be on this floor debating that bill, and I invite my colleagues to cosponsor it.

But for now let me urge the adoption of this amendment.

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

Mr. SHERMAN. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, we have no objection to the gentleman's amendment, and we hope he will take yes for an answer.

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

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

□ 1815

Mr. LANTOS. Mr. Chairman, I congratulate the gentleman from California (Mr. SHERMAN) for introducing this important amendment.

The Iranian people continue to suffer under a theocratic, terror-supporting dictatorship. Those courageous enough to call for democratic change are regularly met by the regimes-supported security forces and vigilante groups. Just last month the Iranian government acknowledged they arrested some 4,000 peaceful demonstrators. What was their crime? They wanted freedom.

This amendment affirms that the view of this body is that Iranians deserve real freedom, that they should not suffer because of their religious or political beliefs or because of their gender. The Sherman amendment supports Iranians' right to choose their own system of government, rather than having to endure the theocracy that has been forced upon them.

Oppression in Iran is a humanitarian issue, but it is not only that. The existence of a dictatorial Iranian regime directly affects the security of the United States which now faces an enemy with a rigid ideology which it backs through an unlimited use of terrorism, and it may soon have nuclear weapons.

Freedom in Iran is a nonpartisan issue. I strongly support this amendment and urge my colleagues on both sides of the aisle to join me in voting in favor of it.

Mr. SHERMAN. Mr. Chairman, reclaiming my time, I urge support for this amendment today. I urge my colleagues to take a look at H.R. 2466, the Iran Democracy Support Act, for consideration on another day. I thank the gentleman from California (Mr. LANTOS) and the gentleman from Nebraska (Mr. BEREUTER).

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

The CHAIRMAN pro tempore (Mr. ISAKSON). The question is on the amendment offered by the gentleman from California (Mr. SHERMAN).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 37 printed in House Report 108–206.

AMENDMENT NO. 37 OFFERED BY MR. MCKEON

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

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

The text of the amendment is as follows:

Amendment No. 37 offered by Mr. MCKEON:

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

SEC. ___. SENSE OF CONGRESS REGARDING THE EXTRADITION OF VIOLENT CRIMINALS FROM MEXICO TO THE UNITED STATES.

(a) FINDINGS.—The Congress finds as follows:

(1) The Mexican Supreme Court ruled in October 2001 that Mexico will not extradite criminals who face life sentences in the United States.

(2) Due to this ruling, the United States has been unable to prosecute numerous suspects wanted for violent crimes that they committed in the United States if there is a possibility that these criminals will face life imprisonment.

(3) The person or persons responsible for the April 29, 2002, murder of Los Angeles County Sheriff Deputy David March is believed to have fled to Mexico to avoid prosecution for a possible life imprisonment.

(4) The attorneys general from all 50 States have asked United States Attorney General John Ashcroft and Secretary of State Colin Powell to continue to address this extradition issue with their counterparts in Mexico.

(5) The Governments of the United States and Mexico have experienced positive cooperation on numerous matters relevant to their bilateral relationship.

(6) The Mexican Minister of Foreign Affairs has been demonstrating to the Mexican Supreme Court the international ramifications of the Court's October 2001 ruling.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should encourage the Mexican Government to work closely with the Mexican Supreme Court to persuade the Court to reconsider its October 2001 ruling so that the possibility of life imprisonment will not have an effect on the timely extradition of criminal suspects from Mexico to the United States.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

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

Mr. Chairman, I rise today to offer an amendment to the Foreign Relations Authorization Act to address the issue of extradition, specifically as it pertains to Mexico. The seriousness of this issue is best described by the following tragic story:

On April 29, 2002, over a year ago, Deputy David March, a 7-year veteran of the Los Angeles Sheriff's Department, was shot and killed in the line of duty. David March was 33 years old, a husband, a father, a son, a brother, a neighbor, a stalwart in our community. The suspect who took his life was a Mexican national, a convicted felon. He fled to Mexico to avoid prosecution.

Historically, the Mexican government has refused to extradite Mexican nationals who commit crimes and flee to Mexico unless there are assurances granted by the United States that the death penalty would not be sought. Then in October, 2001, the Mexican Supreme Court ruled, in addition to the death penalty, they would not extradite criminals who also face life imprisonment sentences in the United States. For the crime that was committed, one of those penalties would be required. As such, Deputy March's killer roams free in Mexico; and the United States is unable to threaten a sentence commensurate with this murderer's horrific crime.

It should be noted this is not an isolated case for it is estimated that more than 60 suspected killers from Los Angeles County alone are in Mexico, along with countless more individuals who are suspected of rape, child molestation, attempted murder and other serious, violent crimes.

Mr. Chairman, this is an outrage. We cannot allow the most heinous criminals to escape the bar of justice. They must pay the penalties for their crimes, and the victims and their families must have reprieve through a judicious process.

Just imagine the turmoil that these families feel. David's younger sister went to school with my youngest daughter, good friends growing up. It is a great family. Every day they have to get up knowing that their son, brother, husband, father, is no longer with them, and the person who committed the crime, that took his life, is free. It is just not fair.

As such, my amendment expresses the sense of Congress that the United States Government should work closely with and encourage the Mexican government to persuade its Supreme Court to reconsider this October, 2001, ruling so the possibility of life imprisonment will not have an effect on the timely extradition of criminal suspects from Mexico to the United States.

It also should be noted that, historically, the United States government and the Mexican government have cooperated on many issues of mutual concern to our bilateral relationship, including elements of extradition as it pertains to drug trafficking. I am confident that, with further cooperation between our two governments, we can continue in like manner to address all of the points of concern within the issue of extradition to the point of complete resolution.

I thank the chairman for his help in getting this bill to the floor. I thank the ranking member. I thank the gentleman from California (Mr. DREIER), the gentleman from California (Mr. SCHIFF), the gentleman from California (Mr. BERMAN), the gentleman from California (Mr. CALVERT) and other Members who have been supportive in this important effort.

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

Mr. MCKEON. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, this is an outstanding amendment, and we support it, and we are pleased the gentleman has offered it.

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

The CHAIRMAN pro tempore. Does any Member rise in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from California (Mr. MCKEON).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 41 printed in House Report 108–206.

AMENDMENT NO. 41 OFFERED BY MS. WATERS

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

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

The text of the amendment is as follows:

Amendment No. 41 offered by Ms. WATERS:

At the end of Division B, insert the following:

SEC. ___. REPORT ON PROGRESS MADE IN MODIFYING THE ENHANCED HIPC INITIATIVE.

Within 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of the Treasury shall submit to the Committees on Financial Services, on Appropriations, and on International Relations of the House of Representatives and the Committees on Foreign Relations and on Appropriations of the Senate a written report that describes the progress made in modifying the Enhanced HIPC Initiative (as defined in section 1625(e)(3) of the International Financial Institutions Act) as called for in section 501 of of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

Conform the table of contents accordingly.

The CHAIRMAN pro tempore. Pursuant to House Resolution 316, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

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

Mr. Chairman, a few years ago, at the end of 20th century, the world community came together under the leadership of several of the world's most influential churches and created the Jubilee 2000 movement, a worldwide movement to cancel the debts of the world's poorest countries. The Jubilee 2000 movement included the Catholic Church, the Episcopalian Church, the World Council of Churches, Bread for the World, many other Christian, Jewish and other faith-based organizations. Student groups, HIV/AIDS activists, development specialists, business leaders and labor unions also joined this diverse movement.

In 1999, Jubilee 2000 convinced the G–8 group of industrialized countries to develop the Enhanced Heavily Indebted Poor Countries Initiative, known as HIPC, a program to significantly reduce poor country's debt. In 2000, Jubilee 2000 convinced the United States Government as well as the governments of other G–8 countries to authorize this debt relief program and appropriate the funds to carry it out.

Unfortunately, the Enhanced HIPC Initiative has failed to provide a lasting solution to poor country debts. At least 18 heavy indebted poor countries are still spending more money on debt payments than they are on health care.

The goal of Jubilee 2000 was to completely cancel the debts of the world's poorest countries. We must do more to accomplish this goal. We must do more to proclaim Jubilee for the poorest of the poor.

Earlier this year, I introduced H.R. 643, the Debt Cancellation for the New Millennium Act. This bill would urge the President to negotiate with the IMF and the World Bank to completely cancel 100 percent of the debts of the world's most impoverished countries who owe these institutions and give these countries a fresh start in the new millennium. This bill has 45 cosponsors.

H.R. 1298, the Global AIDS bill, included a debt relief provision, Title V, urging the administration to advocate deeper debt relief within the Enhanced HIPC Initiative. Title V states that the Secretary of the Treasury should immediately commence efforts with the IMF, the World Bank and other creditor countries to modify the Enhanced HIPC Initiative to reduce poor countries' debts to ensure that poor countries are not required to spend more than 10 percent of their annual current revenues on debt payments. For poor countries facing a public health crisis as a result of HIV/AIDS, the limit would be 5 percent. The Global AIDS bill was signed into law by the President on May 27, 2003, and is now Public Law 108–025.

Title V of the Global AIDS bill, which was added in the Senate by amendment and subsequently approved by the House, reflected provisions in H.R. 1376, a bipartisan debt relief bill introduced by the gentleman from New Jersey (Mr. SMITH), the gentleman from Massachusetts (Mr. FRANK), the gentleman from Iowa (Mr. LEACH), the gentleman from California (Mr. LANTOS), the gentleman from Connecticut (Mr. SHAYS), the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from Connecticut (Mrs. MALONEY). H.R. 1376 would have required the Secretary of the Treasury to submit reports to Congress describing the efforts and progress made in negotiating improvements to the Enhanced HIPC Initiative. Unfortunately, Title V of the Global AIDS bill does not require the Secretary of the Treasury to report to Congress on the administration's effort.

My amendment would require the Secretary of the Treasury to report to Congress on the progress made in modifying the Enhanced HIPC Initiative as called for in Title V. This simple reporting requirement would enable Congress to monitor the administration's effort to achieve deeper debt relief for poor countries. A reporting requirement also could provide an incentive for multilateral development institutions and other creditor countries to support proposals for deeper debt relief.

Deeper debt relief for the world's heavily indebted poor countries will remove a major obstacle to HIV/AIDS treatment and prevention, poverty reduction and economic growth. I urge my colleagues to support my amendment.

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

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

Mr. LANTOS. Mr. Chairman, I strongly support the gentlewoman's amendment. It is sorely needed. I could not think of a more noble project than to assist Buddhist countries with huge debts with debt relief. This is a measure that deserves bipartisan support. I ask all of my colleagues on both sides of the aisle to vote for it.

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

Ms. WATERS. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, the amendment points to an important subject, the need for prompt implementation of the Act, and we certainly think that the Committee on International Relations and other relevant committees ought to receive periodic reports and hold hearings and briefings, if necessary.

The reporting provisions in the legislation require the Secretary of Treasury to inform the Congress of his progress in implementing the Act, but we have no objection to the amendment of the gentlewoman at this point. Unless we figure something differently, we are entirely supportive.

Ms. WATERS. Mr. Chairman, reclaiming my time, I thank the gentleman from Nebraska (Mr. BEREUTER) for his words of support. I do not think there would be any other information which would lead to opposition to the amendment, and I thank the gentleman from California (Mr. LANTOS) for his support and superb leadership on this committee.

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

The CHAIRMAN pro tempore. Does any Member rise in opposition to the amendment.

If not, the question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The amendment was agreed to.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALDEN of Oregon) having assumed the chair, Mr. BEREUTER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes, had come to no resolution thereon.

□ 1830

ANNOUNCEMENT OF INTENT TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

Mr. MICHAUD. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308.

The form of the motion is as follows:

I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of the conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the *Columbia* disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate

conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

APPOINTMENT OF CONFEREES ON H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. MICA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. DEFAZIO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2115 be instructed to insist upon a total level of funding of not less than $59,000,000,000 for fiscal years 2004 through 2007 for programs authorized pursuant to sections 101 through 103 of the bill, including not less than—

(1) $14,800,000,000 for Federal Aviation Administration operations;

(2) $12,294,000,000 for air navigation facilities and equipment; and

(3) $31,276,000,000 for airport planning and development and noise compatibility planning and programs.

Mr. DEFAZIO (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Under clause 7(b) of rule XXII, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Florida (Mr. MICA) each will control 30 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO).

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

Mr. Speaker, this motion to instruct would be to insist upon the House levels of funding for the reauthorization of the Federal Aviation Administration. There are a number of critical issues looming before us in the future of aviation. Some folks think today because the levels of travel are depressed that the concerns we had about modernization and airspace and a lot of other issues have gone away. They have not. We fully expect that with the new security measures we have put in place and they are continuing to put in place that people will be returning if the economy ever recovers, but that is another issue for another debate over tax cuts versus investment. But if the economy does and when the economy recovers, we will find that the levels of air passenger traffic will increase greatly in the not-too-distant future. We cannot take a break from the investments that we need to make.

Our bill, Flight 100, would provide more than $59 billion over the next 4 years; and we think 4 years is essential, because the Senate only wants to reauthorize for 3 years, perhaps to come back and tinker or whatever reason, but we need the certainty of the 4 years and we need the higher levels of investment. It provides substantial increases in the airport improvement program, again back to the capacity issue and the concerns that were driving us just a couple of years ago here in the House in terms of the lack of capacity.

Our bill would provide $14.8 billion for airport improvement projects over 4 years. That is $1.2 billion more than the FAA's request, and it would be $300 million more than the Senate has requested, projects that would not only enhance capacity but actually put people to work, a meaningful investment in construction projects. It would provide $12.3 billion for FAA facilities and equipment to maintain and modernize our air traffic control system. We have finally straightened out the problems in acquiring the new system and the technology. We need now to go ahead with the acquisition to put this equipment into place so that we can better utilize the airspace and we can better protect the safety of the traveling public. Again, the Senate has $267 million less than the House bill.

We have a number of other areas where we believe that the House bill is superior, but these are the ones we wish to emphasize in our motion to instruct conferees.

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

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

I am pleased to rise this evening in support of the motion offered by the ranking member of the Subcommittee on Aviation. We are in concurrence with the other side of the aisle. This is a bipartisan effort to instruct conferees on the position of the House as opposed to the Senate.

I would say very briefly that the level of funding that the House proposes is in the best interests of our aviation community. There are a number of programs that have been spoken to, air traffic control modernization and other safety and security issues, that do need to be addressed at the level that is authorized by the House and that is the preferable position. Again, I am pleased to join my colleague. It would be sad if we stepped back, last year was the safest year in the record of safety in American aviation history, and not properly address the needs of one of the most viable parts of our economy and that is the aviation industry. We support the position, we support this motion to instruct conferees, we support a 4-year as opposed to a 3-year reauthorization. I would strongly encourage the adoption of the motion to instruct conferees offered by my colleague.

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

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

I would just urge that my colleagues strongly stand behind the work of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure in the House and support this motion to instruct and stand firm against the Senate so that we can have the best bill possible.

Mr. OBERSTAR. Mr. Speaker, this motion would instruct the conferees to insist upon not less than the House-passed total of funding of $59 billion for the next four years for the Federal Aviation Administration's airport improvement, facilities and equipment and operations programs.

The funding in the House bill, Flight 100, will ensure that we continue to invest in badly needed airport infrastructure and air traffic control modernization. This is imperative to the future of aviation. Although air passenger traffic has decreased significantly since September 11th, the FAA expects that by 2006 total passenger enplanements will reach the 2000 level of 696.3 million. The United States is the only nation that enplanes over 600 million passengers annually. No other nation comes anywhere close to FAA's responsibility for managing approximately 200,000 take-offs and landings each day of the year. FAA and its air traffic controller's achieve this great feat with the assistance of impressive technology, but technology that is nonetheless aging.

We must ensure that we have a robust aviation program to meet all of our future challenges, including accommodating larger aircraft; addressing airport access issues and terminal expansion; and dealing with environmental issues. Flight 100 provides more than $59 billion over the next four years of system capacity enhancements, technology modernization and operation of the air traffic control system. The Senate passed bill authorizes $43 billion for these purposes for the next 3 years.

Flight 100 provides substantial increases in Airport Improvement Program (AIP) funding to meet anticipated capacity needs. In total, the House bill provides $14.8 billion for AIP over four years, $1.2 billion more than the FAA's request. The three-year AIP funding levels in the Senate bill are $300 million less than funding provided by the House bill for the corresponding years.

Flight 100 provides $12.3 billion for FAA facilities and equipment (F&E) to maintain and modernize our air traffic control system, which is more that the Administration's requested level of funding. Moreover, $200 million is specifically designated for critical terminal automation system replacement, which has recently experienced deployment delays due to budget cuts. The three-year F&E funding levels in the Senate bill are $267 million less than funding provided by the House bill for the corresponding years.

The bill also provides the Administration's requested level of $31.3 billion for FAA operations.

Flight 100 maintains the guaranteed funding provisions enacted in AIR–21 that will ensure that the revenues paid into the Aviation Trust Fund by users of the aviation system are invested in that system. These guarantees ensure stable and predictable funding for technology modernization and airport capital development.

Accordingly, I urge the House to approve this motion to instruct conferees to insist upon the higher levels of FAA funding in Flight 100, as passed by the House. We must continue to make the needed investments in our nation's airports and air traffic control system. The American traveling public deserves no less.

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

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Oregon (Mr. DEFAZIO).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. YOUNG of Alaska, MICA, EHLERS, HAYES, REHBERG, ISAKSON, OBERSTAR, DEFAZIO, BOSWELL and HOLDEN.

From the Committee on Energy and Commerce, for consideration of section 521 of the House bill and section 508 of the Senate amendment, and modifications committed to conference:

Messrs. TAUZIN, BARTON of Texas and DINGELL.

From the Committee on Government Reform, for consideration of sections 404 and 438 of the House bill and section 108 of the Senate amendment, and modifications committed to conference:

Messrs. TOM DAVIS of Virginia, SHAYS and WAXMAN.

From the Committee on the Judiciary, for consideration of sections 106, 301, 405, 505 and 507 of the Senate amendment, and modifications committed to conference:

Messrs. SENSENBRENNER, COBLE and CONYERS.

From the Committee on Resources, for consideration of sections 204 and 409 of the House bill and section 201 of the Senate amendment, and modifications committed to conference:

Messrs. POMBO, GIBBONS and RAHALL, provided that Mr. RENZI is appointed in lieu of Mr. POMBO for consideration of section 409 of the House bill, and modifications committed to conference.

From the Committee on Science, for consideration of section 102 of the House bill and sections 102, 104, 621, 622, 641, 642, 661, 662, 663, 667, and 669 of the Senate amendment, and modifications committed to conference:

Messrs. BOEHLERT, ROHRABACHER and COSTELLO.

From the Committee on Ways and Means, for consideration of title VI of the House bill and title VII of the Senate amendment, and modifications committed to conference:

Messrs. THOMAS, CAMP and RANGEL.

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

Ms. DELAURO. Mr. Speaker, I offer a motion.

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

The Clerk read as follows:

Ms. DELAURO moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than Friday, July 18, 2003.

□ 1845

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under clause 7(b) of rule XXII, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from California (Mr. THOMAS) each will control 30 minutes.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it has now been 47 days, nearly 7 weeks, since President Bush signed into law tax legislation that denied the extension of a $1,000 child tax credit to the families of 12 million children. In 10 days' time, 25 million other families will begin receiving their checks in the mail but not the 6.5 million families who need it the most, hard-working, tax-paying families who earn between $10,500 and $26,625 a year.

Who will not receive this child tax credit? The families of nearly every child enrolled in Head Start, 912,000; families of incomes at or below the poverty line and are struggling to stay afloat in this economy.

Forty-two thousand Head Start teachers will not qualify for this tax credit either. Why? Because they earn less than $26,625 per year. Even though these dedicated, committed, educated give their all every day, they pass up other more lucrative professional opportunities so that they can help our children get a good start in life, their own families are left out of this tax credit.

One million children of military and veterans families, men and women who have served this country with honor, will also go without in this tax cut. One only need to open the paper to realize that many of these men and women are still fighting a war, risking their lives and dying in Iraq and Afghanistan. Yet this bill does nothing for them or their families.

On average, these families would have had an additional $151 per child had the tax credit been extended to them. It may not sound like a lot of money to some, but it is the difference between a child going to school with or without new school supplies. It helps families of the 9 million children in this country without health insurance pay for the healthcare services that they need.

What is particularly egregious is that while decent, hard-working Americans are being denied their rightfully earned tax relief, companies are still permitted to go overseas to avoid paying U.S. taxes, taking American jobs with them, and I might add that that is about $70 billion out of the revenue stream of this country because these folks have gone offshore not to pay their taxes. It is not right that every last one of these families pays more taxes than Enron did for the 4 out of the last 5 years.

Think about that for a moment. Every minimum-wage-earning family in America paid more taxes than a multibillion corporation. What kind of a message does this send to our families and our children? What kind of values does this represent?

All of these families work hard every day to put food on the table, clothes on their children's back; and, contrary to the claims by some on the other side of the aisle, they do pay taxes, payroll taxes, sales taxes, excise taxes, property taxes. They have done nothing to deserve being held hostage by this majority. This Republican majority would only extend the credit to these families on the condition that wealthy taxpayers get yet more tax cuts.

Less than 2 weeks after passing a bill that gave every millionaire a $93,000

tax cut, that made sure that every corporation had the right to avoid paying taxes by relocating overseas and taking American jobs with it, this majority could not put partisan politics aside. They could not simply restore to these families the tax relief that they rightfully earned.

This body passed a motion identical to the one that we are debating tonight that instructed conferees to provide those 6.5 million families with the same tax credit entitled to other families. It would have extended that tax credit to families of military personnel serving in Iraq and Afghanistan; and it would have paid for that tax cut so as not to add further to our ballooning deficit which, by the way, today the White House announced a record $455 billion.

I might also add that Chairman Greenspan today in the Committee on Financial Services said, yes, indeed, we should do something about the child tax credit because it would, in fact, help to stimulate the economy.

The motion passed in this body, I might add, on June 12 on a bipartisan basis by a vote of 205 to 201. More than a month has passed, and yet the conferees have not taken action to resolve this issue, and I will tell the Members why. The majority leader said that helping those families was not important to them. The majority whip said he did not know if the House would act after the body's bill. Then, after the House was dragged kicking and screaming to address this issue, the Committee on Ways and Means chairman and the majority leader said that Medicare reform was on the table until the July 4 recess and that, in any case, they did not know when they could even begin to conference on the child tax credit, in essence, stonewalling this evident.

So, quite frankly, what we want to do is to call on the President of the United States. We asked the President to please use his moral authority to move this conference, to break the logjam, to provide this child tax credit to these 12 million children; and today we offered the same motion that was offered in July because enough is enough. The time for action is now. Six and a half million families have waited long enough. The other body has proven long ago that it can be done simply without increasing the deficit. The time has come for conferees to report out a bill that extends the full $1,000 tax credit to these families.

Let us do right by every family who works hard day in and day out to give their children the opportunities for success. Parents define themselves in their children. They want to see their children succeed. That is what this tax credit is all about. We urge again the President to break this logjam, and I urge my colleagues to support this motion.

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

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

The gentlewoman is correct. This is exactly the motion that was offered some time ago. She focuses on the fact that it passed 205 to 201. If they are to take some credence in a vote on a motion which is nonbinding, perhaps we will provide her with a different vote this time so the argument that it passed would not be available to her.

People who may be watching and do not understand this process need to understand that the motion in front of us has no standing in terms of influencing a conference. It is a motion to instruct, not a motion to bind, not a motion to carry out required language in a bill, for example; and so it has, in essence, no enforcement power.

The argument that there are people who are needful and should be provided with resources is, I think, a statement that we ought to examine. The legislation that we voted on was an attempt to make a change in the Internal Revenue Code which deals with income taxes.

Her argument that there are some who perhaps do not pay income taxes but who nevertheless pay some kind of tax would lead us to additional motions to instruct of not only dealing with a payroll tax or an HI Medicare tax or perhaps a sales tax or a property tax or an excise tax or some tax that someone pays who should therefore share in the redistribution of wealth under the Internal Revenue Code. I think when we begin examining that argument on its face, it begins to fall apart.

If the Members really want to know what this is all about, I would urge someone to review the debate that took place on the floor of the Senate, or the other body, in which someone who is up for reelection in November of 2004 was pleading to provide this relief between now and, do not be surprised, December 31, 2004, i.e., between the period of now and when they stand for reelection. This plea to assist these folk in receiving a $1,000 child tax credit is only of interest between now and the election.

What the House did was examine that proposal offered by the Senate, and what we said was, gee, if in fact we did that and this particular individual was elected to the other body's 6-year term, how would that person vote in 2005, in 2006, in 2007, in 2008, in 2009? Chances are they would vote no. Why? Because they got what they wanted, coverage until the election.

We thought that perhaps, instead of the politics of using children and families, we ought to deal with the policy of helping children and families. And what we did, we said we ought to take care of the valley created by the legislation to make sure that every year, not just the time between now and the next election, but for the rest of the decade, if we committed to providing $1,000 per child, we ought to provide it for the whole decade. That is policy, not politics.

We debated that on the floor of the House. We passed it. We sent it to the other body. We also included the military assistance, a measure which, by the way, we passed twice in the year 2002; and the Senate neglected it. We felt that by combining it with this additional policy for those in need, as outlined by the gentlewoman from Connecticut, would perhaps induce the other body to do the right thing on a piece of legislation they have refused to move for now more than a year.

We have moved substantive legislation to address the problem. The Senate has refused to take up the House legislation. We will meet in conference. The two committees assigned to reconcile the difference between the other body's political bill and the House's policy bill are exactly the two same committees that just today convened a conference on Medicare. We will move forward in an attempt to get the other body to understand that if it is good between now and the election, it ought to be good between now and the rest of the decade.

That will be our goal. We believe we will be successful. The folks you are concerned about we believe will be taken care of, not just between now and the next election but for the rest of the decade. I am wondering why you are not willing to join us in ensuring that the Senate adopt sound policy instead of short-term politics.

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

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

The chairman is right. The views of the majority are often ignored in this House by the majority.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

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

She is certainly to be commended for the leadership that she has shown on this issue, having originally raised this entire matter before the Committee on the Budget back in February and for bringing up the matter quite eloquently and appropriately tonight.

But I would have to say in all fairness the stronger arguments for the motion have been made by the gentleman from California. He has presented compelling arguments in favor of this motion by making clear that the conference committee has not even met during the time that it has been here and by indicating that he considers any nonbinding expression by this body, no matter how many Members there might be who voice their concerns, to be of little interest to him and the members on the conference committee and by suggesting that he thinks that providing the tax credit to working families out there, some of whom are paying a quarter or a half of their income in taxes to Federal, State, and local governments through payroll and other taxes, that they do not deserve any relief.

□ 1900

All of those suggest the reason why we should not let a single day go by

without raising this issue to the American people. Because at the end of this month, as the gentleman told us a little while before, in an election year, thank God we do not let election year politics get involved in any other tax policy. Everybody else in the country is going to get their tax credit relief, unless they are among the 6 million working poor families in this country, and they will be left out. But thank God the Republicans are only concerned about election politics for other Americans, not for those people who are struggling to make ends meet.

The military tax fairness bill has been sitting at this desk, I believe, for 2 months; and among the families that will be hurt by failing to follow the motion to instruct that the gentlewoman from Connecticut is proposing are our military servicemembers who are fighting on behalf of this country right now in a combat zone in Iraq. Those individuals will not get the full benefits of the child tax credit unless this motion is not only adopted tonight, but implemented by the conference committee.

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

Mr. Speaker, as we indicated earlier, the motion to instruct is not binding in any way. It does, however, afford our colleagues on the other side of the aisle an opportunity to talk about how someone who pays Federal taxes or State taxes or local taxes or dog license taxes, should be privileged to have part of the redistribution of the income taxes. We understand their position.

But I look only to the language in the motion to instruct to determine whether or not they are really serious about what they want. And all one has to do is look at the last paragraph which, after delineating what must be done under the conditions in which they say it must be done; remember, these are the people who lost on the formal real legislation, all of the requirements that have to be met, and then the last paragraph says, the House conferees shall, as soon as practicable, after the adoption of this motion, meet in open session with the Senate conferees and the House conferees, shall file a conference report consistent with the preceding provisions of this instruction, not later than Friday, July 18, 2003. Three days to complete this assignment.

I understand they believe that it is overdue in being completed, but when we put that kind of a time line on these specific instructions, I do believe it is fairly evident to anyone who understands what is going on that this would otherwise be known as the political hour.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I will just make a couple of comments.

To my colleague from Texas who said if we want to get this done and help these families, we need to follow these instructions, we do not. We need to go ahead and pass the legislation that came out of the House and the conference committee with the Senate and take it to the President and have the President sign the law. That would provide the relief not only to those people who have no income tax liability, but it would also provide relief to those who do have income tax liability. Does that not make sense?

Under our legislation, yes, we raise the cap from $110,000 to $150,000; but anybody making over $150,000 as a family, a couple, gets no benefit from this, so this talk about tax cuts for the rich, I do not know where that comes from. It is for middle-income families, working families, all families who pay income taxes, plus for those families who do not have any income tax liability. If you follow the motion to instruct, if you follow the thinking of my friend from Texas, what you would do is make permanent out until 10 years, which is as permanent as we can make it, all of the income tax cuts for those who do not have any income tax liability, but you would not provide the same relief for people who have income tax liability, because guess what? That ends in 2005. So we would sunset in 2005 the tax cuts to people who have income tax liability, who are working every day, trying to make ends meet who, yes, make up to $150,000 and make $50,000, $60,000, $70,000 a year, two people working; we do not give them the 10-year relief, but we give it to folks who do not have income tax liability.

Many people do not have payroll tax liability either. Now, we can argue about State taxes or property taxes, but I just think that is unfair, and that would be the result. You would be taking from people who do have income tax liability, and you would be giving it to people who do not. That is it. The gentleman from Maryland (Mr. HOYER) laughs, but it is true. Look at the language. Look at the legislation. That would be the result.

Second, is this politics? Gee, I wonder. This went through the Committee on Ways and Means where I sit, it went through the House of Representatives where I vote, it went through the chairman's mark of the committee over in the Senate without a change in the refundability of the child credit. We kept current law, which is what? That people who make over $10,000 a year, instead of having 10 percent of that money be subject to a refundable child credit, it would go up to 15 percent. That is current law. It happens in 2005, it goes to 15 percent.

That is all we are talking about here, remember. Under current law, those who do not have income tax liability get a refundable tax credit up to 10 percent now, and it goes up to 15 percent in 2005. The motion would say it should go to 15 percent now. Why was that not raised in the Committee on Ways and Means? Why was that not raised on the floor when we debated this issue? Why was it not in the chairman's mark in the Finance Committee in the Senate? It only came up in the Finance Committee deliberation when one Senator said, I am not going to vote for this bill unless you immediately increase it from 10 to 15 percent, even though, again, for those who do pay taxes and have income tax liability, it ends in 2005.

So guess what? The Senate said, we have to have two votes. We will go ahead and add the 15 percent right now. Then what happened? That Senator did not vote for the bill. She decided for other reasons she was not going to vote for the bill anyway. Suddenly, my colleagues on the other side of the aisle said, you have left people out, which is what they are saying tonight. We have somehow in the middle of the night as Republicans said we are going to hurt a certain group of people who do not have income tax liability. That is not how it happened, folks; and my colleagues know that is not how it happened. And for those colleagues on the other side who are on the Committee on Ways and Means, why was it not raised there? Why was it not raised on the floor? I think there is a little bit of politics here.

I would just say two things: One, let us provide, as the House did, the immediate 15 percent; let us go ahead and do that and provide some stimulus. We said we were willing to do that. But let us not leave out the people who you are leaving out, and that is the people who work hard every day who do have income tax liability; folks in my district and yours who make $60,000 $70,000 a year, maybe a school teacher and a firefighter. We are saying to them, in 2005, yours will sunset; but for those folks who do not have income tax liability, we are going to go ahead and give them an additional amount of taxpayer money coming from those who do pay income taxes because, well, I guess it is the political season.

The second point to be made is, is this politics? The way this thing happened, the way it has been described, I have to say I see a little bit of politics in it. My colleagues had the chance on the floor. The gentleman from Maryland (Mr. HOYER) did not raise it on the floor. We had the chance in committee. My colleagues did not raise it in committee. Suddenly, again, in the Senate, because it was added for someone who in the end did not vote for the bill, and therefore, it was removed because she was not voting for the bill, suddenly it is something that somehow nefariously it got left out.

We did not leave anybody out. We left everybody in. Then the House came back and passed it and said, yes, let us help those in the military and those who make up to $150,000 a year. I think that is fair. I think the motion to instruct conferees is the wrong way to

go. Let us go with regular order. Let us get the House-passed legislation to the President, he would sign it, it could become law, and all of these folks could benefit immediately from the tax relief.

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

Mr. PORTMAN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank my friend for yielding.

Mr. THOMAS. Mr. Speaker, I would tell the gentleman, I am more than willing to be generous with the time to my colleague, but I believe the gentleman from Maryland is going to be recognized on their time to make his points.

Mr. HOYER. Point of order, Mr. Speaker. I have asked the gentleman if he would yield. The gentleman from California (Mr. THOMAS) is now using the time that he yielded to me.

Mr. THOMAS. Mr. Speaker, who has the time?

The SPEAKER pro tempore (Mr. SIMMONS). The gentleman from Ohio (Mr. PORTMAN) controls the time.

Mr. HOYER. Mr. Speaker, quite obviously he is using the time that the gentleman from Ohio (Mr. PORTMAN) could use, so you may not yield.

Mr. PORTMAN. Mr. Speaker, I yield to my colleague, and then I will yield back the time unless he says something so persuasive that I need to respond.

Mr. HOYER. Mr. Speaker, the gentleman is a good friend of mine. I have great respect for him. He is also a Member of this House that is closest to the President of the United States, perhaps. The President of the United States said that we ought to do what the gentlewoman from Connecticut is asking us to do; and, as I recall, he said we ought to do it right away. Is that not correct?

Mr. PORTMAN. Mr. Speaker, reclaiming my time, I would say that what the President would like to do is he would like to get this issue off the table and to provide this relief, both to working families who do pay income taxes, which is provided in our bill, but also to those folks who do not have income tax liability.

Mr. HOYER. Mr. Speaker, I would tell my friend that I interpret the answer to that question to be yes.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume to say, the gentleman's question was: Did the President support what the gentlewoman from Connecticut is advocating, a motion to instruct, a multipart motion to instruct with a drop-dead date? The President in no way intended to support what the gentlewoman from Connecticut is now advocating. The answer simply is no.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Georgia (Mr. COLLINS), a member of the Committee on Ways and Means.

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

Mr. Speaker, there is a lot of rhetoric that goes on in this Chamber and in this town when it comes to different issues, and I know the intent of a lot of people is different from the intent of others. And I know that there are those who would like to see this child tax credit given to a lot of people. In fact, the bill that we voted on here, this some—$80 billion tax relief would do what a lot of people would like to see done, and that is the child tax credit spread around more.

But as I go back to the district at home, and not just in my district, but traveling throughout Georgia, I have the question asked of me: How in the world, Mac, can you give a tax credit or a refund to people who actually did not have a tax liability? And that is a difficult question to answer, because the Tax code is supposed to be set up in a way and in a fashion that people pay based upon their income; and if they do not have the income to pay the tax, then they have no tax liability. So, therefore, there is some concern with people who do as to why we should give a tax credit, a refundable tax credit to those who do not.

□ 1915

But you know what is interesting about all of this conversation and all of this rhetoric about the different tax provisions, whether it be the payroll tax or whether it be the income tax, whether it be the corporate income tax or whatever it may be, it just fuels the fire at home. And I like this fire. I like to see it fueled, and I appreciate some of my colleagues bringing it up and doing so. But it just accelerates and fuels the fire of those who would like to see a total tax reformation here in Washington of the Tax Codes. As Mr. Archer used to say, just pull it up by the roots and do away with it and put in place a different type of system.

I am often asked by my constituency at home and other parts of the State about a representative from Georgia who has introduced such a measure that is called the Fair Tax introduced by the gentleman from Georgia (Mr. LINDER). That is the reason I am a cosponsor of it, because of the complexity and the cost of complying with this type of system and how it treats people who pay tax far differently than it does those who do not pay tax. I am a strong supporter of the gentleman from Georgia's (Mr. LINDER) Fair Tax.

I have asked the chairman of the committee to let us hold some hearings on the Fair Tax. Let us see just exactly how it would be implemented and how it would change the makeup of the tax system in the United States and how that makeup today is far different from other nations and how, if we changed it, it would make us a lot more competitive in the world marketplace, which we need to be.

Just in the last couple of years we have lost over 2 million manufacturing jobs from this country to offshore, many of those U.S. companies who have moved offshore. I believe if we were to reform this tax system we would see a lot of those companies maybe change their mind and relocate back here or at least change the mind of some of those who want to relocate offshore.

I kind of like the idea that they bring all of this rhetoric to the floor of the House of Representatives and expose the fact that we have a very complicated, complex tax system that treats people who actually get out and work every day and take a risk and invest and try hard to provide for their families, but yet some of their funds are taken from them and transferred to people who do not have a tax liability because some of them do not have enough income or they have a far larger family than the income requirements for the tax liability.

So I appreciate the fact that they will bring this type of information to the floor and this type of rhetoric. It just fuels the fire of the gentleman from Georgia's (Mr. LINDER) Fair Tax bill that I am a strong supporter of and would like to see the House Committee on Ways and Means address it with hearings.

I thank the chairman of the committee for yielding me time.

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

Mr. Speaker, I would just like to quote what the President's spokesman said about what the President wanted.

He, the President, wants to sign that legislation and hopes that the Congress will get it to him quickly. He believes what the Senate has done is the right thing to do, a good thing to do, and he wants to sign it.

He said that on June 9. Now, that is what the effect of this motion is, and that is what the President wants.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman for her leadership on this and look forward to once again passing this motion to instruct.

We actually on this side of the aisle take these motions to instruct very seriously. We think they do have some meaning or at least should have some meaning to the conferees, and I am disappointed to hear that the chairman of the Committee on Ways and Means thinks that you can just throw away this kind of vote. It does not matter that the majority of people on this floor voted for it.

I brought a picture of the Johnston family. I have introduced the Johnstons to this Chamber before, but I think a lot of people have forgotten about them. Particularly the Republican majority has forgotten about them. This is a family that would benefit from the full thousand dollar child credit but will not be getting any check on July 25 when those checks go out, the same day, by the way, that we are scheduled to recesses for our August break.

I would suggest that the child tax credit is something we should not go home without. We should not go home without it. We have just a few days. And, again, the chairman of the Committee on Ways and Means suggests that we are just not serious, that the July 18 date that we have in here could not be done, and all of us know that we could do it instantly. We could do it tonight. We could do it tomorrow. We could do it in a few minutes, just the way the Senate did.

I think we ought to do a little look back at the real history of what happened here.

The Senate had the child tax credit in their Jobs and Growth Bill, a $350 billion tax relief bill, most of which went to the wealthiest. No, it is true the House did not. But when the negotiation came on this big tax break mostly for millionaires, how, when that negotiation took place, it looked like, uh-oh, we have exceeded the $350 billion mark. Somebody is going to have to be thrown over the side.

The Vice President of the United States, who, by the way benefitted to the tune of about $116,000 in tax relief in one year from that bill, this family would have to work approximately over 5 years to just meet what the tax cut was for the Vice President, he said, somebody has to go. We cannot provide all of this tax relief.

And guess who went? Twelve million children, including this adorable baby, over a million children of veterans and other people in the military who are not going to get their full thousand dollar child tax credit, 6.5 million working families who earn a huge sum of money, between $10,500 and $26,625 per year, not nearly what the Vice President will make in just his tax break.

We say in this Chamber all the time how much we value work. This is a working family. The working families we talked about, health aides, teacher aides, security guards, they take care of our parents and our children. Those are the families who are not going to get it.

This is a very simple matter. You do not have to be a rocket scientist or an actuary or know math to figure out this is the kind of family who would benefit who is not going to because the Republican majority said no.

But we value work. Somehow, though, the kind of work we value most is cutting open envelopes and taking out dividend checks, not the kind of work that people do 40 hours a week taking care of children, taking care of seniors, serving in our military, putting their lives on the line. We should vote and mean it for this motion to instruct.

Mr. THOMAS. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. SIMMONS). The gentleman from California (Mr. THOMAS) has 11½ minutes remaining. The gentlewoman from Connecticut (Ms. DELAURO) has 18 minutes remaining.

Ms. DELAURO. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I would like to commend my colleague from Connecticut for bringing this motion to instruct conferees.

I speak as a new Member of the House of Representatives. I know that all of us take the oath of office to represent and do our due diligence of representing our districts. Yet the Republican tax plans to me are devastating to people working in my district. Every city in my district in California, every city has lost jobs since President Bush took office. Believe it or not, the number of unemployed has increased more than 30 percent in 2 years in most of my cities; and in one city alone, the city of South El Monte, the unemployment rate is 10.8 percent. It started out 2 years ago at about 9. Now it is at 10.8. And the Republicans call cutting taxes for rich trickle-down economics?

The only thing trickling down to my community is a headache and budget cuts. The $450 billion deficit that has accumulated since the President took office is trickling down to States and communities like mine, and it all adds up to a lot of bad news for working class people. Local taxes have increased, job losses, cuts to school budgets, cuts in health and first responder services and an inability to deal with our environmental issues and problems like the quality of air and water.

The burden of these cuts are hitting hard working-class families like those in my district, and it is shameful that the main beneficiaries of the Republican tax cuts are the millionaire friends of the folks on that aisle. Republicans found $90 billion to give to 200,000 millionaire families. They got $93,500 in tax breaks. Yet 47 percent of Californians, that is almost half, will get a total cut of less than $100; and 28 percent in California will get absolutely nothing. Nada.

Tax breaks for millionaires will not make it in my district because I do not even have a millionaire that lives in my district. They all make below $200,000 a year.

To add insult to injury, the last-minute changes made by the Republicans will also prevent families in the area of $10,500 to $26,625 who have 11.9 million children from receiving child tax credits.

Democrats did offer an economic stimulus plan with an immediate increase in the child tax credit, marriage penalty relief for all, and the expansion of the 10 percent tax bracket. Democrats tried to put money in the pockets of people who earn it; and, as usual, we were stifled.

We demand to see this restored tax credit for our families, and I would urge my colleagues to support this motion to instruct conferees.

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

Mr. Speaker, apparently it is necessary to repeat once again the House has acted. We are on record to send a check out to these people, not just between now and the next election but every year this decade, every year this decade. Someone may wonder why we are saying that this also should go out to people who make $150,000 a year. That was in the Senate measure that they are asking us to support. Of course, if you read the fine print it turns out it only goes out to families making $150,000 in 2010. So when you combine sending it out to families who make $150,000 in one year, 2010, and you provide $1,000 only between now and the next election, you realize exactly what is going on.

What we did in this House was say to those people who we think are entitled to a check should have a check every year for the rest of this decade. And if it is worthy of giving someone $150,000 in 2010, it is worthy to do it this year and every year. After all, $150,000, if you are an elementary school teacher in New York and your husband is a fireman who responded on 9–11, $150,000 is about what they earn. It is not the rich.

You will hear repeated over and over again, we built a tax program for the rich. An elementary school teacher in New York City and a fireman in New York City, ask them if they are rich. Ask them if offering the $150,000 only in the last year, 2010, and offering the child credit only between now and the next election is not politics. Let them decide who is offering policy.

Our position, every year for the rest of the decade; $150,000 for the rest of the decade; $150,000 in 2010; the thousand dollar child credit between now and the next election. I think that family will sit around the kitchen table and say, we know who is playing politics.

Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois (Mr. WELLER) for purposes of control.

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

There was no objection.

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

Mr. Speaker, I think the gentleman from California (Chairman Thomas) laid this out very accurately. Tonight is all about politics. I remember when I was elected in the class of 1994 I campaigned on creating the child tax credit which was a centerpiece of what was called the Contract with America at the time. And I remember many of those that are now somehow laying claim to the child tax credit were the same ones in 1995 who criticized the child tax credit somehow as a tax break for the rich.

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So it is the same well-worn-out, tired, partisan rhetoric that we hear from the other side.

One of the things I hear from my colleagues is they always like to somehow make everyone a victim. They always

say that someone's going to get hurt. Let us think about who gets hurt if the Democrats prevail: poor people who have their child tax credit raised from $600 to $1,000, who right now qualify for the earned income tax credit. If Democrats have their way, it is only there for 1 year. Then they take it away at the end of 2004; and if the Democrats have their way, married couples, for example, who suffer from a marriage tax penalty in the child tax credit will suffer as well.

As the gentleman from California (Mr. THOMAS) pointed out, we eliminated the marriage tax penalty in the child tax credit in the legislation we passed out of the House. The version they support, we do it in not 10 years, but we eliminate the marriage tax penalty. We want to eliminate it for the decade so it is in effect right now and stays there rather than waiting a decade for, as the Democrats would want to do, to eliminate the marriage tax penalty. Again, by eliminating the marriage tax penalty, we say if a person makes $75,000, they qualify, as they would today, for the $1,000 tax credit; and if they make twice what a single person makes, which is $150,000, and that is a good income, but as the chairman pointed out, that is what a schoolteacher in New York City and a fireman in New York City who are married, a combined income, make, and they are denied the child tax credit under what the Democrats would like to do. We want to eliminate the marriage tax penalty right now.

We also, under our legislation, make the child tax credit available for the entire decade. I mentioned that earlier, and one other group that I think it is important for us to note is that if the Democrats have their way, our military men and women who would benefit from the House-passed tax relief targeted to our military families, many of whom have loved ones engaged somewhere in the Middle East, in Afghanistan, Iraq or elsewhere, the Senate, as my colleagues know, has not yet passed that legislation. We feel it should have been done not yesterday but months ago that we should have passed that legislation. That was coupled with the bill that passed the House of Representatives. Again, if the Democrats had their way, our military men and women who would benefit from the package of targeted tax relief to help our military men and women in Iraq and Afghanistan would be hurt, to use a Democrat's term.

So those are some of the victims out there. The victims, of course, are low-income families who have the child tax credit increased from $600 to $1,000 but immediately so, but it would only be there for 1 year. So it would be taken away from them.

Second, under the Democrat plan, we would not eliminate the marriage tax penalty for those who could benefit from the child tax credit. We want to do it immediately. They want to do it essentially 10 years from now.

In particular, we are also trying to help our military men and women, those in Iraq and Afghanistan and elsewhere, who are risking their lives today by ensuring that they get the tax relief, the help that we promised them months ago, unfortunately which other body has not yet passed. We think that needs to be done as well.

One thing we want to make clear. In this House, we Republicans want to ensure that all children who should qualify benefit from the child tax credit. As my colleagues recall, the Bush tax credit, the same children who they claim to be trying to help right now were already provided $1,000 tax credit. It was phased in. We agree that it needs to be increased. We want to increase it for the entire decade. We want to eliminate the marriage tax penalty for the child tax credit, and we also want to help our Armed Forces currently in Iraq and Afghanistan with tax relief they should have received months ago; but unfortunately, for whatever reason, it has not yet been passed by Members of the Senate.

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

Ms. DELAURO. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding me the time.

The gentleman's premise, and we have heard the chairman also say, gee, we want to do this, we want to help these children, we want to help these 12 million children, we want to help these 6.5 million families. Gee, we cannot do it unless we do it all, and the Senate will not pass our bill.

What precludes my colleagues from doing it all and doing it now as well? I suggest to the gentleman, nothing. The President of the United States, President Bush, asked my colleagues to do the Senate bill, do it now so we can get money into the hands of these families now, not at some theoretical future date.

Mr. Speaker, at 6:39 tonight it was 33 days exactly since the House appointed conferees to the House-Senate conference committee on legislation to increase the child tax credit for those 6.5 million families and those 200,000 servicemen and -women that the Republicans say they want to help, but only if we help them for 10 years. Nothing precludes them from helping now and helping later.

Thirty-three days, Mr. Speaker, and still no movement by Republicans on the fundamental issue of fairness that the President asked them to respond to. The President, not Democrats, President George Bush, the President of the United States, said pass the Senate bill; but the majority party has turned a deaf ear to the President on this issue. Selective hearing.

In fact, on June 12 when this House GOP passed a fiscally irresponsible $82 billion bill that will cost $800 billion in the years after 2013 that included the child tax credit, rather than accept the Senate version costing $3.5 billion, now they really do not care about deficits, they have blown a hole in the surplus they inherited, the largest surplus in the history of our country and have turned it into the historically highest deficit in the history of our country in less than 30 months. That is one heck of an accomplishment, a bad one.

They hoped to kill this bill. That is why they did not pass the Senate bill. They said, oh, we want to do it all, knowing full well that they could not do it because, as the gentlewoman said, the reason they cut out these families was because they could not afford it; but yet they think they can afford $82 billion. They cut out 3.5 billion. Great math on that side.

Thirty-three days, Mr. Speaker, and still America waits for the GOP to summon a sense of fairness for these 12 million children who were deliberately and consciously and specifically left out in the cold by conferees on the Republican tax bill because their parents have low income. The clock is still ticking, but there is still time to do what is right for these families.

The gentleman from Illinois said we could do it tonight. Our side of the aisle will give unanimous consent for my colleagues to take the Senate bill, pass it tonight, pass it tonight without change and send it to the President, and the President can sign it tomorrow morning so that on July 25, those working families, the families that are having the toughest time in America, will have some help.

I had some school supplies in my office the other day. We took it off the Internet, matter of fact today off the Internet, the suggested school supplies for going back to school in September, $220. This tax cut, if we paid it on July 25, could take care of those school supplies for those families.

Pass it, pass it now. Do not dissemble; do not delay.

Mr. WELLER. Mr. Speaker, I would like to inquire how much time remains on each side.

The SPEAKER pro tempore (Mr. SIMMONS). The gentleman from Illinois (Mr. WELLER) has 4 minutes remaining. The gentlewoman from Connecticut (Ms. DELAURO) has 11 minutes remaining.

Mr. WELLER. Mr. Speaker, I believe I have the right to close, being in the majority.

The SPEAKER pro tempore. The gentlewoman from Connecticut (Ms. DELAURO) has the right to close.

Mr. WELLER. She has the right to close, pardon me. I reserve the balance of my time to allow her to use up some more of her time.

The SPEAKER pro tempore. The gentlewoman from Connecticut (Ms. DELAURO) is recognized.

Ms. DELAURO. Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio (Mrs. JONES), a member of the Committee on Ways and Means.

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, as of February this year, I too serve on the Committee on Ways and Means; and I am so happy to have the opportunity to sit there, and tonight I rise in support of the motion to instruct conferees to take action on the child tax credit by this Friday, as my colleague from Connecticut (Ms. DELAURO) has urged.

I heard the chairman of the Committee on Ways and Means say, have it happen by Friday, how could that be? Contemplate that almost every piece of significant legislation that has come before this Congress in the last few months gets to the Democratic Party on the morning that the legislation is debated, hundreds of pages. We are required to go through hundreds of pages. Surely this Congress could go forward and take care of this issue by Friday.

The other thing that was so amazing to me was the discussion about politics. Give me a break. The politics of everything we have done in the last few months looms large.

The reason we dealt with the prescription drug benefit before July 4 was because the President instructed them to do that, and it was political because he needed to have that done.

The reason we dealt with a tax cut was on the President's instruction, and it was political because he needed to pay back all the people who supported his campaign.

The reason that the children, in this instance, were left out was political because there was only $400 million set aside for the tax cut; and the poor, the poor folks in this country were put aside in the name of the rich in this country.

It is just a shame that we would have to sit here and talk about an issue and call the most important issue for many working families in this country rhetoric and that this motion has no significance; but the motion was significant enough to bring the chairman of the Committee on Ways and Means, the motion was significant enough to bring the gentleman from Ohio (Mr. PORTMAN), who has a relationship with the President, the motion was significant enough to bring the gentleman from Illinois (Mr. WELLER) down here to debate against us. It is significant and they know it, and that is why they are down here on the floor debating us.

I say that it would be wonderful if on July 26 when those checks went out that the checks would go out to families who need it the most. In my State, the State of Ohio, 147,000 people have lost their jobs since 2001. Surely those working folks would like to be able to say I paid income tax in 2001 and 2002, give me a job, I would pay income tax. Unfortunately, as a result of the proposed 2001 tax cut that did not boost the economy, 147,000 people in the State of Ohio have lost their jobs.

I could go on and on about this issue, but I have colleagues here in the audience who would like to say something about the issue. Give me a break. It is political, it is political, but we are being political on behalf of working folks. I seek opportunity to yield back my time to give some other Members of this House an opportunity to be heard on the issue. Before I do that, let me say one more thing.

It is significant that many of the minority children in this country will not be given an opportunity to get dollars, 2.4 million African American children, 4.1 million Latino children. Overall, it is almost one in six children that will not get a benefit because this Republican Party has delayed, delayed, delayed.

Ms. DELAURO. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ), the chairman of the Hispanic Caucus.

Mr. RODRIGUEZ. Mr. Speaker, I rise tonight because some of my colleagues have stood here on the House floor and stated they believe that working families who earn less than $26,000 do not deserve a tax relief. Shame on them.

I stand before my colleagues today to speak to those people who are blocking the efforts to extend this child tax credit for low-income working families throughout this country, to let them know that their actions are affecting some of the hardest-working mothers and fathers in our Nation.

The Bush tax cut left behind thousands of hardworking south Texans and Americans. Many jobs, good jobs, just do not qualify my constituents for tax relief.

Let me look at some of these examples. We have child care workers who make roughly $13,000 starting salaries, fast-food cook workers who make $13,000, waitresses who make $14,000, food preparers and servicers who make $14,000, preschool teachers who start at $13,000.

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Ms. DELAURO. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. SIMMONS). The gentlewoman from Connecticut (Ms. DELAURO) has 6½ minutes remaining, and the gentleman from Illinois (Mr. WELLER) has 4 minutes remaining.

Ms. DELAURO. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I thank my good friend and colleague, the gentlewoman from Connecticut (Ms. DELAURO), for yielding me this time and for taking the leadership on this issue.

A number of folks on the other side of the aisle mentioned people who did not pay taxes. I agree with them. It is very important that people pay taxes. That is why I am struck by the lack of compassion for the fact that Enron, for 4 out of 5 years with record profits, never paid a single corporate income tax, yet was the recipient of $250 million worth of export-import loans, or corporate welfare. I do not see anybody shedding any moral indignation about Enron not paying corporate taxes for 4 out of 5 years.

WorldCom, which recently declared bankruptcy and defrauded many of its shareholders, recorded $12.5 billion in profits, and yet 2 out of 3 years never paid any corporate taxes. Yet on this side not a voice is raised out of concern for the fact that corporations who have not paid taxes get many tax credits and benefits. They pay no incomes taxes, and yet they continue to receive taxpayer-funded government contracts, whether that be MCI or Enron.

Exxon Mobile recently reported, if I am not mistaken, $12.3 billion in their quarterly income, yet received a $25 billion tax credit. To do what? Drill for oil. I thought that was what their business was. I thought that was what they were supposed to do. I did not know taxpayers are supposed to subsidize what they are supposed to do for business. That is in their business plan and in their own quarterly reports of what they do, yet they reported quarterly profits. But this Congress provides them a tax cut.

So is there politics? My colleague is right. There are politics. Do people not pay taxes and yet get corporate benefits and get government benefits? Yes, they do, and the taxpayers pay for them all the time.

In The New York Times about 3 weeks ago I noticed that the taxpayers of the United States were paying Iraqi citizens $20 a day to not show up for work. Now, I come from Chicago, and my good friend from Illinois comes from the suburbs of Chicago, but we both know something about no-show jobs. In Chicago, we think we wrote the book on no-show jobs. But $20 a day for a no-show for an Iraqi citizen, well, the taxpayers of the United States are paying those people $20 who do not show up for work. That can make a ward committeeman in Chicago a little jealous.

That is over $1,000 in the last 3 months since the war ended. That Iraqi gets $1,000, yet American citizens, 12 million children, do not get a child tax credit. Their parents cannot buy their school supplies as they get ready to go back to school.

So I think there is a great deal of irony, and, if I may say, a great deal of policy that my colleagues would provide Iraqis $20 a day for not showing up for work, yet the men and women who are over there in uniform, making us proud, their children will not get the full tax credit. I do not know if that is policy or politics. I do not know what to call that, except that it is shameful.

So as we begin to think about what we are going to do here, the motion to instruct here would provide us the opportunity to move on this.

And I would like to remind people of one other point today. In front of the Committee on Financial Services, Chairman Greenspan spoke, and he talked about one of the reasons he thought the economy was taking off the second half of this year. One of two

reasons he provided was that we had a child tax credit that would put money in the pockets of middle-class families, and he lauded the child credit. He saw it as a good thing. We asked him if he thought it would be helpful to the economy if working middle-class families got it. He said he did.

Now, I know that periodically we selectively use Chairman Greenspan's words around here, but he lauded the child tax credit, and he lauded its ability to stimulate the economy. We would hope that since President Bush has asked us to get this done and Chairman Greenspan has talked about the value of this to working families and since our colleagues have decided to provide $20 a day to Iraqis, I would hope that we would give that same consideration to American taxpayers who do show up to work.

Lastly, Mr. Speaker, I would like to correct a factual point that my good friend from Illinois made, and that is the original voice behind the $500 per child tax credit was the Gore-Downey legislation. And the President of the United States who signed the $500 per child tax credit into law was President Clinton in 1997 in the Balanced Budget Agreement. Now, there was a piece of that in the Contract With America, but the first child tax credit idea was the Gore-Downey $500 tax credit. It became law in 1997 and was part of President Clinton's budget.

I would not want that to get in the way, and it might have been in the Contract With America, and I am glad he ran on it, and there should be bipartisan agreement on that rather than disagreement on that. I would hope that we could do that. We are willing to give our colleagues the right to get it done right now, to adopt the Senate provision. We would like to be the voice for those 12 million children who do not get the tax credit as other children would. I hope my colleagues will see the economic benefits of that and see that it gets accomplished.

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

Mr. Speaker, I always enjoy my good friend from Illinois, the former member of the Clinton administration, but I would point out again that it was a Republican Congress that passed the $500 per child tax credit. He is right. President Clinton did sign it in the Balanced Budget Agreement that was passed by a Republican Congress, but I would note that it was the centerpiece of the Contract With America, the child tax credit; and many of my friends on the other side of the aisle again called the child tax credit a tax cut for the rich because they would rather spend the money here in Washington.

We have heard a lot of rhetoric tonight, and it has all been political. That is what this exercise is all about, rhetoric and name calling. But so much of it is not true.

It is often asked, who benefitted from the Bush tax relief package? Who benefitted from the jobs and economic growth package? Well, in my State of Illinois, the average tax-paying family will see lower taxes, or what we like to call higher take-home pay of about $1,000. And if they are married couples, they see an elimination of the marriage tax penalty.

Three million Illinois children are already benefitting from the doubling of the child tax credit to $1,000. It will be a big help to millions of Illinois families. Again, if you pay income Federal income taxes, you benefit, and millions of low-income taxpayers are no longer on the tax rolls thanks to this package.

One other example of someone who benefits from the package that was just signed into law by President Bush is Jose and Magdalena Castillo of Joliet, Illinois, a couple of construction workers. They work hard in Joliet. They have two children, Eduardo and little Carolina, and they suffered from the marriage tax penalty. Under the provision that eliminated the marriage tax penalty for couples like Jose and Magdalina, they see about $1,400 in benefit. Think about that. That is a couple of semesters worth of tuition at Joliet Junior College. It is several months worth of day care at a local day care center. It is several months worth of car payments. It is probably 2 months worth of house payments for Jose and Magdalina. They benefit.

They also benefit from the legislation we passed out of this House because they benefit from the child tax credit. Under the legislation the House passed, we extend the child tax credit for Jose and Magdalina Castillo through the end of the decade.

The Democrats, of course, want to take that away at the end of 2004, once the election is over with. Well, we want to honor our commitment and keep our commitment, and many of us believe that we should make the elimination of the marriage tax penalty and the doubling of the child tax credit permanent forever. That is a separate debate, but the House-passed bill, which my Democratic friends oppose, extend it at least to the end of the decade so families can make plans.

If the Democrats had their way, Magdalina and Jose Castillo, for each of their two children, would lose that $1,000 tax credit. In that case, it would cost that family $800 in higher taxes for Jose and Magdalina Castillo, if my Democratic friends had their way. That is why it is so important to oppose what the Democrats are proposing today and that is to take away the tax credit from Jose and Magdalina Castillo.

That is why I strongly support what the House passed with bipartisan support, legislation to extend it through the end of the decade so families like Jose and Magdalina Castillo can make plans.

The second thing is that we eliminate the marriage tax penalty. I thought the gentleman from California (Mr. THOMAS) laid it out very well, because he pointed out that, under the House-passed bill, which my Democratic friends stand in opposition to, we eliminate the marriage tax penalty under the child tax credit. Right now, if you are a single person with a child, a single mom making up to $75,000, you can get the thousand dollar tax credit. However, if you are a married couple, you can only make up to $115,000. Who gets hurt?

Mr. Speaker, I, of course, urge my colleagues to vote in bipartisan opposition to the Democrats wanting to take away the child tax credit and also their efforts to oppose our efforts to eliminate the marriage tax penalty and the child tax credit.

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

This body did pass a motion identical to the one that we are debating tonight. It instructed the conferees to provide the 6.5 million families with the same tax credit given to other families, extending that tax credit to families of military personnel serving in Iraq. It was an overwhelming vote, a bipartisan vote, 205 to 201. But I guess what the chairman of the Committee on Ways and Means said is right, the Republican majority does not care about the will of the majority of this House and what we are talking about.

The House GOP bill contains bad news for the children of 200,000 men and women who currently serve in Iraq and other combat zones. What we would do with this motion to instruct tonight is to help these military families, while what they had passed originally does not help those families.

Want to talk about playing politics? They passed what they did here because they knew there were no votes in the Senate and they would try to kill this piece of legislation, that they would not want to do something for those 12 million children who are not going to get the benefit of the child tax credit. That is playing politics.

When they say that in fact they will do nothing, that we do not have time for a conference, well, we could call that conference, as has been said here earlier tonight, in a heartbeat. We could vote on it tomorrow. We could do what the President of the United States has said we ought to do. We could do what the Senate has done and what he believes is the right thing to do, a good thing to do. And he wants to sign it.

I ask the President of the United States to please call on his leadership in the House of Representatives and in the United States Senate to come together in a conference. He should use his moral authority, use the bully pulpit to do something for 12 million children whose families work hard every single day to allow for their success.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Connecticut (Ms. DELAURO).

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

Ms. DELAURO. 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 motion will be postponed.

UNITED STATES-SINGAPORE FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–100)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and the Committee on the Judiciary and ordered to be printed.

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Singapore Free Trade Agreement (FTA). The Agreement will further open Singapore's markets and increase competition and consumer choice. This is America's first FTA with an Asian-Pacific nation, and we hope it will serve as a benchmark for future free trade agreements with other nations in the region. The Agreement will enhance prosperity in the United States and Singapore, serve the interest of expanding U.S. commerce, and advance our overall national interest.

My Administration is strongly committed to securing a level playing field for America's workers, farmers, and businesses. The Congress helped advance that policy by passing Trade Promotion Authority in the Trade Act of 2002 (the ''Trade Act''). The Congress can help us take another important step by approving this Agreement and the implementing legislation. Without this Agreement, U.S. workers and businesses could be placed at a competitive disadvantage, because Singapore has signed or is currently working on free trade agreements with Japan, Canada, Australia, Mexico, and India.

In negotiating this FTA, my Administration was guided by the negotiating objectives set out in the Trade Act. The Agreement locks in tariff-free access for all U.S. goods, including textile and agriculture products, and addresses other barriers to trade. It opens opportunities for our services businesses, which now account for nearly 65 percent of our gross domestic product and more than 80 percent of employment in the United States. Through this FTA, Singapore will grant substantial additional market access to U.S. firms across a broad spectrum of services, including banking, insurance, securities and related financial services, express delivery services, professional services, and telecommunications. The Agreement also incorporates commitments on regulatory transparency that will be of special help to services business.

This Agreement provides state-of-the-art intellectual property protection, including significant commitments on trade in digital products. It ensures that electronic commerce will stay free of duties and discriminatory rules. In addition, Singapore will accede to international treaties dealing with copyright and access issues for the Internet.

United State citizens and businesses that invest in Singapore will have significant increased protections. This Agreement enhances transparency and openness in order to foster a more secure environment for trade and investment. Furthermore, Singapore will provide U.S. investors with important substantive protections that Singaporean investors already enjoy in the United States.

Singapore and the United States have also agreed to cooperate on the environment and labor issues and to establish mechanisms to support those efforts. The FTA obligates each country to enforce its own labor and environmental laws and makes clear that domestic labor or environmental protections may not be reduced in order to encourage trade or investment. The Agreement also preserves our right to pursue other legitimate domestic objectives, including the protection of health and safety, consumer interests, and national security.

Trade and openness contribute to development, the rule of law, economic growth, and international cooperation. Singapore is a close partner of the United States, and this Agreement will strengthen those ties.

With the approval of this Agreement and passage of the implementing legislation by the Congress, we will advance U.S. economic, security, and political interests, while encouraging others to work with us to expand free trade around the world.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 15, 2003.*

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2691, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. HASTINGS of Washington (during the DeLauro Motion to Instruct conferees on H.R. 1308), from the Committee on Rules, submitted a privileged report (Rept. No. 108–209) on the resolution (H. Res. 319) providing for consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 2122, PROJECT BIOSHIELD ACT OF 2003

Mr. HASTINGS of Washington (during the DeLauro Motion to Instruct conferees on H.R. 1308). Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House H.R. 2122; that the bill be considered as read for amendment; that in lieu of the amendments recommended by the Committee on Government Reform and the Select Committee on Homeland Security now printed in the bill, the amendment in the nature of a substitute I have placed at the desk be considered as adopted; that all points of order against the bill, as amended, be waived; that the bill, as amended, be debatable for 90 minutes, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, 15 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform, and 15 minutes equally divided and controlled by the chairman and ranking minority member of the Select Committee on Homeland Security; and that the previous question be considered as ordered on the bill, as amended, to final passage, without intervening motion, except one motion to recommit with or without instructions.

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

The Clerk read as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Project BioShield Act of 2003''.

SEC. 2. BIOMEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT AUTHORITIES.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319F the following section:

''SEC. 319F–1. AUTHORITY FOR USE OF CERTAIN PROCEDURES REGARDING QUALIFIED COUNTERMEASURE RESEARCH AND DEVELOPMENT ACTIVITIES.

''(a) IN GENERAL.—

''(1) AUTHORITY.—In conducting and supporting research and development activities regarding biomedical countermeasures under section 319F(h), the Secretary may conduct and support such activities in accordance with this section if the activities concern qualified countermeasures.

''(2) QUALIFIED COUNTERMEASURE.—For purposes of this section, the term 'qualified countermeasure' means a priority countermeasure (as defined in section 319F(h) and as determined by the Secretary in accordance with such section and consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) against a chemical, biological, radiological, or nuclear agent that may cause a public health emergency affecting national security.

''(3) INTERAGENCY COOPERATION.—

''(A) IN GENERAL.—In carrying out activities under this section, the Secretary is authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

''(B) LIMITATION.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section.

''(4) AVAILABILITY OF FACILITIES TO THE SECRETARY.—In any grant, contract, or cooperative agreement entered into under the authority provided in this section with respect to a biocontainment laboratory or other related or ancillary specialized research facility that the Secretary determines necessary for the purpose of performing, administering, or supporting qualified countermeasure research and development, the Secretary may provide that the facility that is the object of such grant, contract, or cooperative agreement shall be available as needed to the Secretary to respond to public health emergencies affecting national security.

''(5) TRANFERS OF QUALIFED COUNTERMEASURES.—Each agreement for an award of a grant, contract, or cooperative agreement under section 319F(h) for the development of a qualified countermeasure shall provide that the recipient of the award will comply with all applicable export-related controls with respect to such countermeasure.

''(b) EXPEDITED PROCUREMENT AUTHORITY.—

''(1) INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR QUALIFIED COUNTERMEASURE PROCUREMENTS.—

''(A) IN GENERAL.—For any procurement by the Secretary of property or services for use (as determined by the Secretary) in performing, administering, or supporting qualified countermeasure research or development activities under this section that the Secretary determines necessary to respond to pressing research and development needs under this section, the amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), as applicable pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), shall be deemed to be $25,000,000 in the administration, with respect to such procurement, of—

''(i) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

''(ii) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

''(B) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subparagraph (A) and the provision of law and regulations referred to in such subparagraph, each of the following provisions shall apply to procurements described in this paragraph to the same extent that such provisions would apply to such procurements in the absence of subparagraph (A):

''(i) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

''(ii) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

''(iii) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

''(C) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for procurements that are under this paragraph, including requirements with regard to documenting the justification for use of the authority in this paragraph.

''(2) PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.—

''(A) IN GENERAL.—In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement described in paragraph (1) of this subsection, the phrase 'available from only one responsible source' in such section 303(c)(1) shall be deemed to mean 'available from only one responsible source or only from a limited number of responsible sources'.

''(B) RELATION TO OTHER AUTHORITIES.—The authority under subparagraph (A) is in addition to any other authority to use procedures other than competitive procedures.

''(C) APPLICABLE GOVERNMENT-WIDE REGULATIONS.—The Secretary shall implement this paragraph in accordance with applicable government-wide regulations, including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered.

''(3) INCREASED MICROPURCHASE THRESHOLD.—

''(A) IN GENERAL.—For a procurement described by paragraph (1), the amount specified in subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) shall be deemed to be $15,000 in the administration of that section with respect to such procurement.

''(B) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for purchases that are under this paragraph and that are greater than $2,500.

''(C) EXCEPTION TO PREFERENCE FOR PURCHASE CARD MECHANISM.—No provision of law establishing a preference for using a Government purchase card method for purchases shall apply to purchases that are under this paragraph and that are greater than $2,500.

''(4) REVIEW.—

''(A) REVIEW ALLOWED.—Notwithstanding any other provision of law, including subsection (f), review of a contracting agency decision relating to a procurement described in paragraph (1) may be had only by filing a protest—

''(i) with a contracting agency; or

''(ii) with the Comptroller General under subchapter V of chapter 35 of title 31, United States Code.

''(B) OVERRIDE OF STAY OF CONTRACT AWARD OR PERFORMANCE COMMITTED TO AGENCY DISCRETION.—Notwithstanding any other provision of law, the following authorizations by the head of a procuring activity are committed to agency discretion:

''(i) An authorization under section 3553(c)(2) of title 31, United States Code, to award a contract for a procurement described in paragraph (1) of this subsection.

''(ii) An authorization under section 3553(d)(3)(C) of such title to perform a contract for a procurement described in paragraph (1) of this subsection.

''(c) AUTHORITY TO EXPEDITE PEER REVIEW.—

''(1) IN GENERAL.—The Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, employ such expedited peer review procedures (including consultation with appropriate scientific experts) as the Secretary, in consultation with the Director of NIH, deems appropriate to obtain assessment of scientific and technical merit and likely contribution to the field of qualified countermeasure research, in place of the peer review and advisory council review procedures that would be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494, as applicable to a grant, contract, or cooperative agreement—

''(A) that is for performing, administering, or supporting qualified countermeasure research and development activities; and

''(B) the amount of which is not greater than $1,500,000.

''(2) SUBSEQUENT PHASES OF RESEARCH.—The Secretary's determination of whether to employ expedited peer review with respect to subsequent phases of a research grant, contract, or cooperative agreement under this section shall be determined without regard to the peer review procedures used for any prior peer review of that same grant, contract, or cooperative agreement.

''(d) AUTHORITY FOR PERSONAL SERVICES CONTRACTS.—

''(1) IN GENERAL.—For the purpose of performing, administering, or supporting qualified countermeasure research and development activities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, obtain by contract (in accordance with section 3109 of title 5, United States Code, but without regard to the limitations in such section on the period of service and on pay) the personal services of experts or consultants who have scientific or other professional qualifications, except that in no case shall the compensation provided to any such expert or consultant exceed the daily equivalent of the annual rate of compensation for the President.

''(2) FEDERAL TORT CLAIMS ACT COVERAGE.—

''(A) IN GENERAL.—A person carrying out a contract under paragraph (1), and an officer, employee, or governing board member of such person, shall be deemed to be an employee of the Department of Health and Human Services for purposes of claims under sections 1346(b) and 2672 of title 28, United States Code, for money damages for personal injury, including death, resulting from performance of functions under such contract.

''(B) EXCLUSIVITY OF REMEDY.—The remedy provided by subparagraph (A) shall be exclusive of any other civil action or proceeding by reason of the same subject matter against the person, officer, employee, or governing board member.

''(3) INTERNAL CONTROLS TO BE INSTITUTED.—

''(A) IN GENERAL.—The Secretary shall institute appropriate internal controls for contracts under this subsection, including procedures for the Secretary to make a determination of whether a person, or an officer, employee, or governing board member of a person, is deemed to be an employee of the Department of Health and Human Services pursuant to paragraph (2).

''(B) DETERMINATION OF EMPLOYEE STATUS TO BE FINAL.—A determination by the Secretary under subparagraph (A) that a person, or an officer, employee, or governing board member of a person, is or is not deemed to be an employee of the Department of Health and Human Services shall be final and binding on the Secretary and the Attorney General and other parties to any civil action or proceeding.

''(4) NUMBER OF PERSONAL SERVICES CONTRACTS LIMITED.—The number of experts and consultants whose personal services are obtained under paragraph (1) shall not exceed 30 at any time.

''(e) STREAMLINED PERSONNEL AUTHORITY.—

''(1) IN GENERAL.—In addition to any other personnel authorities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, without regard to such provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, appoint professional and technical employees, not to exceed 30 such employees at any time, to positions in the

National Institutes of Health to perform, administer, or support qualified countermeasure research and development activities in carrying out this section.

''(2) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for appointments under this subsection.

''(f) ACTIONS COMMITTED TO AGENCY DISCRETION.—Actions by the Secretary under the authority of this section are committed to agency discretion.''.

(b) TECHNICAL AMENDMENT.—Section 481A of the Public Health Service Act (42 U.S.C. 287a-2) is amended—

(1) in subsection (a)(1)—

(A) by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ″Director of the Center''; and

(B) by inserting '', or in the case of the Institute, to any qualified public or private entity,'' after ''private entities'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director of the Center''; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking ''subsection (i)'' and inserting ''subsection (i)(1)'';

(3) in subsection (d), by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director of the Center'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director of the Center'';

(ii) in subparagraph (A), by inserting ''(or, in the case of the Institute, 75 percent)'' after ''50 percent''; and

(iii) in subparagraph (B), by inserting ''(or, in the case of the Institute, 75 percent)'' after ''40 percent'';

(B) in paragraph (2), by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director of the Center''; and

(C) in paragraph (4), by inserting ''of the Center or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director'';

(5) in subsection (f)—

(A) in paragraph (1), by inserting ''in the case of an award by the Director of the Center,'' before ''the applicant''; and

(B) in paragraph (2), by inserting ''of the Center or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director''; and

(6) in subsection (i)—

(A) by striking ''APPROPRIATIONS.—For the purpose of carrying out this section,'' and inserting the following: ''APPROPRIATIONS.—

''(1) CENTER.—For the purpose of carrying out this section with respect to the Center,''; and

(B) by adding at the end the following:

''(2) NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.—For the purpose of carrying out this section with respect to the National Institute of Allergy and Infectious Diseases, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 and 2004.''.

(c) ADDITIONAL AUTHORITY.—Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following subsection:

''(i) PRIORITY COUNTERMEASURES FOR STRATEGIC NATIONAL STOCKPILE.—

''(1) IN GENERAL.—The Secretary, taking into consideration any recommendations of the working group under subsection (a), may initiate and sustain a program that results in the delivery of priority countermeasures for placement in the stockpile under section 319F–2.

''(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2013.''.

(d) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS.—Section 2106 of the Public Health Service Act (42 U.S.C. 300aa–6) is amended—

(1) in subsection (a), by striking ''authorized to be appropriated'' and all that follows and inserting the following: ''authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2013.''; and

(2) in subsection (b), by striking ''authorized to be appropriated'' and all that follows and inserting the following: ''authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2013.''.

(e) TECHNICAL AMENDMENTS.—Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) in subsection (a), by inserting ''the Secretary of Homeland Security,'' after ''Management Agency,''; and

(2) in subsection (h)(4)(B), by striking ''to diagnose conditions'' and inserting ''to treat, identify, or prevent conditions''.

(f) RULE OF CONSTRUCTION.—Nothing in this section has any legal effect on sections 302(2), 302(4), 304(a), or 304(b) of the Homeland Security Act of 2002.

SEC. 3. BIOMEDICAL COUNTERMEASURES PROCUREMENT.

(a) ADDITIONAL AUTHORITY REGARDING STRATEGIC NATIONAL STOCKPILE.—

(1) TRANSFER OF PROGRAM.—Section 121 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (116 Stat. 611; 42 U.S.C. 300hh–12) is transferred from such Act to the Public Health Service Act, is redesignated as section 319F–2, and is inserted after section 319F–1 of the Public Health Service Act (as added by section 2 of this Act).

(2) ADDITIONAL AUTHORITY.—Section 319F–2 of the Public Health Service Act, as added by paragraph (1), is amended to read as follows:

''SEC. 319F–2. STRATEGIC NATIONAL STOCKPILE.

''(a) STRATEGIC NATIONAL STOCKPILE.—

''(1) IN GENERAL.—The Secretary of Homeland Security (referred to in this section as the 'Homeland Security Secretary'), in coordination with the Secretary and the Secretary of Veterans Affairs, shall maintain a stockpile or stockpiles of drugs, vaccines and other biological products, medical devices, and other supplies in such numbers, types, and amounts as are determined by the Secretary to be appropriate and practicable, taking into account other available sources, to provide for the emergency health security of the United States, including the emergency health security of children and other vulnerable populations, in the event of a bioterrorist attack or other public health emergency.

''(2) PROCEDURES.—The Secretary, in managing the stockpile under paragraph (1), shall—

''(A) consult with the working group under section 319F(a);

''(B) ensure that adequate procedures are followed with respect to such stockpile for inventory management and accounting, and for the physical security of the stockpile;

''(C) in consultation with Federal, State, and local officials, take into consideration the timing and location of special events;

''(D) review and revise, as appropriate, the contents of the stockpile on a regular basis to ensure that emerging threats, advanced technologies, and new countermeasures are adequately considered;

''(E) devise plans for the effective and timely supply-chain management of the stockpile, in consultation with appropriate Federal, State and local agencies, and the public and private health care infrastructure; and

''(F) ensure the adequate physical security of the stockpile.

''(b) SMALLPOX VACCINE DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary shall award contracts, enter into cooperative agreements, or carry out such other activities as may reasonably be required in order to ensure that the stockpile under subsection (a) includes an amount of vaccine against smallpox as determined by such Secretary to be sufficient to meet the health security needs of the United States.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the private distribution, purchase, or sale of vaccines from sources other than the stockpile described in subsection (a).

''(c) ADDITIONAL AUTHORITY REGARDING PROCUREMENT OF CERTAIN BIOMEDICAL COUNTERMEASURES; AVAILABILITY OF SPECIAL RESERVE FUND.—

''(1) IN GENERAL.—

''(A) USE OF FUND.—A security countermeasure may, in accordance with this subsection, be procured with amounts in the special reserve fund under paragraph (10).

''(B) SECURITY COUNTERMEASURE.—For purposes of this subsection, the term 'security countermeasure' means a priority countermeasure (as defined in section 319F(h) and as determined by the Secretary in accordance with such section and consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) that—

''(i)(I) is against a chemical, biological, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii);

''(II) is determined under paragraph (2)(B)(ii) to be a necessary countermeasure; and

''(III)(aa) is approved or cleared under chapter V of the Federal Food, Drug, and Cosmetic Act, or licensed under section 351 of this Act, for use as a countermeasure to a chemical, biological, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii); or

''(bb) is a priority countermeasure for which the Secretary determines that sufficient and satisfactory clinical experience or research data (including data, if available, from pre-clinical and clinical trials) support a reasonable conclusion that the countermeasure will qualify for approval or licensing after the date of a determination under paragraph (5); or

''(ii) is authorized under section 564 of the Federal Food, Drug, and Cosmetic Act for emergency use.

''(2) DETERMINATION OF MATERIAL THREATS.—

''(A) MATERIAL THREAT.—The Homeland Security Secretary, in consultation with the heads of other agencies as appropriate, shall on an ongoing basis—

''(i) assess current and emerging threats of chemical, biological, radiological, and nuclear agents; and

''(ii) determine which of such agents present a material threat against the United States population.

''(B) PUBLIC HEALTH IMPACT; NECESSARY COUNTERMEASURES.—The Secretary shall on an ongoing basis—

''(i) assess the potential public health consequences of use against the United States population of agents identified under subparagraph (A)(ii); and

''(ii) determine, on the basis of such assessment, the agents for which priority countermeasures are necessary to protect the public health from a material threat.

''(C) NOTICE TO CONGRESS.—The Secretary and the Homeland Security Secretary shall promptly notify the designated congressional committees (as defined in paragraph (10) that a determination has been made pursuant to subparagraph (A) or (B). Such notice shall be in unclassified or, if necessary, classified form.

''(D) ASSURING ACCESS TO THREAT INFORMATION.—In making the assessment and determination required under subparagraph (A), the Homeland Security Secretary shall use all information to which such Secretary is entitled under section 202 of the Homeland Security Act of 2002, including but not limited to information, regardless of its level of classification, relating to current and emerging threats of chemical, biological, radiological, and nuclear agents.

''(3) ASSESSMENT OF AVAILABILITY AND APPROPRIATENESS OF COUNTERMEASURES.—The Secretary, in consultation with the Homeland Security Secretary, shall assess on an ongoing basis the availability and appropriateness of specific countermeasures to address specific threats identified under paragraph (2).

''(4) CALL FOR DEVELOPMENT OF COUNTERMEASURES; COMMITMENT FOR RECOMMENDATION FOR PROCUREMENT.—

''(A) PROPOSAL TO THE PRESIDENT.—If, pursuant to an assessment under paragraph (3), the Homeland Security Secretary and the Secretary make a determination that a countermeasure would be appropriate but is either currently unavailable for procurement as a security countermeasure or is approved, licensed, or cleared only for alternative uses, such Secretaries may jointly submit to the President a proposal to—

''(i) issue a call for the development of such countermeasure; and

''(ii) make a commitment that, upon the first development of such countermeasure that meets the conditions for procurement under paragraph (5), the Secretaries will, based in part on information obtained pursuant to such call, make a recommendation under paragraph (6) that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

''(B) COUNTERMEASURE SPECIFICATIONS.—The Homeland Security Secretary and the Secretary shall, to the extent practicable, include in the proposal under subparagraph (A)—

''(i) estimated quantity of purchase (in the form of number of doses or number of effective courses of treatments regardless of dosage form);

''(ii) necessary measures of minimum safety and effectiveness;

''(iii) estimated price for each dose or effective course of treatment regardless of dosage form; and

''(iv) other information that may be necessary to encourage and facilitate research, development, and manufacture of the countermeasure or to provide specifications for the countermeasure.

''(C) PRESIDENTIAL APPROVAL.—If the President approves a proposal under subparagraph (A), the Homeland Security Secretary and the Secretary shall make known to persons who may respond to a call for the countermeasure involved—

''(i) the call for the countermeasure;

''(ii) specifications for the countermeasure under subparagraph (B); and

''(iii) the commitment described in subparagraph (A)(ii).

''(5) SECRETARY'S DETERMINATION OF COUNTERMEASURES APPROPRIATE FOR FUNDING FROM SPECIAL RESERVE FUND.—

''(A) IN GENERAL.—The Secretary, in accordance with the provisions of this paragraph, shall identify specific security countermeasures that the Secretary determines, in consultation with the Homeland Security Secretary, to be appropriate for inclusion in the stockpile under subsection (a) pursuant to procurements made with amounts in the special reserve fund under paragraph (10) (referred to in this subsection individually as a 'procurement under this subsection').

''(B) REQUIREMENTS.—In making a determination under subparagraph (A) with respect to a security countermeasure, the Secretary shall determine and consider the following:

''(i) The quantities of the product that will be needed to meet the needs of the stockpile.

''(ii) The feasibility of production and delivery within five years of sufficient quantities of the product.

''(iii) Whether there is a lack of a significant commercial market for the product at the time of procurement, other than as a security countermeasure.

''(6) RECOMMENDATION FOR PRESIDENT'S APPROVAL.—

''(A) RECOMMENDATION FOR PROCUREMENT.—In the case of a security countermeasure that the Secretary has, in accordance with paragraphs (3) and (5), determined to be appropriate for procurement under this subsection, the Homeland Security Secretary and the Secretary shall jointly submit to the President, in coordination with the Director of the Office of Management and Budget, a recommendation that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

''(B) PRESIDENTIAL APPROVAL.—The special reserve fund under paragraph (10) is available for a procurement of a security countermeasure only if the President has approved a recommendation under subparagraph (A) regarding the countermeasure.

''(C) NOTICE TO DESIGNATED CONGRESSIONAL COMMITTEES.—The Secretary and the Homeland Security Secretary shall notify the designated congressional committees of each decision of the President to approve a recommendation under subparagraph (A). Such notice shall include an explanation of the decision to make available the special reserve fund under paragraph (10) for procurement of such a countermeasure, including, where available, the identification of the potential supplier or suppliers of such countermeasure, and whether other potential suppliers of the same or similar countermeasures were considered and rejected for procurement under this section and the reasons therefor.

''(D) SUBSEQUENT SPECIFIC COUNTERMEASURES.—Procurement under this subsection of a security countermeasure for a particular purpose does not preclude the subsequent procurement under this subsection of any other security countermeasure for such purpose if the Secretary has determined under paragraph (5)(A) that such countermeasure is appropriate for inclusion in the stockpile and if, as determined by the Secretary, such countermeasure provides improved safety or effectiveness, or for other reasons enhances preparedness to respond to threats of use of a biological, chemical, radiological, or nuclear agent. Such a determination by the Secretary is committed to agency discretion.

''(E) RULE OF CONSTRUCTION.—Recommendations and approvals under this paragraph apply solely to determinations that the special reserve fund under paragraph (10) will be made available for a procurement of a security countermeasure, and not to the substance of contracts for such procurement or other matters relating to awards of such contracts.

''(7) PROCUREMENT.—

''(A) IN GENERAL.—For purposes of a procurement under this subsection that is approved by the President under paragraph (6), the Homeland Security Secretary and the Secretary shall have responsibilities in accordance with subparagraphs (B) and (C).

''(B) INTERAGENCY AGREEMENTS.—

''(i) FOR PROCUREMENT.—The Homeland Security Secretary shall enter into an agreement with the Secretary for procurement of a security countermeasure in accordance with the provisions of this paragraph. The special reserve fund under paragraph (10) shall be available for the Secretary's costs of such procurement, other than as provided in clause (ii).

''(ii) FOR ADMINISTRATIVE COSTS.—The agreement entered into between the Homeland Security Secretary and the Secretary for managing the stockpile under subsection (a) shall provide for reimbursement of the Secretary's administrative costs relating to procurements under this subsection.

''(C) PROCUREMENT.—

''(i) IN GENERAL.—The Secretary shall be responsible for—

''(I) arranging for procurement of a security countermeasure, including negotiating terms (including quantity, production schedule, and price) of, and entering into, contracts and cooperative agreements, and for carrying out such other activities as may reasonably be required, in accordance with the provisions of this subparagraph; and

''(II) promulgating such regulations as the Secretary determines necessary to implement the provisions of this subsection.

''(ii) CONTRACT TERMS.—A contract for procurements under this subsection shall (or, as specified below, may) include the following terms:

''(I) PAYMENT CONDITIONED ON SUBSTANTIAL DELIVERY.—The contract shall provide that no payment may be made until delivery has been made of a substantial portion (as determined by the Secretary) of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary's discretion) that an advance payment is necessary to ensure success of a project, the Secretary may pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform under the contract, except in special circumstances as determined by the Secretary on a contract by contract basis. Nothing in this subclause may be construed as affecting rights of vendors under provisions of law or regulation (including the Federal Acquisition Regulation) relating to termination of contracts for the convenience of the Government.

''(II) CONTRACT DURATION.—The contract shall be for a period not to exceed five years, except that, in first awarding the contract, the Secretary may provide for a longer duration, not exceeding eight years, if the Secretary determines that complexities or other difficulties in performance under the contract justify such a period. The contract shall be renewable for additional periods, none of which shall exceed five years.

''(III) STORAGE BY VENDOR.—The contract may provide that the vendor will provide storage for stocks of a product delivered to the ownership of the Federal Government under the contract, for such period and under such terms and conditions as the Secretary may specify, and in such case amounts from the special reserve fund under paragraph (10) shall be available for costs of shipping, handling, storage, and related costs for such product.

''(IV) NON-STOCKPILE TRANSFERS OF SECURITY COUNTERMEASURES.—The contract shall

provide that the vendor will comply with all applicable export-related controls with respect to such countermeasure.

''(iii) AVAILABILITY OF SIMPLIFIED ACQUISITION PROCEDURES.—

''(I) IN GENERAL.—If the Secretary determines that there is a pressing need for a procurement of a specific countermeasure, the amount of the procurement under this subsection shall be deemed to be below the threshold amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), for purposes of application to such procurement, pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), of—

''(aa) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

''(bb) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

''(II) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subclause (I) and the provision of law and regulations referred to in such clause, each of the following provisions shall apply to procurements described in this clause to the same extent that such provisions would apply to such procurements in the absence of subclause (I):

''(aa) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

''(bb) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

''(cc) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

''(iv) PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.—

''(I) IN GENERAL.—In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement under this subsection, the phrase 'available from only one responsible source' in such section 303(c)(1) shall be deemed to mean 'available from only one responsible source or only from a limited number of responsible sources'.

''(II) RELATION TO OTHER AUTHORITIES.—The authority under subclause (I) is in addition to any other authority to use procedures other than competitive procedures.

''(III) APPLICABLE GOVERNMENT-WIDE REGULATIONS.—The Secretary shall implement this clause in accordance with applicable government-wide regulations, including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered.

''(v) PREMIUM PROVISION IN MULTIPLE AWARD CONTRACTS.—

''(I) IN GENERAL.—If, under this subsection, the Secretary enters into contracts with more than one vendor to procure a security countermeasure, such Secretary may, notwithstanding any other provision of law, include in each of such contracts a provision that—

''(aa) identifies an increment of the total quantity of security countermeasure required, whether by percentage or by numbers of units; and

''(bb) promises to pay one or more specified premiums based on the priority of such vendors' production and delivery of the increment identified under item (aa), in accordance with the terms and conditions of the contract.

''(II) DETERMINATION OF GOVERNMENT'S REQUIREMENT NOT REVIEWABLE.—If the Secretary includes in each of a set of contracts a provision as described in subclause (I), such Secretary's determination of the total quantity of security countermeasure required, and any amendment of such determination, is committed to agency discretion.

''(vi) EXTENSION OF CLOSING DATE FOR RECEIPT OF PROPOSALS NOT REVIEWABLE.—A decision by the Secretary to extend the closing date for receipt of proposals for a procurement under this subsection is committed to agency discretion.

''(vii) LIMITING COMPETITION TO SOURCES RESPONDING TO REQUEST FOR INFORMATION.—In conducting a procurement under this subsection, the Secretary may exclude a source that has not responded to a request for information under section 303A(a)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a(a)(1)(B)) if such request has given notice that the Secretary may so exclude such a source.

''(8) INTERAGENCY COOPERATION.—

''(A) IN GENERAL.—In carrying out activities under this section, the Homeland Security Secretary and the Secretary are authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

''(B) LIMITATION.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section to the Homeland Security Secretary or to the Secretary.

''(9) RESTRICTIONS ON USE OF FUNDS.—Amounts in the special reserve fund under paragraph (10) shall not be used to pay—

''(A) costs for the purchase of vaccines under procurement contracts entered into before the date of the enactment of the Project BioShield Act of 2003; or

''(B) administrative costs.

''(10) DEFINITIONS.—

''(A) SPECIAL RESERVE FUND.—For purposes of this subsection, the term 'special reserve fund' has the meaning given such term in section 510 of the Homeland Security Act of 2002.

''(B) DESIGNATED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term 'designated congressional committees' means the following committees of the Congress:

''(i) In the House of Representatives: the Committee on Energy and Commerce, the Committee on Appropriations, the Committee on Government Reform, and the Select Committee on Homeland Security (or any successor to the Select Committee).

''(ii) In the Senate: the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Government Affairs.

''(d) DISCLOSURES.—No Federal agency shall disclose under section 552 of title 5, United States Code, any information identifying the location at which materials in the stockpile under subsection (a) are stored.

''(e) DEFINITION.—For purposes of subsection (a), the term 'stockpile' includes—

''(1) a physical accumulation (at one or more locations) of the supplies described in subsection (a); or

''(2) a contractual agreement between the Secretary and a vendor or vendors under which such vendor or vendors agree to provide to such Secretary supplies described in subsection (a).

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) STRATEGIC NATIONAL STOCKPILE.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006. Such authorization is in addition to amounts in the special reserve fund under subsection (c)(10).

''(2) SMALLPOX VACCINE DEVELOPMENT.—For the purpose of carrying out subsection (b), there are authorized to be appropriated $509,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.''.

(b) AMENDMENT TO HOMELAND SECURITY ACT OF 2002.—Title V of the Homeland Security Act of 2002 (116 Stat. 2212; 6 U.S.C. 311 et seq.) is amended by adding at the end the following:

''SEC. 510. PROCUREMENT OF SECURITY COUNTERMEASURES FOR STRATEGIC NATIONAL STOCKPILE.

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the procurement of security countermeasures under section 319F–2(c) of the Public Health Service Act (referred to in this section as the 'security countermeasures program'), there is authorized to be appropriated up to $5,593,000,000 for the fiscal years 2004 through 2013. Of the amounts appropriated under the preceding sentence, not to exceed $3,418,000,000 may be obligated during the fiscal years 2004 through 2008, of which not to exceed $890,000,000 may be obligated during fiscal year 2004.

''(b) SPECIAL RESERVE FUND.—For purposes of the security countermeasures program, the term 'special reserve fund' means the appropriations account established as a result of any appropriations made under subsection (a).

''(c) AVAILABILITY.—

''(1) INTEGRITY OF SPECIAL RESERVE FUND; LIMITATION OF OBLIGATIONAL AUTHORITY TO FUND PURPOSES; INTENT OF CONGRESS AGAINST REPROGRAMMING.—Subject to paragraph (2), all amounts appropriated under subsection (a) are available for obligation through the end of fiscal year 2013 and only for the specific purposes set forth in the security countermeasures program. It is the intent of the Congress that no portion of such amount that remains unobligated for such purposes shall be applied, through reprogramming or otherwise, to any other purpose.

''(2) INITIAL AVAILABILITY FOR PARTICULAR PROCUREMENTS.—Amounts appropriated under subsection (a) become available for a procurement under the security countermeasures program only upon the approval by the President of such availability for the procurement in accordance with paragraph (6)(B) of such program.

''(d) RELATED AUTHORIZATIONS OF APPROPRIATIONS.—

''(1) THREAT ASSESSMENT CAPABILITIES.—For the purpose of carrying out the responsibilities of the Secretary for terror threat assessment under the security countermeasures program, there are authorized to be appropriated $5,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2006, for the hiring of professional personnel within the Directorate for Information Analysis and Infrastructure Protection, who shall be analysts responsible for chemical, biological, radiological, and nuclear threat assessment (including but not limited to analysis of chemical, biological, radiological, and nuclear agents, the means by which such agents could be weaponized or used in a terrorist attack, and the capabilities, plans, and intentions of terrorists and other non-state actors who may have or acquire such agents). All such analysts shall meet the applicable standards and qualifications for the performance of intelligence activities promulgated by the Director of Central Intelligence pursuant to section 104 of the National Security Act of 1947.

''(2) INTELLIGENCE SHARING INFRASTRUCTURE.—For the purpose of carrying out the

acquisition and deployment of secure facilities (including information technology and physical infrastructure, whether mobile and temporary, or permanent) sufficient to permit the Secretary to receive, not later than December 31, 2003, all classified information and products to which the Under Secretary for Information Analysis and Infrastructure Protection is entitled under subtitle A of title II, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006.''.

SEC. 4. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following section:

''SEC. 564. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

''(a) IN GENERAL.—

''(1) EMERGENCY USES.—Notwithstanding sections 505, 510(k), and 515 of this Act and section 351 of the Public Health Service Act, and subject to the provisions of this section, the Secretary may authorize the introduction into interstate commerce, during the effective period of a declaration under subsection (b), of a drug, device, or biological product intended for use in an actual or potential emergency (referred to in this section as an 'emergency use').

''(2) APPROVAL STATUS OF PRODUCT.—An authorization under paragraph (1) may authorize an emergency use of a product that—

''(A) is not approved, licensed, or cleared for commercial distribution under a provision of law referred to in such paragraph (referred to in this section as an 'unapproved product'); or

''(B) is approved, licensed, or cleared under such a provision, but which use is not under such provision an approved, licensed, or cleared use of the product (referred to in this section as an 'unapproved use of an approved product').

''(3) RELATION TO OTHER USES.—An emergency use authorized under paragraph (1) for a product is in addition to any other use that is authorized for the product under a provision of law referred to in such paragraph.

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

''(A) The term 'biological product' has the meaning given such term in section 351 of the Public Health Service Act.

''(B) The term 'emergency use' has the meaning indicated for such term in paragraph (1).

''(C) The term 'product' means a drug, device, or biological product.

''(D) The term 'unapproved product' has the meaning indicated for such term in paragraph (2)(A).

''(E) The term 'unapproved use of an approved product' has the meaning indicated for such term in paragraph (2)(B).

''(b) DECLARATION OF EMERGENCY.—

''(1) IN GENERAL.—The Secretary may declare an emergency justifying the authorization under this subsection for a product on the basis of—

''(A) a determination by the Secretary of Homeland Security that there is a national emergency, or a significant potential for a national emergency, involving a heightened risk of attack with a specified biological, chemical, radiological, or nuclear agent or agents;

''(B) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to United States military forces of attack with a biological, chemical, radiological, or nuclear agent or agents; or

''(C) a determination by the Secretary of a public health emergency under section 319 of the Public Health Service Act, affecting national security and involving a specified biological, chemical, radiological, or nuclear agent or agents, or a specified disease or condition that may be attributable to such agent or agents.

''(2) TERMINATION OF DECLARATION.—

''(A) IN GENERAL.—A declaration under this subsection shall terminate upon the earlier of—

''(i) a determination by the Secretary, in consultation as appropriate with the Secretary of Homeland Security or the Secretary of Defense, that the circumstances described in paragraph (1) have ceased to exist; or

''(ii) the expiration of the one-year period beginning on the date on which the declaration is made.

''(B) RENEWAL.—Notwithstanding subparagraph (A), the Secretary may renew a declaration under this subsection, and this paragraph shall apply to any such renewal.

''(3) ADVANCE NOTICE OF TERMINATION.—In terminating a declaration under this section, the Secretary shall provide advance notice that the declaration will be terminated. The period of advance notice shall be a period reasonably determined to provide—

''(A) in the case of an unapproved product, a sufficient period for disposition of shipments of the product, including the return of such shipments to the manufacturer (in the case of a manufacturer that chooses to have the shipments returned); and

''(B) in the case of unapproved uses of approved products, a sufficient period for the disposition of any labeling that was provided with respect to the emergency use involved.

''(4) PUBLICATION.—The Secretary shall promptly publish in the Federal Register each declaration, determination, and renewal under this subsection.

''(c) CRITERIA FOR ISSUANCE OF AUTHORIZATION.—The Secretary may issue an authorization under this section with respect to the emergency use of a product only if, after consultation with the Director of the National Institutes of Health and the Director of the Centers for Disease Control and Prevention, to the extent feasible and appropriate given the circumstances of the emergency involved, the Secretary concludes—

''(1) that an agent specified in a declaration under subsection (b) can cause a serious or life-threatening disease or condition;

''(2) that, based on the totality of scientific evidence available to the Secretary, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that—

''(A) the product may be effective in detecting, diagnosing, treating, or preventing—

''(i) such disease or condition; or

''(ii) a serious or life-threatening disease or condition caused by a product authorized under this section or approved under this Act or the Public Health Service Act, for detecting, diagnosing, treating, or preventing such a disease or condition caused by such an agent; and

''(B) the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product;

''(3) that there is no adequate, approved, and available alternative to the product for detecting, diagnosing, preventing, or treating such disease or condition; and

''(4) that such other criteria as the Secretary may by regulation prescribe are satisfied.

''(d) SCOPE OF AUTHORIZATION.—

''(1) IN GENERAL.—An authorization of a product under this section shall state—

''(A) each disease or condition that the product may be used to detect, diagnose, prevent, or treat within the scope of the authorization;

''(B) the Secretary's conclusions, made under subsection (c)(2)(B), that the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product; and

''(C) the Secretary's conclusions, made under subsection (c), concerning the safety and potential effectiveness of the product in detecting, diagnosing, preventing, or treating such diseases or conditions, including an assessment of the available scientific evidence.

''(2) CONFIDENTIAL INFORMATION.—Nothing in this section alters or amends section 1905 of title 18, United States Code, or section 552(b)(4) of title 5 of such Code.

''(e) CONDITIONS OF AUTHORIZATION.—

''(1) UNAPPROVED PRODUCT.—

''(A) REQUIRED CONDITIONS.—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, shall, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

''(i) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, health care professionals administering the product are informed—

''(I) that the Secretary has authorized the emergency use of the product;

''(II) of the significant known and potential benefits and risks of the emergency use of the product, and of the extent to which such benefits and risks are unknown; and

''(III) of the alternatives to the product that are available, and of their benefits and risks.

''(ii) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, individuals to whom the product is administered are informed—

''(I) that the Secretary has authorized the emergency use of the product;

''(II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown; and

''(III) of the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.

''(iii) Appropriate conditions for the monitoring and reporting of adverse events associated with the emergency use of the product.

''(iv) For manufacturers of the product, appropriate conditions concerning record-keeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

''(B) AUTHORITY FOR ADDITIONAL CONDITIONS.—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, may, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

''(i) Appropriate conditions on which entities may distribute the product with respect to the emergency use of the product (including limitation to distribution by government

entities), and on how distribution is to be performed.

''(ii) Appropriate conditions on who may administer the product with respect to the emergency use of the product, and on the categories of individuals to whom, and the circumstances under which, the product may be administered with respect to such use.

''(iii) For persons other than manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

''(iv) With respect to the emergency use of the product, waive or limit, to the extent appropriate given the circumstances of the emergency, conditions regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established in section 501.

''(2) UNAPPROVED USE.—With respect to the emergency use of a product that is an unapproved use of an approved product:

''(A) The Secretary may, for manufacturers of the product who choose to carry out one or more activities for which the authorization is issued, establish any of the conditions described in clauses (i) through (iv) of paragraph (1)(A).

''(B)(i) If the authorization under this section regarding the emergency use authorizes a change in the labeling of the product, but the manufacturer of the product chooses not to make such change, such authorization may not authorize distributors of the product or any other person to alter or obscure the labeling provided by the manufacturer.

''(ii) In the circumstances described in clause (i), an authorization under this section regarding the emergency use may, for persons who do not manufacture the product and who choose to act under this clause, authorize such persons to provide information on the product in addition to the labeling provided by the manufacturer, subject to compliance with clause (i). Such additional information shall not be considered labeling for purposes of section 502.

''(f) DURATION OF AUTHORIZATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an authorization under this section shall be effective until the earlier of the termination of the declaration under subsection (b) or a revocation under subsection (g).

''(2) CONTINUED USE AFTER END OF EFFECTIVE PERIOD.—Notwitstanding the termination of the declaration under subsection (b) or a revocation under subsection (g), an authorization shall continue to be effective for continued use with respect to patients to whom it was administered during the period described by paragraph (1), to the extent found necessary by such patients' attending physicians.

''(g) REVOCATION OF AUTHORIZATION.—

''(1) REVIEW.—The Secretary shall periodically review the circumstances and the appropriateness of an authorization under this section.

''(2) REVOCATION.—The Secretary may revoke an authorization under this section if, in the Secretary's unreviewable discretion, the criteria under subsection (c) for issuance of such authorization are no longer met.

''(h) PUBLICATION.—The Secretary shall promptly publish in the Federal Register a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons therefor, under this section.

''(i) ACTIONS COMMITTED TO AGENCY DISCRETION.—Actions under the authority of this section by the Secretary, by the Secretary of Defense, or by the Secretary of Homeland Security are committed to agency discretion.

''(j) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect—

''(1) the authority of the President as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution;

''(2) the authority of the Secretary of Defense with respect to the Department of Defense, including the armed forces, under other provisions of Federal law; or

''(3) the authority of the Secretary under section 319F–2 to manage the stockpile under such section.

''(k) APPLICATION TO MEMBERS OF ARMED FORCES.—

''(1) WAIVER OF REQUIREMENT RELATING TO OPTION TO REFUSE.—In the case of administration of a countermeasure to members of the armed forces, a requirement, under subsection (e)(1)(A)(ii)(III), designed to ensure that individuals are informed of an option to accept or refuse administration of a product, may be waived by the President if the President determines, in writing, that complying with such requirement is not feasible, is contrary to the best interests of the members affected, or is not in the interests of national security.

''(2) PROVISION OF INFORMATION TO MEMBER OF THE ARMED FORCES.—If the Secretary makes a determination that it is not feasible for the information required by subsection (e)(1)(A)(ii) to be provided to a member of the armed forces prior to the administration of the product, such information shall be provided to such member of the armed forces (or next-of-kin in the case of the death of a member) to whom the product was administered as soon as possible, but not later than 30 days, after such administration. Information concerning the administration of the product shall be recorded in the medical record of the member.

''(3) EFFECT ON STATUTE PERTAINING TO INVESTIGATIONAL NEW DRUGS.—In the case of an authorization based on a determination by the Secretary of Defense under subsection (b)(1)(B), section 1107 of title 10, United States Code, shall not apply to use of a product that is the subject of such authorization, within the scope of such authorization and while such authorization is effective.

''(l) RELATION TO OTHER PROVISIONS.—If a product is the subject of an authorization under this section, the use of such product within the scope of the authorization —

''(1) shall not be subject to any requirements pursuant to section 505(i) or 520(g); and

''(2) shall not be subject to any requirements otherwise applicable to clinical investigations pursuant to other provisions of this Act.

''(m) DISCRETION REGARDING USE OF AUTHORIZATION.—Nothing in this section provides the Secretary any authority to require any person to carry out any activity that becomes lawful pursuant to an authorization under this section, and no person is required to inform the Secretary that the person will not be carrying out such activity, except that a manufacturer of a sole-source unapproved product authorized for emergency use shall notify the Secretary within a reasonable period of time after the issuance by the Secretary of such authorization if such manufacturer does not intend to carry out an activity or activities under the authorization. This section does not have any legal effect on a person who does not carry out any activity for which an authorization under this section is issued, or who carries out such an activity pursuant to other provisions of this Act or section 351 of the Public Health Service Act.

''(n) ENFORCEMENT.—A person who carries out an activity pursuant to an authorization under this section, but who fails to comply with applicable conditions under subsection (e), is with respect to that act of noncompliance subject to the provisions of law specified in subsection (a) and to the enforcement of such provisions under section 301.''.

SEC. 5. REPORTS REGARDING AUTHORITIES UNDER THIS ACT.

(a) SECRETARY OF HEALTH AND HUMAN SERVICES.—

(1) ANNUAL REPORTS ON PARTICULAR EXERCISES OF AUTHORITY.—

(A) RELEVANT AUTHORITIES.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall submit reports in accordance with subparagraph (B) regarding the exercise of authority under the following provisions of law:

(i) With respect to section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(I) Subsection (b)(1) (relating to increased simplified acquisition threshold).

(II) Subsection (b)(2) (relating to procedures other than full and open competition).

(III) Subsection (c) (relating to expedited peer review procedures).

(ii) With respect to section 319F–2 of the Public Health Service Act (as added by section 3 of this Act):

(I) Subsection (c)(7)(C)(iii) (relating to simplified acquisition procedures).

(II) Subsection (c)(7)(C)(iv) (relating to procedures other than full and open competition).

(III) Subsection (c)(7)(C)(v) (relating to premium provision in multiple-award contracts).

(iii) With respect to section 564 of the Federal Food, Drug, and Cosmetic Act (as added by section 4 of this Act):

(I) Subsection (a)(1) (relating to emergency uses of certain drugs and devices).

(II) Subsection (b)(1) (relating to a declaration of an emergency).

(III) Subsection (e) (relating to conditions on authorization).

(B) CONTENTS OF REPORTS.—The Secretary shall annually submit to the designated congressional committees a report that summarizes—

(i) the particular actions that were taken under the authorities specified in subparagraph (A), including, as applicable, the identification of the threat agent, emergency, or the biomedical countermeasure with respect to which the authority was used;

(ii) the reasons underlying the decision to use such authorities, including, as applicable, the options that were considered and rejected with respect to the use of such authorities;

(iii) the identification of each person or entity that received, or was considered and rejected for, grants, cooperative agreements, or contracts pursuant to the use of such authorities; and

(iv) whether, with respect to each procurement that is approved by the President under section 319F–2(c)(6) of the Public Health Service Act (as added by section 3 of this Act), a contract was entered into within one year after such approval by the President.

(2) ANNUAL SUMMARIES REGARDING CERTAIN ACTIVITY.—The Secretary shall annually submit to the designated congressional committees a report that summarizes the activity undertaken pursuant to the following authorities under section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(A) Subsection (b)(3) (relating to increased micropurchase threshold).

(B) Subsection (d) (relating to authority for personal services contracts).

(C) Subsection (e) (relating to streamlined personnel authority).

With respect to subparagraph (B), the report shall include a provision specifying, for the one-year period for which the report is submitted, the number of persons who were paid amounts greater than $100,000 and the number of persons who were paid amounts between $50,000 and $100,000.

(b) NATIONAL ACADEMY OF SCIENCES REVIEW.—

(1) IN GENERAL.—Not later than four years after the date of the enactment of this Act, the Secretary of Health and Human Services shall request the National Academy of Sciences to enter into an agreement for a review of the biomedical countermeasure research and development authorities established in this Act to determine whether and to what extent activities undertaken pursuant to such authorities have enhanced the development of biomedical countermeasures affecting national security, and to recommend any legislative or administrative changes necessary to improve the ability of the Secretary to carry out these activities in the future. The Secretary shall ensure that the results of the study are submitted to the designated congressional committees not later than five years after such date of enactment.

(2) CERTAIN CONTENTS.—The report under paragraph (1) shall include—

(A) a summary of the most recent analysis by the Department of Homeland Security and the intelligence community of the domestic threat from chemical, biological, radiological, and nuclear agents;

(B) the Academy's assessment of the current availability of countermeasures to address such threats;

(C) the Academy's assessment of the extent to which programs and activities under this Act will reduce any gap between the threat and the availability of countermeasures to an acceptable level of risk; and

(D)(i) the Academy's assessment of threats to national security that are posed by technology that will enable, during the 10-year period beginning on the date of the enactment of this Act, the development of antibiotic resistant, mutated, or bioengineered strains of biological agents; and

(ii) recommendations on short-term and long-term governmental strategies for addressing such threats, including recommendations for Federal policies regarding research priorities, the development of countermeasures, and investments in technology.

(c) GENERAL ACCOUNTING OFFICE REVIEW.—Four years after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study—

(1)(A) to review the Secretary of Health and Human Services' utilization of the authorities granted under this Act with respect to simplified acquisition procedures, procedures other than full and open competition, increased micropurchase thresholds, personal services contracts, streamlined personnel authority, and the purchase of security countermeasures under the special reserve fund; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authorities in the future;

(2)(A) to review the internal controls instituted by such Secretary with respect to such authorities, where required by this Act; and

(B) to recommend any legislative or administrative changes necessary to improve the effectiveness of such controls; and

(3)(A) to review such Secretary's utilization of the authority granted under this Act to authorize an emergency use of a biomedical countermeasure, including the means by which the Secretary determines whether and under what conditions any such authorizations should be granted and the benefits and adverse impacts, if any, resulting from the use of such authority; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authority and to enhance protection of the public health.

The results of the study shall be submitted to the designated congressional committees not later than five years after the date of the enactment of this Act.

(d) REPORT REGARDING BARRIERS TO PROCUREMENT OF SECURITY COUNTERMEASURES.—

(1) BIOCONTAINMENT FACILITIES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Health and Human Services shall jointly report to the designated congressional committees whether there is a lack of adequate large-scale biocontainment facilities necessary for the testing of security countermeasures in accordance with Food and Drug Administration requirements.

(2) ADDITIONAL BARRIERS.—Not later than one year after the date of enactment of this Act, such Secretaries shall jointly report to the designated congressional committees any other potential barriers to the procurement of security countermeasures that have not been addressed by this Act.

(e) STATUS OF PROGRAM FOR CHEMICAL TERRORISM PREPAREDNESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the designated congressional committees a report describing the status of the program carried out by the Secretary to enhance the preparedness of the United States to respond to terrorist attacks involving chemical agents.

(f) DESIGNATED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term ''designated congressional committees'' means the following committees of the Congress:

(1) In the House of Representatives: the Committee on Energy and Commerce, the Committee on Appropriations, the Committee on Government Reform, and the Select Committee on Homeland Security (or any successor to the Select Committee).

(2) In the Senate: the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Government Affairs.

SEC. 6. OUTREACH.

The Secretary of Health and Human Services shall develop outreach measures to ensure to the extent practicable that diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, or other underrepresented populations, are meaningfully aware of available research and development grants, contracts, cooperative agreements, and procurements conducted under sections 2 and 3 of this Act.

SEC. 7. RECOMMENDATION FOR EXPORT CONTROLS ON CERTAIN BIOMEDICAL COUNTERMEASURES.

Upon the award of any grant, contract, or cooperative agreement under section 2 or 3 of this Act for the research, development, or procurement of a qualified countermeasure or a security countermeasure (as those terms are defined in this Act), the Secretary of Health and Human Services shall, in consultation with the heads of other appropriate Federal agencies, determine whether the countermeasure involved in such grant, contract, or cooperative agreement is subject to existing export-related controls and, if not, may make a recommendation to the appropriate Federal agency or agencies that such countermeasure should be included on the list of controlled items subject to such controls.

SEC. 8. ENSURING COORDINATION, COOPERATION AND THE ELIMINATION OF UNNECESSARY DUPLICATION IN PROGRAMS DESIGNED TO PROTECT THE HOMELAND FROM BIOLOGICAL, CHEMICAL, RADIOLOGICAL, AND NUCLEAR AGENTS.

(a) ENSURING COORDINATION OF PROGRAMS.—The Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense shall ensure that the activities of their respective Departments coordinate, complement, and do not unnecessarily duplicate programs to identify potential domestic threats from biological, chemical, radiological or nuclear agents, detect domestic incidents involving such agents, analyze such incidents, and develop necessary countermeasures. The aforementioned Secretaries shall further ensure that information and technology possessed by the Departments relevant to these activities are shared with the other Departments.

(b) DESIGNATION OF AGENCY COORDINATION OFFICER.—The Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense shall each designate an officer or employee of their respective Departments who shall coordinate, through regular meetings and communications, with the other aforementioned Departments such programs and activities carried out by their Departments.

Mr. HASTINGS of Washington (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. COLLINS (during debate on motion to instruct on H.R. 1308). 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 Georgia?

There was no objection.

□ 2000

UNITED STATES-CHILE FREE TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–101)

The SPEAKER pro tempore (Mr. SIMMONS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Chile Free Trade Agreement (FTA). The Agreement will further open Chile's markets for U.S. manufactured goods, agricultural products, services, and investors. It will increase competition and consumer choice. The FTA will enhance prosperity in the United States and Chile, serve the interest of expanding U.S. commerce, and advance our overall national interest.

The U.S.-Chile FTA is the first United States free trade agreement with a South American country. We hope the FTA will add momentum to Chile's continued implementation of the free market economic policies that have made Chile a model for its Latin American neighbors. This Agreement will also encourage other countries in the Western Hemisphere to follow Chile's path, furthering our efforts to establish a Free Trade Area of the Americas.

My Administration is strongly committed to securing a level playing field for America's workers, farmers, and businesses. The Congress helped advance that policy by passing Trade Promotion Authority in the Trade Act of 2002 (the ''Trade Act''). The Congress can help us take another important step by approving this Agreement and the implementing legislation. United States workers and businesses are currently at a competitive disadvantage in the Chilean market. Chile is an associate member in Mercosur and has FTAs with many other countries, including Canada, Mexico, and the 15 members of the European Union. Securing an FTA with Chile will ensure that U.S. workers and businesses will receive treatment in the Chilean market that is as good as or better than their competitors.

In negotiating this FTA, my Administration was guided by the negotiating objectives set out in the Trade Act. More than 85 percent of trade in consumer and industrial goods between the United States and Chile will be free of duties immediately upon implementation, and most remaining tariffs on U.S. exports to Chile will be eliminated within 4 years after that. More than three-quarters of U.S. farm goods will enter Chile duty free within 4 years and all duties on such goods will be phased out over 12 years. At the same time, the Agreement includes measures to ensure that U.S. firms and farmers have an opportunity to adjust to imports from Chile.

This Agreement opens opportunities for our services businesses, which now account for nearly 65 percent of our gross domestic product and more than 80 percent of employment in the United States. Chile will grant substantial market access to U.S. firms across nearly the entire spectrum of services, including banking, insurance, securities and related financial services, express delivery services, professional services, and telecommunications.

This Agreement provides for state-of-the-art intellectual property protection and recognizes the importance of trade in the digital age by including significant commitments on trade in digital products. In addition, it ensure that electronic commerce will stay free of duties and discriminatory rules.

United States citizens and businesses that invest in Chile will have significant increased protections. This Agreement promotes rule of law and enhances transparency and openness in order to foster a more secure environment for trade and investment. Furthermore, Chile will provide U.S. investors with important substantive protections that Chilean investors already enjoy in the United States.

The United States and Chile have also agreed to cooperate on environment and labor issues and to establish mechanisms to support those efforts. A number of important cooperative projects that will promote environmental protection are identified for future work. The FTA encourages the adoption of high labor and environmental standards, obligates each country to enforce its own labor and environmental laws, and makes clear that domestic labor and environmental protections may not be reduced in order to encourage trade or investment. The Agreement also preserves our right to pursue other legitimate domestic objectives, including the protection of health and safety, consumer interests, and national security.

Trade and openness contribute to development, the rule of law, economic growth, and international cooperation. Chile is a close partner of the United States, and this Agreement will strengthen those ties.

With the approval of this Agreement and passage of the implementing legislation by the Congress, we will advance U.S. economic and political interests, while encouraging others to work with us to expand free trade around the world.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 15, 2003.*

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BURNS). 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.

BUSH ADMINISTRATION UNDERMINES ENVIRONMENTAL LAWS

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

Mr. HINCHEY. Mr. Speaker, from clean air and water to wetlands and global warming, this is an administration that is determined to ignore the most pressing environmental problems, dismiss good science that draws attention to these problems and undermine our most effective environmental laws that address those problems.

It is one thing for the Bush administration to break its promises on environmental issues such as regulating carbon dioxide, but every administration has a responsibility to provide Congress and the American people with sound science that is untainted by politics.

Unfortunately, it is becoming all too common for the Bush administration to compromise the independence and credibility of our government agencies by shelving and suppressing sound science if it does not fit their political agenda.

Most recently, this trend is evident in EPA's actions surrounding the administration's ''Clear Skies'' proposal which would weaken the Clean Air Act. Earlier this month the EPA intentionally hid data showing that a competing Senate clean air bill would provide far greater long-term health benefits at only a slightly higher cost. While EPA disclosed the cost associated with the Senate bill, it failed to disclose that the proposal would result in 17,800 fewer premature deaths annually than the administration's proposal.

This comes on the heels of last month's release of EPA's State of the Environment Report. The report, commissioned in 2001 by Administrator Whitman, was intended to provide the first comprehensive review of what is known about the various environmental problems, from air pollution to the state of drinking water supplies, where gaps in understanding exist and how we might fill them.

The White House directed a major rewrite of an assessment of climate change, removing references to health and environmental risks posed by rising global temperatures.

According to an EPA memo, the changes demanded by the White House were so extensive that the climate section no longer accurately represents scientific consensus on climate change and characterized the revised draft as an embarrassment to the EPA. If the changes are accepted, the staff memo said, the agency will take severe criticism from the science and environmental communities for poorly representing the science of climate change.

According to the EPA papers, the White House deleted from a summary under the heading of Global Issues the sentence, ''Climate changes has global consequences for human health and the environment.'' A number of scientific reports have also raised those concerns.

The draft also removed the reference and a graphic to a 1999 study showing global temperatures had risen sharply in the past decade compared with the previous 1,000 years. Instead, it cites a new study partly sponsored by the American Petroleum Institute that disputed those findings.

The draft eliminated references to many studies, concluding that warming is at least partly caused by rising concentrations of smokestack and tailpipe emissions and could threaten health and ecological systems.

The White House deleted a National Research Council finding that various studies have suggested that recent warmings were unusual and likely due to human activities, although the same 2001 NRC report had been commissioned by the White House and endorsed by President Bush previously.

This is the second time in the past year that the Bush administration has censored information on global warming. Last September, an annual EPA report on air pollution that for 6 years had contained a section on climate was released without one. Administrator Whitman told the New York Times she was perfectly comfortable with the edited version.

However, the seriousness of climate change cannot be understated. The Intergovernmental Panel on Climate Change, a group of hundreds of scientists established by the United Nations in 1988 to assess global warming, concluded that global warming is real and will have serious consequences.

Their report, released in January, 2001, states that the Earth has warmed in the last century and that the majority of the observed warming is attributable to human activities, including fossil fuel-generated carbon dioxide emissions.

In late 2001, the National Academy of Sciences confirmed those findings.

This just shows that the administration is manipulating the EPA's formerly unbiased science for its political agenda in an effort to mislead the public.

We have spoken on this floor about the way in which the administration has manipulated data with regard to weapons of mass destruction in Iraq, how the administration has put pressure on the intelligence agencies to manipulate their objectively drawn and realized information in order to make it more accurately fit the administration's political agenda; and here we have an example of how the administration is doing the same thing with regard to important scientific considerations on the single most important global issue of our lives, the warming of the Earth's temperature and the ecological consequences, as well as the consequences on the health and safety of people in this country and around the world. It is time for this administration to be honest in its science and in its reporting to the American people.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. BURGESS. Mr. Speaker, I ask unanimous consent to go out of order and claim the time allocated to the gentleman from Indiana (Mr. BURTON).

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

There was no objection.

PASS TRANSPORTATION EQUITY ACT FOR 21ST CENTURY

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

Mr. BURGESS. Mr. Speaker, I rise tonight to discuss the importance of passing the reauthorization of the Transportation Equity Act for the 21st century.

Our transportation system has a direct and significant impact on the daily lives of all Americans. While the United States has benefited greatly from having a strong transportation network on which we can move our people and goods, we are approaching a crossroads.

My district in North Texas has experienced an increase in traffic over the last 3 decades. This is the direct result of unprecedented population growth, unprecedented employment growth, and underinvestment of Federal funds to this area. In many ways, this is a silent crisis, rarely recognized by residents until they find themselves in an unbearable commute to work or unable to make necessary connections between home, work and countless other activities that our busy lives demand.

In Texas, our identified transportation needs outstrip available funding three to one. Texas has several specific transportation needs such as seeking opportunities for increased funding, supporting international trade transportation and a more efficient environmental process, and expanding innovative financing techniques. I believe we must make the necessary investment to support our transportation future in Texas or we will sit in traffic and literally watch our transportation infrastructure deteriorate before our eyes to the point that it further impedes growth and economic development.

As a member of the Committee on Transportation and Infrastructure, I am working with the committee's bipartisan leadership and my other committee colleagues on the 6-year, $375 billion TEA–21 reauthorization proposal to fund highway and transit programs. Under the committee's proposal, Texas would receive an estimated $20.8 billion in highway funding over 6 years, which is an estimated $7.59 billion increase for Texas highway funding compared to current funding levels.

Furthermore, this proposal would stimulate job and economic growth throughout our great State, creating an estimated 93,000 new jobs in Texas over the next 6 years.

I believe Texas needs increased funding for its highway and transit programs. I have requested funding assistance to expedite the planning and construction of specific highways and transit projects to improve the lives of citizens, business owners and those transporting goods through Texas and throughout my congressional district. More funding will equate to better roads, better bridges and better transit facilities, less congestion and improved safety and infrastructure for commercial transportation.

I am committed to working with Federal, State and local officials during the TEA–21 reauthorization this year to address Texas' long-term needs. The House Committee on Transportation and the Infrastructure members and other interested parties will continue to work to produce a bill which adequately provides for our economic security, creates and sustains jobs, enhances safety, and continues to improve mobility for our Nation's citizens, especially those in Texas.

INDEPENDENT COMMISSION TO INVESTIGATE DISTORTION OF EVIDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, beginning tonight and for the rest of the evenings until we recess for our summer break, a number of us will be coming to the floor to read letters that have been written by ordinary Americans, letters that were sent to our districts and others in our States, letters and comments that were in response to an online petition by moveon.org which is a grassroots organization with more than 1.4 million members.

Here is the petition which moveon.org has online: ''Congress should support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction program.''

Over 320,000 people signed this online petition, and many of them wrote comments. In Illinois, 3,621 people wrote comments, and I have copies of those. I am going to read some of them.

All of the people who wrote comments are supporting H.R. 2625 which was introduced by the gentleman from California (Mr. WAXMAN) to establish an independent commission to investigate intelligence claims that were made to the public by the administration to justify a preemptive war against Iraq.

All of the ones I am going to read tonight were written by either people in the service or service related or veterans of U.S. wars. This is the first I will read.

''My wife is with Freeport's 333rd MP Company. She has been overseas since

late April. She has been on active duty since February 9. She has not slept in her own bed next to her own husband in 4 months and 6 days. We still have no idea when this nightmare can be over for us. We understand a call to duty for our Nation. We truly do. However, she did not join the National Guard with an open-ended deployment and a war zone in mind. None of them did. We always thought the Guard was for short deployments and emergencies only. She tells me that morale with her soldiers is extremely low. There are short tempers, long days, fear, crying soldiers, and no idea when it can be over for them. That is the root of our anguish. These people have been uprooted from their lives and jobs, and they answered that call, yet no one can answer their most-asked question: When can I go home?

''The average soldier is not a stupid order taker. We have a highly intelligent military, and they realize what is going on back home with the controversy around the evidence of weapons of mass destruction. I cannot speak for other soldiers, but it disturbs my wife deeply to think that she could be over there risking her life and living a daily heartbreak based on distorted testimony.

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It makes her feel like a pawn of political agenda, not an American doing good in the world. All of this together most certainly influences her ideas of retention. We need the truth, not someone's version of the truth, not some of the truth but all of the truth. And we need to know when we can be reunited to live our lives together.''

That is Ron Macek, Rockford, Illinois.

This is another letter:

''I am a veteran and a former intelligence analyst who spent 3 years in the Middle East peering over Saddam's shoulder. It is always disturbing when political leaders distort intelligence information to justify pet policies. It discredits intelligence agencies and the analysts who dedicate their time and lives to protecting America.

''Good intelligence analysts are sure to express multiple possibilities for unexplained events. They are also careful to delineate between what they know and what they think. It is a mistake to turn an assessment into policy. It is a shame that some analysts will tell the administration what they want to hear just to appease leaders. An investigation into this matter will prevent this from happening again.'' John Laesch, Bloomington, Illinois.

''I am a veteran of both the Korean and Vietnam Wars. I have seen firsthand the price we pay when we commit blood and treasure into a foreign land. It is a terrible price that is never replaced. If there is the slightest suspicion that the war in Iraq was promoted under false pretenses, then we should know about it. Such an occurrence would be a terrible misuse of government resources and the American people's trust. I request that you support an independent commission to investigate the handling of this matter.'' Robert P. Harrison, Arlington Heights, Illinois.

''As a former Naval officer married to a retired Navy man and with a daughter currently serving in Qatar, I'm probably one of the last people you would normally see signing a petition of this nature. Nonetheless, here I am. I question this administration's motivations and feel that our Commander in Chief has a lack of respect and regard for those he has placed in harm's way in order to further a set of goals of his own. His taunt of 'bring it on' is unsettling on its own, but coupled with the increasing evidence that our involvement was ill-advised and based on purposely unsubstantiated or twisted evidence only serves to increase my belief that the administration has an agenda wholly divorced from our national best interests.'' Pamela Faulkner from Illinois. More tomorrow.

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

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

LETTERS FROM OHIO IN SUPPORT OF INDEPENDENT COMMISSION TO INVESTIGATE ALLEGED DISTORTION OF EVIDENCE OF IRAQ'S WMD PROGRAMS

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, it is my pleasure to be here and share the concerns in their own words from my constituents in northeast Ohio and other constituents around the rest of the great State of Ohio. As the gentlewoman from Illinois said, the previous speaker, this was a petition that was signed by literally tens of thousands, perhaps hundreds of thousands of Americans. I have with me tonight letters that accompanied the signing of the petitions, almost 3,000 letters just from Ohio, just one State, almost 3,000 letters alone. The petition said Congress should support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction programs. There were hundreds of thousands of signatures and tens of thousands of letters. Let me share some of them from Ohio.

Reverend William Trego of West Jefferson, Ohio said:

''It is shameful that a Nation with the brilliant legacy of the United States would stand before the leaders of the world and present a case supported with distorted and at times outright false information. We were sold a bill of goods.''

From Wadsworth, Ohio, Michael Kovack:

''As a mobilized reservist for Operation Iraqi Freedom, I implore you to create a committee to examine the basis for sending us into harm's way. We must ascertain how this happened and, if error is found, never allow it to happen again.''

Tom Gentry Jr. of Akron, Ohio, in my district said:

''This is a scary time for our country. Never have we been in so much danger of violent attack from without and attacks on our liberty from within.''

From Strongsville, Ohio, David Koch said:

''From the very beginning, the allegations about Iraq sounded too convenient and very fishy. Now it is widely coming to light that the Bush administration grossly exaggerated and fabricated many claims. When I tried to warn people at the beginning, I took the heat from friends and family who shunned me as an idiot. It is time for the truth about the Iraq war to be made known to the American public.''

From Brecksville, Ohio, Aaron Clark wrote:

''The President used lies and half truths to convince the American people to go to war. This is serious and needs to be investigated without delay.''

There are hundreds and hundreds, in Ohio 2,500 letters just like this; in Illinois, the gentlewoman from Illinois mentioned more than twice that number; in California and across the country, literally tens of thousands of letters like this.

From Cincinnati, Ohio, on the other end of the State, Mark Light writes:

''As an elected Representative to your constituents, it is your obligation to back any efforts that will lead our Nation to the truth regarding such important matters. The citizens of this country have every right to know the truth when their lives and resources are at stake. Any actions other than total support of an investigation are essentially efforts to hide the truth from our citizens.''

George Hennigin from Akron, Ohio, in my district said:

''The philosopher Baruch Spinoza once wrote: It has been the one song of those who thirst after absolute power that the interest of the state requires that its affairs should be conducted in secret. But the more such arguments disguise themselves under the mask of public welfare, the more oppressive is the slavery to which they will lead. Better that the right counsels be known to the enemies than the evil secrets of tyrants should be concealed from the citizens. They who can treat secretly of the affairs of a nation have it absolutely under their authority; and as they plot against the enemy in time of war, so do they against the citizens in time of peace.''

Roberta Hunter from Columbus, Ohio said:

''The truth has never hurt a democracy. Since there are so many unanswered questions, an investigation will not hurt. It will once and for all end the questions of Americans and of many people around the world.''

From Strongsville, Ohio, Sandy Fronius, a constituent of mine in northeast Ohio, writes:

''I am just a typical middle-aged, middle-class American, and I am deeply concerned about the possibility that the young men and women of our Armed Forces were sent into danger for no good reason. If we were lied to, I believe Mr. Bush should be relieved of his office.''

Jerry Lowe from Cincinnati:

''If you as my Congressman have nothing to hide, if the Republican Party has nothing to hide, if the Bush administration has nothing to hide, then I urge you to join the crusade for truth to which all public servants should subscribe. Your constituents are watching. Restore the faith of Ohioans and Americans in the dedication of our elected officials to seek the truth and serve our country with integrity.''

There are literally hundreds of more of these in Ohio, thousands, tens of thousands more of these around the country. I think people are very concerned and want to see Congress pay attention to what really happened.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

(Mr. MARIO DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HEAD START REAUTHORIZATION

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

Mr. HINOJOSA. Mr. Speaker, this week we will consider legislation that is of critical importance to our Nation's future, the reauthorization of Head Start. This legislation is a top priority for me and for all of my colleagues in the Congressional Hispanic Caucus, the Congressional Black Caucus, and the Congressional Asian-Pacific American Caucus. Today, Hispanics are the largest minority group in the United States. However, the Hispanic community has the lowest level of educational attainment of any community in the Nation. This educational attainment, this attainment gap, starts from early childhood where Hispanics are less likely to participate in preschool programs, opening an achievement gap even before the first day of kindergarten begins. The gap expands through elementary school, where Hispanic students are more likely to be held back; increases in high school where they are more likely to drop out; and continues to widen in college where they are less likely to attend a 4-year college and less likely to obtain a college degree.

The upcoming reauthorization of the premier early childhood education program, Head Start, presents us with an opportunity to close that gap for Hispanic and low-income children. This should be a time of hope and optimism for our community. Sadly, it is just the opposite. The majority's plans for the Head Start program are a great source of anxiety for the Hispanic community.

Mr. Speaker, I include for the RECORD a recent article dated July 14, 2003, from the Fort Worth Star-Telegram entitled, ''Hispanics Worry About Head Start Proposal.''

For over 35 years, the Head Start program has enjoyed great success in meeting the comprehensive development needs of low-income children. Head Start programs achieve school readiness for these children through a holistic approach and intense parental involvement. The range and intensity of services is assured because of national program standards. Sending the program to the States would fatally undermine these national standards, jeopardizing access to the comprehensive services that make Head Start effective in serving low-income children and their families.

Yet that is just what the administration proposed and the Republicans in Congress intend to do. The Republican proposal to block-grant Head Start will do nothing to strengthen the program for the growing numbers of limited English proficient, LEP, children in communities across the Nation. As we have seen with the implementation of the No Child Left Behind Act, States look to the Federal Government for assistance and guidance in providing services to these populations. When Federal assistance is not forthcoming, the children suffer. Instead of looking for ways to divest themselves of responsibility for Head Start, the administration and the Congress should put Head Start on a path to full funding. Currently Head Start only serves 60 percent of the eligible population in our country. Migrant and seasonal Head Start programs only reach 19 percent of the eligible children; and, listen to this, Early Head Start only reaches 3 percent of the eligible children.

As a Nation, we must do better. Every child in America, no matter their race or the income level of their parents, should have the same opportunity to obtain a quality education and reach their full potential. We have the opportunity to do this, reach their full potential, in the Head Start reauthorization bill. Unfortunately, however, the legislation we will debate this week falls far short of that mark.

In closing, I want to say that I hope my colleagues will defeat H.R. 2210 and send the bill back to the committee for more work. We can do better. And for the sake of needy children all across the country, we must do better.

[From the Fort Worth Star-Telegram, July 14, 2003]

HISPANICS WORRY ABOUT HEAD START PROPOSAL

(By Gustavo Reveles Acosta)

FORT WORTH.—The already low number of Hispanic children served by the federal Head Start program could diminish even more if the changes proposed by the Bush administration come through, several Hispanic advocate groups said.

Hispanic advocates are calling President Bush's call to overhaul Head Start by creating eight state-operated programs ''a blow'' to providing service to low-income Hispanic children.

''Ours are some of the most vulnerable kids. Head Start gives them an opportunity to be introduced to English, books and ongoing health care,'' said Manda Lopez, executive director of the National Migrant and Seasonal Head Start Association, which advocates for the children of migrant farmworkers, who are mostly Hispanics.

Lopez, and groups such as the National Council of La Raza and the National Head Start Association, argue that handing over the 38-year-old program to the states will reduce funding for local grantees, diminish the quality of services and erase most of the tough oversight that is enforced under the federal program.

The reduced funding will further underserve the Hispanic population, Hispanic groups contend.

The National Council of La Raza, which will consider the Head Start issue during its national conference in Austin next week, believes that Hispanic children in areas with traditionally strong Hispanic populations are better served. But it is in communities with emerging populations of Hispanics that the most help is needed.

''States like California and Texas do much better than states like South Carolina that are barely seeing their Latino population grow,'' said Raul Gonzalez, a senior education analyst with NCLR.

''Given recent statistics, the next generation of kids participating in Head Start will be largely Latino, and we need to identify places where we can better serve them.''

According to figures from the National Association of Head Starts, 33 percent of the nearly 1 million children in Head Start are Hispanic. The group's figures also show that only 23 percent of the eligible Hispanic population is being served.

In Tarrant County, 45 percent of the 2,500 children in the program are Hispanic.

The nonprofit group in charge of Head Start in the county, Child Care Associates, doesn't have any figures on the number of eligible Hispanic children in Tarrant County, but it estimates that about 11,500 eligible children currently go unserved.

''We are a minority majority community, and issues affecting the Latino population are definitely going to affect the children that we serve,'' said John A. Whitcamp, president of Child Care Associates.

''We are nowhere near the level that we need to be. And this bill is doing nothing to change that.''

Although Whitcamp said his centers are well-equipped and staffed to meet the needs of Hispanics, advocates say that many centers shy away from expanding their service to Spanish-speaking minorities for three main reasons:

The overall underfunding of the program.

In areas where Hispanic populations have just recently emerged, providers think it is too expensive to hire the bilingual instructors and buy the culturally representative material that may be needed to serve Hispanic children.

The federal government's lack of enforcement to confirm that the racial and ethnic makeup of Head Start participation matches that of the community.

Even though Angelica Jones' 6-year-old son attended Head Start two years ago and her younger daughter has been eligible to do so as well, she is patiently waiting for a spot in the program.

''I think I got lucky the last time because I got in with no problems,'' said Jones, a stay-at-home mom who visited several north Fort Worth Head Start centers for availability earlier this week.

''I know there's a long waiting list and there are several of us who go to different [centers] to check for any spots every week.''

NCLR, Gonzalez's group, hasn't officially opposed Bush's proposed changes. And although he said the bill doesn't outline a specific plan to increase Hispanic participation ''by even one child,'' he welcomes some of the recommendations.

''The bill is by no means a perfect bill, but does allow for better assessment of communities that make sure the people in most need are the ones being served,'' he said.

Gonzalez said that assessment could increase Hispanic participation in areas with large or emerging Hispanic populations like Fort Worth.

Still, Whitcamp said that in the long run, the bill would hinder services in Fort Worth because the state would use some of its monies to help other state-funded children programs like CHIPS, that are struggling for a budget.

Handing over Head Start control to the states would further diminish funds by creating an additional filter of overhead costs, said Whitcamp, who oversees 40 centers throughout the county.

''We have been making the argument about our kids being underserved for years,'' Lopez said.

''This is not a new issue for us.''

IRAQ'S WEAPONS OF MASS DESTRUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I am here tonight to talk about something that is truly scary, the President's credibility gap. The fact that Members of Congress, the American people, and our international allies can no longer trust the evidence President Bush uses to justify war is a terrible threat to his credibility and, therefore, to America's security.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members that it is not in order to question the credibility of the President.

Ms. WOOLSEY. Thank you, Mr. Speaker.

Do not take my word for it. Listen to one of my constituents, Roy, from San Rafael. He writes:

I was one of those who, traumatized by 9/11, trusted our government to lead us down the right path based on indisputable evidence and sound judgment. I supported their decision to go to war. I deserve to know if I was duped.

Mr. Speaker, the fact is that many people in this country are faced with a similar and terrible dilemma. Are they to believe whether or not the administration lied to them? Are they to believe that the White House is inept, that they based a decision to send young Americans to die on faulty information?

Another constituent of mine, William, from Sebastopol, wrote about what President Bush's untruths meant to him:

I love my country but I am not very proud of it right now. This administration must answer for their deception. Business as usual is not acceptable.

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And Reede from Forest Knolls, California, sums up exactly why the White House must talk about these untruths and their unwillingness to come clean about them:

There is nothing more essential to democracy than information. The administration's calculated disinformation campaign about Iraq's weapons of mass destruction is a direct attack upon our most cherished democratic values. Such flagrant contempt for the right of the people to control their government is unacceptable.

After September 11, Mr. Speaker, we all wanted to trust. We wanted to give our administration the benefit of the doubt. However, it is increasingly obvious that it is either not worthy of that trust, or it is simply not trustworthy. Either way, the administration must be held accountable for the untruths that came out of their mouths.

Don and Pam, two of my constituents from Santa Rosa, write,

One of the Bush administration's favorite words is accountability. But because of their obsession with secrecy and control, they have successfully avoided making themselves accountable. Reasons for going to war in Iraq and, beyond that, the Bush foreign policy, including preemptive strikes and unilateral action, demands accountability, accountability through thorough investigation.

Mr. Speaker, Americans want answers. They want answers from their administration, and they are getting the runaround.

My constituent, Patrick from Sebastopol, writes,

The administration's repeated use of the phrase, ''attempts to rewrite history'' is unbelievable. They are the ones attempting to rewrite history.

The simple fact is that the American people demand answers, and it is now up to Congress to get them.

Landis, from my own hometown, Petaluma, says it perfectly:

It is very important to be able to trust one's government. We don't always need to agree, but we do need to believe that our government is working in our best interests. Even if the current administration is able to fool many Americans, it is not fooling the world. Until an independent commission investigates possible manipulations of intelligence data, the world and, indeed, many Americans, will not be able to trust that the Bush administration is working in America's best interest.

Mr. Speaker, it is time for a meaningful investigation into the administration's statements. The people I work for in Marin and Sonoma Counties and Americans across the country are demanding an investigation, and Congress must carry it out. I am pleased to add my voice to those of my constituents and join the gentleman from California (Mr. WAXMAN) in his call for a bipartisan investigation into weapons of mass destruction.

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

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

AMERICA CALLS FOR THE TRUTH

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

Ms. LEE. Mr. Speaker, tonight I rise to acknowledge the groundswell of support for an investigation into whether or not the Bush administration made its case for war against Iraq. As proof of the growing demand for honest answers from the Bush administration, we need look no further than the support around the country to create an independent commission to investigation whether the Bush administration manipulated and distorted evidence to take the country to war in Iraq.

Now, over 300,000 people have signed this petition and hundreds of thousands of people commented. Of course, I received thousands of letters from my own district, but tonight I would like to read into the RECORD just some of the over 24,000 comments received from outside of my district in the State of California.

The credibility of this administration in front of the American public and the world at large is our most precious commodity. We must know the truth as soon as possible.

This came from Arcadia, California.

I am writing to you as a concerned citizen of this country. I believe that we are heading down a very dangerous and destructive path that is being led by the Bush administration. This country is no more special than all of the countries in the world, and American citizens are just as important as Iraqi citizens. Our actions are not preventing hostility, but I believe it is creating more violence and anger towards America. It is the outrage that stems from within that compels me to write to you and ask you to look into this matter and not merely dismiss it as another policy move.

Again, Arcadia, California.

This one comes from Dublin, California.

As a member of a military family, I am deeply concerned any time a President chooses to send our Armed Forces into danger zones. I have been appalled by the growing evidence that the President may have lied about the reasons for invading and conquering Iraq and fear that many lives may have been lost because of deliberate falsehoods.

From Pleasanton, California:

The credibility of the United States is at stake. Our new preemptive war policy is incredibly dangerous and will result in many innocent lives lost until decisions for war are based on reality. Invading another country should be a very serious act. We did it. Our military performed well. But our President still needs to remain accountable to the United States citizens. Please ensure full disclosure is made on this matter.

By the way, this individual goes on to say, I am a Republican, but I still think that the Presidency must be accountable to people.

Another one from Pleasanton, California:

Leading America into its first war based on a preemptive strike doctrine and against strong international opposition was the most serious act President Bush has committed. Now there is serious doubt that his justification was honest. A democracy can only function if all of these suspicions can be examined and proven either correct or wrong. You can only keep America a democracy if you support the establishment of this commission.

Again, from Pleasanton, California:

Nothing could be less patriotic, more disregardful of the safety of our troops or more injurious to our national security than invading a country under false pretenses. If the Bush administration lied to us, we have a right, and a need, to know.

Pleasanton.

Here is one from Lodi, California:

Our involvement in Iraq has caused the region to become even more unstable. We owe it to ourselves and the world to investigate this matter and put every effort forth to unearth the truth. President Clinton was impeached for lying about sexual involvement with an aide. Evidence is coming to light that Bush and his administration have lied to the world and, to date, little is being done about it. I ask you, which infraction is more serious and warrants our time and money for investigation?

Again, Lodi, California.

Here is one from Tracy, California, Mr. Speaker:

The responsibility of sending young men and women into harm's way should not be taken lightly. It is to this end that I ask you to support a review of pre-war intelligence. I ask this as a former soldier and a member of the district of Tracy, California. I live on Central Avenue which runs through the downtown of Tracy and was lined with yellow banners embroidered with the names of our community's sons and daughters sent to fight in Iraq. You represent those men and woman, they wrote to their Member of Congress, and their families and, he said, you owe it to them and to us to investigate why exactly they are fighting this war. Yes, it is still a war.

Here is one from Thousand Oaks, California, in southern California:

Our country was taken to war with Iraq on the premise that we were under imminent threat by Iraq's weapons of mass destruction. Now, months later, after many deaths on both sides, we have yet to find any real evidence of these weapons that the administration had such ''hard evidence'' of. In order for the people's confidence in this administration to be restored, I am asking you to let us know the truth by endorsing an independent probe into this matter.

Here is one from San Diego:

If we continue to make war based on misinformation, we will regret it as we did in Vietnam. What is done is done in Iraq, but we should be honest enough to look at the truth.

Now, here is another one from La Mesa, California, in southern California:

Our system is based on the truth, the whole truth, and nothing but the truth. Once we feel that we are betrayed by our leaders and that they are not telling us the truth, the whole system might collapse. We paid millions of dollars to investigate the previous President because he lied about his private life. Therefore, it is worth our effort and money to investigate the current President and find out if he lied about taking our country to war. Certainly we need to know how the President used false evidence in his State of the Union speech to make his case for war. Please form an investigation committee and bring out the truth.

Here is one, Mr. Speaker, from Huntington Beach, California, again in southern California:

Isn't it time we got to the bottom of this embarrassment? It is obvious at this point that there were serious distortions given to the American people regarding the necessity for war with Iraq. As a matter of fact, it might be more important to look at why the distortions were necessary at all. Why was it so important to go to war with Iraq that lies had to be used? A lot of time, money, and lies have been spent on this charade and it seems, in due course, that the Bush administration should receive the same grilling that Tony Blair has gotten over the same issues.

Mr. Speaker, believe me, these individuals throughout the State of California believe that this is a matter of national security and national integrity to explore these questions. They want an independent commission to establish an investigation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that it is not in order to accuse the President of lying or stating intentional falsehoods, even by innuendo. Further, a Member may not read into the RECORD the remarks of others if those remarks would be out of order as spoken by the Member.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

(Ms. SOLIS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

MR. MCDERMOTT. Mr. Speaker, I ask unanimous consent to take the time of the gentlewoman from California.

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

There was no objection.

MANY REASONS TO QUESTION ACTIONS IN IRAQ

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

Mr. MCDERMOTT. Mr. Speaker, last night I could not sleep. Maybe it was the heat, or maybe I was just trying to make some sense of the situation we are in before Mr. Blair arrives in Washington, D.C.

Mr. Blair is in a lot of trouble at home, and Mr. Bush is in a little bit of trouble here.

There are many, many reasons to question our actions in Iraq, but, for some reason, there is a huge focus right now on the Niger uranium claim. So far, nothing the administration said about Saddam's gallons of nerve gas or smallpox or Anthrax or missiles or any other dangers we were supposed to be facing from Iraq have been found to be true. But until the last rock in Iraq has been turned over, the administration can say it is continuing to try hard to confirm the justifications for war it offered just a few months ago.

The uranium claim is different. I think that we are focusing on this claim because it was clear and concrete and seemingly supported by evidence and details. The President told us, ''The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.''

In retrospect, the administration figures have claimed that the President did not claim that Hussein was trying to buy uranium but only noted the British claim. Leaving aside how truly pathetic that kind of desperate parsing is, the statement was still false. The British government has learned no such thing. The ''information'' the British relied on came from one source, or perhaps two.

First, there were some crudely forged papers. ABC News has reported that the papers were created by an underpaid African diplomat who was stationed in Rome and sold to the Italian Secret Service which, in good NATO-ally fashion, passed the information on. We may know more about that soon, because the Italian judicial system opened an investigation into the matter earlier today.

The other source is perhaps the French. In early April The Washington Post noted that Western intelligence officials were fingering France as the country that circulated the fake papers.

Let us step back a moment from this who-did-what-to-whom and look at the actual claim. Was there anything believable about it? If the documents had been really top-notch forgeries instead

of laughable fakes, would the claim that Saddam Hussein was making a secret effort to acquire hundreds of tons of uranium oxide from Niger have been something to stake a life-and-death decision on?

Niger is a small country in West Africa, about the size of Rio de Janeiro in population. They have been mining uranium since 1970. There are two mines that produce uranium.

□ 2045

Both mines are run by an international consortium that includes Japanese, German, Spanish and French interests. Both mines are closely monitored by the International Atomic Energy Agency. There is nothing, nothing that could lead an objective observer to believe that Iraqi agents would slip into Niger, make a deal, and slip out again without somebody in the tiny expatriate community noticing and mentioning to Dr. El Baradei, the director general of the International Atomic Energy Agency.

In fact, a distinguished retired American diplomat, Joe Wilson, spent more than a week in Niger sniffing around for any hint that the story might be true and found absolutely nothing.

It is simply not believable that this tiny, highly regulated industry in this tiny, sparsely populated country could have or would have violated IAE rules and broken U.N. sanctions to sell uranium oxide to Hussein. There are plenty of legitimate customers.

So why did the administration decide to believe it? Because of the overwhelming evidence? Hardly.

Last week Secretary of State Powell gave the following ringing defense to the President's claim: ''There was sufficient evidence floating around at the time that such a statement was not totally outrageous.''

Well, there you have it. It was obvious to anyone who looked into it carefully that Niger had neither the means nor the motive to sell uranium to Iraq. It was obvious. It was reported. And it was known. And yet the Secretary of State said, people of his stature thought it was not totally outrageous.

Mr. Speaker, actually it was totally outrageous. The President and the Congress are sworn to protect the United States of America. This is our most solemn duty. The question, and it is the only question that matters, is this: Did the threat posed by Saddam Hussein rise to the level of an imminent threat to national security or even to a grave and gathering danger? So far nothing leads to that conclusion.

There can be little argument about whether the people of Iraq are better off today than they were under Hussein. They are. But the 200 young Americans who have died and continue to die, one died last night, did not pledge their lives to make the people of Iraq better off. They pledged to protect the United States of America from real threats to our security. They died believing that they did. So far, I do not know why they died. We should find out.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent to take my time out of order.

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

There was no objection.

SCHOOL READINESS ACT HURTS CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in opposition to the so-called School Readiness Act of 2003, H.R. 2210. This bill does not provide the adequate funding for Head Start or for the much-needed expansion of early Head Start and migrant and seasonal Head Start programs.

H.R. 2210 begins an irreversible process of dismantling Head Start by promoting religious discrimination in hiring, shortchanging teachers, and denying services to eligible children by continuing to underfund Head Start.

Nearly 4 decades of research have established that Head Start delivers the intended services and improves the lives and development of the children and families that it serves. To illustrate how effective Head Start can be, let me tell you about one of my constituents.

Ms. Robles is a single mother with three children. She works full time while her children attend school. Pablo, the youngest of her three children, has been fortunate enough to participate and be enrolled in the Head Start program. Before Pablo started Head Start, he was quiet and withdrawn, a very shy boy who was very much dependent upon his mother. Pablo is now a confident and expressive little boy. He wants to do things independently and enjoys playing puzzles and building blocks.

Ms. Robles told me, ''The transformation in Pablo is amazing. I see the difference in Pablo and my other two children who were not lucky enough to participate in Head Start.''

In addition, Ms. Robles is grateful to Head Start because of the services it provides. She receives help from the social workers, including the emotional support she needed ever since leaving her family and friends behind in her country to make a new start in the United States. The nurses and teachers who participate in Head Start are also attentive and helpful to her and her children. Ms. Robles now feels she is a better mother to her children at home and a more prepared parent advocate to her children in school.

I urge my colleagues to vote ''no'' on this bill that skimps on children, H.R. 2210. As the old saying goes, if it ain't broke, why fix it.

Let us not play with the future of our most vulnerable children like Pablo Robles.

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

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

ORDER OF BUSINESS

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent to take my time out of order.

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

There was no objection.

FUND MIGRANT AND SEASONAL HEAD START PROGRAMS

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

Mr. GRIJALVA. Mr. Speaker, I would like to associate myself with the comments that my colleague, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), just finished. Today I would like to deal with one specific aspect of H.R. 2210 dealing with Head Start and that specific aspect has to do with an effort that this House must undertake to provide true relief to the impoverished children of migrant and seasonal farm working families.

Migrant and Seasonal Head Start programs successfully provide the infants and children of migrants and seasonal workers in this country with educational and health related services. These services and these support services provided by Migrant and Seasonal Head Start keep children out of the fields where they are exposed to pesticides, hazardous equipment, extreme heat and other related health dangers.

Unfortunately, a severe funding shortfall leaves more than 80 percent of these eligible children without these vital services and protection.

According to the study published by the U.S. Department of Health and Human Services, Migrant and Seasonal

Head Start programs serve just 19 percent of eligible migrant and seasonal children. By comparison, the regional Head Start programs serve approximately 60 percent of their eligible population. This shortfall leaves 130,000 children of migrant and seasonal workers and their families out of any opportunity in a Head Start program. Migrant and Seasonal Head Start programs serve both infants and toddlers. Early Head Start funds are only available to full-year programs and thus leave the migrant and seasonal programs to provide full-day services to both infants and toddlers without the benefit of extra program funds or technical assistance funds.

Migrant and Seasonal Head Start is already spreading its funds thin in order to sustain these programs and serve these very needy kids.

Migrant and seasonal programs are funded out of a 13 percent set-aside in the Head Start annual appropriations along with Indian Head Start, children with disabilities, training and technical assistance, program review, and research and demonstrations. Over the last 8 years, Migrant and Seasonal Head Start programs have consistently received 4 percent or less of the Head Start annual appropriations.

The Republican Head Start bill now includes an amendment that claims to assist migrant and seasonal children. This addition, however, would take money away from popular training and technical assistance programs and provide only a marginal increase in funds to these needy children, less than a 1 percent increase in funding to address the needs of over 130,000 children that are neglected by this bill. Moreover, this formula provides no guaranteed funding to eligible migrant and seasonal children. It is a year-to-year gimmick, and what we need and these children need is a real and reliable increase in resources and a revenue source for these services.

Based on current program funding, it would cost almost an additional $750 million to achieve near parity between Migrant and Seasonal Head Start and regional Head Start. Completely closing this funding gap between Migrant and Seasonal Head Start and regional Head Start may be unrealistic in the near future, but the recommendations are designed to move the programs toward parity by making a modest increase in funding for Migrant and Seasonal Head Start programs and Indian Head Start programs.

Today, before the Committee on Rules, I proposed an amendment that would help solve this problem in a substantial way. My proposal would increase funds sufficient to provide services to an additional 10,000 children of migrant and seasonal working families. The proposal would also stabilize funding for Migrant and Seasonal Head Start with the floor of 5 percent of the total appropriation. This amendment was drafted in such a way that it would have no negative effect on any other Head Start program. It would not take resources from any other community or any other program in Head Start.

Though migrant and seasonal families are seemingly an invisible population, a population that puts food on our tables, a population that many times does not have the political attention or the voice in this House, they deserve equal access to the social services we provide other children suffering from poverty.

Mr. Speaker, I urge my colleagues to listen to their consciences and join in my attempts to provide this relief to a neglected population in this country, a population of children that is left behind, continues to be left behind; and we have a historic opportunity to include them with the rest of the children of this country.

HUSSEIN HIDING WEAPONS OF MASS DESTRUCTION

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

Mr. BURGESS. Mr. Speaker, I have heard tonight several concerns about our ability to find weapons of mass destruction in Iraq and whether that indicates the prewar intelligence on Iraq's program was either incorrect or biased.

Where those weapons are today falls into several categories. Of course, they could still be hidden. Saddam had become a master of concealment. Please remember that in 1995 the United Nations was preparing to lift sanctions believing that Iraq had disarmed. It was only the defection of Saddam's son-in-law and the revelations that significant weapons were present that halted the U.N. from lifting those sanctions.

Perhaps Saddam did destroy the weapons after the inspectors left in 1998. Why in the world then given the costs to him would he not be forthcoming about that?

Please remember the burden of proof is clearly still on Saddam, not the United States, not the President of the United States or the United Nations to demonstrate that the destruction of weapons had occurred. Possibly the weapons had degraded over time or were destroyed in the bombing; but again, why would Saddam not be forthcoming and say so?

I believe Congress is exercising its oversight authority and has set in place procedures to review comprehensively and on a bipartisan basis the intelligence surrounding Iraq prior to the outbreak of the war and to take into account any of the dissident views on the Iraq threat within the intelligence community.

The United States Armed Forces are still trying to pacify sectors of Iraq and deal with daily attacks on U.S. soldiers west and north of Bagdad. People who have lived in a police state with no freedom of speech are unlikely to volunteer information until stability and security are achieved in Iraq.

After the terrorist attacks of September 11, 2001, it became apparent that the United States needed to be more vigilant about terrorism and weapons proliferation, and pay particular attention to the prospect of weapons of mass destruction (WMD) falling into the hands of groups or states that would use them against American interests, either at home or abroad. While Saddam Hussein had been essentially ''contained'' within Iraq for a dozen years, by 2002 it was clear that the sanctions designed to prevent him from re-arming had fallen apart. More and more foreign countries were trading with Iraq in defiance of the United Nations (UN) sanctions. There was also widespread international agreement that Hussein had not given up his efforts to acquire banned weapons.

Iraq's expulsion of UN weapons inspectors had made it virtually impossible to monitor his activities. Most governments around the world—and the United Nations itself—believed Hussein's Iraq had not disarmed itself of the lethal weapons it was known to have possessed. In early 2003, the United Nations confirmed that Iraq had hidden its chemical, biological, and nuclear weapons programs, built missiles exceeding the range limits set by the Security Council, and failed to cooperate with inspectors. Instead of disarming, Iraq responded with false claims and empty declarations.

The Bush Administration, the Clinton Administration, and the United Nations all agree that Hussein possessed a significant biological and chemical capability in 1998 when the inspectors were withdrawn. There is broad agreement that Hussein, different from any other leader, had proven himself capable of using these weapons for offensive purposes and not merely in a defensive posture.

Where those weapons are today falls into one of several categories:

1. They are hidden—Hussein has become a master of concealment. Please remember in 1995 the United Nations was preparing to lift sanctions believing that Iraq had disarmed. It was only the defection of Hussein Kamel and the revelation that significant weapons were present that halted the UN from lifting the sanctions.

2. Hussein did destroy the weapons after the inspectors left in 1998. While this is unlikely given his other behavior, the burden of proof was clearly still on Hussein—not the United States, nor President Bush, and not the United Nations—to demonstrate the destruction of weapons had occurred.

3. The weapons had degraded over time or were destroyed in the bombing or looted during the combat phase of Iraqi Freedom.

The American soldiers who fought in Iraq did so with skill, determination and bravery in the face of grave dangers. Their conquest of Iraq was a rapid, overwhelming success; and victory was attained with relatively limited civilian casualties or damage to Iraq's infrastructure. All Americans can be proud of the performance of our armed forces in Iraq and we can unite in honoring the memory of those courageous soldiers who made the ultimate sacrifice to protect their fellow Americans.

The United States has had a positive impact since the military operation in Iraq. A brutal dictator has been removed. The revelation of mass graves in Iraq has only confirmed what

we suspected: that the people most threatened by Saddam Hussein's rule of terror were the oppressed Iraqi citizens.

The disorder and political uncertainty we are witnessing in postwar Iraq, while at one level unsettling, is to some extent a reflection of how completely Saddam Hussein's Baathist regime dominated and dictated Iraqi life. International economic sanctions against Iraq have been lifted, and the international community is beginning to get involved in the reconstruction of Iraq.

The removal of Hussein has also improved the regional security situation in the Middle East. Syria has made commitments to crack down on terrorist offices in Damascus; Iranian opponents of the clerical regime in Tehran have been emboldened; the removal of the Iraqi threat has enabled the United States to announce we will end the controversial stationing of U.S. forces in Saudi Arabia; and, the release of the ''road map'' has re-energized the difficult but critical search for peace between Israel and the Palestinians.

There are efforts in the Congress to employ a full investigation into these difficult issues to understand whether mistakes were made, and to take action to fix them, in fulfillment of Congress's important oversight responsibilities. To date, the chairmen of the Senate Armed Services Committee, Senate Select Committee on Intelligence, and the House Permanent Select Committee on Intelligence reject a broader probe of the WMD issue.

The Coalition forces in Iraq have investigated approxiamely 200 of 1,000 potential sites. New information continues to come to the attention of the Coalition forces as members of Hussein's regime come forward. Since we do not know the outcome of these efforts, calls for an investigation seem premature at best.

Finally, we are beginning to see evidence that America's readiness to act against Saddam may be encouraging better behavior by other rogue states like North Korea and Sudan, which may increase the chances of peaceful resolution of our disputes with them as well.

I know there are concerns about our failure to find weapons of mass destruction (WMD) in Iraq, and whether that indicates that the prewar intelligence on Iraq's WMD was either incorrect or biased. There have been some challenges hampering the Administration's efforts to locate Iraq's WMD program, such as Hussein's 12-year practice of WMD concealment and deception, reluctance of Iraqi WMD scientists to discuss their past works and fears of reprisal, and the looting of suspected WMD sites.

I believe Congress is exercising its oversight authority and has set in place procedures to review comprehensively, and on a bipartisan basis, the intelligence surrounding Iraq prior to the outbreak of war, and to take account of any dissident views on the Iraqi threat within the intelligence community. The U.S. armed forces are still trying to pacify sectors of Iraq and to deal with daily attacks on U.S. soldiers west and north of Baghdad. People who have lived in a police state with no freedom of speech are unlikely to volunteer information until stability and security are achieved in Iraq. We must all remember, 30 years of living under a dictatorship cannot be reversed overnight.

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 addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. WATSON. Mr. Speaker, I ask unanimous consent to take my time out of order.

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

There was no objection.

SAVE HEAD START

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, I want to commend the distinguished gentleman from Maryland and the distinguished gentleman from California and the Chair of our Black Caucus who will be coming up in a minute for organizing this important discussion on the future of Head Start.

Later in the week, the House of Representatives will consider H.R. 2210, a bill that radically alters the Head Start program. H.R. 2210 is ill-conceived and ill-devised. It sacrifices accountability and oversight in favor of standardized testing of 4-year-olds. It teaches our children a wrong lesson on discrimination by repealing current civil rights protections and allowing programs to discriminate in their hiring practices based on religion. It gambles with our children's future by diverting already limited resources into experimental block grants that can be diverted to other Federal programs.

H.R. 2210 is a classic bait and switch bill. The major changes in and new requirements under title I are not contained in title II of the bill, which creates an experimental block grants program for Head Start in eight States. This overhaul reverses the precedent in achievement that was created by the No Child Left Behind Act.

□ 2100

NCLB seeks to close the achievement gap through strong standards and stronger Federal oversight. H.R. 2210 will only damage the integrity and efficiency of the program by redirecting resources to a block grant system and neglecting Federal standards and oversight.

Indeed, changing the funding formula to block grants under Title II creates a daunting scenario for Head Start. The four eligibility requirements under Title II do not address quality or expertise. The legislation requires the bare minimum of the eight participating States. All that a State has to do is to have an existing preschool system, a basic standard for school readiness and basic requirements for the allocation of Head Start funding.

All 50 States meet these minimum requirements, but too few provide quality service. For example, only three States currently provide all the services needed to get at-risk children ready to learn. These States provide the same set of eight comprehensive services required of Head Start through State-run pre-K programs. At present, there is simply no clear body of research demonstrating the effectiveness of State pre-kindergarten programs.

Let me also elaborate on other shortcomings of the proposal to change Head Start into a block grant program. Title II of H.R. 2210 does not specify minimum thresholds on class size, class-staff ratios or curriculum content. It calls on each State to create its own school readiness standards and own criteria for measuring achievement. With State preschool programs varying greatly in content and quality, how can we ensure that low-income children from across the Nation will receive a quality education?

H.R. 2210 also does not contain adequate evaluation and oversight requirements. Instead of annual reports and on-site evaluation by the HHS every 3 years, States under the block grant program will not be held to any minimum threshold requirements on quality or appropriateness of their State plans. This is a giant step backwards for the Head Start program.

Finally, the bill allows the States to use Head Start funds to supplement other Federal programs. Governors may be able to use this money to cover budget deficits in their States. My home State of California receives over $800 million in Federal moneys for Head Start. California is now suffering from a budget deficit in excess of $38 billion. With the block grant proposal, my State could divert TANF and Title I preschool funds to offset the State's budget deficit, then use the Head Start block grant to fund TANF and Elementary and Secondary Education Act. This loophole allows States to reduce Head Start funding legally, which severely shortchanges our low-income children.

Mr. Speaker, this is the wrong way to go.

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

(Ms. CARSON of Indiana addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

DO NOT BLOCK GRANT HEAD START

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

Mr. RODRIGUEZ. Mr. Speaker, once again, the needs of children and families do not make a priority in this House. They have left our children out in the cold on the number one issue of our community and that is education. Their proposal to block grant Head Start which provides money without guidelines for States and local implementation diverts attention from the critical needs of this program.

What happened to the issue of local control when it comes to Head Start? What happened to the fact that Head Start has been working well as it is now? Why now send that money to the States?

The only reason we decided to establish Head Start was because the States were unwilling, Mr. Speaker, unwilling to come up and respond to the needs of these children, unwilling to prepare them.

The State of Texas, for example, is still a State that only funds kindergarten half a day. The local community taxpayers have to come up with the rest of the money in order to pay for half day kindergarten, not to mention that they do not provide anything for early childhood. So Head Start is a critical program that has been there, and there actually has been a Head Start for a lot of the Hispanic community. Where 50 percent of our youngsters are still dropping out, Head Start has been there for them to make sure and the statistics show that kids that go to Head Start are less likely to drop out or more likely to finish when they should and go beyond.

Head Start has been a proven program, so why try to mess with it? Why try to destroy Head Start the way we know it now?

One of the top educational priorities of the members of the Congressional Hispanic Caucus is to ensure that Hispanic children enter school ready to learn. Hispanic children represent the fastest-growing school age population in the Nation. Unfortunately, they are the least likely to have the participation in preschool programs, opening an achievement gap before the first day of school begins.

Soon Congress will again decide funding levels for Head Start, the premier level, early childhood education program that presents us with an opportunity to close that gap for Hispanic and African American children and low-income children.

For over 35 years, the Head Start program has proven itself. It has enjoyed great success in meeting the comprehensive development needs of low-income children. Head Start programs achieve school readiness for these children through the holistic approach and intense parent involvement, and that includes working with the parents. It includes reaching out, making sure that they understand how important education is, which is critical for those youngsters staying in school.

The range and intensity of service is assured because of the national program standards that it has. If we rely on the States for full implementation, it would fatally undermine these national standards, jeopardizing access to comprehensive services as well as making Head Start ineffective in serving low-income children and their families. Yet that is just what the Bush administration has proposed and the Republican Congress intends to do and that is to begin to destroy Head Start the way we know it now, put it into the form of a block grant.

Instead of looking for ways to remove themselves of their responsibility for Head Start, the administration and the Congress should put Head Start on the path for full funding. Currently, Head Start serves about 60 percent of their eligible children. They need additional resources to make sure we cover the other kids that are not covered by the existing program.

Migrant and seasonal Head Start programs only reach 19 percent of the eligible children. The State educational agencies are not equipped to reach out to these youngsters that are out in the field a lot of times. As a Nation, we must do better. For migrant and seasonal farm work families, access to Head Start is a public health and safety issue.

In 1992, the General Accounting Office found that at least one-third of all migrant children as young as 10 work in the fields. This is in 1992, where there are still kids working in fields with their families and either contribute to their family income or because no child care was available. Children in the field are at risk from injuries from farm equipment, overexposure to the elements, as well as pesticide poisoning and, of course, long-term health risks associated with exposure to chemicals. In many cases, if slots are not available to migrant seasonal Head Start programs, no programs exist in the area, there is no alternatives but to take the children to the fields and perhaps leave them unattended at the labor camps.

The administration's proposal to block grant Head Start would do nothing to strengthen the growing numbers of limited English proficiency children in communities across this Nation; and we now see them in North Carolina, South Carolina, Georgia, Arkansas and a lot of the States where we had not seen them before. As we have seen, with the implementation of the President's No Child Left Behind Act, States look to the Federal Government for assistance and guidance in providing services to these populations.

The recent phenomena of emerging Hispanic communities poses a challenge to Head Start providers and participants. As children move into the areas of the U.S. where there have been Head Start programs operating but without experience in servicing, it is important that we continue to provide these resources.

In addition, let me just close by saying it is important that we keep Head Start. It is important that we remain on track. It is important that this program also remain within the Department of Health and not be moved to the Department of Education.

I also want the congratulate the Congressional Black Caucus on their efforts under the gentleman from Maryland (Mr. CUMMINGS), and I thank him for being here tonight.

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

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

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

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

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

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

FUTURE OF HEAD START

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

GENERAL LEAVE

Mr. CUMMINGS. 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 this special order.

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

There was no objection.

Mr. CUMMINGS. Mr. Speaker, the Congressional Black Caucus and the Congressional Hispanic Caucus have come together tonight to address issues that confront our children, and when I say our children, I mean all children who unfortunately may not have the funds to get off to a good start before they start school officially in the kindergarten.

I will have a lot to say about this subject as we go through this hour, Mr. Speaker, but I want to yield first of all to the gentleman from Virginia (Mr. SCOTT), who has been at the forefront of addressing issues with regard to Head Start and faith-based issues and constitutional issues that confront us and has made it his business and has vigilantly stood guard with regard to making sure that programs that are put forth are ones that do not discriminate against people with our own tax dollars.

Mr. Speaker, I yield to my colleague from the great State of Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from Maryland for yielding.

The gentleman from Maryland is an outspoken advocate for education and knows the value of the Head Start program, so I rise in support of the Head Start program but in opposition to the Republican Head Start bill.

In 2002, the Head Start program served nearly 1 million children, over 62,000 infants and toddlers in early Head Start. Unfortunately, however, Mr. Speaker, only 60 percent of the qualified 3- and 4-year-olds are currently enrolled in Head Start, and early Head Start is only funded to serve 3 percent of the eligible infants.

We need to make a commitment to fully fund the Head Start program, and this is because money spent on Head Start is money well spent. For every dollar we spend on Head Start, $4 to $7 are saved in future expenses because children who participate in Head Start need fewer services in elementary and high school, and they are less likely to go to prison or end up on welfare.

During the Clinton administration, Head Start funding grew from $2.8 billion in 1993 to $6.2 billion in 2001. That is an average of approximately $425 million per year. Over the past 2 years, the President's administration has proposed only a total increase of $300 million, about $150 million per year. That is about one-third of the average annual increase over the prior 8 years.

There are a lot of problems with the Republican Head Start bill, but as the gentleman from Maryland indicated, one of the most glaring is the fact that it permits programs run by faith-based organizations to discriminate in their hiring practices with the Federal money; that is, it permits employment discrimination with Federal money, not the church money, but with Federal money.

Sixty-two years ago, on June 25, 1941, President Roosevelt signed an executive order that banned discrimination by defense contractors based on race, creed, color or national origin. Executive order 8802 was the first law prohibiting employment discrimination and marked the beginning of fair employment practices in the United States.

These protections against employment discrimination were expanded by subsequent Presidents. For example, Executive Order 11246, signed by President Johnson in 1965, expanded the prohibitions against employment discrimination to all government contractors, not just defense contractors.

Every President of the United States since 1965 has enforced these executive orders. Over time, various civil rights laws were passed that contained similar prohibitions against discrimination and employment based on race, creed, color, national origin or sex.

However, on December 12, 2002, President Bush issued an executive order that for the first time since 1941 actually rolled back the prohibitions against employment discrimination.

□ 2115

Under his executive order 13–279, religious organizations which received Federal funds would be permitted to discriminate in employment based on religion unless there is a specific prohibition.

Now, when the President says that we should remove barriers to faith-based organizations serving as sponsors of federally funded programs, he does not explain what the barriers are. Even without new laws, many faith-based organizations have sponsored federally funded programs for decades, and they administer these programs just like any other sponsor, including compliance with fair employment practices, and that is with positions paid with Federal funds.

Now, in fact, any program which can be funded under this administration's faith-based initiative can be funded without that initiative, without new legislation, and without executive orders if the sponsoring organization agrees not to discriminate in hiring with the Federal money. Not the church money, the Federal money. And today, in fact, 8 percent of the Head Start programs are sponsored by faith-based organizations. If the sponsor insists on discriminating on employment, a barrier exists and the faith-based initiative removes that barrier and allows the sponsor to administer the program and select employees paid with Federal money based on religion.

Now, there was a time in America when people of certain religions were routinely denied jobs solely because of their religious beliefs, but we passed laws to end that invidious discrimination. So when this administration talks about restoring publicly funded religious discrimination, let us remember the old adage that you can put lipstick on a pig, but you cannot pass it off as a beauty queen. Likewise, you can use poll-tested semantics and euphemisms, but you cannot pass this off as anything but ugly discrimination.

And let us take a look at the Head Start program. If the Republican Head Start bill passes, thousands of today's Head Start teachers could lose their jobs if they fail their employer's religious tests. Tens of thousands of already at-risk 3- and 4-year-old children could lose their Head Start teachers if the teachers happen to be of the wrong religion or do not contribute enough to their church. Tens of thousands of parent volunteers could lose their privilege of serving as volunteer teacher aides in their own children's Head Start classrooms based on their religious beliefs. These parent volunteers would be blocked from the opportunity to become trained and paid Head Start teachers solely because they do not share the federally funded employer's religious beliefs. And 29 percent of today's Head Start teachers started off as volunteers.

Now, exactly what kind of head start will children be getting when they see their parents denied the opportunity to become a teacher solely because of their religion? And because 11 a.m. Sunday morning is still the most segregated hour of the week, religious discrimination in Head Start programs will often mean that teachers of the wrong race will not be hired, thereby threatening 33 percent of the Head Start teachers who are African American and nearly 23 percent of the Head Start teachers who are Hispanic.

The result of the Head Start bill sponsored by the Republicans will be that in many federally funded Head Start centers all of the teachers may end up being of one religion and one race and one ethnicity. This is a return to the old days of segregation. If this bill passes, it will be done with Federal money.

I urge my colleagues to strongly consider just what they are voting for when the Head Start bill comes to the floor later this week. We should preserve decades of fair employment practices and reject Republican attempts to allow the most qualified employees to be rejected solely because they fail a religious test.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for his statement, and certainly I think we could summarize it by saying that the Congressional Black Caucus and the Congressional Hispanic Caucus do not want the government to use our tax dollars to discriminate. It is as simple as that. So I thank the gentleman for being so vigilant on that issue consistently.

Mr. Speaker, I yield now to my colleague, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, later this week, the House is poised to reauthorize one of this country's most significant programs. For over 3 decades, this program, Head Start, has given more than 20 million children a chance to succeed in school by providing quality comprehensive services and early education to our Nation's poorest children and families.

Like Medicare and Social Security, as well as other safety net programs that help people overcome poverty and become more productive members of society, the Head Start program is now under attack from Republicans. This is nothing less than an attack on our children, on their chance to realize their potential, and on our communities' futures. Like any mother who will fiercely defend our children against any attack, and also as the representative of the Virgin Islands community, which has not only relied on Head Start but also utilized this program efficiently and to maximum effect, I join my colleagues of the Congressional Black Caucus and the Hispanic Caucus, as well as the Children's Defense Fund and the National Head

Start Association, and others, to fight tooth and nail for the best start for our children.

The changes to the Head Start program, if passed, would especially have a detrimental effect on minority populations. In fiscal year 2002, 32.6 percent of children served in Head Start were African American and 29.8 percent were Hispanics. Though touted as a bill to improve school readiness of disadvantaged children, it is another one of those good-sounding bills that hides a bad intent. H.R. 2210 would harm the very individuals it says it proposes to help.

Head Start is a unique program because of its comprehensive nature. It provides academic, nutritional, social, and medical services that foster the overall well-being of the child. It helps uncover treatable medical conditions that might otherwise go unnoticed and provides important support to the families of its enrollees.

Head Start currently operates under the direction of Federal performance standards that ensure quality comprehensive services for children and prepares them for school. None of this would be guaranteed under the administration's proposal, and standards are essentially undefined and undermined in the proposed block-grant approach.

Giving Head Start to the States without performance standards and without additional funding, as proposed by the administration, would encourage States which are facing budget deficits to divert Head Start dollars to fill gaps in other programs, and thus spread the dollars more thinly, not adequately serving the needs of the children.

I am glad that thus far those of us who have been committed to Head Start have been able to rid the bill of one of their more terrible ideas, which was to move Head Start from the Department of Health and Human Services into the Department of Education. This would have restricted Head Start to a narrow classroom approach without the broad set of social services which are so important.

This raises another concern, the proposed Head Start Reporting System in Child Outcomes. Such required testing of 4- year-olds is developmentally inappropriate. Further, Head Start programs are very culturally diverse, thus making it next to impossible to develop one test that adequately addresses all cultures. Such testing being added to the current child outcomes requirement would also overburden classroom staff with new and unwise assessment requirements.

Dismantling a program that already works is not the way to improve the Head Start program. Improvements to Head Start can be done under the existing structure. H.R. 2210 is meant to lead to the demise of Head Start. We cannot and must not let that happen.

We in the Congressional Black Caucus and the Congressional Hispanic Caucus know firsthand the value of Head Start, and we are committed to that best start for all of this country's children. We ask the people of this country to voice their opposition to their congressional representatives, and we call on our colleagues to join us and to keep this proven and valuable program intact for yet another generation of children.

Mr. CUMMINGS. Mr. Speaker, I thank the distinguished gentlewoman for her statement. In considering some of the things that she said, Mr. Speaker, I cannot help but just look at and quote a portion of the National Head Start Association's Report entitled, ''Dismantling Head Start, The Case for Saving America's Most Successful Early Childhood Development Program,'' which is dated April 16, 2003.

What they say in that report, the National Head Start Association, is, and I quote: ''A hodgepodge of inconsistent and untested State government programs that either will serve fewer children than Head Start does now or will provide less comprehensive services to those children served will be the outcome if this legislation is passed.''

The interesting thing is, as I listened to the gentlewoman from the Virgin Islands, I could not help but think about a school where for the last 12 years I have spoken as the graduation speaker, which is basically a high school for children who are in special education. Two or three years ago I noticed, and I was mentioning to the principal of the school that many of the children who came to participate in the program and who were graduating, many of them had speech defects, some of them seemed to be a bit slow in their reading abilities, and many of them suffered from all kinds of what appeared to be crippling ailments. The thing that the principal pointed out to me is that if, when these children were little, these things had been corrected, they would not have to go a lifetime having to suffer with certain ailments.

Head Start has always been about a comprehensive program providing nutrition, making sure that our children got dental examinations, making sure that they have mental health referrals, and making sure that those things that could be corrected at an early age and be corrected quite easily and at a reasonable price, Head Start has been about the business of doing that. And with this effort to shift Head Start to a block grant-type program and take away standards, it certainly goes against our children.

With that, Mr. Speaker, it gives me great pleasure to yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the distinguished gentleman from Maryland for his leadership, as well as the members of the Congressional Black Caucus for their leadership on this issue.

Mr. Speaker, we will be debating this question over the next 2 days. I hope as we are presenting our concerns tonight that my colleagues and the constituents of my colleagues, frankly, will be made aware of that such that the gallery during the time of the debate will be standing room only. Because this is a spear being thrown in the hearts of Americans who have come to understand and love the value of the Head Start program.

The one thing I like about the Head Start program is that it is not a respecter of race or religion, it is an opportunity for children who are in need with respect to their economic status to be able to do better in life. It is a well-proven program. It is a program that is grounded in the fixing of the health condition of young children, the nutrition condition of young children, the psychological condition of young children, and the intellectual aspect of young children.

□ 2130

It is a holistic program which deals with the embracing of the family member, the parent, who gains self-esteem and understands how to be an advocate for their children. It has love intertwined amongst its values so that the children who come know there is love both in the place of learning, but as well from an adult to a child.

This legislation which will go on the floor of the House will literally end Head Start as we know it. This block grant program is risky. My State has just gotten rid of, and I like to use that terminology because it is true, 170,000 children off the SCHIP's program. Right now, parents are receiving letters that there is no room at the inn, there is no opportunity for your children to have good health care.

States across the Nation are finding themselves in bad economic times. Because of that, they will be looking for the dollar anywhere they can find it. When we start sending block grant dollars to these States, clearly we will find that the State's special interests will have the upper hand and the children will be standing outside the door with a sign on the door: No room at the inn.

This bill we will be debating is a classic bait and switch. The GOP claims credit for improving the academic content of Head Start in title I of the bill, but it excludes all but one of those improvements to be implemented by block grants in title II. What we have is a shell game and a shell of a bill, and I am disappointed and disgusted that we find ourselves getting rid of a program that has proven itself well.

But, more importantly, the national head of Head Start has begged the leadership of this Congress, working with the chairpersons of the committee and the author of the bill, to listen to us and sit down and work through this process, and yet we have failed in getting the other side of the aisle to see the light.

Head Start works because children arrive more prepared and they do better in school than low-income children who do not receive Head Start. In addition, Head Start narrows the readiness

gap between Head Start kids and their more affluent peers. Experts say that to expect Head Start to eliminate that gap is totally unrealistic. Poverty is devastating to children, development and success, but it has worked. Head Start has helped children arrive and to be more ready.

Mr. Speaker, I believe that the process that we are using now will clearly take a process that has been successful, and I do not know what more to say, throw the spear in the heart or rip it to shreds. I am confused and absolutely outraged that we have a system that does not listen to the people who are using the system.

Did we have large numbers of parents who are in this system now come and argue for a block grant process, or was it the States who were on their knees as it relates to a budget because we give them a lot of unfunded mandates, including Leave No Child Behind because we have a $550 billion tax cut, and so monies coming from the Federal Government are diminishing and going down and down. That is one of the reasons that States have cut children off the Children's Health Insurance Program. Now we come through the back door to be able to dismantle a program which has made education holistic.

One of the very valuable points of the Head Start program is how they embrace the parents. I have heard parents say Head Start is as good for me as it is for my child. It gives me the opportunity to have input in my child's education. The counselors listen to me if there are problems at home.

I know there are some who are well-endowed, who are financially able and laughing and thinking this is a funny issue, but it is not. It is a serious issue. It is a serious issue because our children are going to be hurt. It is a serious issue because children went to Head Start and had an opportunity to get a meal when they could not get a meal at home, had an opportunity to be immunized, had the opportunity to develop their own self-esteem and self-confidence, had the opportunity that if there were counseling needs that they could secure counseling needs in order to prepare themselves to go to school.

Yes, those teachers that the gentleman from Virginia (Mr. SCOTT) spoke of that could be hired without the wall put up or litmus test: What is your religion? What are your beliefs? We now have a program riddled with problems, constitutional violations and separation of church and State and riddled with problems in terms of taking away from the program the very infrastructure that made it right and made it real.

I hope, Mr. Speaker, that we will have a vigorous debate. I have offered amendments that would ensure that the proposal that is going forward does not take the new Federal funds and diminish the funds that are already being used. I hope that is not the case. I hope we will have the kind of debate that will cause my colleagues on the other side of the aisle to vote down this legislation and leave Head Start as it is in order to ensure that we will continue a plan that will be effective for our children. We should be fighting for the betterment of our children.

I am pleased to join the gentleman from Maryland (Mr. CUMMINGS) and the Congressional Black Caucus to speak for those who cannot speak. I hope that the Chamber is full of Members who are debating this issue, and I hope that the gallery will be filled with parents and children who realize that any vote against the Head Start program that we know and love will be a vote to undermine the futures of our children, today, tomorrow and into the very far future.

Ms. JACKSON LEE of Texas. Mr. Speaker, I wish to express my outrage and my disgust at the Majority party's effort to destroy the Head Start Program. The Republican's plan is a sword through the heart of this effective educational program and an insult to America's children.

The Majority party's plan shreds the Head Start Program. The Republicans plan to establish a block grant that will amount to the demise of head start. Specifically, Title II of this bill will end Head Start as we know it. The block grant provisions in the Republican bill are a risky experiment that turns a successful program over to states with unproven expertise and without the federal program quality standard requirements and oversight that are demonstrated to increase school readiness. This bill is a classic ''bait and switch.'' The GOP claims credit for improving the academic content of Head Start in Title I of the bill but excludes all but one of those improvements to be implemented by block grant states in Title II.

The Republican's demolition of Head Start is deplorable because the Head Start program works. Children in the Head Start program arrive at school more prepared and perform better academically than low-income children who are not enrolled in the Head Start program. In addition, although experts say that to expect Head Start to eliminate that gap is ''totally unrealistic,'' the Head Start program narrows significantly the readiness gap between children in Head Start and their more affluent peers.

Head Start helps children arrive at school more ready to learn. However, to expect Head Start to be a cure for the devastating impact of poverty is unrealistic. The idea that the block grant is the solution to closing the school readiness gap if flawed and illogical. State preschool programs are untested and unproven. Not only is there no research showing that state preschool programs produce better results than Head Start, there is no research demonstrating the effectiveness of state preschool programs at all.

The ''No Child Left Behind'' program was developed because the solution to the achievement gap in students between kindergarten and the 12th grade was the establishment of stronger standards and more federal oversight. Why, then, is the Republican's solution to the same achievement gap in young children to eliminate standards and oversight in Head Start?

The Block Grant Program in the Republican proposal is also damaging to the Head Start Program because it slashes quality comprehensive services. The block grant requires states to provide an array of services but doesn't require the same nature, extent or quality of those services. Under the block grant program, none of the thirteen areas of Head Start performance standards (e.g., ''education and early child development,'' ''health and safety'') that lay out the comprehensive services and high level of quality that have made Head Start successful are required.

In fact, the block grant emphasizes comprehensive services being met through referral of families to outside services for assistance, essentially encouraging states to provide a lower level of services.

The Republican's Head Start bill is also damaging to our children because it weakens educational performance standards. The block grant specifies no minimum threshold on school readiness standards, child-staff ratios or curriculum content. It calls on each state to derive their own school readiness standards and their own ways of measuring progress against those standards. But those standards are undefined in the block grant and vary greatly among the states. Head Start education standards are thorough and strongly based on education performance research.

Having States develop their own performance standards with no direction and no requirements will weaken educational standards overall. Block grants diminish educational oversight and evaluation. States meeting the eligibility criteria for participation in the Block Grant program have their applications approved by the Secretary by default. This means there is no oversight or evaluation of the quality or appropriateness of the state plan. Additionally, there is no minimum threshold requirement of States' internal evaluations of their programs. Meaning a school may define their own success regardless of their actual performance. Under the Head Start program, on the other hand, schools must report annually on their progress, and each school is subjected to a thorough on-site evaluation every three years under the direction of the Department of Health and Human Services. This is meaningful evaluation that provides a better education for our children.

Perhaps the most tragic impact of the Republican's Head Start proposal is that it reduces the role of parents in their children's academic success. Parent are children's most important teachers. Studies have shown that teaching parenting strategies and involving parents in their children's education is strongly related to children's achievement in school. That's why a cornerstone of the Head Start program has been the involvement of parents in their child's development and education, health, nutrition, mental health, community advocacy, and transition activities from preschool to kindergarten.

Family partnership agreements have been critical in getting families to recognize what it takes to promote their child's positive development and early education. But the block grant proposal developed by the Republicans requires minimal parental involvement. No reference is made whatsoever to parent policy councils, or similar provisions, which makes Head Start a local program addressing local needs. Parents have been, in essence, eliminated from the bill.

Finally, the Republicans' Head Start proposals allow decreases in Early Education Services across the State. The block grant

supplantation restrictions permit a decrease in the total expenditures in the State on early education. The block grant bars States from supplanting ''non-Federal funds that would otherwise be used,'' a restriction the Government Accounting Office concluded is almost impossible to enforce because of the difficulty in proving what would have otherwise been used. The block grant also permits supplanting federal funds (for example ESEA Title I preschool funds or surplus TANF funds). So nothing bars States from diverting ESEA or TANF funds to other purposes and using the block grant funds to fill in the holes. This would allow an overall decrease in early education spending within the State.

Mr. Speaker, our Head Start program is under attack, and therefore America's children are under attack. The Republican's Head Start bill is the equivalent of taking an axe to valuable and effective education programs. I implore all Americans and all members of the House of Representatives to speak out against this attack on our children. We must protect our children and we must save the Head Start program.

Mr. CUMMINGS. Mr. Speaker, the Head Start program, if we did not have one, we would have to invent it, because it has been so effective in preventing so many problems that children quite often develop after they get a little older.

The question has often been asked, why is the Congressional Black Caucus and the Hispanic Caucus so concerned about a Head Start program? And I think it is coming out very clearly as Members have spent a lot of time all day working and now they come here tonight, and the reason the Members are here is because they want to make sure that every child is allowed to grow up to be all that God meant for them to be.

The other day I was visiting Sheltonham Juvenile Detention Center in Maryland; and in speaking to the young boys there, most of them between 12–17, I told them when I was 7 years old I could remember young children going off to that detention center. I told them that the march continues even today, and I am 52 years old. I told them that we wanted to make sure that no more of our young men and young women would march off to that institution with shackles around their feet. We want them to be the Dr. Ben Carsons of the world, the teachers, the doctors, the educators, the people who make a difference in our society.

That is why the Congressional Black Caucus takes this time tonight, and we have done it over and over again, to make sure that we do everything in our power during our watch not to allow a very significant and very effective program that helps our children to be dismantled.

Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for holding this Special Order on Head Start and for the gentleman's leadership to ensure that we continue to raise the level of awareness in terms of making sure that our country knows what is going on here in Washington, D.C. I thank the gentleman for remaining consistent and ensuring that we do have this opportunity to speak out and to wake up America.

Tonight of course this Special Order, this discussion is with regard to Head Start, a program whose obituary is but a few days away if the administration has its way. If the administration has its way, this would be the beginning of the end for Head Start. Later this week, we will see the Republicans overhaul or at least try to overhaul the Head Start system, a program which has fundamentally provided children with an opportunity to succeed. Since its inception in 1965, it has reached over 20 million people. It is a program that still continues to touch and improve this country's low-income children by providing them opportunities to succeed. It really is the best example of Leave No Child Behind.

In my hometown of Oakland, California, over 1,600 children are part of our area Head Start programs; and across the country last year, Head Start and Early Head Start programs worked with more than 900,000 children in over 2,500 local programs. But the Bush administration has indicated that, like so many other beneficial policies and programs that they are dismantling, Head Start must also be dismantled. They are saying that it must be undone, it must be gutted. How are they doing this? They are doing this in several crucial ways.

First, they want to block grant Head Start, but block granting Head Start would be very dangerous. Block granting Head Start would mean creating 50 potential new bureaucracies in each State. Not only would that be expensive, depriving these programs of money to use for the real goal of providing early childhood development and education for children, but it would weaken the oversight and evaluation of these programs.

And, of course, block granting Head Start is especially disturbing at this point in our Nation's history in the economic downturn and jobs depression that we are, unfortunately, experiencing. At a time when State budgets are in such crisis and with the States able to determine exactly how they are going to spend their money, the possibility of using this money for things other than Head Start I think would be too tempting. I would hate to see our children caught up in State budget battles. It is too risky, and they do not deserve that.

Perhaps worst of all, Republicans wants to turn Head Start into a program that relies on an exclusively academic program rather than what has been proven to be successful, and that is a comprehensive program for low-income children. What they want now is for children as early as age 4 to take a literacy test. Can Members imagine giving a 4-year-old a literacy test by which they would be evaluated? Gone would be the program components of nutrition and immunization programs, as well as counseling and other very important program components that provide for the support not only of the child but of the family. This focus on test scores for young children really is unbelievable.

At this particular time we should be doing more to improve and to increase the program, not reduce it. The truth is, we are still not reaching enough children. As I said earlier, over 1,600 Oakland students are in our Head Start programs. On any particular day in my hometown, 300–400 children are on waiting lists for Head Start centers. Head Start officials tell me all 30 centers have children on waiting lists, meaning all of the areas in my city are being affected.

Several months ago when families of Head Start heard about this very backwards initiative and proposal, 300–400 rallied immediately at city hall and they said in no uncertain terms if it is not broke, why fix it. They said that they wanted more children included in Head Start and that it was working in the way that we know it has always worked and to not tamper with it.

In fact, several of them told me we needed to focus on the fact that 300–400 children in Oakland are far too many to begin school already behind. They insisted, as we are insisting tonight, that Head Start remain intact. We must not stand by and allow the Bush administration to dismantle a successful, proven program like Head Start.

The President wants to kill one of the country's most successful programs, and I do not understand it. I encourage all of my colleagues to join with the Congressional Black Caucus and the Congressional Hispanic Caucus to resist this administration's very wrong and backward policies. I encourage our colleagues to do everything possible to avoid having one of the greatest early childhood education efforts become an obituary, a tombstone on which is written ''Head Start was a great program.''

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for her statement, and I yield to the gentlewoman from California (Ms. WATERS), a former Head Start teacher and someone who has spoken out consistently on this issue with a tremendous amount of passion.

Ms. WATERS. Mr. Speaker, I would like to thank the chairman of the Congressional Black Caucus for this and many of the other Special Orders he has organized in order to make sure that everyone in this Chamber and throughout the country understands the grave changes the President and the Republican Party are trying to make to the Head Start program.

□ 2145

Mr. Speaker, 38 years ago, I had the great fortune to help organize one of the first Head Start programs in this

country under the War on Poverty. My involvement with Head Start has been one of the most defining experiences of my life. Not only did I help to organize one of the first Head Start programs in the country working with the community, I went to work for Head Start as an assistant teacher and I was inspired to go back to school and to get my degree. Not only was I inspired, I saw the inspiration that Head Start did for many parents, many folks in the community.

Today I sat in the Committee on Rules where I went to try and offer some amendments to strengthen the Head Start program and to not allow the Head Start program to be block-granted to the States. I literally sat there and listened to the chairman of the Committee on Education and the Workforce and others talking about Head Start without really knowing or understanding what Head Start is. I did not recognize the program that they were talking about. And it dawned on me that they did not know this program. It dawned on me that many of them had never spent any time in a Head Start classroom. I heard descriptions of what the Republicans would like to do with the Head Start program, talking about somehow making it a program where children would be involved with literacy and trying to prepare them for the public schools and education in new and different ways.

Mr. Speaker, they did not know that in the beginning of Head Start, a lot of work was done to determine what would be the best way to provide an early childhood education experience for children who came from disadvantaged homes and disadvantaged communities. We tested everything from Montessori to other approaches to dealing with children. Finally it was concluded, after all of the study and all of the work, that the way to deal with the children from disadvantaged communities was to focus on the whole child, the entire child, and bring the family in to helping to determine the educational destiny of their children. In doing so, we felt that all of the children needed to have a physical examination to determine their health. We also thought that it was important to have a strong parent involvement component in this program. We also knew that it was important to have nutrition involved in the program.

And we were right. And we also determined that we had to reduce the ratio of children to teachers, because at that time single-teacher classrooms headed by one teacher was trying to manage 35 and 40 kids in the public schools. So we reduced those ratios to 1 to 5. For a classroom of 15, one adult to every five students in the Head Start class. And it worked. Because we had physical examinations, we discovered learning disabilities, dyslexia, other kinds of problems, sight problems, hearing problems, all kinds of problems that would have caused children to fail, to be placed in special education classes and not to be able to succeed; and we dealt with that, with this new model that was created.

And now we have people talking about they want a program to teach literacy. They do not understand that when you build self-esteem, when you introduce children to books for the first time, when you teach them to love books and to care for books, that is the best way to get children reading. When you teach the parents through the parent involvement program to read to the children, you are developing children who not only will love reading and love books but will become great readers and will be very, very literate and be able to succeed in the public schools and in the schools that they will go to.

I listened to those who were describing how they wanted to change the program. They really do not have any good reasons for changing this program. The only thing that they are doing is carrying out a conservative Republican philosophy that gets government out of providing a real safety net for the least of these. They are not only following the line, the philosophy of the Republican Party in divesting itself from programs that invest in people. We see it every day. It is not only Head Start. It is the section 8 program where they are trying to get out of the business of helping to provide safe and secure housing for people who cannot afford it with a subsidy; and so they are marching down this conservative road, of divesting government from being involved in programs that were created under the Great Society, programs of Johnson and Kennedy and getting rid of government responsibility.

Unfortunately, we are in the minority around here and we may not be able to stop them. They were so arrogant that they are going to have a closed rule where we will not be able to offer any amendments. They are going to have a closed rule so that there will not be any discussion and any real debate about how we ought to be strengthening Head Start. And the arrogance goes further than that. They are going to debate this on a Friday when people are rushing off to catch airplanes so that they can limit the debate and shut it down and literally roll out of here having block-granted Head Start and eight of our programs. This is sinful and it is shameful. They are destroying one of the most successful programs that we have ever had in this country, a program that has been commended and supported by every President since the inception of Head Start.

There is no reason for this. Some of the amendments that I tried to offer, one was an amendment that would allow parents to count the hours they volunteer in a Head Start classroom against welfare work requirements. Another would establish a parent service awards program. The amendment would authorize a $1,000 voucher to up to 5,000 individuals to be used for the cost of any education or job training program approved by any State or the Secretary of Health and Human Services. Eligible recipients of the award are parents who volunteer in the classroom at least 5 hours a week for the entire Head Start year.

A third would require each Head Start program to establish and maintain a waiting list of all children who are eligible for and apply for enrollment in a Head Start program, but are unable to participate because of lack of funding. If there is funding remaining after the initial disbursement of funds, this amendment authorizes the Secretary of Health and Human Services to distribute the remaining funds. And the last would remove title II of the bill and thereby ensure that Head Start can function as designed with strong educational standards, low child-to-staff ratios, and high-quality social services. In addition, the amendment ensures that funds designated for Head Start will go directly to local Head Start programs and the States will not have the opportunity to divert Head Start funds to close gaps in their budget or for other priorities.

I was not the only Member of Congress up there. In fact, I would guess there were 15 or 20 Members who were present, all interested in offering an amendment or two in an attempt to minimize the damage that the Republicans are doing to the Head Start program. Many of these amendments were well thought out and would improve the program. Yet the chairman of the Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER), has requested a closed rule with no amendments to be permitted except maybe a manager's amendment and a Democratic substitute.

Let me just close, Mr. Speaker, by saying, if, in fact, this Congress allows the block-granting of Head Start, it will be one of the worst public policy decisions that has been made in the history of the Congress of the United States of America. Any time you have public policymakers who are willing to take a successful program that has been lauded and commended by everybody and there is nobody supporting the block-granting of the program, nobody asking that some changes like this be made to the program and undermine the ability of poor children and low-income, working families to have an experience of preschool that would help to make children more successful, then we ought to be called to task for it, and we ought to be challenged in our elections for it. We do not need to do this. I would ask the Republicans to rethink this wrongheaded policy. They may not do it, but we will all pay a price in the long run for it.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentlewoman for her statement.

Mr. Speaker, tonight it is a very sad time when we consider a program, as the gentlewoman from California said,

that has been so successful; and it is a sad time when a program that has touched so many lives and built so many lives so successfully is being attacked. We do consider it to be just that. One of the things that the gentlewoman from California talked about was she went to the Committee on Rules and she asked a question, why is it that the Republican leadership is so afraid of amendments to this bill to make it a better bill and to make the Head Start program better? She went on to say that there is a question as to whether or not they really understand what Head Start is all about. Martin Luther King, Jr. said, ''You cannot lead where you do not go and you cannot teach what you don't know.'' The fact is that there are so many children like the 4-year-old that I saw just a month ago graduating from our Head Start program at the Union Baptist Church in my district reading on the level of a third or fourth grader. That is what Head Start is all about.

And so it gives me great pleasure to yield to the distinguished gentleman from Illinois (Mr. DAVIS), who has consistently been at the forefront of lifting people up and trying to make a difference in their lives. I know that the gentleman from Illinois believes very strongly in the statement that I make quite often and that is that our children are the living messages we send to a future we will never see.

Mr. DAVIS of Illinois. I want to thank the gentleman from Maryland for yielding. I also want to commend him for his outstanding leadership on not only this but a myriad of issues confronting America as he continues in his role as chairman of the Congressional Black Caucus. I also want to commend my good friend, the gentleman from Texas (Mr. RODRIGUEZ), for his outstanding leadership as chairman of the Hispanic Caucus as we come together to work on issues that are mutually important to both groups, but are really important to all of America.

For about the last almost hour, we have heard many of my colleagues extol the virtues of Head Start. Since 1965, the Head Start program has helped over 21 million of America's neediest children gain the academic, social, emotional, and behavioral skills necessary for success in life. However, the positive effects of Head Start extend far beyond the individual child in the classroom. As a matter of fact, as we have heard, it helps the entire family. One of the most important aspects of Head Start is the involvement of parents. Through their involvement in the program, Head Start parents gain invaluable skills that have a positive and lasting effect on all of their children. Research has shown that Head Start parents demonstrate improved parenting skills, are more likely to begin preparing for employment, and gain the skills necessary to effectively advocate for their children. Head Start parents learn the importance of being involved and caring role models for their children. They are encouraged to participate in a wide range of activities, such as home visits, literacy classes, volunteering in the classroom, and taking part in the governing of the program. As a matter of fact, we just heard one of the most outstanding members of this body, the gentlewoman from California, talk about how she was inspired and motivated as a parent.

In the 2001–2002 program year, more than 876,000 parents volunteered at their local Head Start program. After participating in the program, Head Start parents typically continue to take a strong interest in the education of their children and are likely to continue their involvement with the program.

□ 2200

In fact, 23 percent of Head Start staff members in Illinois and in many other sites across the Nation are current or former Head Start parents.

The original bill sought to block grant the entire program. Fortunately, as a result of the hue and cry of Head Start activists, program directors, Democrats and Members of this body and other bodies and others have forced some back-peddling, and now the Head Start reauthorization bill seeks to implement an experimental program in eight States, providing block grants to integrate Head Start in preexisting State preschool programs.

These block grants, as we know, will undermine the comprehensive family-based intent of the program. They will allow States to determine their own standards, guidelines, and qualifications. These States could then decide to implement Head Start as a pre-kindergarten program, cutting out nutrition, vaccinations, dental care, medical care, and other important services currently guaranteed to children in the program. With the current State budget crisis, these services will almost certainly be eliminated, leaving the low-income children served by Head Start with no way to receive these extremely important services.

Unlike Head Start, typical pre-kindergarten programs are half-day programs that do not fully address parents' child care needs. These programs also focus primarily on building a foundation for academic skills, overlooking the importance of developing the social, emotional, and behavior skills vital to classroom survival.

Finally, these programs typically do not teach parents to actively advocate for their children. Low-income children deserve safe, caring environments. They deserve to have their parents involved in their lives. Low-income parents need to learn how to provide for the needs of their children. It is clear that if Head Start reauthorization is passed as written, it will be a tragedy for our Nation's low-income families and will not provide the comprehensive approach to readiness that our children so greatly need.

So, Mr. Speaker, once again, I want to reinforce what has already been said. That is, ''If it ain't broke, don't fix it.'' If it does not need change, do not change it. If it is working, then let it work in such a way that it seriously benefits all of the children.

So, Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for his outstanding leadership.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for his statement.

Mr. Speaker, tonight the Congressional Hispanic Caucus and the Congressional Black Caucus have come together to address the Head Start program; and, as I said a little bit earlier, our concerns go very deep.

Every time I come into this Chamber, I cannot help but think about the day that I was sworn in. My father, who only had a first grade education, sat up in the balcony. After the swearing-in ceremony, he came down with tears in his eyes, and I asked him the question, I said, Dad, why are you crying?

And I understood, first of all, about his history. He was a man who was born in Manning, South Carolina, and his people who owned the land where he was a sharecropper denied him the opportunity to get a decent education. He had gone some 70 years deprived of the kind of education that he deserved. So here he was in April of 1996, looking down on his son who had gotten the education. And I said, Dad, are you upset? I mean, are you happy, so happy that you have tears in your eyes about your son being elevated to a Congressman and being a lawyer and a phi beta kappa? He said, no, that is not what it is about. He said, I am crying out of pain. I am crying over the fact that I have gone a lifetime and finally I see what I could have been.

And what this is all about, this entire discussion here tonight, is about little children who have been born into a world and born into an environment where the income level of their parents may not be all that it is for others, and all they are doing is trying to be all that God has meant for them to be.

One great sculptor said that not long ago at one time he was sculpturing and his sculptures were selling for about $20. He went back to his grandfather and he said, grandfather, your sculptures sold for more. I mean, what is it? How did that happen? And the grandfather said, you have to look into the wood; it is already there. And so he began to look into the wood and see the sculpture, and he began to cut away and finally came up with what he knew was already there.

The fact is that these children who, again, are trying to simply be all that God meant for them to be, it is already there. The question is whether we, as adults, will do all that we can to bring it out of them.

We are convinced in the Congressional Hispanic Caucus and in the Congressional Black Caucus that we should be doing more, not less. We should not

be merely raising the Head Start budget from $6.8 billion to $6.9 billion. That is not enough, because there is still, even with that slight increase, there are still 40 percent of all of the children who deserve a head start and who deserve to be in the program unable to do it because we have not put the money forward.

We are concerned about the fact that we are now saying let us experiment with these eight States and give them the block grant funds to pass on to the Head Start programs. We are worried that that money may get diverted somewhere else, and the kids that really need that money they will not get it. Because budgets throughout our Nation, almost every single governor is struggling with a deficit, and we are very clear that when they are struggling with deficits it is probably quite likely that the money, all of the money that is destined for those Head Start programs will not get there.

So we do not want to be in a situation where 30 years from now, 20 years from now, 40 years from now, children who are then grown up are looking at their children and saying what my father said to me: Now I know what I could have been, what I could have been. The fact is that we have an opportunity here today, this week, to make sure that all of our children, all of our children, every one of them, has an opportunity to get off to a good head start.

Finally let me say this: So often I hear my colleagues talk about what they want for our children. But I ask the question, if their children, if they were talking about their own children, the children that have their blood running through their veins and who came from their womb, would they want an improved Head Start program if their child had to be a subject of the Head Start program? I would submit that they would want a better program, that they would not want funds diverted.

So this evening, Mr. Speaker, I thank all of the Members of the Congressional Black Caucus, all of the Members of the Congressional Hispanic Caucus who have come forward to lift up our children so that they can be all the best that they can be.

Mr. JONES of Ohio. Mr. Speaker, I raise in support of Hard Start as we know it. Rather than dismantling Head Start, I call on the leadership of both parties to make Head Start bipartisan as it has been for 38 years, to keep the current Federal-to-local structure of Head Start intact rather than supporting any measures to shift oversight to any number of states, to maintain and improve upon current Federal performance standards and oversight—to ensure high quality and the array of comprehensive services offered by Head Start, to provide for further improvements including higher teacher qualifications, matched with provisions for funding teacher training and higher salaries, and to move towards fully funding Head Start, beginning with at least a $1 billion increase for FY 2004.

All the Head Start programs in Ohio say that if the States inherit control of the program, it is likely the current comprehensive focus for Head Start will be lost. This change could eliminate critical services, such as promoting children's social and emotional well-being in addition to their academic skills, health and dental screenings and treatment, mental health services, parent-education programs and social services.

They say that: families who are currently receiving help but have income above 150 percent of poverty will lose their assistance the next time their eligibility is predetermined. The changes also include an increase in parent fees, which will increase the amount families pay by an average of $50.

They say that the rates for family childcare providers will be lowered from the 75th percentile of the market rate to the 60th percentile, making it difficult for those providers to serve families receiving assistance.

The shame of it all is that the most eligible children are denied childcare assistance. Nationally, only 1 out of 7 children eligible for childcare assistance under Federal law receives help. States have long waiting lists for children help. (At the end of 2002, one-third of the states continued to put low-income working families on waiting lists.)

In Ohio 38,081 children are enrolled in the Federal program and 18,173 in the State program.

Ohio has 837 centers. This does not count home-based services; these are actual centers. Of these, 229 are only federally funded, 109 are only State funded, and the other 499 are mixed—both State and Federal funds.

Cuts in Ohio will mean that 18,500 children will lose their child care assistance by September to help the State save $268 million. On April 1, the State will decrease income eligibility from 185 percent of the Federal poverty level ($27,787 for a family of three) to 150 percent ($22,530 for a family of three).

Support Head Start as we know it. Fully fund this successful program!

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

BIPARTISANSHIP BRINGS POTENTIAL SOLUTIONS TO PRESCRIPTION DRUGS ISSUE

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

Mr. GUTKNECHT. Mr. Speaker, I come to the floor of the House tonight again to talk about the issue of prescription drugs and the prices that Americans pay compared to the prices that people pay in the rest of the industrialized world. I will have colleagues joining me tonight from time to time from both sides of the political aisle. We have Republicans, we have Democrats, we have people who would consider themselves conservative and, hopefully, some who will be coming down who consider themselves to be liberals or progressives.

Because this is not an issue of right versus left. It is an issue of right versus wrong. Tomorrow night we hope to do another Special Order on a bipartisan basis to talk about this issue again, because I think this is the kind of issue that we need to talk about, that Members need to understand.

Mr. Speaker, I, in the past, have said that the fact that Americans pay so much more than the people in Canada or in Germany or Switzerland or France, I have always said that it is not so much shame on the pharmaceutical industry, it is shame on us. And it is really our responsibility. Our own FDA works for the Congress and not the other way around.

But, tonight, my tone is going to start to change because of some of the things that the pharmaceutical industry has been doing over the last several weeks.

President Reagan said, if you tell something that is not true but you do not know it is not true, that is a mistake. If you say something that is not true and you know it is not true, that is a lie. And in the last several weeks we have seen things that really do border on lies, because the people who are telling the stories know that they are not true. We are going to talk about that tonight.

I want to thank my colleague, the gentleman from Illinois (Mr. EMANUEL), for joining me tonight in this Special Order. I know that he has had an incredibly long day and he can only stay for a few minutes, so I would like to yield to him so that he can talk about the issue and the problem and what we in Congress maybe can do to bring some parity and fairness in terms of the prices that our consumers are forced to pay for these life-saving drugs.

Mr. EMANUEL. Mr. Speaker, I thank my good colleague and friend, the gentleman from Minnesota, for his leadership on this issue, as he has shown time and again. The test of leadership is the ability of an individual, in the face of a great deal of opposition, to consistently stay whole and true to his principles; and the gentleman has done that, even in the face of not only political opposition but leadership opposition within his own party on this issue.

Others of both parties, a cross-section that cuts a big swathe within our Congress, members of what one would call the extreme right and members on the extreme left, have come together on this. I think it is because, one, I think this legislation speaks to our common set of values; and, two, it is because all of us cannot be hard to the fact that because we have heard stories repeatedly of busloads and carloads of individuals who have gone over the border to Canada to buy medications that are life-saving and necessary and have done that as the only means in which they can afford their medication and what has been prescribed. All of us have heard those stories and that is why all of us have come here.

Now, some may have talked about price controls. Others may have talked about just letting the system as is continue. This legislation, which we put together under the gentleman's leadership, uses market forces to bring prices

down. It says that if you can get the medication at a 12 or 15 percent reduction in Canada, and that is a better way for you to go, you would go there. If you can find it cheaper in England or in Ireland or in Germany or Italy, you could go there. That would force at the local pharmacy the prices to begin to reduce here at home for the American consumer and American seniors.

That competition will bring competitiveness to the type of medication you can buy and real reductions in the prices, so that no longer would the American consumer, through inflated prices here at home for prescription drugs, be supporting the price reductions and the affordable prices that Canadians, Brits, the French, Germans, Italians, and Dutch are paying there.

So it uses market forces to reduce prices and brings that competition to bear. I think once that happens, our local pharmacy and drugstore, because they will not want to lose market share, will reduce prices at their local pharmacy. It is the force of the market that will bring prices down.

The gentleman has shown many times I think the prices of drugs on this chart, and I know the gentleman will get to it soon, but that competition for me is not only important for our seniors, it is important to our private businesses. General Motors I think has a $1.2 billion health care package for prescription drugs for their retirees. This type of savings, on average, 20 percent, would save close to $240 million for GM.

But we will see that ripple throughout the entire economy. That would save, for families who are paying $60, $70 for a one-time medication, who can then buy it for $30 or $40, and that is a tremendous reduction.

□ 2215

Second, we are about to embark on the largest expansion of an entitlement in over 40 years. Medicare, we are thinking about adding $400 billion for a prescription drug benefit. Some think it may in the end go up to 5 or $600 billion. I think all of us owe the taxpayers a little bit of respect. And when I say respect, respect is understanding the value of their tax dollars should go the longest way possible. Therefore, if we can get the prices for a prescription drug or a specific drug, whether it is arthritic, heart, diabetic medication at 40 percent reduction or 30 percent reduction, we owe the taxpayers through Medicare the right to get them the best price.

Corporations and the pharmaceutical company will get their profits, but this legislation is not about their best profits. It is about the best price for the seniors and our taxpayers. And two myths I want to strike down, one myth that those on the other side say, and they constantly say, is that if you do this you are going to destroy our ability to develop new medications. I think that taxpayers have been tremendously generous to the pharmaceutical industry. Through the research and development tax credit, taxpayers have supported research at these corporations, and they have paid for that research through the tax credits' R&D.

Second, the taxpayers are being very generous because if you look at cancer drugs, you look at drugs for AIDS, every one of them was developed through the National Institutes of Health, which is a taxpayer-funded research institute. So in my view, R&D will never get hurt as long as the taxpayers maintain their generosity to the tax credit, the R&D, and through NIH. So that myth does not work.

Second, that we are somehow endangering the health and safety of the medications that we have at our local pharmacy and drug stores. The truth is every one of the medications we have talk about are FDA, Federal Drug Administration, approved. They are the drugs that were manufactured at the Food and Drug Administration FDA facility, and these facilities produce the drugs for the markets here in America, Canada, England and France, the same companies. They are name-brands drugs at 20, 30, 40, 50 percent reduction. So safety is not a concern. Development of new products is not a concern. We would do great work for our taxpayers and our elderly and our American consumers.

I know the gentleman has some examples to show to the people who are listening and watching the debate of this important issue.

Mr. GUTKNECHT. Mr. Speaker, we have plenty of examples. Before the gentleman goes, one of the issues that I briefly referenced in my opening remarks was that up until the last several days I have been very hesitant to criticize the pharmaceutical industry because in many respects they did not create this system; Congress did. They did not allow this system to perpetuate. It was the FDA and the Congress that did. But recently they have begun what I think is an unethical strategy to try and scare seniors, to scare consumers, to begin to get them to believe that the problems that would be created by this legislation are insurmountable.

And to the gentleman's credit, the gentleman has had the courage to fight back. Because they have started to run ads on radio, they started to do mailings to our seniors, they are making phone calls to our seniors, they are mailing to pro-life groups; and that is where I get back to this point. If you tell something that is not true and you know it is not true, that is a lie. And I think sometimes here in this city we have to call an untruth a lie. And to the gentleman's credit, and I want the gentleman to talk a little bit about what he has done in Chicago to begin to call things the way they really are and to counterattack. And I admire the gentleman for that. Perhaps the gentleman can talk a little bit about what has been happening in Chicago, in the gentleman's district, and what he is doing about it.

Mr. EMANUEL. Mr. Speaker, as the gentleman knows, the pharmaceutical companies set up a front group, because if it was paid for by the pharmaceutical companies, it would totally be discredited; but they set up a front group to advertise and start to attack or pressure individual Members on this legislation. And they ran radio ads saying, call your Member, say you do not want unsafe drugs in the district, using scare tactics to frighten senior citizens and to frighten American consumers.

Well, in the Chicago area it has totally backfired so I want to thank them for spending their money to help us. But I decided to go on with my own radio ad to counter what the pharmaceutical industry was doing and to tell them the truth and the public the truth about what was going on, what we were trying to do, which is bring competition, bring the prices down, make medications more affordable, save the taxpayers money.

The gentleman and I have talked about it, others have talked about it; I believe that what the drug pharmaceutical companies were doing here was a sign of desperation.

Now, when I mentioned to the gentleman I was running radio ads, a colleague of ours from Indiana mentioned the direct mail he was getting in his district. A colleague of ours from Massachusetts was mentioning the phone calls where pharmaceutical companies were calling up telling the same message they were delivering on the radio, saying, talk to your Congressman, and then patching that through. Once the staff of the Member's office explained it, the seniors not only felt good, they were happy that he was on the legislation. But they are using the scare tactics in a sign of desperation. Their position is untenable.

We have competition for a car. You want to buy a Toyota, you can buy a Toyota. You want to buy General Motors, you can buy General Motors. You want to buy a Renault, you can buy a Renault, a Saab. You want to buy strawberries all year round, you can do that. You want to buy software from an American company, you can do that. You want to buy them from a German company, SAP, you can do that. The only area where you cannot buy other products from other markets in the same product line is in the pharmaceutical area. We can do it in cars, stereos, TV, electronics. And in all of those places, consumer prices have dropped dramatically. Competition has worked.

The pharmaceutical industry has gamed the political system. They have gamed the legal system, and they have kept competition out. We pay the highest prices in the world for pharmaceutical drugs. The gentleman's chart shows the 10 most-used drugs for seniors. There is a $700 spread where American seniors are paying $700 more than their counterparts in Germany, 20 percent more in Canada. Why? Because the political system has been gamed by

the pharmaceutical industry to keep competition out of the market.

Now, I have seen the marketplace work. It does it in every product. It brings efficiency to the marketplace. The reason we have this tremendous inefficiency in the pharmaceutical area is because we have a closed market. You open up the marketplace to competition, prices will drop.

One of the things I learned a long time ago, maybe this is because I am a middle child. I used to say about middle children, we wrote a book, ''War or Peace.'' We could do either one. If someone was going to go out and say something like that to scare and intimidate people, they needed to be pushed back and given some of their own medicine.

What they did in Chicago, what they are doing around the country, the gentleman can correct me if I am wrong, but I think it is about $20 million big pharmaceutical companies are spending to scare people. It is a sign of desperation. They are using desperate tactics. And I hope it is backfiring on our colleagues and realizing that type of pressure politics will not work, scaring people. The public is on to what they were doing.

That is what I decided to do. We have run it in the Chicago area. We have got a tremendous amount of attention and support by the public for speaking out and speaking up against the pharmaceutical industry scare tactics. If they wanted to have an honest debate, this is worth having a debate. I look forward to it. But what they are doing is exactly what the gentleman said, they are lying. They are scaring people when they need not scare them.

Mr. GUTKNECHT. Mr. Speaker, I want to thank the gentleman. We have sort of suffered the slings and arrows of outrageous fortune over this issue, but it is worth it because this is a big issue. The gentleman mentioned they are desperate. They understand what we understand, that over the next 10 years this is a $630 billion issue. And that $630 billion is going to be paid by seniors, it is going to be paid by families, it is going to be paid by big businesses, it is going to be paid by small businesses; but that is $630 billion that Americans should not have to pay.

As we talked about with many of these drugs like Tamoxifen, the Americans already paid for the drug. We paid to develop the drug. And yet they sell it, here this box of drugs I bought in Munich, Germany, for $59.05. We rounded it off to $60. This drug sells here in Washington, D.C. for $360. That is outrageous. It is indefensible. And the reason that they have to resort to distortions, deceptions, and down right lies is because they cannot defend this chart. They cannot defend the fact that Cipro sells in Germany for $35 and $55 in the United States, that Coumadin sells for $21 in Germany and $89.95 in the United States. Glucophage, $21.95 in the United States, only $5 in Germany. Pravachol sells for $62.96 in Germany but $149.95 here, and the list goes on.

The gentleman said the total price for the 10 most commonly prescribed drugs, $373.30 in Munich, Germany. That same group of drugs, same quantities, made in the same FDA-approved facilities sells for $1,039.65 here in the United States. That is indefensible. They do not want to argue this chart. They do not want to argue these numbers, so they resorted to the only thing that is left, and that is to try to scare seniors, try to deceive Members of Congress and somehow distort this whole issue so that it is about safety, it is about abortion, it is about all other kinds of issues; but that is not what it is about.

It is about money. It is about real money. Because they believe that $630 billion belongs to them. We believe that $630 billion belongs to Americans.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague from Minnesota for having the Special Order and my colleague from Illinois, who I am working with on a number of different issues.

The gentleman talks about what is going on, that they are trying to scare seniors, they are trying to scare Members of Congress. In an unprecedented way, they have taken this argument to our constituents; and actually I am glad that they did. Back in my district a few weeks ago as I am talking to my newspapers, I started getting some unusual inquiries. They were asking me some strange questions. They said, What are you working on, this reimportation? And I kind of explain it to them. And I kind of asked them the question and said, Why are you asking? I have worked on this bill for the last 3 or 4 years, and this is the first time you have ever asked me about it. They said, We had someone from the pharmaceutical companies visit us and talk to us about this issue. I said, That is interesting. We have some pharmaceutical companies in west Michigan. I have a rural district along the Lake Michigan shoreline and a number of dailies, a number of weekly newspapers. I said, Oh, one of the folks from one of the local drug companies. They said, No, we think this is a lobbyist from Washington. And almost universally they have all said, We are not quite sure what to make of this because this has never happened to us before that a lobbyist would come from Washington and meet with us and to try to tell us why you are, the quote was. Why you are backing the wrong horse, was one of the terms that they were using.

I will get back to that, but this person was from the Pharmaceutical Research and Manufacturers of America and visited all of my daily newspapers and I think some of the weeklies and actually visited some that were not in my district that he thought were still in my district.

But now they introduce the flier that says, they are spending more on my campaign than I spend on my own campaigns, ''Will Congressman Hoekstra miss an opportunity to protect the sanctity of human life?''

Absolutely not. In 10½ years of being in Washington, I have not missed a vote to protect the unborn. This will not be one of the times that even will impact the unborn. We have a letter from a former colleague to the gentleman from Minnesota (Mr. GUTKNECHT) that talks about what a phony argument they are raising in this instance, in scaring the pro-life folks.

□ 2230

Then they have the second flyer that these folks are mailing out into my district, a public health alert: Investigative reports expose danger of imported medicines for seniors. But they are mailing that out in my district.

Then an urgent drug safety warning for America's family, a half-page ad in my local newspapers. I guess my colleague from Illinois must have experienced some of the radio ads that they are running, urgent. And the two of my colleagues are absolutely right. Because what has run in one of my local newspapers now is the dirty little secret that these folks are running away from, which is save up to 86 percent on your prescription drugs, 86 percent. This is an offer to constituents in my district to buy the same drugs, and you have got the prices up there, something that in the U.S. costs $80 dollars, get it for 17 bucks from Canada. This is after they ship it to you at 17.

Mr. EMANUEL. Mr. Speaker, may I ask my colleague, what you have as an ad in your area paper, where people can buy the same medications that they could get at their local pharmacies, if they went to Canada, the reductions, if you could read a few of those comparatives.

Mr. HOEKSTRA. Mr. Speaker, Lipitor, save 43 percent. The average U.S. cost is $288. Our price is $165.

Neurotonin, you have got all these down, but average U.S. cost $130. Our price $78.

Mr. EMANUEL. Our price being the one in Canada.

Mr. HOEKSTRA. That is right. Our price being the one in Canada.

Premarin, the U.S. price, $80. Our price, if you buy it through mail order from Canada, $17.

One of my pharmacists called me today because he says I cannot sell this for $80. He says, when I buy this from my supplier in the U.S., it is costing me $74. The dirty little secret is that these folks are willing to sell.

The savings are save 43 percent, save 40 percent, save 79 percent, save 26 percent. Save 86 percent on Nolvadex. $349 is the average U.S. cost. Buy the same drug, manufactured in the same plant in the U.S. and buy it, I am 180 miles from Detroit. Go 180 miles to Windsor and buy the same thing for $50.

It is not like the Canadians have this phenomenal pharmaceutical system that they can build this stuff so much

cheaper, manufacture this stuff so much cheaper. It is the same stuff built in the same plants in the U.S., but it is sold for 86 percent cheaper if you want to buy it from Canada, 45 percent, 54 percent, 23, 49, 52 percent.

Zocor, I know that you have talked about that, $377 is the average cost in the U.S.

Mr. GUTKNECHT. That must be for 100 tablets. Does it say?

Mr. HOEKSTRA. It is 100 count tablet, 20 milligrams.

Mr. GUTKNECHT. That is what we are talking about.

Mr. HOEKSTRA. Buy it from Canada for $180.

Mr. EMANUEL. That is a 50 percent reduction, little more.

Mr. HOEKSTRA. Fifty-two percent. One of my pharmacists called me this morning, and he is outraged because he opens his morning newspaper, and he is seeing this ad and says, how do I compete? And I said, I want you to do a press conference with me next week. On Monday morning we are going to do this, and we are going to talk about that and expose the dirty little secret.

This is not about drug safety. This is not about abortion. This is about the American taxpayers being gouged by greedy drug companies which I think was the headline in Illinois.

Mr. EMANUEL. Mr. Speaker, if my colleague would yield, as a friend of ours once said, if they say it ain't about money, it is about money, and that is what this is about. It is not about abortion. It is not about safety. It is not about anything else but about money.

I respect the need for them to make a profit. They will make a profit, but it is clear what is going on here is that the American consumers, the American elderly and American taxpayers are subsidizing the rest of the world, and it is high time we stand up for those folks who are trying to make ends meet, whether they be taxpayers, sick patients, whether they be the elderly, get the prescriptions. It is clear because all those drugs are name brand drugs, same name brand drugs made in the same facility, they are just sold at a 50 or more percent reduction in Canada. In that type of competition your local pharmacist can compete if they had that same type of price, and that is what we are talking about.

Mr. HOEKSTRA. Mr. Speaker, what my local pharmacist said today was we would have not that great of a drug crisis in the United States if we had Canadian pricing or German pricing or other EU pricing.

The three reasons that Mr. Trewhitt gave my local newspapers as to why this reimportation is a failed strategy, there is no guarantee any savings would be passed on to consumers.

The Lipitor, save 43 percent. My belief is that if you have reimportation, my pharmacist in Holland, Michigan, or my pharmacist in Ludington, Michigan, if he can access these drugs through a purchasing agreement with a reputable pharmaceutical house in Canada, do I think he is going to buy or stay in business if he is paying $288 for it and the pharmacy down the street can get it for $165? I am sorry, he is going to be buying it, and the consumers will see the savings. The consumers in Canada obviously are seeing the savings. The savings have moved down.

It is uncertain whether the safety of reimported drugs can be assured. Give me a break. You told me how many pounds or tons of bananas we import and these types of things. The technology exists where we can put the controls in place that we can maintain the integrity.

But the bottom line is reimportation will not happen. What will happen is that we will see an equalization of the prices between the Canadian and the U.S. markets and the European markets and the U.S. and the U.S. seniors and the U.S. government. But, also, U.S. manufacturers will no longer be subsidizing the health care costs of the rest of the world.

The third argument that Mr. Trewhitt raises, the third major reason he argues against reimportation is that, in essence, he said the U.S. also would be importing someone else's failed price controls. It does not look like failed price controls to me. It looks to me like price controls or whatever mechanism Canada is using appear to be working pretty well, because the folks who are manufacturing these products are perfectly willing to sell these products in Canada at these prices, and they are not willing to sell these same drugs to American consumers at the same price. It appears to be working for Canada.

If this were a failed price control, these drugs would not be available in Canada. If these companies could not make money at these prices, what they would say is we are not going to distribute these products in Canada because we cannot make a profit at it so we are not going to distribute them there until we get a fair and reasonable price for these products. They are not going to available in Canada, and Canadians would be having to come to the United States to buy these quality drugs, but it is exactly the opposite.

Mr. GUTKNECHT. Mr. Speaker, I want to give our friend from Illinois a few minutes because I know he has to leave.

Mr. EMANUEL. I think that our other colleague from Michigan laid it out. What would happen is you would see a dramatic reduction in prices here in the United States. There would be some levelling off. Prices in other places would rise. We can call it reimportation. I like to refer to it as market access. We would go from a closed market to an open market. You have real competition. Once that occurred, what would happen at that point, prices would be reduced here at home.

More importantly, I will use the General Motors example. There are businesses all across the country, look at the steel industry, what was really depressing the steel industry was not the competition in prices. It was that our steel industry had all these legacy costs for retirees, health care costs. You get the reductions like this, and the costs for our steel industry would be dramatically reduced, but that is across big businesses and small businesses.

Small businesses, only one-third of them provide health care. Two-thirds do not. Why? Because it is too costly. One of the greatest causes of health care inflation is, which is now running at 20–25 percent a year, two factors, the uninsured and prescription medicines. Those are the factors behind health care inflation.

We have got to bring this under control. The way to do it is not mandate it. Let us use market forces to do it.

Again, I want to go back to what our opponents have done. I again believe that their desperation and desperate tactics, whether that is through the direct mail as you have shown, the radio commercials that are running in my district, the telephone campaign that is running in other folks' districts, what is interesting is, as I have said before and I will say again, they could have said anything. They can talk about their life-saving medications. They could have talked about their innovation, how many people they employ. They did not talk about something positive. They tried to scare people about what we are trying to do.

To me, their first argument, their first salvo, the first arrow they shot is indicative of the emptiness of their position. They did not say something positive about what they are trying to do. They are trying to run us down, helping seniors and consumers.

Again, I want to thank both of you. I do have to go. I thank both of you for your leadership. One of the things I am most impressed with is the huge bipartisanship that has been shown on this, the cross-sections of both caucuses, the Democrats and Republicans, who have come together, both in the House and in the Senate where 82 Members voted for similar legislation, although it is only specific to Canada.

We are talking about the European Union here, which I think would be real competitive because we have a common set of principles. We have heard too many stories of people missing medication, people, as my colleague has always said, and if I could steal this from him for a second, we have turned our elderly into drug runners, coyotes running over the border trying to get medication.

Both of you have districts obviously closer to Canada than mine, but in Illinois there are actually three or four storefronts opening up to do distributions from Canada. You see it on a real day-to-day basis what is going on, and you see the competitive market forces that if we brought them here people would not drive 120 miles, which they

do today. They would drive 12 minutes, and they would get the medication at their local pharmacy.

We need that type of competition here, and it is the right thing to do, and I think we are on the right course. The desperate tactics shown by our opponents reflect the success of our message, and I think we are scheduled to have a vote next week, which I think America needs to focus on and bring their attention to.

Again, I want to thank you for doing this again today, and I think we are going to have some other time this week to talk about this again.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman; and hopefully tonight we are going to have another bipartisan opportunity to come together, Republicans, Democrats, Independents, conservatives, liberals, and talk about this.

Let me just share, I have a lot of heroes. We all have heroes, but I want to talk about one in particular. Her name is Kate Stahl. Kate Stahl is 84 years old. She is a very active member of the Senior Federation back in Minnesota, and she was quoted in a recent copy of U.S. News and World Report, and the quote is, I would like nothing better than to be thrown in jail.

She is a self-described drug runner. She helps people find affordable medications, in Canada principally, but she will also look other places. She goes on-line. She helps them buy drugs. She takes them up to Winnipeg to buy drugs. Kate Stahl is not a common criminal. She is an American hero.

One of the statistics I have come across and one of the reasons I fight so aggressively on this issue, there was a study done recently by the Kaiser Foundation, and I checked this out because I spoke to the community pharmacists a few months ago. The study said that 29 percent of seniors say that they have had prescriptions that have gone unfilled because they could not afford them.

So when I spoke to the community pharmacists a couple of months ago, I asked them the question, have you ever had the experience where a senior comes in, or it does not even have to be a senior, it can be a mother or father comes in with a prescription, hands it to you and you tell them how much the prescription is going to cost and they take a deep breath and they drop their head and they say, well, maybe I will be back tomorrow and they never come back? Shame on us. Shame on us.

These drugs are available today in other industrialized countries for a fraction of what we pay, but they have something we do not have. They have parallel marketing or parallel trading in Europe, and they allow the pharmacists to literally shop where they can get the best price, whether it is for Coumadin or Synthroid or whatever it happens to be, and, as a result, they have affordable drugs.

□ 2245

It really is time for us to open up markets, because markets work. Again quoting Ronald Reagan, ''Markets are more powerful than armies.'' We have to open up markets. We have to have some competition. And if we do that, we will have more affordable prescription drugs, not just for seniors but for moms and dads, families, and for small businesses.

Mr. Speaker, I yield back to my friend from Michigan because he has been a champion of small businesses, and particularly a champion for small businesses. He has seen what is happening to manufacturing and one of the reasons for the cost of health care. Perhaps he wants to talk a little about why this does matter whether you are a senior citizen or a manager of a small manufacturing plant.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding. So much of the debate has been about ensuring that seniors have access to health care, and that is important, that they have access to affordable health care. But what has been lost in the debate, and my colleague from Illinois brought this up briefly before he left, was that small businesses and others are struggling with the cost of health care.

When a small business is expected to pay these kinds of prices that are double or triple what would be paid in Canada, what happens is, and it is not too difficult to figure out, the health care cost for a small business in Canada that is paying $33 for a prescription and a company in Michigan that is paying $100 for that exact same prescription, and prescriptions are becoming a much greater percentage of the total cost of health care, well, naturally, the insurance costs are going to be higher for that company in the U.S. than what they are in Canada.

In the manufacturing sector today, companies are competing on the basis of pennies. If I can make this widget for a few cents less in Canada or in Europe versus the U.S., guess what, I am moving. That is how competitive the market is. Markets work. Sources of supply shift. And so, in effect, not only are we subsidizing the health care costs in Canada and in Europe for the seniors, our businesses and our workers carry this additional burden of increased health care costs. Our companies and our workers in America are subsidizing the very workers that they have to compete with in Canada and in Europe based on health care.

Our workers not only have to be productive enough to cover the cost of their own health care, but they also are picking up a part of the health care cost of the very people that are trying to put them out of work each and every day in Canada, in Europe, and, as my colleague likes to refer to them, the starving Swiss. Those are the folks our people are competing against each and every day, and they are now being asked to pick up part of the burden for their health care costs. It is absolutely outrageous.

Manufacturing is under assault in the U.S. Talk to a small businessperson today and the first thing they will bring up is the competitive nature of the market that they are in. There is no safe market any more. It is not like we found our niche; we are going to have a good year. Competition is tough each and every day, and they have to go out and fight to get a customer and to keep a customer.

The second thing they will say is that the fastest rising cost in our business is health care. And a big component of it is that they are paying more so that Canadian companies and Canadian workers can get their health care cheaper. There is no reason why mom and dad, who go to work during the day and want to raise their family, that while they are working they are subsidizing the health care costs of competitors across and outside of our borders.

This is one of the things that we need to deal with as we try to resurrect and strengthen manufacturing in the U.S. This is one small step, but it has to take place. We have to equalize those health care costs.

Mr. GUTKNECHT. Reclaiming my time, Mr. Speaker, the gentleman is absolutely correct. I have been astonished at the response by some of the people here in Washington. We all claim to be very concerned with the fact that we have lost over 2 million manufacturing jobs in the last 4 years; and some people are saying, well, the answer is more government programs; and some people say, well, the answer is tax cuts. But here is an idea that if we are right, and I think we are, and I think the evidence supports this, that we can save at least $630 billion.

Now, if you want to allow Americans to keep and spend $630 billion of their money, here is a good place to start; and it does not cost the Federal Treasury a dime. It just begins to equalize, so no longer will American consumers and American taxpayers be subsidizing the health care cost of the rest of the world.

And I just want to come back to one point, because people do not realize, and the gentleman from Illinois (Mr. EMANUEL) started talking about this, we subsidize the pharmaceutical industry in three separate ways. First of all, we subsidize them in the tax codes because they get very generous tax benefits for what they do on research and so forth. They get to write off at least 50 percent. In many cases, they get a dollar-per-dollar tax reduction in the form of tax credits.

Secondly, we subsidize them in the amount we spend on research. This year, and I am proud of this fact, we will spend about $27 billion in taxpayers' dollars through the NIH, the National Science Foundation, actually through the Defense Department. We spend an awful lot of money on research which ultimately benefits the pharmaceutical industry. With the drug tax laws, for example, we spent almost $.5 billion taxpayer dollars developing Paxil. Then we licensed that

drug to a pharmaceutical company and they went out and sold $9 billion worth of Paxil to the market. Even though we took it all the way through phase 2 trials at taxpayer expense, they have sold $9 billion and they paid us a royalty of $35 million.

Finally, we subsidize the pharmaceutical companies in the prices we pay. As the gentleman said, I think we ought to subsidize the people in sub-Saharan Africa, but I think the time has come to say we will no longer continue to subsidize the starving Swiss.

Mr. HOEKSTRA. If my colleague will yield, Mr. Speaker, I think this is a very, very critical point. We are fighting in a world economy for every job. Every American worker faces not only competition, but in Michigan we face competition from Wisconsin, Illinois, Minnesota, and Ohio, each and every day. And each and every day they fight competition from Canada, from Europe, and the Far East.

Now, not that long ago we had a plant close in my hometown and move to Canada. One of the reasons they moved was due to the ridiculous sugar subsidy we have here that inflated the price of sugar in the U.S. The other reason was that the cost of labor, which includes the cost of health care and other benefits, was higher in the United States. And so not only is it that health care costs more here, it is because the workers here were covering their own health care and paying a portion of the health care costs for the very people that ended up putting them out of a job.

We are subsidizing other companies to compete against U.S. manufacturers and U.S. workers. We cannot lose that point through this debate. It is absolutely critical that the American people need to recognize that when we are paying triple or four times the prescription drug prices in the U.S. versus what they are paying in other countries, it is the U.S. worker who is subsidizing foreign workers who are trying to take their job each and every day. That is why this is absolutely so critical.

The gentleman and I have been here for a period of time, and we are always talking about free trade. Let us have free trade. Because we say, hey, competition works. But when it comes to this area where it is so clear that competition would work, because we have this discrepancy between Detroit and Windsor, where all we have is a river with a bridge over it and a tunnel underneath it, and you have to go a couple of miles and you can save 70, 60, 50 percent, yet we will not let them do it, that tells use that there is something wrong.

Mr. GUTKNECHT. And we should do something about it.

Mr. Speaker, we have been joined by our friend, the gentleman from Vermont, someone who has been in these trenches fighting this battle I think for even longer than I have.

Mr. HOEKSTRA. And if the gentleman will yield briefly, I just have to say that I do believe this will be the first time that I have ever been joined on a Special Order by my colleague from Vermont. So welcome.

Mr. GUTKNECHT. Mr. Speaker, I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Speaker, I thank the gentleman for his leadership on this issue. I think what is very interesting on this issue is that we are finding people from different philosophical perspectives, Republicans, Democrats, Independents, Conservatives, Progressives, Liberals, Moderates, coming together and making one very strong point. And while our analysis may be different, the bottom line that we all agree on is that it is simply unacceptable that the people of the United States year after year are forced to pay by far the highest prices in the world for prescription drugs, many of which are manufactured right here in this country.

As the gentleman from Minnesota knows, several years ago I took some of my constituents, and I was the first Member of Congress to do that, and being in Vermont we are right near the Canadian border, so we went from Franklin County, northern Vermont, over the border, and we had with us a number of women who were struggling with breast cancer, a terrible illness. They were able to purchase, and the gentleman has it right in his hands, a widely prescribed breast cancer drug called Tamoxifen.

These women could not believe their eyes when they ended up paying one-tenth the price, 10 percent of the price, in Montreal than they were paying in the State of Vermont.

Now, my view is that the time is long overdue for the Members of the United States Congress, Republicans, Democrats, Independents, to stand up to what I believe is the most powerful lobby in the history of our country. The pharmaceutical industry has spent hundreds of millions of dollars fighting every effort here in Congress. No matter what the idea is, they have fought it.

My understanding now, and my colleague can correct me if I am wrong, is that they are running ads all over the country against the concept of reimportation. They are lying about people's political beliefs. They are putting up and funding phony front organizations to represent their interests. And the point to be made, in my view, is that it is absurd that year after year, when the pharmaceutical industry leads all other industries in the profits that they make, when they have enough money to pay their CEOs exorbitant compensation packages, when they have enough money to have over 600 paid lobbyists, and, my friends, there are only 435 Members of the House, yet they have 600 lobbyists, former leaders of the Republican Party, former leaders of the Democratic Party, they are besieging the institution, that we cannot walk the hallways without bumping into a representative of the pharmaceutical industry telling Members of Congress, please, do everything you can to make sure that Americans continue to pay the highest prices in the world.

The last point I would make, and my friend from Michigan touched on this issue, I happen not to be an advocate of free trade. I think free trade in the last number of years has been a disaster for American workers, et cetera. But for all of those people in Congress, a majority of people, who think that it is okay to bring in products from China, to bring in vegetables from Mexico and Latin America, to bring in beef and pork bellies from Canada, if all of that is okay, how come we cannot bring FDA safety-regulated prescription drugs from Canada, which has a regulatory system quite as strong as the FDA? I would love our colleagues to tell me that answer.

Mr. GUTKNECHT. Well, if the gentleman will yield back, that is the question I asked my colleagues and that is how I got involved in this debate. I always tell people I feel like the little boy who came in and asked his mother a question, and his mother was busy. She said go ask your dad. And he said, well, I did not want to know that much about it.

The more I have learned about this, the more pernicious this thing is. But what really got me involved was several years ago on behalf of my pork producers, when the price of hogs dropped from about 37 cents a pound down to about 9 cents a pound, 8 cents a pound, my hog producers started calling me saying, Congressman, can you not do something about this? I said, I do not know what I can do. They said, at least can you stop the Canadian hogs from coming into the American market making our situation even worse, making the supply and demand thing even worse? Can you do something about the Canadian hogs, at least stop them?

So I called the Secretary of Agriculture and I called the Secretary of Commerce and I got essentially the same answer. They said, well, that is called NAFTA. It is called free trade. All of a sudden a light bulb went on above my head. I said, wait a minute, we have free trade when it comes to pork bellies and blueberries, but we do not have free trade when it comes to Tamoxifen? The one area where Americans could save billions.

Mr. SANDERS. That is amazing.

Mr. GUTKNECHT. Billions. And that is when I began to move. As Winston Churchill once said, ''The difference between a fan and a fanatic is, a fanatic is one who cannot change their mind and will not change the subject.'' I have become a fanatic on this, and we will not step down.

□ 2300

Mr. HOEKSTRA. Mr. Speaker, the interesting thing that the gentleman from Minnesota (Mr. GUTKNECHT) is talking about, if you are buying pork

or hog bellies from Canada, they were raised and grown in Canada and exported to the U.S.

These drugs that we are talking about shipping into the U.S. were probably made in the U.S. under the FDA, they were shipped to Canada, and this is kind of a reverse NAFTA. We are shipping this stuff out, and they are selling it at these phenomenal discounts in Canada. Then the American consumer would like to buy American product back, and they are saying that it is too dangerous, illegal, and plus you will promote abortion.

Mr. SANDERS. Mr. Speaker, common sense would dictate, is it not far more difficult to regulate the vegetables or the beef or pork that are raised on farms and ranches, what pesticides are they using, who knows, it is very difficult to regulate, but it is okay to import that product into the United States. But when you have prescription drugs manufactured in the United States and approved by the FDA, sent to Canada, approved by their regulatory system, all of a sudden we cannot regulate it. On the surface it is absurd and laughable, and anyone who makes that case should be laughed out of this institution.

Mr. HOEKSTRA. Not only on the surface is it ridiculous, but as we peel the onion, it gets even more absurd. They say that these are Canadian drugs, who knows where they manufactured. No, they were not manufactured in Toronto. These things were manufactured, produced in our own factories.

Mr. SANDERS. The gentleman from Indiana (Mr. BURTON) and I did a study. We requested of the CRS to take a look at the Canadian prescription drug regulatory system. We are not dealing with some Third World in Canada. What the CRS told us is that the Canadian prescription drug regulatory system almost always is equivalent to the FDA in the United States, which makes the argument that the drugs coming in would be unsafe totally ridiculous.

Mr. GUTKNECHT. Mr. Speaker, coming back to the abortion piece, if anybody knows what the rules are on the drug RU–486, it is the drug companies that make it. We talk about Canada and Mexico, we do not even mention Mexico in our legislation because we only talk about industrialized countries. We mention only the G–8 countries, countries that we know have very sophisticated methods of regulating the drugs. But let us come back to RU–486. That is what they are going after with some of the pro-lifers with that mailer. Here is what they know.

Mr. HOEKSTRA. It is the pharmaceutical companies.

Mr. GUTKNECHT. Exactly. It is all funded by the pharmaceutical companies. We know that, and we will be able to prove that within the next 72 hours.

But let me come back to this point. They know the rules. You cannot get the abortion drug RU–486 with a prescription in the United States. You can only get it administered by a doctor in a hospital or in the doctor's office. In other words, he or she cannot write you a prescription and you get it filled at the pharmacy.

The pharmaceutical industry knows that, and that is why this is such a bald-faced lie. In fact, they do not even go so far as to say you cannot even get it legally in Canada or Mexico. It is outlawed completely in those countries. Only the FDA has allowed the abortion drug.

I do not think they should, but whichever side of the story you are on, stick to the facts. And if anybody knows the facts, it is the companies that produce it. It is not laughable. It is sad. I used to think of them as an ethical industry. No more. It is unethical. What they are doing is dishonest, and they deserve all of the spite that the consumers are beginning to heap upon their shoulders.

Mr. SANDERS. Mr. Speaker, I am pro-choice. I am proud of it. I have always been, and I will always be. But for the pharmaceutical industry to lie about the pro-life people just shows the desperateness as to where they are. What they are nervous about and what this Special Order is about is people from different political parties coming together on behalf of the American people and saying, enough is enough, pharmaceutical industry, you cannot rip the American people off. I think we have them on the run, and if we keep our fiber and keep working together, we will win this effort.

I want to thank the gentleman from Minnesota (Mr. GUTKNECHT) for his leadership efforts on this issue.

Mr. HOEKSTRA. Mr. Speaker, I think what my colleagues have both alluded to is the dishonesty or questioning the motives of the pharmaceutical companies.

My mom and my in-laws are mid-80s, and they take prescription drugs. They are paying four times what somebody in Canada or Europe will pay. How in the world can a drug company justify those numbers and say just the very simple fact of a border means if you need a life-saving prescription in Canada, it is going to cost you $17 and in the United States it will cost you $80?

It is absolutely outrageous that that is what these folks are doing each and every day. For whatever reason, they are pricing people and seniors out of the market here in America. They go to bed at night feeling perfectly comfortable doing that and then throwing this garbage out there to justify it.

We may differ on life, but you are absolutely right, the folks that developed RU–486 are the ones that are paying for the ads that say, how terrible, they are going to promote abortion. It is like, excuse me, you are the ones that came up with this drug.

Mr. Speaker, I congratulate my colleague for leading the fight and being a staunch supporter on this and the gentleman from Vermont (Mr. SANDERS) coming to join us tonight. I cannot wait until we have a vote on this. I think we are going to win in overwhelming fashion, and we are going to demonstrate that different parts of this Congress can come together and stand up for the consumers.

Mr. GUTKNECHT. Mr. Speaker, I yield to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Michigan (Mr. HOEKSTRA).

There is no question that there are people in this country who are literally dying or suffering because they cannot afford the high prices that they are forced to pay in this country. It is not acceptable that an industry which is so wealthy and so profitable can continue to force Americans to suffer in that way.

It excites me that we are coming together regardless of philosophy or party to say enough is enough. I look forward to that vote. I think we have them on the run, and I think the literature that the gentleman showed is just an indication of how desperate and panicky they must be. I would say to the American people it is a sad state of affairs when an industry has to stoop to that level. I think Congress has caught up to them, and I think we are finally going to represent effectively the American people on this issue.

Mr. GUTKNECHT. Mr. Speaker, we have had a very lively discussion. This is an important debate. Ultimately, it is about hundreds of billions of dollars that Americans pay and will be forced to pay if we do not do something about it. There is nothing in it for any of us except the satisfaction of doing what we believe is honestly right.

I will close with the words of the American philosopher and country western singer Tom Petty, ''We won't back down.''

□ 2310

OPPOSITION TO ALLOWING AMERICAN TOURIST TRAVEL TO CUBA

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I would like to address the issue of American tourists visiting the island of Cuba this evening. Mr. Speaker, in my opinion now is not the time to open American tourism to Cuba. American tourists should not be allowed to soak in the sun of Cuba's beaches while so many of Cuba's democracy leaders and independent thinkers suffer under inhumane conditions in Cuba's jails.

Behind Cuba's tropical weather and vacation resorts lies a repressive regime. This is the same regime that earlier this year arrested over 80 nonviolent human rights advocates, prodemocracy leaders, and independent journalists in a campaign by Castro and his forces to silence all voices of opposition on the island.

Mr. Speaker, I have said in the past that doing business with Cuba means doing business with Castro. So long as Castro maintains his stranglehold on every aspect of Cuban life, allowing Americans to travel to Cuba would mean subsidizing Castro. Most Cuban tourist operations are run by the Cuban military and internal security services. These so-called ''companies'' funnel money directly into the regime, earning them the hard currency necessary to perpetuate their repressive policies. Contrary to popular belief, increased tourist travel to the island would not increase purposeful contact with the Cuban people. Canadians and Europeans have been traveling to Cuba for years, and yet there has been no measurable impact on or change in Castro's control over his people.

Furthermore, Mr. Speaker, 98 percent of Cuban citizens are forbidden even entry into the tourist areas, which is Fidel Castro's way of denying foreigners the ability to gain a glimpse into the reality of Cuban life. Those Cubans who do work at the resorts are forbidden to engage in certain types of conversations with foreigners, including any mention of Cuba's political situation, the U.S. embargo, and other such issues.

Citizens who work at the resorts are employed by a State employment agency run by the Castro regime. The foreign resorts pay the worker's wages to the state agency in dollars, but the worker receives only pesos. Therefore, between 95 percent and 97 percent of a worker's wages are kept by Castro.

Mr. Speaker, by lifting travel sanctions with nothing in exchange from the Cuban Government, we are betraying the very people these policies were designed to help. By allowing American citizens to sip drinks on Cuba's coastline, we are turning our backs on the journalists and pro-democracy advocates that are wasting away in Cuba's jails. I urge my colleagues to join with me and oppose any attempts to lift travel restrictions and to remain committed to their support for the Cuban people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for July 14 through 16 on account of personal reasons.

Mr. JANKLOW (at the request of Mr. DELAY) for today and the balance of the week on account of medical reasons.

Mr. HAYWORTH (at the request of Mr. DELAY) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HINCHEY) to revise and extend their remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. WAXMAN, for 5 minutes, today.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, July 16.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, July 16.

Mr. BURGESS, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HINOJOSA, for 5 minutes, today.

Ms. Linda T. Sanchez of California, for 5 minutes, today.

Mr. GRIJALVA, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. RODRIGUEZ, 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. 1233. An act to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center; to the Committee on Resources and the Committee on the Judiciary.

S. 1280. An act to amend the PROTECT Act to clarify certain volunteer liability; to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 709—An act to award a congressional gold medal to Prime Minister Tony Blair.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 16, 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:

3180. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 01-08, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3181. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 99-09C, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3182. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquistion Regulation Supplement; Payment Bonds on Cost-Reimbursement Contracts [DFARS Case 2002-D030] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3183. A letter from the Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Special Supplemental Food Program for Women, Infants, and Children Overseas (RIN: 0720-AA75) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3184. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Trans Fatty Acids in Nutrition Labeling, Nutrient Content Claims, and Health Claims [Docket No. 94P-0036] (RIN: 0910-AB66) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3185. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Antidiarrheal Drug Products for Over-the-Counter Human Use; Final Monograph; Correction [Docket No. 78N-036D] (RIN: 0910-AA01) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3186. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Tires [Docket No. NHTSA-03-15400] (RIN: 2127-AI54) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3187. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child Restraint Systems, Child Restraint Anchorage Systems [Docket No. NHTSA-03-15438] (RIN: 2127-AH99) received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3188. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Virginia: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7516-4] received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3189. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — 2002 Biennial Regulatory Review — Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted

Pursuant to Section 202 of the Telecommunications Act of 1996 [MB Docket 02-277]; Cross-Ownership of Broadcast Stations and Newspapers [MM Docket No. 01-235]; Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets [MM Docket No.01-317]; Definition of Radio Markets [MM Docket 00-244]; Definition of Radio Markets for Areas Not Located in an Arbitron Survey Area [MB Docket 03-130] Received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3190. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 12-03 which informs of an intent to sign a Project Agreement between the United States, Australia, Italy, and the United Kingdom concerning C-130J Co-operative Systems and Software Upgrade Requirements Management (COSSURM), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3191. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed request for the sale of defense articles or defense services sold commercially to Saudia Arabia, Norway and France (Transmittal No. DDTC 016-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3192. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract to Norway (Transmittal No. DDTC 055-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3193. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan (Transmittal No. DDTC 047-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3194. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract to Israel (Transmittal No. DDTC 046-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3195. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract to Israel (Transmittal No. DDTC 046-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3196. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Denmark (Transmittal No. DDTC 044-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3197. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed amendment to a license for the export of defense services, technical data and defense articles abroad to the United Kingdom (Transmittal No. DDTC 052-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3198. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certifiation of a proposed technical assistance agreement for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DDTC 049-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3199. A letter from the Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — 31 CFR chapter V — received June 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3200. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-107, ''Additional Use of the Reserve Funds Omnibus Temporary Act of 2003,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

3201. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3202. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery [Docket No. 030409081-3154-02; I.D. 032103B] (RIN: 0648-AQ72) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3203. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Washington Sport Fisheries [Docket No. 030124019-3040-02; I.D. 061903C] (RIN: 0648-AQ67)received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3204. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area and Safety Zone; Huntington Cleveland Harborfest and Parade of Sail, Cleveland, OH July 9-14, 2003 [CGD09-03-206] (RIN: 1625-AA00, 1625-AA11) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3205. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Creek Waterway, China Basin, San Francisco Bay, California [COTP San Francisco Bay 03-004] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3206. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Military Ocean Terminal Sunny Point, Cape Fear River, Brunswick County, NC [CGD05-03-074] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3207. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Bogue Sound, Morehead City, NC [CGD05-03-072] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3208. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Protection of High Capacity Passenger Vessels in Prince William Sound, Alaska [COTP-PWS-03-003] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3209. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Swimming Across San Juan Harbor, San Juan, Puerto Rico [COTP SAN JUAN-03-104] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3210. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; St. Croix, United States Virgin Islands [COTP San Juan-03-113] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3211. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Michigan, Chicago, IL [CGD09-03-222] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3212. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gary Air and Water Show, Lake Michigan, Gary IN [CGD09-03-235] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3213. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Brooks Memorial (S.E. 17th Street) Bridge, Atlantic Intracoastal Waterway mile 1065.9, Fort Lauderdale, Florida [CGD07-03-076] (RIN: 1625-AA09) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3214. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Toledo Tall Ships Parade, July 16, 2003, Port of Toledo, OH [CGD09-03-208] (RIN: 1625-AA08, 1625-AA09, 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3215. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Bay City Tall Ship Celebration, Saginaw River, August 14-18, 2003 [CGD09-03-204] (RIN: 1625-AA09, 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3216. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sacramento River, Sacramento, CA [COTP San Francisco Bay 03-019] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3217. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cape

Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC [CGD05-03-073] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3218. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Wings Over Cleveland, Cleveland, OH [CGD09-03-232] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3219. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Handling of Class 1 (Explosive) Materials or Other Dangerous Cargoes within or Contiguous to Waterfront Facilities [USCG-1998-4302] (RIN: 1625-AA07 (Formerly RIN: 2115-AE22)) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3220. A letter from the Deputy General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Recognition of Organizations and Accreditation of Representatives, Attorneys, and Agents (RIN: 2900-AI93) received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3221. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Elimination of User Fees for Certain Determination Letter Requests Pursuant to Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Notice 2003-49) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3222. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in Annual Accounting Period (Announcement 2003-49) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3223. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Treatment of Community Income for Certain Individuals not Filing Joint Returns [TD 9074] (RIN: 1545-AY83) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3224. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Certain Exchanges of Insurance Policies (Notice 2003-51) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3225. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Effect of Section 338(h)(10) Elections in Certain Multi-step Transactions [REG-143679-02] (RIN: 1545-BB68) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3226. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information by Certain Officers and Employees for Investigative Purposes [TD 9073] (RIN: 1545-BB17) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3227. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax on Reversion Of Qualified Plan Assets to Employer (Rev. Rul. 2003-85) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3228. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Catch-Up Contributions for Individuals Age 50 or Older [TD 9072] (RIN: 1545-BA24) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3229. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Authority to charge fees for furnishing copies of exempt organizations' material open to public inspection under IRC Section 6104 [TD 9070] (RIN: 1545-BB22) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3230. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in Accounting Periods and Methods of Accounting (Rev. Proc. 2003-62) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3231. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Definition of Guaranteed Annuity and Lead Unitrust Interests [TD 9068] (RIN: 1545-A031) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3232. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rents from Real Property (Rev. Rul. 2003-86) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. THOMAS: Committee on Ways and Means. H.R. 2473. A bill to amend title XVII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes; with an amendment (Rept. 108–178 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. NEY; Committee on House Administration. House Resolution 317. Resolution dismissing the election contest relating to the office of Representative from the Second Congressional District of Hawaii (Rept. 108–207). Referred to the House Calendar.

Mr. NEY: Committee on House Administration. House Resolution 318. Resolution dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee (Rept. 108–208). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 319. Resolution providing for consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004 and for other purposes (Rept. 108–209). Referred to the House Calendar.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1720. A bill to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating patient care facilities at Department of Veterans Affairs medical centers; with amendments (Rept. 108–210). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 2297. A bill to amend title 38, United States Code, to modify and improve certain benefits for veterans, and for other purposes; with amendments (Rept. 108–211). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. QUINN, and Ms. CORRINE BROWN of Florida):

H.R. 2725. A bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track; to the Committee on Transportation and Infrastructure.

By Ms. CARSON of Indiana (for herself, Mr. MCINTYRE, Mr. FRANK of Massachusetts, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. PAYNE, Ms. LEE, and Mr. OWENS):

H.R. 2726. A bill to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GREENWOOD (for himself, Mrs. LOWEY, Mr. GUTIERREZ, Mr. HOEFFEL, Ms. NORTON, Ms. BALDWIN, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. SANDERS, Mr. ROTHMAN, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. BROWN of Ohio, Ms. ESHOO, Mr. CUMMINGS, Mrs. CAPPS, Mr. WAXMAN, Ms. SLAUGHTER, Ms. CORRINE BROWN of Florida, Mr. GREEN of Texas, Mr. NADLER, Mr. OWENS, Mrs. KELLY, Mr. BAIRD, Mr. PASCRELL, Ms. WOOLSEY, Mr. MATHESON, Mr. MCDERMOTT, Mr. LEVIN, Mr. SCOTT of Georgia, Mr. FILNER, Mr. RANGEL, Mr. CONYERS, Mr. FROST, Mr. WU, Mr. HOLT, Mrs. NAPOLITANO, Ms. VELAZQUEZ, Mr. BELL, Ms. MILLENDER-MCDONALD, Mr. SHAYS, Ms. MCCOLLUM, Mr. VISCLOSKY, Mr. BLUMENAUER, Mr. ENGEL, Mr. DOYLE, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. MORAN of Virginia, Mr. GRIJALVA, Mr. MICHAUD, Mr. FALEOMAVAEGA, Mr. DAVIS of Alabama, Mr. BRADY of Pennsylvania, Ms. DEGETTE, Mr. OSE, and Mrs. JOHNSON of Connecticut):

H.R. 2727. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORWOOD:

H.R. 2728. A bill to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration; to the Committee on Education and the Workforce.

By Mr. NORWOOD:

H.R. 2729. A bill to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; to the Committee on Education and the Workforce.

By Mr. NORWOOD:

H.R. 2730. A bill to amend the Occupational Safety and Health Act of 1970 to provide for

an independent review of citations issued by the Occupational Safety and Health Administration; to the Committee on Education and the Workforce.

By Mr. NORWOOD:

H.R. 2731. A bill to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to very small employers when they prevail in litigation prompted by the issuance of citations by the Occupational Safety and Health Administration; to the Committee on Education and the Workforce.

By Mrs. MUSGRAVE (for herself, Mr. BOEHNER, Mr. HOEKSTRA, Mr. SAM JOHNSON of Texas, Mr. DEMINT, Mr. WILSON of South Carolina, Mr. EHLERS, Mr. PITTS, Mrs. MYRICK, Mr. BARTLETT of Maryland, Mr. FRANKS of Arizona, Mr. KENNEDY of Minnesota, Mr. ADERHOLT, Mr. BRADY of Texas, Mr. GUTKNECHT, Mr. KING of Iowa, Mr. CRANE, Mr. MILLER of Florida, Mr. BEAUPREZ, Mr. CHABOT, Mr. DOOLITTLE, Mr. AKIN, Mr. JONES of North Carolina, Mr. TOOMEY, Mr. SMITH of Michigan, Mr. RYUN of Kansas, Mr. HOSTETTLER, Mr. PAUL, Mr. SOUDER, Mr. RYAN of Wisconsin, and Mr. WELDON of Florida):

H.R. 2732. A bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law; to the Committee on Education and the Workforce, 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. BURR (for himself, Mr. FOSSELLA, Mr. TOWNS, Mr. GORDON, and Mr. BOUCHER):

H.R. 2733. A bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FORBES (for himself, Mr. ROHRABACHER, Mr. LARSON of Connecticut, and Mr. GORDON):

H.R. 2734. A bill to authorize appropriations for the civil aviation research and development projects and activities of the Federal Aviation Administration, and for other purposes; to the Committee on Science.

By Mr. BARTON of Texas (for himself, Mr. TOWNS, Mr. ACEVEDO-VILA, Mr. AKIN, Mr. ANDREWS, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mr. CLYBURN, Mr. DAVIS of Alabama, Mrs. JO ANN DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DEFAZIO, Ms. DEGETTE, Ms. ESHOO, Mr. FORD, Mr. FRANKS of Arizona, Mr. GERLACH, Mr. GOODLATTE, Mr. GRAVES, Mr. GREENWOOD, Mr. HOLDEN, Mr. LATOURETTE, Ms. JACKSON-LEE of Texas, Mr. MANZULLO, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. MOORE, Mrs. MYRICK, Mr. NEAL of Massachusetts, Mr. OWENS, Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. PETRI, Mr. PLATTS, Mr. PRICE of North Carolina, Mr. RUSH, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. STENHOLM, Mr. TANCREDO, Mr. TANNER, Mr. THOMPSON of Mississippi, Mr. TOOMEY, Mr. WAMP, Mr. WAXMAN, Mr. WELDON of Florida, Mr. WILSON of South Carolina, Ms. WOOLSEY, and Mr. WYNN):

H.R. 2735. A bill to protect the rights of American consumers to diagnose, service, and repair motor vehicles purchased in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEVIN:

H.R. 2736. A bill to amend title VII of the Tariff Act of 1930 with respect to determining certain antidumping calculations for merchandise from former nonmarket economy countries; to the Committee on Ways and Means.

By Mr. LEVIN:

H.R. 2737. A bill to amend the Trade Act of 1974 and the Sherman Act to address foreign private and joint public-private market access barriers that harm United States trade, and to amend the Trade Act of 1974 to address the failure of foreign governments to cooperate in the provision of information relating to certain investigations; to the Committee on Ways and Means, 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. DELAY (for himself and Mr. RANGEL) (both by request):

H.R. 2738. A bill to implement the United States-Chile Free Trade Agreement; to the Committee on Ways and Means, 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. DELAY (for himself and Mr. RANGEL) (both by request):

H.R. 2739. A bill to implement the United States-Singapore Free Trade Agreement; to the Committee on Ways and Means, 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. BEREUTER (for himself, Mr. DAVIS of Alabama, Mr. RENZI, and Mr. MATHESON):

H.R. 2740. A bill to amend the National Housing Act to authorize the Government National Mortgage Association to guarantee securities backed by loans guaranteed by the Rural Housing Service under section 538 of the Housing Act of 1949; to the Committee on Financial Services.

By Mrs. CAPPS (for herself, Mr. GEORGE MILLER of California, Mrs. MALONEY, Mr. FROST, and Mr. TOWNS):

H.R. 2741. A bill to provide for a comprehensive Federal effort relating to early detection of, treatments for, and the prevention of cancer, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT:

H.R. 2742. A bill to amend title 18, United States Code, to provide penalties for armored car robberies; to the Committee on the Judiciary.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 2743. A bill to require the Comptroller General to prepare statements for bills and resolutions reported by committees of the House of Representatives and the Senate on whether any new entities, programs, or functions authorized by the bills or resolutions are redundant with existing Federal entities, programs, or functions and could be more efficiently performed by an existing Federal entity, program, or function, and to require such statements to accompany reports on legislation; to the Committee on Government Reform, and in addition to the Committee on Rules, 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. EVANS (for himself, Mr. RUSH, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. EMANUEL, Mr. HYDE, Mr. DAVIS of Illinois, Mr. WELLER, Mr. COSTELLO, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. LAHOOD, Mr. SHIMKUS, Mr. JACKSON of Illinois, and Ms. SCHAKOWSKY):

H.R. 2744. A bill to designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the ''David Bybee Post Office Building''; to the Committee on Government Reform.

By Mr. KUCINICH (for himself, Mr. RANGEL, Ms. BORDALLO, and Mr. HINCHEY):

H.R. 2745. A bill to amend the Internal Revenue Code of 1986 to require a sports franchise to provide for all of the games played by the franchise to be available for local television broadcasting in order to be subject to the presumption that 50 percent of the consideration in the sale or exchange of a sports franchise is allocable to player contracts; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Ms. DELAURO, Mrs. JOHNSON of Connecticut, Mr. SHAYS, and Mr. SIMMONS):

H.R. 2746. A bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building''; to the Committee on Government Reform.

By Mr. LEWIS of Kentucky:

H.R. 2747. A bill to amend the Internal Revenue Code of 1986 to update the optional methods for computing net earnings from self-employment; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mr. WOLF, Mr. FROST, Mr. WYNN, Mr. BALLANCE, Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Ms. NORTON, and Mr. HOYER):

H.R. 2748. A bill to amend chapter 84 of title 5, United States Code, to allow individuals who return to Government service after receiving a refund of retirement contributions to recapture credit for the service covered by that refund by repaying the amount that was so received, with interest; to the Committee on Government Reform.

By Mr. SHERMAN (for himself, Mr. BAIRD, Mr. CONYERS, and Mr. FATTAH):

H.R. 2749. A bill to amend section 19 of title 3, United States Code, to allow the President to choose between possible successors in case of the event that, by reason of certain circumstances, there is neither a President nor Vice President to discharge the powers and duties of the office of President, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself, Mr. HAYWORTH, Mr. KILDEE, and Mr. ABERCROMBIE):

H.R. 2750. A bill to make technical amendments to the Indian Child Welfare Act of 1978; to the Committee on Resources.

By Mr. LEVIN:

H. Con. Res. 243. Concurrent resolution expressing the sense of the Congress regarding dispute settlement proceedings in the World Trade Organization; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself and Mr. LANTOS):

H. Con. Res. 244. Concurrent resolution expressing the sense of the Congress regarding

the Government of Saudi Arabia's lack of protection of internationally recognized human rights and the absence of religious freedom in Saudi Arabia; to the Committee on International Relations.

By Mr. NEY:

H. Res. 317. A resolution dismissing the election contest relating to the office of Representative from the Second Congressional District of Hawaii; considered and agreed to.

By Mr. NEY:

H. Res. 318. A resolution dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 33: Mr. LARSEN of Washington and Mr. GRIJALVA.

H.R. 49: Mr. MEEHAN, Mr. KENNEDY of Minnesota, Mr. THOMPSON of Mississippi, and Mr. HALL.

H.R. 110: Mr. MILLER of Florida.

H.R. 290: Mr. UDALL of New Mexico, Mr. MEEHAN, Mrs. MYRICK, Mrs. DAVIS of California, Mr. BELL and Mr. HEFLEY.

H.R. 296: Mr. DEUTSCH.

H.R. 303: Mrs. JONES of Ohio.

H.R. 331: Mr. ROSS.

H.R. 369: Mr. HOEKSTRA and Mr. MCCOTTER.

H.R. 375: Ms. HART and Mr. WICKER.

H.R. 391: Mr. ROGERS of Alabama.

H.R. 414: Mr. UDALL of Colorado.

H.R. 433: Ms. ESHOO.

H.R. 434: Mr. SHIMKUS and Mr. GOODE.

H.R. 463: Mr. HULSHOF and Mr. KOLBE.

H.R. 486: Mr. WELDON of Florida, Mr. WICKER, Mr. HENSARLING, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. FORBES, Mrs. JO ANN DAVIS of Virginia, and Mr. PICKERING.

H.R. 528: Mr. ENGLISH, Mr. KENNEDY of Minnesota, Mr. RUSH, Mr. JACKSON of Illinois, and Ms. MILLENDER-MCDONALD.

H.R. 570: Mr. PRICE of North Carolina.

H.R. 571: Mr. WOLF.

H.R. 586: Ms. KAPTUR.

H.R. 594: Mr. MILLER of North Carolina, Mr. CHOCOLA, Mr. DINGELL, Mr. GEPHARDT, and Mr. PRICE of North Carolina.

H.R. 648: Mr. GIBBONS.

H.R. 687: Mr. BARTON of Texas.

H.R. 721: Mr. BARTON of Texas.

H.R. 738: Ms. JACKSON-LEE of Texas, Mr. BLUMENAUER, Mr. MORAN of Virginia, Mr. UDALL of Colorado, and Ms. MILLENDER-MCDONALD.

H.R. 745: Ms. MILLENDER-MCDONALD.

H.R. 785: Mr. PUTNAM and Mr. WALDEN of Oregon.

H.R. 834: Mr. GRIJALVA.

H.R. 857: Mr. SCHIFF.

H.R. 898: Mr. KUCINICH, Mr. LARSON of Connecticut, Mrs. MCCARTHY of New York, Mr. BLUMENAUER, and Ms. HARRIS.

H.R. 997: Mr. LEWIS of Kentucky.

H.R. 1002: Mr. SHAW.

H.R. 1008: Mr. MANZULLO.

H.R. 1034: Mr. SHERMAN.

H.R. 1043: Ms. BALDWIN, Mr. ROGERS of Kentucky, and Mr. CALVERT.

H.R. 1068: Mr. KING of Iowa and Mr. GOODE.

H.R. 1078: Mr. CUNNINGHAM, Mr. KNOLLENBERG, Mr. SWEENEY, Mr. MILLER of Florida, Mr. WELDON of Pennsylvania, Mrs. BIGGERT, Mrs. LOWEY, Mr. FARR, Mr. HAYES, Mr. HERGER, Mr. OLVER, Mr. NORWOOD, Mr. NUNES, Mr. GALLEGLY, and Mr. VITTER.

H.R. 1098: Mr. WILSON of South Carolina.

H.R. 1167: Mr. CALVERT.

H.R. 1251: Mr. JANKLOW.

H.R. 1305: Mr. DREIER.

H.R. 1310: Mrs. EMERSON, Mr. BAIRD, Mr. GREEN of Wisconsin, and Mr. ROGERS of Kentucky.

H.R. 1336: Mr. BURGESS and Mr. BURNS.

H.R. 1359: Mr. FRANK of Massachusetts and Mr. HINCHEY.

H.R. 1470: Mr. SNYDER.

H.R. 1499: Mr. WEXLER.

H.R. 1523: Mr. LATHAM.

H.R. 1533: Mr. SHERMAN and Mr. KANJORSKI.

H.R. 1569: Mr. ANDREWS, Mr. PALLONE, Mr. FRELINGHUYSEN, Mr. HOLT, and Mr. ROTHMAN.

H.R. 1605: Mrs. TAUSCHER and Mr. FRANK of Massachusetts.

H.R. 1622: Ms. KAPTUR, Mr. PETERSON of Minnesota, Mr. GEORGE MILLER of California, and Mr. BURTON of Indiana.

H.R. 1639: Ms. MCCOLLUM.

H.R. 1666: Mr. FOLEY.

H.R. 1708: Ms. ROYBAL-ALLARD and Mr. STARK.

H.R. 1710: Mr. KIND.

H.R. 1717: Mrs. DAVIS of California.

H.R. 1730: Mr. TAYLOR of Mississippi.

H.R. 1769: Mr. HOEFFEL, Ms. KAPTUR, and Mr. GREEN of Texas.

H.R. 1784: Mr. CLAY, Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Mr. LATHAM, and Mr. DICKS.

H.R. 1811: Ms. LEE, Mr. NADLER, Mr. DAVIS of Illinois, Mr. ANDREWS, Ms. BALDWIN, Mr. HAYWORTH, Mr. RYUN of Kansas, Mr. SANDERS, and Mr. LEVIN.

H.R. 1813: Mr. BECERRA and Mr. ALLEN.

H.R. 1870: Mrs. MUSGRAVE.

H.R. 1886: Mr. MILLER of North Carolina.

H.R. 1896: Mr. MILLER of Florida.

H.R. 1905: Mr. NADLER.

H.R. 1912: Mr. NUSSLE.

H.R. 1939: Mr. MARKEY.

H.R. 2008: Mr. ANDREWS.

H.R. 2038: Mr. ISRAEL.

H.R. 2085: Mr. BURR.

H.R. 2125: Mr. FALEOMAVAEGA and Ms. JACKSON-LEE of Texas.

H.R. 2130: Mr. ANDREWS, Mr. PALLONE, Mr. FRELINGHUYSEN, and Mr. HOLT.

H.R. 2135: Mr. PICKERING.

H.R. 2174: Mr. GRIJALVA and Mr. MCGOVERN.

H.R. 2205: Mr. LAMPSON, Mr. DELAHUNT, Mr. MENENDEZ, Mr. SIMMONS, Ms. BERKLEY, Mr. HINCHEY, Mr. SANDLIN, Mr. DOOLEY of California, Mr. SHERMAN, Mr. ABERCROMBIE, Mr. SHIMKUS, Mr. HOLT, and Mr. ALLEN.

H.R. 2218: Mr. MORAN of Kansas.

H.R. 2233: Mr. GRIJALVA.

H.R. 2246: Mr. LAHOOD, Mr. LUCAS of Oklahoma, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. MCDERMOTT, and Mr. KING of New York.

H.R. 2265: Ms. DUNN and Mr. GILLMOR.

H.R. 2318: Mr. DAVIS of Tennessee, Ms. NORTON, and Mr. PETERSON of Minnesota.

H.R. 2323: Mr. GRIJALVA and Mr. WEXLER.

H.R. 2377: Mrs. JONES of Ohio.

H.R. 2427: Mr. KLECZKA and Mr. DEMINT.

H.R. 2433: Mrs. DAVIS of California and Mr. MOORE.

H.R. 2462: Mr. VAN HOLLEN and Mr. MARKEY.

H.R. 2482: Mr. BEREUTER.

H.R. 2497: Mr. WEXLER.

H.R. 2511: Mr. LYNCH.

H.R. 2513: Mr. BISHOP of New York.

H.R. 2517: Mr. GALLEGLY.

H.R. 2519: Mr. LANTOS, Mr. BISHOP of New York, Mr. LIPINSKI, and Ms. LINDA T. SANCHEZ of California.

H.R. 2568: Mr. LANTOS.

H.R. 2570: Mr. REYES, Ms. MCCOLLUM, and Ms. NORTON.

H.R. 2579: Mr. GREEN of Wisconsin.

H.R. 2602: Mr. SIMPSON, Mr. NORWOOD, Mr. DOOLITTLE, and Mr. BAKER.

H.R. 2607: Mr. ABERCROMBIE.

H.R. 2620: Mr. NADLER and Mr. KUCINICH.

H.R. 2622: Mr. MURPHY.

H.R. 2625: Ms. WOOLSEY, Mr. ALLEN, Mr. HINCHEY, Mr. EMANUEL, Mr. THOMPSON of California.

H.R. 2626: Mr. FRANK of Massachusetts, Mr. MCGOVERN, and Mr. GILCHREST.

H.R. 2665: Mr. STARK, Mr. KUCINICH, Mrs. MCCARTHY of New York, and Mr. KILDEE.

H.R. 2687: Mr. DUNCAN.

H.R. 2700: Mr. MCDERMOTT.

H.R. 2705: Mr. WYNN and Mr. FRANK of Massachusetts.

H.R. 2711: Mr. KUCINICH and Mr. MCDERMOTT.

H.J. Res. 50: Mr. MANZULLO and Ms. DUNN.

H.J. Res. 56: Mr. GINGREY, Mr. DAVIS of Tennessee, Mr. PICKERING, and Mr. WICKER.

H. Con. Res. 6: Mr. EHLERS.

H. Con. Res. 30: Mr. COOPER, Mr. BACHUS, and Mr. TERRY.

H. Con. Res. 76: Mr. JOHNSON of Illinois.

H. Con. Res. 94: Mr. MCHUGH, Mr. CARSON of Oklahoma, Mrs. NORTHUP, Mr. WAXMAN, Mr. FLETCHER, and Mr. SANDLIN.

H. Con. Res. 126: Mr. MILLER of Florida.

H. Con. Res. 155: Mr. LIPINSKI.

H. Con. Res. 192: Mr. WYNN, Mr. MCINTYRE, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. JENKINS, Mr. POMEROY, Mr. REYES, Mr. SPRATT, and Mr. BAIRD.

H. Con. Res. 213: Mr. FATTAH.

H. Res. 108: Mr. BLUMENAUER.

H. Res. 259: Mr. STARK.

H. Res. 285: Mr. ETHERIDGE, Mr. PITTS, Mr. PALLONE, Mr. CALVERT, Mr. BURNS, and Mr. BARRETT of South Carolina.

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. COLLINS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2691

OFFERED BY: MR. JOHN

AMENDMENT NO. 6: At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used to prosecute any individual for taking migratory birds as described in 20.21(i)(1)(i) of title 50, Code of Federal Regulations, on or over land or water where seeds or grains have been scattered solely as the result of manipulated regrowth of a harvested rice crop.

H.R. 2691

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 7: Strike section 335 of the bill (page 154, lines 12 and 13).

H.R. 2691

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 8: Page 92, line 22, after the dollar amount insert the following: ''increased by $57,480,000''.

Page 93, line 22, after the dollar amount insert the following: ''increased by $57,480,000''.

Page 128, line 7, after the dollar amount insert the following: ''reduced by $57,480,000''.

H.R. 2691

OFFERED BY: MR. UDALL OF NEW MEXICO

AMENDMENT NO. 9: Add at the end (before the short title) the following new section:

SEC. ___. None of the funds appropriated or made available by this Act may be used to

finalize or implement the proposed revisions to subpart A of part 219 of title 36, Code of Federal Regulations, relating to National Forest System Planning for Land and Resource Management Plans, as described in the proposed rule published in the Federal Register on December 6, 2002 (67 Fed. Reg. 72770).

H.R. 2691

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 10: Page 21, line 3, after the first dollar amount, insert ''(reduced by $6,000,000)''.

Page 47, line 6, after the dollar amount, insert ''(reduced by $3,000,000)''.

Page 91, line 22, after the dollar amount, insert ''(reduced by $6,000,000)''.

Page 128, line 7, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 128, line 11, after the dollar amount, insert ''(increased $10,000,000)''.

Page 128, line 23, after the dollar amount, insert ''(increased by $5,000,000)''.

H.R. 2691

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 11: Strike section 332.

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PROCEEDINGS AND DEBATES OF THE *108th* CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, JULY 15, 2003 *No. 104*

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, ADM Barry C. Black, offered the following prayer:

Let us pray.

Creator God, Lord of the universe, You have done great things for us. You lend us heartbeats and protect us from dangers seen and unseen. You breathe purpose into our lives. Lord, forgive us when we travel the road of aimless living and major in minors or minor in majors. Save us from a cynicism that usually sees the glass as half empty. Help us, today, to discern Your will for us, and draw us together in unity. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Ohio is recognized.

SCHEDULE

Mr. DEWINE. Mr. President, on behalf of the majority leader, the Senate will be in a period for morning business until 10:30 a.m., with the time under the control of the two leaders or their designees. Following morning business, the Senate will resume debate on H.R. 2658, the Department of Defense appropriations bill. The chairman and ranking member were able to work through several amendments yesterday and we will continue the amendment process today.

There are several Senators who want to speak on the bill but the majority leader remains hopeful that we can complete action on this vital appropriations bill during today's session. Rollcall votes will occur throughout the day today.

The Senate will recess for the weekly party lunches from 12:30 to 2:15 p.m.

Mr. REID. Will the Senator yield?

Mr. DEWINE. Yes.

Mr. REID. Before the distinguished President pro tempore and chairman of the Appropriations Committee leaves the Chamber, I say that we all are aware of and concerned about—as always, impressions are made by things visual—I am very concerned today because the distinguished Senator from Alaska is wearing his Hulk tie. That is usually a sign of a very difficult day in the Senate. I hope that is not the case.

A couple of years ago we had an appropriations process with a most difficult end to an appropriations bill but we did finish it. One of the nicest gifts that was ever given to me—I will not say it was ugly but it was quite a tie—was given to me by the chairman of the Appropriations Committee, Senator STEVENS, as a result of the good work I had done. I have worn that tie a couple of times, although not for very long.

I do hope things go well on the bill today. I know it is a difficult bill, that he and Senator INOUYE have tried to work through it, but I think he may be a little too optimistic that we are going to finish it today. When he wears the Hulk tie, we never know what is going to happen.

Mr. DEWINE. I say to my colleague that when I see that tie, I think it is simply a good indication that the Senate will get a lot of work done. That is usually an indication that my colleague from Alaska is resolved to see the job through.

Mr. REID. A lot of work done or else.

Mr. DEWINE. Or else, yes, that is absolutely true.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business until the hour of 10:30, with the time equally divided between the two leaders or their designees.

The Senator from Ohio.

TRIBUTE TO LUCEILLE FLEMING

Mr. DEWINE. Mr. President, I rise today to pay tribute to an extraordinary individual, a woman of great vision and passion who has dedicated her life to helping people in their time of need. Her name is Luceille Fleming, and she just retired this past Friday, ending her over 14-year tenure as the first and only Director of the Ohio Department of Alcohol and Drug Addiction Services.

Luceille Fleming is an extremely intelligent, wonderfully caring woman who has given so much to the State of Ohio. To say that she will be missed is an understatement, because Luceille Fleming built this Ohio agency from the ground up and turned it into a nationally-recognized statewide drug and alcohol treatment network. Simply put, Luceille Fleming has spent the last 14 years saving lives. She led the effort to create a system that has helped countless Ohioans to help themselves, to reclaim their lives from all-consuming addictions.

While I have come to the Senate Floor today to speak about Director Fleming's contributions to my home State of Ohio, she actually came to Ohio from Pennsylvania. After graduating from Chatham College in Pittsburgh, Director Fleming began her career as a communications specialist for a CBS affiliate in Harrisburg, PA. She

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then went on to found and run her own company called Dunhill of Harrisburg. In these positions, she cultivated her skills as a great leader and a great motivator.

In 1977, she became the executive director of the Alcoholism and Addiction Association of Pennsylvania. In this position, she established the first successful statewide collaboration in Pennsylvania between alcoholism treatment efforts and drug abuse treatment efforts. She brought the treatment groups together with the recognition that both alcoholism and drug abuse are addictions. Today, that connection between alcoholism and drug addiction seem so logical. It has become an accepted notion. But it was Luceille who was at the forefront of bringing these two groups together.

From there, Luceille was appointed deputy secretary of Health for Drug and Alcohol Programs in Pennsylvania. She supervised the policy and implementation of the State's drug and alcohol treatment effort. This experience at the State government level gave Luceille insights into how an effective statewide alcohol and drug addiction services agency should be run.

Fortunately, Luceille was willing to bring these insights to our State of Ohio. In 1989, Luceille was hired after an exhaustive search to develop a cabinet-level agency to manage a statewide substance-abuse treatment network. She was hired by then-Governor Dick Celeste. Prior to her arrival, Ohio had two different agencies overseeing drug and alcohol treatment programs. A panel recommended combining the two agencies. Luceille was tasked with the creation of that single agency. It was a huge job but one for which she was more than qualified. While she excelled in her previous positions, as director of the Ohio Department of Alcohol and Drug Addiction Services, Luceille truly thrived. Under Director Fleming's leadership, the agency developed innovative programs, reaching out to many different communities. Director Fleming fostered programs for juveniles and children, including youth mentoring, Head Start, and underage drinking prevention. She also established and supervised programs that served women recovering from substance abuse, helping them to reunite with their children. What could be more important than that?

During her 14-year tenure under three Ohio Governors, including the current occupant of the chair, one of Director Fleming's top priorities was the expansion of the drug courts program which helped reduce recidivism, encouraging the proper treatment of offenders with substance abuse programs. When Director Fleming started, there was only one drug court in the State of Ohio. Today, there are 55. That is thanks, certainly, to the current occupant of the chair, and it is also thanks to Director Luceille Fleming.

I have had the pleasure of working with Luceille directly, both when I was serving as lieutenant governor and now as Senator. Her experience, her judgment have proven invaluable to me. I have sought her advice many times, both as lieutenant governor and now for the last 9 years as Senator. I can tell Members of the Senate, many days I have picked up the phone and called Luceille to get her advice on a bill or program. She has always been very candid, very open, very helpful, and had very good insight.

I am grateful for her advice and her expertise as we collaborated on the safe and drug-free schools bill and other bills. Luceille's insights and contributions added tremendously to that law and helped make it a truly effective piece of legislation.

After Luceille's retirement was announced, I read several news stories about her career and her contributions to the State of Ohio. While reading, I was struck in particular by one quote from Paul Coleman, president of Maryhaven, a substance abuse treatment center in Ohio. He said Director Fleming has ''a passion that burns to help people.'' Paul Coleman's statement says it all. If I had to come up with one statement that sums up Luceille Fleming, it would be she truly has a passion that burns to help people and she has channeled this passion into a life of service and dedication to others.

Luceille Fleming retired last week at the age of 79—yes, 79—to take a breather and enjoy some time off. Those who know Luceille know she probably won't take a lot of time off and she will plunge back into something. She has been working at the Department of Alcohol and Drug Addiction Services since she was 65 years old. Most people at that point in their life would have decided to take it easy, kick back, and maybe relax. But not Luceille. She instead decided to take a position in government to build a State agency from the ground up. Her energy and her drive are truly remarkable.

I conclude my remarks with a quote from Luceille herself. Upon taking her position with the agency, somebody asked at her first press conference about her age. To this question she simply said: ''Well, you know, I think the hair thins, the hips thicken, but the mind sharpens.''

I cannot speak to the first two parts of that statement, but I can tell you for certain that the last part is true in regard to Luceille. Luceille is sharp, she is bright, she is focused—more today than ever. She has helped so many people during her career, and the people of Ohio and the Nation are, indeed, grateful.

Luceille, you will be missed at the agency. You will be missed in the State of Ohio. We are grateful for what you have done.

The Presiding Officer and I had the opportunity to work with Luceille. It was my job as lieutenant governor to work with the current occupant of the chair, my colleague from the State of Ohio, in the drug addiction area, substance abuse area, when I was lieutenant governor and the current occupant of the chair was Governor. Dick Celeste, former Governor, picked Luceille to head up this new agency, to create this new agency. She had run it for a number of years and built it up. Then-Governor-elect VOINOVICH had taken over, and it was our job to decide whether Luceille was going to continue in that position. We looked all over the State of Ohio and across the country to determine who should occupy that position. After a long search, we decided—then-Governor-elect VOINOVICH decided that Luceille Fleming, the person who was in that position, was the best person to continue.

We were not disappointed. We had the opportunity to work with Luceille, to sit in Cabinet meetings with her. I had the chance to work with her many times on a detailed basis to talk about substance abuse problems, alcohol and addiction problems, wrestled with these problems, problems in the prisons, problems in our communities. She is just an amazing person, someone who truly understands the gravity of the problem, how it infests our communities, the damage it does to our young people. She was always optimistic, always believed we could do more, always said: MIKE, if we could just move in this direction, if we could just move forward a little bit more, we could save some lives. We could turn some young people's lives around. We can make a difference. Let's try this. Let's try that. We can do better. To see someone now 79 who still has that optimism, who still has that belief—we can do better, we can do more—is a wonderful thing to see.

I salute Luceille Fleming for her 14 years of service to the State of Ohio, for her optimism, for her vision.

Luceille, thank you for the work you have done. Those in Ohio who have worked with you are truly grateful for your service to the people of the State. We appreciate it very much. You are a true visionary. You are a dear person, someone who has contributed a great deal to our State and to the people we always serve.

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. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

BUILDUP TO WAR ON IRAQ

Mr. LEVIN. Mr. President, last week, CIA Director George Tenet accepted responsibility for having gone along with the African uranium statement in the President's State of the Union address. His acknowledgment that it should not

have been included in the address and his acceptance of responsibility was appropriate. But his explanation of the CIA's acquiescence in allowing the use of a clearly misleading statement raises more questions than it answers, and statements by other administration officials, particularly National Security Adviser Condoleezza Rice, compound the problem.

Even more troubling, however, is the fact that the uranium statement appears to be but one of a number of several questionable statements and exaggerations by the intelligence community and administration officials that were issued in the buildup to the war. The importance of objective and credible intelligence cannot be overstated. It is therefore essential that we have a thorough, open and bipartisan inquiry into the objectivity, credibility and use of U.S. intelligence before the Iraq war.

First, relative to the uranium issue:

The President in his State of the Union Message said that the British Government had learned that Iraq recently sought to purchase significant quantities of uranium from Africa. The sole purpose of that statement was to make the American people believe that the American Government believed the statement to be true and that it was strong evidence of Iraq's attempt to obtain nuclear weapons. But the truth was that, at the very time the words were spoken, our Government did not believe it was true. Condoleezza Rice's effort to justify the statement on the grounds that it was ''technically accurate'' doesn't address the heart of the matter, which is that the statement was calculated to create a false impression. It is simply wrong to make a statement whose purpose is to make people believe something when you do not believe it yourself.

It is all well and good that the CIA has acknowledged its role in caving in to pressure from the National Security Council to concur in something which it did not believe. But Director Tenet's acknowledgment raises further questions of who was pushing the false impression at the National Security Council. The NSC should not misuse intelligence that way.

The President's statement that Iraq was attempting to acquire African uranium was not a ''mistake.'' It was not inadvertent. It was not a slip. It was negotiated between the CIA and the NSC. It was calculated, and it was misleading. And what compounds its misleading nature is that the CIA not only ''differed with the British dossier on the reliability of the uranium reporting,'' to use Director Tenet's words, but the CIA had also ''expressed [its] reservations'' to the British in September 2002, nearly 5 months before the State of the Union Address. Furthermore, the CIA pressed the White House to remove a similar reference from the President's speech on October 7, 2002, and the White House did so—nearly 4 months before the State of the Union Address.

The uranium issue is not just about sixteen words. It is about the conscious decisions that were made, apparently by the NSC and concurred in by the CIA, to create a false impression. And it is not an isolated example. There is troubling evidence of other dubious statements and exaggerations by the intelligence community and administration officials.

Relative to aluminum tubes, in a speech before the U.N. General Assembly on September 12, 2002, President Bush said, ''Iraq has made several attempts to buy high-strength aluminum tubes used to enrich uranium for a nuclear weapon.'' In fact, an unclassified intelligence assessment in October acknowledged that some intelligence specialists ''believe that these tubes are probably intended for conventional weapons programs,'' and on February 5, 2003, Secretary of State Colin Powell told the U.N. Security Council that ''we all know there are differences of opinion,'' and that ''there is controversy about what these tubes are for.'' The International Atomic Energy Agency, after conducting an inquiry into the aluminum tubes issue, concluded they were not for uranium enrichment.

On the Iraq-al-Qaida connection: On September 27 of last year, Secretary of Defense Donald Rumsfeld described the administration's search for hard evidence for a connection between Iraq and al-Qaida. He said, ''We ended up with five or six sentences that were bullet-proof. We could say them, they are factual, they are exactly accurate. They demonstrate that there are in fact al-Qaida in Iraq.'' While Secretary Rumsfeld later went on to say, ''They are not beyond a reasonable doubt,'' he did not say there was considerable uncertainty in the intelligence community about the nature and extent of ties between Iraq and al-Qaida. It was certainly never a ''bullet- proof'' case.

On nuclear reconstitution, last Sunday, Ms. Rice said, ''We have never said that we thought he [Saddam] had nuclear weapons.'' But Vice President CHENEY said on March 16, ''We believe he [Saddam] has, in fact, reconstituted nuclear weapons.''

On the question of certainty that Iraq possesses chemical and biological weapons, on August 26, 2002, Vice President CHENEY said: ''Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them to use against our friends, against our allies, and against us.'' On September 26, 2002, President Bush said, ''The Iraqi regime possesses biological and chemical weapons.'' On March 17, 2003, President Bush told the Nation that ''intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised.'' And on March 30, 2003, Secretary of Defense Donald Rumsfeld said, ''We know where they [weapons of mass destruction] are. They're in the area around Tikrit and Baghdad and east, west, south and north somewhat.'' The fruitless search to date for Saddam Hussein's weapons of mass destruction during and after our entry into Iraq suggests that our intelligence was either way off the mark or seriously stretched.

As to mobile biological warfare labs, on May 28, 2003, the CIA posted on its Web site a document it prepared with the Defense Intelligence Agency entitled, ''Iraqi Mobile Biological Warfare Agent Production Plants.'' This report, which is still on the CIA Web site, concluded that the two trailers found in Iraq were for biological warfare agent production, even though other experts and intelligence community members do not agree with that conclusion, or believe there is not enough evidence to reach such a conclusion. None of these alternative views have been posted on the CIA's Web page.

On White House Web site photos, on October 8, 2002, the White House placed three sets of satellite photos on its Web site, with the headline, ''Construction at three Iraqi nuclear weapons-related facilities.'' Although one of the facilities was not nuclear-related, the captions of the photos gave the impression that Iraq was proceeding with work on weapons of mass destruction at these facilities, although UNMOVIC and IAEA inspections at these facilities found no prohibited activities or weapons. For instances, related to the Al Furat manufacturing facility, the caption notes that ''the building was originally intended to house a centrifuge enrichment cascade operation supporting Iraq's uranium enrichment efforts'' and that after construction resumed in 2001, ''the building appears operational.''

So the misleading statement about African uranium is not an isolated issue. There is a significant amount of troubling evidence that it was part of a pattern of exaggeration and misleading statements. That is what a thorough, open and bipartisan investigation should examine.

Finally, again relative to the uranium statement, I am deeply troubled by Ms. Rice's continuing justification of the use of the statement in the President's State of the Union Address. She repeatedly says it was ''accurate,'' despite the fact that its clear aim was to create a false impression. Her statement and Director Tenet's statement raise more questions than they answer. Here are some of those questions:

One, who in the administration was pressing the CIA to concur in a statement that the CIA did not believe was true, and why did they do so even after the CIA objected to the text?

Two, who at the CIA was involved in pressing the White House to remove the similar reference from the October 7 speech, and what reasons did they give for removing it?

Three, who in the White House was involved in removing a similar reference from the President's speech on October 7, nearly 4 months before the State of the Union speech?

Four, who at the CIA knew about the decision to tell the British intelligence

service in September, 2002 of CIA's ''reservations'' about the inclusion of references to Iraqi efforts to obtain uranium from Africa in the British intelligence service's September 24 dossier?

Five, given the doubts of the U.S. Intelligence Community, why didn't the President say in his State of the Union speech not only that ''The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa'' but that ''our U.S. intelligence community has serious doubts about such reporting''?

Six, how and when did the U.S. Government receive the forged documents on Niger, and when did it become aware that they might be bogus?

And, seven, what role did the Office of the Vice President have in bringing about an inquiry into Iraq's purported efforts to obtain uranium from Niger? Was the Vice President's staff briefed on the results of Ambassador Wilson's trip to Niger?

These and many other questions underscore the critical importance of a bipartisan, open, and thorough inquiry into the objectivity and credibility of intelligence concerning the presence of weapons of mass destruction in Iraq immediately before the war and the alleged Iraq al-Qaida connection, and the use of such intelligence by the Department of Defense in policy decisions, military planning and the conduct of operations in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate the Defense appropriations bill.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having arrived, the Senate will resume consideration of H.R. 2658, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I compliment the distinguished Senator from Michigan for his thorough and thoughtful statement involving many of the questions that need to be asked and need to be answered. His recommendation to the Senate and to our country that there be a thorough investigation, a bipartisan investigation, where these questions can be answered and the information provided, in my view, is essential.

We have become more and more confused over the course of the last several days with regard to the conflicting information provided by the administration on these and other key questions. We must find a way with which each of these questions can be clarified and for the administration to come forth with a clear acknowledgement of the need for this clarification is essential.

The American people deserve a thorough, complete, open review of each and every one of these questions. The Intelligence Committee has begun its work, and I commend the distinguished ranking member for his efforts and his persistence in bringing it to this point. I think this has now gone beyond the matter of just intelligence, as the Senator from Michigan has pointed out with questions and the concerns he raised in his speech this morning.

We will address these questions both legislatively and rhetorically over the course of the next several days. But I have very fundamental questions with regard to the bill itself. Others have raised them.

Why is it that there is not one dime requested for the Iraqi operation in the Defense appropriations bill? Why is it that there is not one dime requested for the Defense Department's efforts in the war on terror? Not one dime. I am just baffled. It is sort of legislative never-never land for us to be involved in a war that we are already told by the Secretary of Defense—at least with regard to Iraq and Afghanistan—is costing this country $5 billion a month, and there is not $1 requested in this bill for that operation.

How in the world can we be on the Senate floor talking about something as consequential as this—not only to us but to the world—and not have a better appreciation of what the costs and implications and fiscal consequences are? So that, too, will be a matter that I hope will be the subject of great debate in the Senate Chamber.

We admire the work done by our military. We are grateful for the extraordinary effort and sacrifice made by the Armed Forces. Many of our National Guard and Reserve personnel have been in that country now for over 6 months. The sacrifice and the extraordinary effort they have made on behalf of their country ought to be commended. But another question comes to mind as we consider that sacrifice: Why are we doing it alone? And why is it the administration continues to refuse to request additional resources, officially, from NATO? Why is it they are unwilling to ask the United Nations to urge its members to provide military force and civilian police? Why is that not a part of the administration position?

We find ourselves in a very unusual set of circumstances. We are debating the single largest Defense appropriations bill in history but a bill that does not in any way reflect the cost of our presence and the effort being made at this very moment in Iraq or in Afghanistan or the war on terror.

We know it is going to continue to cost this country billions of dollars each and every month, but we do not know why the administration refuses to ask others officially for help, especially NATO, and we certainly do not know the answers to the questions raised by the distinguished Senator from Michigan just moments ago.

We must have those answers, and I hope during the course of this debate we can find mechanisms and subscribe to procedures that will ensure that the American people have all the facts.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. STEVENS. Mr. President, I do not mean to be disrespectful and interrupt the distinguished leader, but I wonder if the Democratic leader knows that I am responsible for not having more money for Iraq in this bill. We met with the President and the Secretary of Defense and pointed out the enormous amount of money we had provided in the supplemental passed earlier this year for that action in Iraq. We had to have money to meet some of the problems caused by my interpretation of the budget resolution in not having enough money for some of the other subcommittees.

We worked out the arrangement whereby we took $3.1 billion out of this bill and allocated it to other subcommittees with the understanding that if additional moneys are needed in Iraq because of our actions there, beyond what we have already provided, that we will have a supplemental in the spring.

We anticipate the moneys we provided in the massive supplemental, $62.6 billion, is sufficient to carry them forward. As a matter of fact, there are not only sufficient funds, but in this bill we actually rescinded about $3 billion of the supplemental to make it available to other areas of defense, not having it totally earmarked to Iraq.

We are trying to manage this money. The distinguished Democratic leader is exactly right. The costs are running somewhere around $4 billion to $5 billion a month. We expect that to start tapering down as this involvement in Iraq continues. It is certainly not the same as when we were building up forces and transmitting personnel and material to Iraq. We have tried to manage this situation and keep a firm hand on the expenditures in Iraq. In doing so, we made more money available to other subcommittees because they have problems related to homeland security and other matters.

While I am honest in the fact that I do not think we have enough money yet for some of those subcommittees, I do think we have more money available for nondefense matters, for homeland security matters, than we would have had had we continued with the approach that was in the budget to start.

I congratulate the Democratic leader for stating frankly his feelings about the overall involvement in terms of our being in Iraq almost alone. We do have support from other nations, but we do not have the involvement of other troops to the extent I, too, would like to see take place. I hope that will occur. But I hope the leader will understand, one of the reasons the money is not there now, in terms of asking for more money for Iraq, is that I pleaded with the President and the Secretary to give us a little running room on those other bills and to realize that we thought there was adequate money to carry us through this calendar year—that means at least the first quarter of this next fiscal year—for the involvement in Iraq.

It is my hope that by the time we get to January and February, we will find the amount of money we are spending in Iraq is much less than it is right now, and that we can, in fact, shift gears a little bit as far as that involvement.

Iraqis should have, I am told, somewhere around $7 billion of income from oil by the end of this year. If that cashflow starts going into their economy and into their own local security rather than into the military budgets, as it was in the past, I think we will achieve the constraints we need in terms of the expenditures of Federal U.S. dollars in Iraq. I hope the Senator understands that point.

I just happened to be here at the time the Senator made his statement. I do, as a matter of fact, take pride in the fact the President and his people did listen to us. Chairman YOUNG and I explained the problems of this budget resolution and its impact on the other subcommittees which, as the Democratic leader knows, the budget resolution was less than the President had requested in this year's appropriations process.

I hope we will await the developments in Iraq and we can all see whether the administration will ask for more money in 2004, starting some time after the first of next year, if that is necessary.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, if I may respond, as the Senator from Alaska knows, I am a big admirer of the distinguished Senator from Alaska, the chairman of the Appropriations Committee. There are no two more able Members of this Senate than the Senator from Alaska and the Senator from Hawaii, his ranking member.

I appreciate, first, the chairman's explanation, and I also appreciate the fact that he could foresee the budgetary and appropriations problems that could have been generated as a result of the allocation made initially by the administration. We are able to address some of the other concerns in other subcommittees on appropriations in part because he saw the problems arise and took action to avoid them.

I guess I go back to a fundamental question of management, not by him but of the administration, a fundamental question about what it is they anticipate will be the costs involving fighting the war in Iraq—not for this year but for the next fiscal year that this particular appropriations bill addresses.

It will take $60 billion to address those concerns in the next fiscal year. We appropriated in the supplemental $68 billion in this fiscal year. Obviously, that will take us into the first part of the next fiscal year. The question from us to the administration ought to be: Why have you not made a specific proposal with regard to the commitment that will be required in Iraq for the next fiscal year? If it is $60 billion, request it. If it is $60 billion, defend it. If it is $60 billion, give us some appreciation of how it will be spent and why we are the only ones spending it. Why is it that other countries are not more engaged? Why have you not asked? Those are the questions that any appropriations bill ought to address.

I supported the supplemental and most likely, whenever another one is requested, if it comes, I will support it. But it is not good fiscal management to take these matters piecemeal, to expect through a supplemental process—which, I might add, is not offset, which simply adds to the deficit. We now see a deficit of some $450 billion. If we take Social Security out, it is $600 billion, and we are still not at the end of this fiscal year.

We have serious management and budget considerations that have to be taken into account but are only exacerbated by these supplemental budgets that are offered, considered, and voted upon throughout the year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1232

Mr. STEVENS. Mr. President, I will make a statement while I am trying to locate the amendment I am going to offer. The 2004 budget request included no funding for the establishment of additional weapons of mass destruction civil support teams. There are currently 32 teams that are certified and operational. The plan is to field a total of 55 teams to ensure there is at least 1 team established in each State and territory.

The Senate Armed Services Committee included additional manpower and funding to establish 12 additional teams in fiscal year 2004. We included additional National Guard manpower for these teams, but we did not provide operation and maintenance or procurement funding.

I will send an amendment to the desk and ask that we consider it. This amendment conforms our bill to that of the Senate-passed national defense authorization bill regarding what we call CSTSs of the funds provided to the Department of Defense. This amendment would earmark $39.3 million in operation and maintenance funds, $25.9 million in procurement, and $1 million in research and development funds. I present the amendment as one that is offset and merely allocates funds to these teams as required by the Senate-passed authorization bill. I believe it has the support of my colleague Senator INOUYE.

Mr. INOUYE. Yes.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. WARNER, proposes an amendment numbered 1232.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for 12 additional Weapons of Mass Destruction Civil Support Teams)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Amounts appropriated by this Act may be used for the establishment and support of 12 additional Weapons of Mass Destruction Civil Support Teams, as follows:

(1) Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY'', up to $23,300,000.

(2) Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'', up to $16,000,000.

(3) Of the amount appropriated by title III under the heading ''OTHER PROCUREMENT, ARMY'', up to $25,900,000.

(4) Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $1,000,000.

Mr. STEVENS. I ask for the immediate consideration and adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1232) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Does the Senator wish some time?

I say to the Chair, in about 20 minutes we will have a package of amendments we have cleared and we are prepared to offer under unanimous consent.

I ask unanimous consent that we have a period for routine morning business until the hour of 11:15 with Senators being permitted to speak therein.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, we have Senators who want to speak on the bill.

Mr. STEVENS. I am misinformed. I withdraw that request.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank the distinguished chairman of the Appropriations Committee for his forbearance. I thank my colleague, Senator REID, for making this arrangement for me to speak out today on the 2004 Defense appropriations bill as a member of the Senate Armed Services Committee.

As I begin my remarks today, I am cognizant that a funeral service is about to begin in Minnesota. It is the funeral of the first Minnesota soldier to die in Iraq this year, PFC Edward J. Herrgott of Shakopee, MN. Private Herrgott was only 20 years old. He said he joined the Army so he could earn some money to go to school and become a police officer. He was patrolling in front of the Baghdad Museum on September 3 when a sniper's bullet ended his life.

Private Herrgott is an American hero. He stood guard in 115-degree heat, in the most dangerous city in the world, because his commanding officer assigned him that duty. He went to Iraq because his Commander in Chief, the President of the United States, assigned him that duty.

It took extraordinary courage and patriotism for him to perform that duty, to stand guard in that sweltering heat in the midst of that ever-present danger. Private Herrgott lost his life performing his duty. He lost his life 63 days after his Commander in Chief declared that major hostilities were over in Iraq. They did not end on May 1 for Private Herrgott, nor for the 77 other American soldiers who have died in Iraq since then, nor for the hundreds more who have been wounded, nor for the 145,000 other American soldiers who still risk their lives in Iraq every day and every night and wonder when will they come home.

Congress also bears responsibility for sending Private Herrgott and those 145,000 other brave men and women to Iraq. Last October, Congress voted to give their constitutional responsibility to declare war over to President Bush. Congress gave the President what he wanted, what he insisted then he must have, a blank check, a blank check signed in advance, authorizing the President to use whatever means necessary, including the use of force in Iraq, whenever, and with whomever, for however long, at whatever cost, until the President decides to end that war. Congress gave the President all of that authority and all of that responsibility. I did not vote for it, but a majority did, and now we must pay for that war.

Last week in the Senate Armed Services Committee, we were told by the Secretary of Defense that the war in Iraq is costing $3.9 billion per month and that the continuing military operations in Afghanistan are costing $900 million per month. That is a combined $4.8 billion a month, totaling $57.6 billion over 12 months. That is $57.6 billion which I thought was going to be in this 2004 Defense Appropriations bill, and the distinguished chairman of the Senate Appropriations Committee, who has been engaged in these matters for far more years than I have been around, has clarified the circumstances why that money is not in there now.

But I point out that the estimate of over $1 billion a week is probably way too low. According to this week's Newsweek magazine:

> That billion a week is just the beginning. It doesn't include the cost of running Iraq's government and rebuilding it, which could be an additional billion a month—according to pre-war United Nations estimates.

Nor does it include presumably, as this article details, the $1.2 billion which Ambassador Bremer's budget says must be spent up front in capital improvements if Iraq's oil production is to get under way again. Nor does it include the $680 million given to the Bechtel Corporation for infrastructure improvements; nor, I suspect, the $3 billion to $5 billion that it is estimated is necessary to make emergency repairs to Iraq's electrical power system.

So why is it that we cannot get from the administration a clear, direct, and reliable accounting about the cost of this war? I am guessing it has something to do with today's report that the Federal budget for fiscal year 2003 is expected to run a $450 billion deficit, and the next year's deficit may be as high as $500 billion, without even including all of the costs of the war efforts.

Those are staggering deficits. This year's deficit will be over 50 percent greater than the largest annual deficit in U.S. history, and it results from the most colossal financial mismanagement that has ever been witnessed in this country's history, the worst ever.

Just 2 years and 2 months ago, President Bush submitted his administration's first budget for fiscal year 2002 and the years beyond. It was a proud document dated April 9, 2001. The President stated:

> This budget offers a new vision of governing for our Nation.

His budget projected a $5.6 trillion surplus for the 10 fiscal years from 2002 through 2011. It promised to save the entire Social Security surplus of $2.6 trillion; to spend every penny, it said, of Medicare tax and premium collections on Medicare; to achieve historic levels of debt reduction, $2 trillion over 10 years; to provide $1.6 trillion in tax relief; and set aside a $1.4 trillion reserve for additional needs, debt service, and contingencies.

As we all know, there have been big contingencies since then, but not enough to justify the total destruction of all of those promises, not enough to warrant the abandonment of a fiscally responsible Federal budget, which was bequeathed to this administration by the administration which preceded it.

For fiscal year 2003, the fiscal year we are in presently, just 2 years and 2 months ago President Bush predicted a $262 billion surplus in the combined Federal budget for that year. The on-budget operating fund surplus was expected to be $49 billion; the off-budget Social Security surplus, $193 billion.

The Social Security surplus now is expected to be slightly less than was predicted then, but still $160 billion. But combined, the Federal budget deficit of $450 billion means the operating fund, the main operating account of the Federal Government, this year will run a deficit of over $600 billion. A $49 billion surplus was expected 2 years and 2 months ago and a $610 billion deficit is expected today.

The non-Social Security revenue for this year, in personal and corporate income taxes, capital gains tax, estate tax, and the excise tax was projected to exceed expenditures in fiscal year 2002, as they did in the year 2000 under President Bill Clinton—for the first time in 40 years. But now in actuality, those progressive taxes, which have constituted almost the entire tax base of the operating accounts of the Federal Government for all these years, those revenues generated will only amount to two-thirds of expenditures. The two tax bills of 2001 and 2003 have decimated the progressive tax base of the Federal Government. And 2004 is expected to be no better. If anything, it is projected to get even worse. The change from expectations to now the projection of a $500 billion deficit means a change of over $750 billion in projections.

Saving the Social Security surplus—that is gone. Every year—this year, next year, every year in the foreseeable future—it is going to be wiped out to nothing.

Reducing the national debt by $2 trillion? That is gone. In fact, according to the President's own Office of Management and Budget, if we adopt his budgets as he has proposed them, we will increase the national debt by $2 trillion over the next 10 years.

Setting up a reserve fund? Forget that, too.

Lowering the growth in discretionary spending to 4 percent a year? Not yet. The President's request for the last 3 years has increased that by 9 percent, 10 percent, and 11 percent, and that does not include these so-called supplemental appropriations, which is maybe one of the reasons that is the preferred approach—come back in, in the middle of the year, and ask for the increased money everybody knows is going to be needed to fund the operations in Iraq and Afghanistan.

It is very frustrating, I find, to not be able to get clear, reliable facts from this administration. They act as though this is their government, that we in Congress do not even exist, or that we are an unnecessary and unwanted intrusion into their affairs. So much for a new vision of government. So much for a new tone of bipartisanship. It has become worse, not better. Instead of facing up to these realities, the administration is trying to hide them.

When I returned from Minnesota last night, I was given a book, by a colleague, Senator BENNETT of Utah: ''Reagan, Man Of Principle,'' by John Harmer, a former State senator in California. I just glanced through the beginning pages of it.

I was struck by this anecdote from the senator. He had been involved as the majority leader there, trying to work out the redistricting bill for 1971. California was going to set the lines for the legislative districts for the State for the next 10 years. They finally, after all this thrashing back and forth and cutting deals and making arrangements, got agreement. Governor Reagan—President-to-be—vetoed that bill.

So in frustration, the State senator came to President Reagan. He said, reading now directly:

''What exactly do you want?'' I asked, in total frustration.

His response was so purely honorable that I dared not repeat it to my senatorial colleagues, knowing that they would hoot me out of the room. Yet, though I did not fully appreciate it at the time, the response was just one of many examples of Reagan's strength as a political leader. Reagan, like Thomas Jefferson, had a fundamental faith in the American people and their ability to make the right decisions if only they had all the facts. Not just the Republicans among the people, but of all the people, once they had all of the facts. . . .

I am skipping ahead here, but Governor Reagan said to State Senator Harmer:

''I am really disappointed . . . that individual Republicans are so willing to sell out the best interests of the people in order to save themselves. That is not what I regard as worthy of my signature.''

''John,'' he said, ''I'm as dedicated to the Republican cause as you are. Our party's core philosophy represents the best assurance for the continued freedom and prosperity of the nation. But I am not the governor of just the Republicans. There are millions of people out there who, whether they voted for me or not, expect me to represent them with good judgement and integrity. The issue is not one of protecting what you call the Republican base. The issue is to do that which is right in principle.''

That could apply to the Democratic majorities in other States. There is no monopoly, I have learned here, in truth or wisdom or virtue. But that principle, ''to do what is right,'' and that principle, ''to present all the facts forthrightly to the American people,'' are principles that are certainly needed even more in Washington today, and that stands in marked contrast to what we experience in Washington today.

We are not being trusted with the facts: Not about the budget, not about the timetables for troop deployments and bringing the troops back home, and not about the circumstances that led up to this war in Iraq. We have a right to those facts here in the Congress. More important, the American people have a right to those facts. We have a right to know how much this war is costing and how we are going to pay for it. We have a right to know how long our troops are going to be over there in Iraq. We have a right to know how we got into that war in Iraq and how what we were told over the last months squares with the truth as it was known at the time.

What were the facts that led President Bush to say before the Nation, in a televised speech last October 7, that Saddam Hussein could have a nuclear weapon in less than a year when we now know there was no such program in evidence there? Or that Iraq is exploring using unmanned aerial vehicles for missions, targeting the United States, when in fact it was known back then and certainly is known today that those missiles, which were not even used against our invading forces, thank God, had a range of only a few hundred miles and were no threat to the United States?

What facts led Vice President CHENEY to say last August 26 that there is no doubt Saddam Hussein now has weapons of mass destruction, there is no doubt that he is amassing them to use against our friends, our allies, and against us? What caused National Security Adviser Condoleezza Rice to say last September that Iraq had provided chemical weapons training to al-Qaida members? What prompted Secretary of Defense Rumsfeld to say last fall that the United States must act quickly to save potentially tens of thousands of citizens? What led the President to say that Saddam Hussein could strike the United States first and inflict massive and sudden horror?

These are the questions I have. These are some of the facts that need to become known, as the distinguished ranking member of the Senate Armed Services Committee said just before me on the floor. We need a bipartisan investigation into all these circumstances, into what was known by the intelligence community, what was reported to members of the administration.

What was reported in top secret briefings to members of the Armed Services Committee which I was invited to attend, 20 or more such briefings over the course of last fall and early into this year?

What was being told to the administration that was at variance with that information? What caused the administration to speak so emphatically, with certainty, about acts which it seems were not so factual and which were not even presented as absolute facts in the briefings which I attended at the time? We have a right to those answers. Thus far it has been very difficult to get the agreement from colleagues on the other side to undertake these investigations or inquiries, whatever euphemism we use.

The Senate Intelligence Committee evidently, and hopefully, has agreed to undertake such an inquiry. We have not been able to obtain that consent in the Senate Armed Services Committee. In fact, we are being told such a bipartisan investigation is not going to be forthcoming.

What recourse does that leave? How do we get to the truth when those in possession of the facts and the information will not provide them? How can we get to the truth when we cannot conduct a bipartisan inquiry or intelligence into obtaining that truth? What does it say about those who would not provide that information or that opportunity to seek the truth? What do they have to hide? What are they afraid we might find out? Why is it we cannot know the circumstances that caused the Commander in Chief to send 150,000 U.S. troops to Iraq, including PFC Edward Herrott being buried in Minnesota this morning, to whom I pay my greatest respects.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Nevada.

Mr. REID. Mr. President, I remember reading a book I enjoyed very much by James Michener called ''Caravans,'' an excellent history of Afghanistan. Of all the books he wrote, the only one I enjoyed more than that was ''Hawaii.'' When I read ''Caravans,'' I knew very little about Afghanistan. After I finished the book, I knew a lot more about Afghanistan and the constant struggles of the Afghan people.

America first focused on Afghanistan during the Cold War. The Soviets came in and brutally tried to take over that country. As we know now, American forces supplied arms to the Afghan people, who courageously drove the Soviets out of Afghanistan. Many scholars believe that defeat marked the beginning of the end of the Soviet Union. After almost 80 years, the impoverished country of Afghanistan was the reason for the fall of one of the greatest powers in the history of the world.

I will return to the subject of Afghanistan in a moment, but first I want to comment on what some of my colleagues have said this morning about the situation in Iraq. I supported the resolution that authorized the use of force in that country, and my vote was based on more than the evidence of Saddam Hussein's weapons of mass destruction. Still, the controversy that has arisen concerning these weaspons has hurt America in the international community. All the turmoil going on now, the accusations of coverups, the exaggerations and half truths, which persuaded some of my colleagues to vote for the resolution—it has damaged our country's credibility. It could take a long time to repair that damage.

The ongoing fight against terrorism has challenged our military as never before. But I think all my colleagues would agree that our men and women in uniform have risen to the task and performed heroically.

As pointed out by the distinguished senior Senator from Minnesota, Mr. DAYTON, American soldiers are still dying in Iraq. Another was killed just yesterday.

I was impressed with the statement of the Senator from Minnesota because he mentioned not only a fallen soldier,

but also the other casualities of war; that is, people who have lost limbs, people who are paralyzed, people who are disfigured as a result of incendiary devices, people who are scarred permanently—and I'm referring also to the psychological scars that will be with these men and women for the rest of their lives.

All of our troops have performed heroically. It is our constitutional responsibility to ensure that our military gets the resources it needs to remain the strongest in the world. The bill we are considering today does that. It was not an easy task, and it is a tribute, as I have said already, to the two managers of the bill, the senior Senator from Alaska and the senior Senator from Hawaii, and of course their fine staffs. But, interestingly enough, as the Democratic leader mentioned today, this bill does not fund continuing operations in Afghanistan or Iraq. I have great admiration for the two managers of this bill, as I said on the floor yesterday. These two Senators are role models for me. These Senators have distinguished careers and represent their States as well as they can be represented. They both understand Defense issues from personal experience.

They both served their country in war. The Senator from Hawaii earned the highest honor that our country can confer upon an American military hero—the Congressional Medal of Honor. We sometimes take this great man for granted, but I try never to do that.

I can remember traveling with the distinguished Senator from Alaska to Czechoslovakia when the Iron Curtain was still down. I can remember in Prague, Czechoslovakia, encountering a man in a World War II flight jacket. It led to a conversation with the Senator from Alaska because that is the kind of jacket he wore.

I have the greatest respect for these two fine men. But I think this bill should have money in it to fund military operations for the next fiscal year in Afghanistan and Iraq. I say, as one of the appropriators, that I think it was genius how the chairman of the Appropriations Committee has allowed the appropriations bills to go forward this year. I think we are going to finish all of the appropriations bills in a reasonable period of time. It was genius how the Senator from Alaska found the money. It was enough to set what we call 302(b) allocations. Those are allocations for the 13 subcommittees. But for his ability to take some money from defense and put it into domestic programs, we could not have gotten that done. I acknowledge from a legislative standpoint how important it was to do that.

But I think we should fund these bills prospectively as we do with everything else.

I heard an exchange between the Senator from Alaska and the Democratic leader about the decision being made by the President and the Republican leaders on enough money to take the military in Afghanistan and Iraq probably up to the first of the year. But we can't fund appropriations bills based upon one-quarter of a fiscal year. We have to fund them for a full year.

The reason this is done, of course, is that we have a supplemental appropriations bill for emergency expenditures. They don't count against the budget rules we have around here. As a result of that, they add to the deficit. I wish that were not how we had to do things this year. But I accept that it has been done. Unless there is some magic that occurs, or something that I don't see which is untoward, I will support the supplemental appropriations bill. We have to support the military.

But I have to say this is not the way to do things around here. I continue to believe that any operation that puts our young men and women at risk should be funded through the regular appropriations process which allows people an opportunity to weigh in on our priorities, policy judgments, and efforts.

Last week, I came to the Senate floor and urged my colleagues to support our neighbor, Mexico. I acknowledge and appreciate the Members of the Senate having supported that amendment. Today, as we consider our military priorities for the coming year, I want to speak today about what I fear has become another forgotten commitment, the reconstruction of Afghanistan.

Keep in mind, Mr. President, that we walked away from the people of Afghanistan once before. We supplied them with weapons. After the Soviets took tail and ran, the United States followed suit. We no longer were interested in Afghanistan after we won that battle of the Cold War. The chaos that ensued after we left led to the rise of the Taliban, one of the most brutal, repressive tyrannies in the history of the world. Remember. We walked away once before. We cannot allow history to repeat itself.

When U.S.-led forces defeated the Taliban more than 19 months ago, President Bush promised a ''Marshall Plan for Afghanistan,'' and he assured us that our Nation would help Afghanistan become a stable, self-governing state free from the clutches of terrorism. I welcome that commitment from the President. The people of Afghanistan deserve that.

In the months immediately after the war, Afghanistan appeared to be making progress. A council of Afghans elected Hamid Karzai, a very courageous man, to lead an interim government. But we haven't done much to help this courageous man. As hope returned to Afghanistan for the first time in many years, the administration redirected its focus toward Iraq. Afghanistan virtually fell off the radar screen. Now, the Afghan people are paying the price. In short, all is not well in Afghanistan.

What are the current conditions? The security situation is particularly threatening. I was in a meeting this morning. I asked my Senate friends to guess how many troops are in Afghanistan today. The answer surprises people. I got different estimates—40,000, 20,000. We have 9,000 troops in Afghanistan. Where are they? They are in Kabul. The rest of the country is a jungle.

Outside Kabul, there is no security unless you are on the good side of one of the warlords. Aid workers don't feel safe. They don't travel through the country anymore. Many of the organizations have pulled out. In some of the provinces of Afghanistan—particularly in the southeast region—there is anarchy. Where there isn't anarchy, warlords are in control. These warlords seek only to enrich and empower themselves instead of helping President Karzai to address the urgent needs of the people. They fight among themselves and hoard Afghanistan's precious resources. Afghanistan does enjoy the luxaries of fertile land, oil and riches. Afghanistan is a country that is driven by poverty. It is a desert.

On rare occasions when the warlords aren't battling each other, they are joining together to weaken the central government. The absence of central authority in Afghanistan isn't anything new. That is why we had to cooperate with some of these warlords when we fought the Taliban. But when the war ended, we promised the Afghan people we would help them develop a stable country. That came from our President. We are reneging on that promise.

We simply can't accept a warlord-dominated Afghanistan. That would spell certain defeat for a long-term war against terrorism.

I came to this floor and said there is a need for the interim government in Afghanistan to include women. The Taliban brutalized women, but in some areas of Afghanistan women are not doing much better now than they were under the old regime. Some warlords are imposing Taliban-like restrictions on women and girls.

What does that mean? This means they are treated like nonpeople. It means they cannot show their faces. It means they cannot go anyplace unless they have their husband with them. They cannot even go to school. Some of the schools that were opened just for girls after the war have closed up.

Border security in Afghanistan is nonexistent. Is Osama bin Laden in Afghanistan? Is he near the country's border with Pakistan? It does not matter. He's certainly not in Kabul, where most of our forces are stationed. The rest of the territory is controlled by warlords or is in complete anarchy.

Afghanistan's porous border with Pakistan has allowed pro-Taliban elements to slip in and out at will, on the rare occasions they need to escape U.S. forces searching remote areas. Iran continues to try to influence affairs in the areas around Kabul.

The Afghan army does not have the manpower, training, or the resources

to deal with these cross-border incursions. The hinterlands of Afghanistan are essentially up for grabs to the lethal, devious, and dangerous insurgents that were cast out of Kabul at the start of Operation Enduring Freedom some 20 months ago.

Economically, the landscape is bleak, to say the least. Fifty percent of the population in Afghanistan lives in absolute poverty. The average life expectancy in Afghanistan is 46 years. It goes without saying there are exceptionally high rates of malnutrition and child and maternal mortality. Up to 7.5 million Afghans are said to be dependent on external food aid. It is the only food they get. Unemployment—we don't know how high it is but we know it is well over 50 percent. Illiteracy—maybe one out of four can read and write; maybe one out of four. Seventy percent of Afghans cannot read or write.

But the real impetus for me to come here and say how I feel about this issue is the result of my reading Newsweek magazine last week. Newsweek had a feature story about the No. 1 product in Afghanistan: poppies, used in the production of heroin. Unfortunately, the development of illegal narcotics is the one sector of Afghanistan's economy that has experienced positive growth.

Last year, Afghanistan regained the dubious title of the world's largest opium producer, and it is on track this year to produce even more. Afghanistan accounts for almost 80 percent of the world's illicit opium production.

It has been a long time, but I used to do criminal law work. The first case I ever had—at that time Clark County, Las Vegas, did not have a public defender. I was appointed by Judge Zenoff, Department 1, the Eighth Judicial Court, Clark County, to represent a young man who was in jail. I can still remember his name: Humbert Gregory Torres, the first criminal case I ever had.

I went to the jail. I was a new lawyer. I had my suit and tie on. I went to the jail and talked to a man through the bars. I thought: This guy's a criminal? He should be a movie star. He was so handsome. He was a heroin addict, and had been since he was 15 years old.

When I met him in that jail, he was 20 years old. He was smart, handsome but terribly addicted to heroin. I saw the life he led after that. Because it was my first case, I kept in touch with him, represented him in many different battles with the law. He went to prison. I don't know where Greg is now. I am sure he is not in a good situation. Last I heard, he was back in prison.

Heroin destroys people, families, neighborhoods, and societies. It is a horrible thing. That young man did not want to be addicted to heroin. He got addicted to it when he was a little boy in New York City. He could have done anything with his life had he not been addicted to heroin. Instead, he became a criminal.

Well, almost 80 percent of the product that gets to people like Greg Torres comes from Afghanistan. Drug laboratories are sprouting up across Afghanistan, producing heroin that eventually finds its way into our country, our cities, and our neighborhoods.

Most of the money from this deadly trade does not even go to the impoverished farmers, but instead to corrupt civil servants and drug lords. Look at the Newsweek article. It tells of a senior general in northern Afghanistan who brought in experts from Burma to help him operate a string of heroin labs, and of a senior police official in a northeastern province operating a heroin lab in the garden of his home.

The nexus between the illegal drug trade and civil servants is very clear but even more troubling is the link between the opium trade and the remaining Taliban extremists. It is no coincidence, according to the United Nations, that Taliban insurgents are most prominent in the poppy-producing provinces of Afghanistan. This ''unholy alliance'' serves the interests of the drug lords, who need the protection, and the Taliban, who want the money.

We have the Drug Enforcement Administration, of course. Its agents are very professional, and very well trained. We have really unloaded on Afghan drug lords with these agents. We have two in Afghanistan—two DEA agents in the entire country. Eighty percent of all the heroin in the world is produced in that country, and we have two Drug Enforcement Administration officers there. With that kind of manpower, I'm sure we'll get to the bottom of this. I am being a little facetious, but I don't know what two agents can expect to accomplish.

Amid the drug, economic, and security crises plaguing Afghanistan, we cannot forget that the key government and private financial institutions were all destroyed under the Taliban. The image I see when I think of the Taliban is of them destroying that huge, historic, religious monument, which had been there for more than 1,000 years, by shooting rockets from airplanes. That is what the Taliban is all about.

We can't forget that they destroyed key government and private financial institutions. Recovery and reconstruction in Afghanistan therefore is an enormous challenge, but if we fall short, the consequences will be enormous. We cannot afford to fail in Afghanistan, and yet we are not doing anything to address the problems there.

Some are saying: So what? Does it matter? I don't think it is possible to exaggerate the stakes in Afghanistan. It is, of course, the front line in the war on terrorism. That is why we went there in the first place. Terrorists had built training camps there. The September 11 attackers all had contact with terrorists in Afghanistan.

Although a diverse and committed international force is participating in the reconstruction effort—there are several thousand international people in Kabul—we can't pass the buck and say reconstruction in Afghanistan is somebody else's responsibility. It is our responsibility. We led the war there. We need to lead the reconstruction.

We have a responsibility to help Afghans create a stable, self-governing state with the resources for long-term economic development. If we succeed, we will have denied the terrorists a strategically located base. We will have put a long-suffering people in a position to lift themselves to freedom and prosperity. We will have created a model that can help the international community in reconstruction efforts elsewhere. And we will have silenced skeptics around the world who thought the United States would not fulfill its promise to Afghanistan and would cut and run a second time. These are the benefits of success.

The costs of failure are almost too troubling to imagine. Terrorists could again regain a foothold. The Afghan people would remain impoverished under a fundamentalist regime. And this confluence between a failed state in a strategically vital area and terrorist forces could result in lethal consequences, as we so painfully learned in 2001.

What can we do? As the President stands ready to deploy troops to Liberia—and I have been to Liberia and acknowledge that it deserves our attention—we cannot forget about Afghanistan. The President also is weighing options on what to do about force protection in Iraq. As important an issue as that is, I again implore him not to forget our promise to the Afghan people.

There is much more we can do. The report issued last month by Ambassador Frank Wisner and the Council on Foreign Relations provides an excellent roadmap. First, with regard to security measures, we need to maintain adequate military forces until Afghanistan can assume the responsibility itself. We should also be seeking ways to bolster the international security forces there as well as substantially expanding the proposed size of the Afghan Army, which at its peak will stand at 10,000 soldiers. This hardly seems adequate for a country of 28 million people. Reconstruction efforts cannot be effective until the territory beyond Kabul is secure.

Second, politically and diplomatically we need to support the Afghans as they organize presidential and parliamentary elections to be held next year. We need to continue to press Iran and Pakistan to secure the border region and end their interference in Afghan affairs, and we need to continue to assist the Afghans in developing a vibrant civil society that is inhospitable to extremism.

Third, reconstruction measures must resume fully. Despite the urgency of the situation, road building and other major reconstruction projects have stalled. Despite receiving billions of dollars in financial commitments from

the international community, President Karzai still faces a gap of $276 million in his very modest budget. Afghanistan will require $15 billion over the next 5 years in reconstruction funds, over and above humanitarian aid.

Congress has authorized funds to cover one-third of this total. Authorizing it, as we have learned, doesn't mean much. We have to appropriate the money. It is great to issue press releases about all the things we are going to do with this program and that program, but in the Congress there is a two-step procedure: We authorize and appropriate. If we don't appropriate, the authorization is meaningless. We should fully fund the authorization so that, among other things, we can complete construction of the road linking Kabul and Kandahar.

The United States obviously can't cover reconstruction costs on its own. I don't expect us to do so. The reconstruction effort will fail unless we persuade other countries to live up to their financial commitments. But we cannot do that until we fulfill our own obligations.

President Bush has the power to place the reconstruction of Afghanistan back on the world agenda. But as I said earlier, the issue seems to have fallen off the White House radar screen. I say to President Bush: Fulfill the promise you made to the Afghan people and to the American people, and deliver on your Marshall Plan for Afghanistan. The Congress will support those efforts. We will do so not only for the Afghan people but also for the security and safety of the United States and its allies.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that at the hour of 2:15 p.m. the Senator from West Virginia be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1233 THROUGH 1236, EN BLOC

Mr. STEVENS. Mr. President, I have amendments from our side of the aisle which have been cleared.

The first is Senator ROBERTS' amendment to make amounts available for research, development, test, and evaluation defense-wide, $2 million for the development of integrated systems analysis capabilities for bioterrorism and response exercises.

Second is Senator LOTT's, to set aside Marine Corps procurement funds for use for the procurement of nitrile rubber collapsible storage units.

Next is for Senators GRAHAM and HOLLINGS of South Carolina to make amounts available for research, development, test, and evaluation, Navy, $6 million for Marine Corps communications systems for the Critical Infrastructure Protection Center.

Finally, another is for Senator LOTT to set aside other procurement, Army funds, for the procurement of TSC–750 computer systems.

I ask unanimous consent to offer the amendments en bloc and have them reported en bloc and considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments en bloc numbered 1233 through 1236.

The PRESIDING OFFICER. Is there further debate on the amendments?

Without objection, the amendments are agreed to en bloc.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1233

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, $2,000,000 for the development of integrated systems analysis capabilities for bioterrorism response exercises)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $2,000,000 may be available for the development of integrated systems analysis capabilities for bioterrorism response exercises.

AMENDMENT NO. 1234

(Purpose: To set aside Marine Corps procurement funds for use for the procurement of nitrile rubber collapsible storage units)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the amount appropriated by title III under the heading ''PROCUREMENT, MARINE CORPS'', up to $1,500,000 may be used for the procurement of highly versatile nitrile rubber collapsible storage units.

AMENDMENT NO. 1235

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Navy, $6,000,000 for Marine Corps Communications Systems (PE#0206313M) for the Critical Infrastructure Protection Center)

Insert after section 8123 the following:

SEC. 8124. Of the appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $3,000,000 may be available for Marine Corps Communications Systems (PE#0206313M) for Critical Infrastructure Protection.

AMENDMENT NO. 1236

(Purpose: To set aside Other Procurement, Army funds for the procurement of TSC–750 computer systems)

SEC. 8124. Of the total amount appropriated by title III under the heading ''OTHER PROCUREMENT, ARMY'', up to $1,500,000 may be used for for the procurement of TSC–750 computer systems.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENTS NOS. 1237 AND 1238, EN BLOC

Mr. INOUYE. Mr. President, if I may continue, on behalf of Mr. MILLER, the Senator from Georgia, I have sent to the desk an amendment to make available from amounts available for research, development, test, and evaluation for the Navy, $1 million for the Trouble Reports Information Data Warehouse; and for the Senators from Florida, Mr. GRAHAM and Mr. NELSON, an amendment to make available from amounts available for operation and maintenance, Navy, $2 million for night vision goggles in advanced helicopter training. I ask unanimous consent that these amendments be considered en bloc and passed.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes amendments en bloc numbered 1237 and 1238.

The PRESIDING OFFICER. Is there further debate on the amendments?

Without objection, the amendments are agreed to.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1237

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation for the Navy, $1,000,000 for the Trouble Reports Information Data Warehouse)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $1,000,000 may be available for Combat Systems Integration (PE#0603582N) for the Trouble Reports Information Data Warehouse.

AMENDMENT NO. 1238

(Purpose: To make available from amounts available for Operation and Maintenance, Navy, $2,000,000 for night vision goggles in advanced helicopter training)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $2,000,000 may be available for night vision goggles in advanced helicopter training.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that at 12:15 the Senate proceed to executive session and immediately vote on the confirmation of Calendar No. 295, Lonny R. Suko of Washington to be a U.S. District Judge for the Eastern District of Washington, without further intervening action or debate; and I further

ask that following that vote, the President be immediately notified of the Senate's action, the Senate then resume legislative session, and recess as under the previous order.

Mr. REID. Reserving the right to object, Mr. President, this is the 136th judge that we will have approved during the term of President Bush. We have turned down two. As Senator LEAHY said on the floor yesterday, the number of judicial vacancies is the lowest number in more than 13 years. I ask that the unanimous consent request be modified to allow Senator MURRAY 5 minutes to speak on this judge at 12:10, prior to the vote.

MORNING BUSINESS

Mr. STEVENS. That is fine. Also, I ask unanimous consent that the time preceding Senator MURRAY's statement be a period of morning business with Senators permitted to speak therein for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, are we in morning business.

The PRESIDING OFFICER. We are in a period of morning business with Senators allowed to speak for up to 5 minutes.

TRAVEL TO CUBA

Mr. DORGAN. Mr. President, I just came from a conference about 30 minutes ago dealing with the issue of travel; that is, the right of the American people to travel. We have the right to travel almost anywhere. I have been to China, a Communist country; Vietnam, a Communist country; I can go to Iran or North Korea.

The American people have a right to travel almost anywhere in the world—except for Cuba. Why? Because with respect to Cuba, we have had a 40-year embargo, which not only embargoes trade between this country and Cuba but prohibits the American people from traveling in Cuba.

We have an organization in the Department of Treasury called OFAC, Office of Financial Assets Control, I believe it is. OFAC is an agency that is supposed to be tracking terrorists at this point. Following 9/11, we understand there are all kinds of terrorists and others who wish this country ill and are willing to murder Americans. We have the FBI, the CIA, and a whole range of interests trying to track terrorists. As I said, one part of that is a little organization inside the Treasury Department called OFAC.

OFAC is supposed to look at all the money trails to track terrorists. But that is not all they do. OFAC, as I speak today, has folks in the Treasury Department tracking American citizens who are traveling in Cuba.

I want to give an example of what they are doing. There is a woman named Joan Slote. She is a grandmother. She is also a world-class senior citizen cyclist. She was a medal winner at the 1993 senior olympics. She has bicycled through 21 different countries. She still bicycles 100 miles a week. She is in her seventies. This weekend, the Washington Post wrote a story about Joan Slote. She went with a group of Canadians to take a bicycling trip to Cuba. She believed it was legal for Americans to bicycle in Cuba. It was certainly legal for Canadians to do so. She openly told the U.S. Customs agents that she had been there.

When she got home, she received from OFAC, this little agency in the Treasury Department, a notice that she was being fined $10,000. She did not respond to OFAC's missive because her son had a brain tumor and she was attending to her sick son, who later died. So OFAC said: Sorry, you are fined $10,000. You did not respond, so you know what we are going to do? We are going to start taking your Social Security payments.

Here is a retired grandmother of six attending to her son who dies, who went bicycling in Cuba prior to that and now gets fined $10,000 and has the Treasury Department saying they are going to take this woman's Social Security payments.

I do not understand it. I guess it is the Forrest Gump film, isn't it, that says: Stupid is as stupid does. Life is just a box of chocolates. I have no idea.

What on earth can be happening at the Treasury Department that has people in OFAC, who are supposed to be tracking terrorists, tracking little old ladies, retired people bicycling in Cuba, and fining them $10,000. Or if it is not Joan Slote, perhaps it is a 77-year-old World War II veteran who fought for this country many years ago. He posted some information on a Web site he created about a licensed meeting of United States/Cuba Sister Cities Association in Havana. The OFAC organization down in the Treasury Department accused this 77-year-old World War II veteran of organizing, arranging, promoting, and otherwise facilitating the attendance of persons at the conference in Cuba without a license. The fact is, this guy did not even attend. He did not go to the conference. It was licensed by OFAC. He did not attend the conference, but he put something on his Web site that had to do with sister cities, and now OFAC is after him. So this 77-year-old World War II veteran has to hire a lawyer. Or perhaps it is the fellow from Washington State whose dad was a Cuban. His dad died, and he wanted his ashes spread on the soil in Cuba. So this young man took an urn with his father's ashes to Cuba. Guess what happened to him. We have these vigilant folks down at the Treasury Department—no, not tracking terrorists, not protecting this country—tracking a man who took the urn with his father's ashes to distribute them in Cuba.

What on earth can they be thinking about? Yes, it is true, we have a law, and the law in this country says: Let's punish Fidel Castro by limiting the right of the American people to travel. Some of us think that is dumb—d-u-m-b dumb. It does not hurt Fidel Castro to say to the American people we are going to limit your travel opportunities. We have had debate after debate in this Chamber, and in every circumstance we have said the same thing: The way to resolve the issue with Communist China is to lead them to a better place on human rights. How do we lead them? Through engagement, trade, and travel. We encourage trade and travel with China, a Communist country.

Vietnam: How do we engage Vietnam to lead them toward a better future with more rights for their citizens—more civil rights, more human rights? Through engagement, through travel, and trade, because we do that with Communist countries. Both political parties have said that is the right thing to do.

For 40 years, our country has had an embargo with respect to the country of Cuba. For 40 years, we have indicated that we will punish Fidel Castro by limiting the right of the American people to travel. Forty years of failed policy ought to be enough to convince us to change the law.

I have no interest in Fidel Castro except that he limits the rights of the Cuban people. I went to Havana on an official trip. I demanded to see an economist named Martha who was imprisoned. I was refused the opportunity to do so.

The fact is, human rights and civil rights in Cuba are not where they ought to be. The Cuban people are not free, but we will not, in my judgment, advance rights for the Cuban people by deciding to embrace a policy that has failed for 40 years. We will and should, it seems to me, encourage trade and travel with respect to Cuba because that is the quickest way to undermine Fidel Castro. The quickest way to undermine this regime is through trade and travel, just as we preach it will do in China, in Vietnam, and in other areas of the world.

In addition to restricting travel, we have had this terribly ill-considered ban on trade. It is, in my judgment, always immoral to use food as a weapon, and yet we have done that with Cuba. It is interesting; the law was changed briefly, and as result of the law change I helped engineer in the Senate, along with my former colleague who is now Attorney General, Senator Ashcroft—I offered with Senator Ashcroft, legislation that became law that opens just a bit the ability to ship food to Cuba so

we can sell food to Cuba. Last year, for the first time in 42 years, 22 train carloads of dried peas left North Dakota's farms and elevators to be shipped to Cuba.

Using food as a weapon, as we have done for four decades with Cuba, does not hurt Fidel Castro. Does anybody here think he has missed a meal in 42 years because we have an embargo on food shipments to Cuba? Does anybody think Fidel Castro misses breakfast, dinner, or lunch? Absolutely not.

Using food as a weapon hurts sick people, poor people, and hungry people, and it is basically an immoral policy, in my judgment.

The issue of trade and travel is important. It is not in any way supportive of Fidel Castro for us to say a 40-year embargo does not work and that the same strategy we use with respect to China and Vietnam does work, and that is engagement through trade and travel. It undermines the ground on which dictators sit. It undermines their capability to govern, and that is what we ought to do.

This afternoon, we are marking up the Agriculture appropriations bill, and I am going to offer an amendment to that bill. We have U.S. agricultural experts who have been denied the opportunity to go to Cuba to sell American agricultural products. As I said, Senator Ashcroft and I opened the door just a bit, and we have been selling some products to Cuba. But in order to do that, Cuba has to run the transaction through a French bank because it cannot even be run through a U.S. financial enterprise. It makes no sense to me, but that is the restriction.

I am going to offer an amendment that says at least those who are moving back and forth to sell and buy agricultural commodities ought to be able to travel. Let's at least begin the first step dealing with this issue of travel.

I will end by saying again, it is illogical, in my judgment, to attempt to injure Fidel Castro by restricting the right of the American people to travel. Does anybody really think that at the Treasury Department today we have these folks in gray suits and tiny little glasses, and probably green eyeshades, pouring over all this data—what are they looking for? Are they looking for financial information to track terrorists to put terrorists in jail? No, that is not what they are looking for. They are trying to find a grandmother from Illinois who answered an ad for a bicycling trip in Cuba so they can fine her $10,000 and attach her Social Security checks. Shame on them. Yes, that is what the law says. Shame on us. In my judgment, we ought to change the law. It does not make any sense.

My hope is that perhaps with my colleague, Senator ENZI, who just left the Chamber, and others—Republicans and Democrats—who believe the restricting of the right of the American people to travel makes no sense at all, my hope is that Republicans and Democrats can work together to change this law and stop OFAC from doing what it is now doing. It is hard to find adjectives to describe the basic stupidity of our country chasing little old ladies who ride a bicycle in Cuba and levying $10,000 fines on them and then saying: If you do not pay it, we will attach your Social Security check.

Why are we doing that? Because we are saying a person cannot travel, or we are restricting their right to travel because we want to injure Fidel Castro. The way to injure Fidel Castro is the way we have done with China and Vietnam, which are Communist countries, and that is engagement through trade and travel that undermines the governments of those countries. That is what we ought to do with Cuba.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF LONNY R. SUKO, TO BE UNITED STATES DISTRICT JUDGE, FOR THE EASTERN DISTRICT OF WASHINGTON

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, the Senate will now go into executive session to consider the nomination of Lonny R. Suko, which the clerk will report.

The legislative clerk read the nomination of Lonny R. Suko, to be United States District Judge for the Eastern District of Washington.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, my colleagues will be voting momentarily on the nomination of Lonny Suko, and I rise today to support his nomination for U.S. District Court Judge for the Eastern District of Washington State.

Lonny Suko is a distinguished lawyer and U.S. magistrate judge from my home State of Washington. I am honored to support his confirmation as a district court judge. He was unanimously reported out of the full Judiciary Committee on July 10. Judge Suko has strong bi-partisan support, and for good reason. He has handled some of the most difficult cases in Eastern Washington in the past decade, and he has won the respect of everyone who has come before him. That is one of the reasons why Judge Suko enjoys such strong support from a diverse group of attorneys and community leaders in Washington State.

Both Senator CANTWELL and I assisted the President in choosing him from a list of very qualified candidates. Lonny Suko has spent his life living and serving Eastern Washington. He is a graduate of my alma mater, Washington State University, and of the University of Idaho School of Law. He has had a distinguished career as a lawyer and a U.S. magistrate judge. In private practice, Lonny Suko had a sucessful practice defending both plaintiffs and defendants in a variety of tort, contract, creditor-debtor, and public sector cases. He has also distinguished himself as a U.S. magistrate judge, serving part-time from 1971 to 1991, and full time since 1991. As I mentioned, Judge Suko handled some of the most challenging cases in recent history in Eastern Washington. He heard the injury and death claims of more than two dozen plaintiffs who were victimized by a gunman at Fairchild Air Force Base in the early 1990's. He was involved in several other high profile settlements.

In all of those cases, Judge Suko won high praise for his judicial demeanor, his fairness and his respect for all parties. Judge Suko clearly meets the standards of fairness, even-handedness, and adherence to the law that we expect of our Federal judges. Outside of his many professional credentials, I have met with him, and have been impressed by his professionalism and decency. Therefore, it is my pleasure to support for confirmation to the Federal bench such a great lawyer and judge who I believe will make an exceptional Federal judge. He has served the people of our State well. I urge my colleagues to support his nomination.

I yield the floor.

Mr. LEAHY. Mr. President, this nomination from Washington State has the support of the Democratic Senators from that State. Senator MURRAY and Senator CANTWELL have both worked hard to establish a bipartisan process for making recommendations to the President for Federal judicial vacancies in their State. They are to be commended for their work. They support the nomination of Lonny R. Suko, whose nomination is a product of Washington's bipartisan selection commission.

With this confirmation today, the third so far this week, the Senate will have confirmed 136 judicial nominees of this President. These include 36 confirmed just this year. That number equals the number of judges confirmed during all of 1997, exceeds the 34 judges confirmed in all of 1999, and is more than double the number of judges confirmed in the entire 1996 session. Thus, we are well ahead of the pace that the Republican majority used to maintain when reviewing President Clinton's nominees.

We have reduced judicial vacancies to the lowest number in 13 years and currently have more Federal judges on the bench than at any time in our history.

Working with home State Senators from both parties helps make the confirmation process proceed more smoothly as we have demonstrated over and over and demonstrated again today.

I congratulate the nominee and his family on his confirmation today.

Ms. CANTWELL. Mr. President, I am very pleased that the Senate will be acting today to confirm Lonny Suko as a District Court Judge for Eastern Washington.

Lonny Suko is extremely well qualified. He has been a full-time Federal

magistrate judge in Yakima, WA, since 1995. And before that he was a part-time magistrate judge from 1971 until 1991. With 28 years of experience on the Federal bench, elevating him to be a Federal district court judge is a natural step.

Lonny Suko's nomination is the result of the hard work of an eastern Washington-based judicial selection committee. The selection committee process was negotiated between the White House, Senator MURRAY, and myself. Six qualified members of the legal community in Eastern Washington selected by our local Members of Congress and by Senator MURRAY and myself put in long hours interviewing and selecting three qualified candidates to send to the President. The White House agreed with my judgment that Lonny Suko was the most qualified candidate for this position.

Prior to his full-time work as a U.S. magistrate judge, Lonny Suko was also a partner in the firm of Lyon, Weigand & Suko, where his career in private practice involved extensive representation of plaintiffs and defendants in civil litigation as well as extensive mediation experience. Though he has lived in Yakima for the past 30 years, Mr. Suko has connections throughout eastern Washington. He is originally from Spokane, graduated Phi Beta Kappa from Washington State University in Pullman, and started his legal career as a clerk to Judge Charles L. Powell, who was then the Chief Judge of the Eastern District of Washington in Spokane.

We wish Judge Suko well in his new position and have confidence that he will be an excellent addition to our distinguished Federal bench.

Mr. HATCH. Mr. President, I rise today in support of the nomination of Magistrate Judge Lonny R. Suko to be a U.S. District Court Judge for the Eastern District of Washington.

Judge Suko has been part of the Washington legal community for over three decades. After graduating from law school in 1968, Judge Suko clerked for the Honorable Charles L. Powell in the Eastern District of Washington. In 1969, he joined the Lyon Law Offices, where he served as associate, partner, and shareholder. As an attorney, Judge Suko litigated primarily civil matters.

In 1971, Judge Suko was appointed part-time United States magistrate judge, a position he held while practicing law full time until 1991 when the position was discontinued. In 1995, Judge Suko ascended to the bench once again when he was appointed as a full-time Federal Magistrate Judge for the United States District Court Eastern District of Washington. As a magistrate judge, Judge Suko presides over both criminal and civil matters.

Judge Suko has been rated unanimously well qualified by the American Bar Association, and enjoys bipartisan support. I am confident Judge Suko will make an excellent Federal judge. I commend President Bush for nominating him and urge my colleagues to join me in supporting this nomination.

Mrs. MURRAY. 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. LOTT. 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. LOTT. Mr. President, have the yeas and nays been ordered on this judicial nomination?

The PRESIDING OFFICER. They have not.

Mr. LOTT. I suggest that we move to the vote. Is there a prearranged time?

The PRESIDING OFFICER. The vote is to occur at 12:15.

Mr. LOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Lonny R. Suko to be a United States District Judge for the Eastern District of Washington?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''aye''.

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 276 Ex.]

YEAS—94

Akaka	Craig	Kennedy
Alexander	Crapo	Kohl
Allard	Daschle	Kyl
Allen	Dayton	Landrieu
Baucus	DeWine	Lautenberg
Bayh	Dodd	Leahy
Bennett	Dole	Levin
Biden	Domenici	Lincoln
Bingaman	Dorgan	Lott
Bond	Durbin	Lugar
Boxer	Ensign	McCain
Breaux	Enzi	McConnell
Brownback	Feingold	Mikulski
Bunning	Feinstein	Murkowski
Burns	Fitzgerald	Murray
Byrd	Frist	Nelson (FL)
Campbell	Graham (SC)	Nelson (NE)
Cantwell	Grassley	Nickles
Carper	Gregg	Pryor
Chafee	Hagel	Reed
Chambliss	Harkin	Reid
Clinton	Hatch	Roberts
Cochran	Hollings	Rockefeller
Coleman	Hutchison	Santorum
Collins	Inhofe	Sarbanes
Conrad	Inouye	Schumer
Cornyn	Jeffords	Sessions
Corzine	Johnson	Shelby
Smith	Stevens	Warner
Snowe	Talent	Wyden
Specter	Thomas	
Stabenow	Voinovich	

NOT VOTING—6

Edwards	Kerry	Miller
Graham (FL)	Lieberman	Sununu

The nomination was confirmed.

Mrs. MURRAY. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative action.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:43 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. ALLARD).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator BYRD is still occupied in the caucus. It has not terminated yet. I don't think this will in any way offend the two managers of the bill. I ask unanimous consent that the Senator from South Dakota be recognized for 20 minutes and following that Senator BYRD will be recognized. The order now in effect would have Senator BYRD recognized at 2:15. He will be recognized at 2:35; Senator JOHNSON will speak now for 20 minutes. I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I approach the current Department of Defense appropriations bill and our current status in Iraq and the Middle East from somewhat of a unique circumstance: as a Senator but also the father of a soldier who has served in Iraq. My oldest son Brooks, a staff sergeant with the 101st Airborne Infantry over the past roughly 5 years, has now served in four wars—in Bosnia, Kosovo, Afghanistan, and most recently Iraq. I appreciate profoundly how much our Nation owes to our military. These young men and women are professional. They are skilled. They are courageous. They are taking on a job few other Americans would want to do for any amount of compensation. We can take great pride in America that our military is the finest in the world.

In that context, no one is more supportive of our military personnel and their families than I am. The deployment tempo has been enormous. Many families have seen the absence of their husbands and wives, brothers and sisters, sons and daughters for a great amount of time, and the tension and stress of the families has been great. We owe gratitude to the families of our military as well.

I voted for a resolution authorizing force. I think the world is a better place without Saddam Hussein. But that resolution was based on two major pillars. One was that there was an imminent threat to the security of the region and to America because of the presence of weaponized weapons of mass destruction and, secondly, that the President was to go to the United Nations and our allies and try to internationalize a strategy relative to Iraq to the best degree possible.

Now we find ourselves in a circumstance where there is great doubt about the quality, the credibility of the intelligence the President shared with the American public. He was quoted in the paper this morning saying, our intelligence is ''darn good.''

What is at stake is not just the presence of weapons of mass destruction. It is possible that perhaps some will ultimately be found. But what is at stake is the credibility of America in the world community. It turns out that the statements about nuclear weapons were simply false. The CIA knew that. It turns out that ties between Saddam Hussein and al-Qaida at 9/11 were nonexistent. Yet over half of America to this day thinks there is some connection between Saddam Hussein and 9/11, when there was none—zero.

Well, this is particularly troubling at a time when this administration has enunciated a radically new approach to military affairs abroad, saying that we will from now on be willing to take on preemptive war—preemptive war, of course, is based on the quality of intelligence—and that we will do it unilaterally if need be; the rest of the world community doesn't count.

Thirdly, that if we so choose, we will use nuclear weapons in a first-strike capacity. This new Bush doctrine is intended, apparently, to make the United States sound like the toughest country on the block. To the contrary, it should not be a surprise to anyone that this kind of strategy, coupled with faulty intelligence and perhaps a manipulation of what intelligence was there in a false, misleading way, has in fact lost the support of our allies around the world when, after 9/11, the United States had the near unanimous support of the world community. Now that has been largely lost, and even our allies express contempt for the American policy abroad and our role in the world.

It should come as no surprise to anybody that this unilateralist, first-strike capability, all premised on faulty and shaky intelligence and manipulation of intelligence, actually puts America at greater risk than before. It leads to—and it should come as no surprise—an arms race greater than before, where other countries may believe that the only way to defend themselves against a unilateral, preemptive nuclear attack from the United States is to arm themselves to the hilt, perhaps with their own nuclear weapons—certainly weapons of mass destruction. Now we find that this strategy will lead to a less secure, more troubled world. It is something this Congress and this Senate need to rethink.

With the contempt toward the United States this spurs, like internationalism, greater terrorism, more people willing to join terrorist groups, I think it is fair to say there is a greater threat of terror applied to the United States and our allies today than there was before.

Secondly, the lack of international concern, the lack of diplomacy, and the failure of American diplomacy to pull together a greater alliance and cohesion—certainly in the Western World, but in the world in general—have led to America being even more targeted than before by the powers of hate around the world.

We were told at the time that there was great urgency for this conflict and that we would be in and we would be out and we would restore democracy. How foolish and naive that looks today. Now we are being told that this conflict and our presence in Iraq could easily last 4 years, perhaps 10 years, at a cost of $100 billion, conceivably, over the coming year, while our men and women in uniform, who are doing courageous work, find themselves in a near shooting gallery environment in Iraq, with very little contribution from our allies. Some of those contributions are even discouraged by the United States.

To put some context on this—because our troops are on the ground and our troops are being killed daily, because our taxpayers are paying virtually 100 percent of the cost of this—we now find ourselves with an administration telling us we cannot afford full funding for VA health care so our veterans can get the medical services they need because we don't have the $2 billion extra. We are spending $4 billion a month in Iraq, and we are going to do that for years, perhaps for a decade. We are being told we don't have enough money for Amtrak because it costs a half billion dollars more. We are going to spend $100 billion in the coming year in this far-away place, but we don't have the funding for education or health care. And the reason the prescription drug plan is so faulty and viewed with dissatisfaction by American seniors is that the funds are not there to fund a decent plan. Yet all of those costs are a tiny fraction of what we are committed to send into the far distant future in the Middle East.

We have 200,000 troops abroad total, with some 140,000 to 150,000 in the Middle East; we have 1,000 in Saudi Arabia; we have 1,300 in Bahrain; we have 4,000 in Qatar; we have 145,000 in Iraq; we have 11,000 in Pakistan; we have 14,000 in Turkey; we have 1,000 in Egypt; and we have over 1,000 in Djibouti.

We have troops scattered all over the world. Their families want to know when they are coming home. Employers want to know when they are coming home. Nobody can say. Nobody has a timeframe, other than to know that our military is going to be under tremendous stress for a long, unforeseeable time.

At the same time, we have budding conflicts in North Korea, Liberia, Iran, and the existing conflict in Afghanistan. It doesn't take a genius to figure out that this is going to lead to enormously difficult problems in terms of recruiting and retaining military active-duty Guard and Reserve. My son confides in me, after 4 wars in 5 years, in talking to his colleagues in the U.S. Army, there are more and more of them saying: I thought this would be a career, but frankly this is destroying my family, my future. We cannot be deployed at this kind of tempo forever.

It appears that that will be the case because the United States has taken such a unilateral approach—to become the policeman for the entire world without the participation of our allies, without the U.N., without the regional groups. When will this President learn that we are the world's major military power but we cannot be the policeman for the world, we cannot be doing all this ourselves? We need to bring together our allies, and we need the diplomacy to make that happen.

So while we are asking our military to be deployed at an enormous tempo, while we are losing men and women daily in Afghanistan and Iraq—and we have another conflict on the near horizon in Liberia—the President says we cannot afford the full combat pay increase that the Senate requested. How many of you would go live in a hole in the wall in Iraq and be fired at from every angle as you walk down the street, and your President says we won't give you that extra $100 a month. One hundred dollars a month? How many in this Chamber would encourage their children to serve in that environment?

We are being told by the White House we cannot afford the full funding for health care. Our vets are going to have to wait in line for another year to get the access to health care that they deserve and that they are owed because we don't have the funding. The President says he will veto any legislation we pass in the Senate to expand access to health care for our National Guard and our Reserve troops. He will veto it. There is plenty of money to go around for an enormous tax cut to enrich the wealthiest families in this Nation, but when it comes time to do modest things for our own soldiers, the President is not there. We need to hold him accountable for this irresponsibility.

There is enormous damage being done to the credibility of our Nation by what has transpired over these past months. We can be proud of our military, proud of our troops. We know Saddam Hussein was a thug and the world is better without him. But when we see what has happened due to the lack of an international alliance, due to our unilateralism, due to faulty intelligence, or the manipulation of our intelligence, when we see what happened to world opinion relative to the United States, and now the unwillingness of the rest of the world to work with us to stabilize the world military situation, we find ourselves in a terrible hole and how a $450 billion deficit reported just today—a record deficit, where we are going to borrow from the Social Security trust fund for the remainder of the decade in order to pay for all of this—we need to regroup.

Our U.S. troops, our men and women in uniform, deserve better. We American citizens deserve better as well. I simply have to share my frustration and, yes, my anger, at the circumstances we find ourselves in today due to profound failings of this administration in the conduct of our military strategy in the Middle East and all that portends for the future of this country and our role in the world, all that means for the taxpayers of this country, all that means in the inability to fund our schools, our health care, our environment, and all the needs of infrastructure we need to get our economy going again. Our country deserves better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from South Dakota leaves the floor, I wish to say that many of us speak about the conflict in Iraq and Afghanistan from a distance. The Senator from South Dakota does not speak from a distance. His son has been involved in both conflicts, carrying a rifle for the U.S. Army and being shot at.

I was with, as many of us were, Senator JOHNSON during the height of the military conflict in Iraq when every day he was happy the day ended without getting a message that his son had been injured or killed in Iraq. I was here when Senator JOHNSON received a letter from his son written on a K-ration wrapper from a foxhole in Iraq. So Senator JOHNSON has a right to be upset, to speak with indignation because he looks at it differently than all the rest of us because he was the only Senator with a son in combat in Iraq.

His son has come home. He is one of the lucky ones. As we see on the front of the Washington Post today, large contingencies which were expecting to come home next month have been ordered to stay in Iraq. They do not know when they will be home.

I extend my appreciation to Senator and Mrs. JOHNSON for being the parents of a stalwart American hero, someone who has fought over the last 5 years in four American wars.

Mr. JOHNSON. Mr. President, may I respond to my colleague and my friend from Nevada. There are hundreds of thousands of parents all across America who do daily, as my wife Barbara and I have done, and that is to watch the news, follow the news as closely as possible with both pride in our sons and daughters, husbands and wives, but dread as well.

As we did, there are hundreds of thousands of parents and loved ones across this country who follow with great intensity the daily reports about deaths and injuries. There are families all across our country as we speak who know that at any moment there could be a catastrophic, life-shattering report of the loss or injury of their loved ones.

When people talk about acceptable levels of casualties, I hope more and more Americans understand there are real families, real faces involved, and that we owe an enormous debt of gratitude to our military. They are the greatest in the world. They do as they are ordered to serve, and I hope we stand not only with these men and women in uniform but with their families who have no idea, in most cases, when they are coming back, many suffering great financial hardship but also emotional hardship, the loss of parenting, the loss of key employers as a great consequence.

While we follow this war and the aftermath of the war with great concern, we also should remember this is not just numbers. This is not a game. This is a very real situation that is going on in the lives of very real American families, and all of these issues need to be approached with that kind of somber awareness and commitment that we do the best we can for our troops and their families.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I wish to join with my colleague from Nevada in commending the distinguished Senator from South Dakota for his powerful statement, for the eloquence and the passion he has demonstrated in expressing himself this afternoon.

I have said on countless occasions that no one could be more proud to call him a colleague than I. We have heard yet another demonstration of the reason I am so confident in my ability to say that as we heard him this afternoon.

I will never forget my colleague sharing with me a postcard his son sent while he was in Iraq. It was on the back of an MRE, one of these meals the military eats every day. He had carved it out, writing on the back, put the address on the front, and sent it to his father and mother to report that he was well, to report that he believed in what he was doing.

It has to be an emotional moment to receive that from your son. He invoked that emotion again today in speaking for all families who have members of the military in Iraq; that it is wrong to minimize these losses; that it is wrong to, in some way, depersonalize the extraordinary impact it has when one of these sons or daughters is lost.

Hans Gukeisen was one of those who did lose his life. He was from Lead, SD. He was a helicopter pilot. He lost his life rescuing an Iraqi child. He is now buried in the Black Hills National Cemetery. I just received a message from his father a couple of days ago lamenting, expressing the sense of loss that only a father can.

As we face these questions, as we struggle to ensure we have the information this Congress deserves, let us also be appreciative of the extraordinary sacrifice made by those who are there; those who are no longer living as a result of having been there; and those, hopefully, who will never have to go but are prepared to do so today.

I was disappointed to learn just within the last week that the Secretary of Defense indicated that he could not support an amendment we adopted 82 to 10, I believe, which would have provided health insurance to National Guard personnel once they come home. They are eligible for it now. They are not when they come home. That is a disparity, an inequity, a problem I cannot fully appreciate, but they can, and it is yet another indication of the sacrifice they made to be there for their country.

As others have noted, they have been there for months and months. We owe it to them to give them some better understanding of the length of time they will stay. We owe it to them to send as clear a message as we can that we have a plan and that they can put their lives on a similar plan once they know what the plan for the country will be. But it appears there is no plan today. We do not know how long we will stay, and I think it is imperative that we find out.

These and other questions, as I said earlier today, Mr. President, are ones that have to be addressed during this debate and consideration of this bill. I am hopeful we can put in place legislatively the assurances that we will require before we vote on this bill later on, whenever that may be.

So again, let me thank the distinguished Senator from South Dakota for his eloquence, for his passion, and for his partnership.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is to be recognized for the purposes of an amendment.

AMENDMENT NO. 1244

(Purpose: To prohibit excessive deployments overseas of members of the Guard and Reserves)

Mr. BYRD. Mr. President, I thank the Chair for his consideration and courtesy.

Our National Guard and the Reserves of each of our military services have

become more than a source of manpower during times of national crisis. Members of the Reserve components have become an indispensable tool to carry out military operations and homeland security missions.

As of last week, there were 204,100 Guard and Reserve personnel on active duty. Some are stationed within the United States, performing homeland security missions. Many are deployed overseas, in foreign lands, thousands of miles from home, to places such as Iraq and Afghanistan.

Since September 11, 2001, we have activated more Guard and Reserve personnel than at any time since the Korean war but countless reservists, especially those who are now serving in Iraq, have not even been told when their deployment will end. Nobody knows when they will return home to their families, their friends, and their home communities.

Adding to the uncertainty, some Reserve units that are now being activated are simply being told to prepare to deploy for 1 to 2 years. This is no way to treat our National Guard and Reserve forces. How would Senators like to be treated like that? Are we keeping our citizen soldiers away from their jobs and their homes for too long? Are we? There are a growing number of West Virginians who say yes.

My office has received an increasing number of letters, phone calls, and e-mails from West Virginians asking when their loved ones who serve in the Reserve components will be coming home. How long? How long will that vacant chair be at the dinner table? How long will that husband, that father, be away from home, unable to carry that child to bed and tuck it under the cover at night? How long, Mr. Rumsfeld, I ask?

Some of the reports in these communications are very alarming. Senators read their mail as I read mine. Other Senators, I am sure, are getting the same question from those who are living there in the face of danger every second of every minute of every hour of every day, in the hot sands, 130 degrees, 120 degrees, 110 degrees. There they are. All of these letters express a deep frustration with the length of deployment of National Guard men and women and other Reserve units.

A number of troops and their families have expressed desperation at trying to get any sort of information about when their units will be returning to the United States, and it is about the same frustration that we as their elected representatives are getting when we ask questions of this administration to appear before our committee.

After reviewing what some of these units have gone through, I can see why people are frustrated. Let us take the case of one engineering unit from West Virginia. After shipping out in January 2003, this unit advanced deep into Iraq, along with front-line fighting forces. During the war, they bridged a river under heavy Iraqi fire. I have several reports that members of this unit are able to call home only once every several weeks, and that now they are only helping to haul Iraqi ammunition. This unit has not been given a date to return to the United States, and rumors are now circling that they will remain in Iraq until January 2004, until the snow falls in West Virginia.

Another National Guard unit has struggled through back-to-back-to-back deployments. This unit was mobilized for State duty in response to flooding in West Virginia in the summer of 2001. After September 11, this unit spent 1 year in Federal duty performing homeland security missions. After 3 months' rest, the unit was again called to duty and this time sent to the Persian Gulf region in February 2003, where they remain to this day. There has been no word, none, on when this unit will return home. Hear me, Senators.

One of my constituents wrote about her husband who was deployed to the Persian Gulf in December 2002, told he would return as soon as the war was over. After the President made his visit to the aircraft carrier *Abraham Lincoln* and gave his speech under the giant banner which read ''Mission Accomplished,'' this reservist still has not been sent home. In fact, he was given five different dates to return to West Virginia and then sent to another country in the region with the possibility of extending his deployment to September. To add insult to injury, this reservist had to pay for his own food and lodging while he was awaiting new orders after the war.

Hear me. Hear me, Mr. President. These stories should not come as a complete surprise to my colleagues. I am confident every Senator has been receiving mail with similar reports of deployments with no end, unclear missions, shortages in supplies, and countless other problems.

I have read similar problems in the newspaper about members of the Active-Duty Forces. This morning, there is an article in the Los Angeles Times about another delay in the homecoming of the war-weary 3rd Infantry Division. Less than a week after Secretary Rumsfeld announced to the Armed Services Committee that this division would be home by September, 10,000 of these soldiers have now been told to prepare to stay in Iraq indefinitely, an equal number of that army of Greeks which was led by Xenophon back home after the war, after the Battle of Cunaxa. Ten thousand have now been told to prepare to stay in Iraq indefinitely. These troops ought to have the chance to come home, too.

There are two reasons why I am particularly concerned about the long deployments of the Guard and Reserve. First, the National Guard has important responsibilities to their own States. Right now, this very minute, West Virginia has all of its Guard and Reserve engineer units deployed overseas, along with all of their earthmovers, their dump trucks, their equipment. If the summer storms cause more flooding and mudslides in the West Virginia hills, who is Governor Wise going to go to for help?

We have watched those storms sweep over the mountains of West Virginia and come down those rugged, ragged, steep slopes into the valleys and cause terrible floods to come rushing down, wiping out lives and property. Who is Governor Wise going to go to for help? The engineers of the West Virginia National Guard cannot answer the call from the hot sands of Iraq. My State would either have to rely on expensive contractors to recover from the storms or wait 2 or 3 days for National Guard units from neighboring States to respond. West Virginians need our National Guard in West Virginia.

Second, members of the Guard and Reserve are part-time soldiers. They are proud to serve their country but they did not sign up to serve full-time duty. We must exercise greater discretion when mobilizing the reserves just as we did decades ago.

According to the Congressional Research Service, from 1945 to 1989, there were only four involuntary callups of Reserve Forces. In 1945, I was in Florida, welding in the shipyard to the end of World War II. According to the Congressional Research Service, from that date 1945 to 1989, there were only four involuntary callups of reservists. Since then, there have been six involuntary deployments. It is unreasonable to dip into the Guard and Reserve so frequently, to pull those men and women away from their civilian careers and away from their families and expect them to serve overseas with no indication of when their mission will end.

There are serious defects from protracted deployments of the National Guard and the Reserve. There is growing frustration, I am telling you. It is growing. The frustration is there and it is growing.

Hear me, Mr. President, down at the other end of the avenue. Hear me, Mr. Rumsfeld. Hear me, Senators. That frustration is growing. Growing frustration among members of the Guard and Reserves mean that many troops may finally elect to take their hard-earned retirement. Many junior personnel are likely to decide they do not want to put their families through months or even years of hardship again and they will choose not to reenlist once their duty has been completed.

As we speak, unit commanders are bracing for a heavy loss of personnel once the deployed units are rotated home. The time has come for Congress to say: Enough is enough. Let us put an end to open-ended and back-to-back deployments of the National Guard and Reserve. Our part-time troops need to get back to their homes. They need to get back to their families.

They need to get back to their full-time jobs.

That is why I offer an amendment to limit the involuntary deployment of

National Guard and Reserve personnel to 6 months for any single overseas deployment and not more than 1 deployment in any 12-month period.

When we send the National Guard to peacekeeping missions in the Balkans, they are overseas for 6 months. Why should we ask our reservists to serve longer in Iraq or Afghanistan? Why should we ask our reservists to put up with back-to-back deployment?

Secretary Rumsfeld announced this week that he is seeking long-term changes to reduce dependence on the involuntary mobilization of National Guard and Reserves for not more than 1 year out of every 6 years. This is a commendable action, and we need to take a look at the long-term structure of our Armed Forces. But Secretary Rumsfeld's proposed changes do nothing to address the problems our reservists and their families are facing today.

My amendment will make an immediate impact on the problem of open-ended deployments for the National Guard and the Reserves. My amendment will make the Defense Department tell our reservists when they will be coming home because no funds in this bill may be spent to keep a Guard or Reserve unit overseas for more than 6 months.

We need to start rotating our Reserve Forces back home. Right now, there are 204,100 Reserve personnel who are not at their civilian jobs. These absences are leaving huge gaps in private businesses and essential government services.

In West Virginia, 10 percent of the State police have been called to active duty. Countless employers across the country are working shorthanded, waiting for the day that one of their employees will return home from their service to our country. Families are struggling to make up the income lost by having a provider receive modest paychecks from the Pentagon as opposed to the good pay of civilian careers, such as doctors, lawyers, coal miners, teachers, or even plumbers.

One can only wonder how much the endless cycle of deployments has affected our economy over the last 2 years. But it is clear that we need these part-time members of the military back in our communities.

My amendment would allow us to tell the members of the National Guard and the Reserve that they will return home within 6 months of being sent overseas. Congress should act in order to provide a measure of stability to the deployment our reservists are facing. We should give the same measure of stability to their families and their employers.

I urge my colleagues to support the amendment. I send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1244:

Insert after section 8123 the following:

SEC. 8124. Notwithstanding any other provision of law, no funds appropriated or otherwise made available for the Department of Defense, including funds appropriated for the Department before the date of the enactment of this Act that remain available for obligation as of that date, may be available for the involuntary call or order to active duty of any member of the National Guard or other Reserve component for purposes of the deployment of the member overseas as follows:

(1) A single deployment overseas of 180 days or more.

(2) More than one deployment overseas in any 360-day period.

Mr. STEVENS. Mr. President, the Senator from West Virginia has touched on a subject that many of us believe should be explored. I think in order to look at it, we have to look at a little bit of history. That history, as far as the Department of Defense is concerned, is not too pleasant.

In the Clinton administration, I remember distinctly being down at the White House when the President showed us his plan for defense expenditures. He showed us a chart that showed a constant decline in defense expenditures. At the end of 6 or 7 years, it started to go back up. He was going to use that money to reorder priorities of the country. That was his plan, and that is what he executed.

As a consequence, the military people of this country had to figure out how to defend the country. Many of us who worked in matters relating to defense here in the Congress worked with them. The concept that was developed by the Defense Department and approved by Congress was the total force concept. The total force is those who are regularly in the Army, Navy, Air Force, and Marines. And it was augmented by the National Guard and by the Reserve.

When we deploy forces now overseas, almost every unit of the regular military has, along with it, portions of its personnel who come from the Guard or Reserve. They are already identified before deployments take place. This is the total force going out into these operations. This happened during the Clinton administration in Bosnia, and it happened in Kosovo. There were National Guard as well as Reserves deployed with the regular units. The concept of deployment is one that people in the services understand.

The problem the Senator from West Virginia has correctly identified is the repeated deployments that have taken place. When we think about it, starting in Haiti, starting in Bosnia and in Kosovo, we had a series of deployments, and then in this administration in Afghanistan and Iraq.

Those have all taken place in a continuum of a lifetime of the current force. It is an evolving force. People enter and others leave. But we are still dealing with a total force. You are not dealing with the kind of forces that were in place when I first came to the Senate or when we served in in World War II. There were massive divisions called up. They had a cadre of permanent people in the U.S. Army. Back then, we were in the Army of the United States. That was the draftee portion that was added to the Army. Each section of the military had that in days gone by. But they were temporary people. They were drafted. They were not involved in a citizen-soldier-citizen military concept.

When we evolved into this picture that we are in right now, we developed recruiting techniques to recruit people.

The Senator from West Virginia mentions the police of West Virginia. I am sure the same thing happens in almost every State in the Union. The police are encouraged to join the National Guard and the Reserve so they can be part of the military police forces as they are deployed. They may even have expertise that they got in the military services before they became policemen. And they agreed to come back and fulfill that same expertise as a member of the service when their unit was deployed. The Reserve and Guard units are called up because they have expertise in particular areas. They are part of a function that is included in the total force.

The problem isn't the duration of the deployment; it is the frequency of the deployments, as far as I am concerned.

The Senator from Hawaii will recall that he and I went to Prince Sultan several years ago and talked to the pilots who were not reenlisting. This was occurring during the Clinton administration. They were not reenlisting because they had been deployed to Italy; they had been deployed to Bosnia; they had been deployed to fly what we call the ''continuous air patrol''—the cap over Iraq. Once they finished the cap over Iraq, they were back in Bosnia again or they were deployed to do some special activities in the Korean area.

Several times when forces were built up as tensions increased, we deployed some forces. They were brought back later. But it wasn't the duration of any one of the deployments, in my judgment; it was the frequency of several deployments.

I remember talking to one pilot who was not going to reenlist because he had been away from his family I think 10 months out of the year.

This was something that was just not contemplated by the total force, whether they were Regular or Guard or Reserve. It is not just the Guard and Reserve. It is the total force in terms of the number of deployments and the length and duration of the rotations that are taking place. Those I think have to be studied, and they have to be studied very carefully to determine where we are going.

Unfortunately, I must disagree with my friend from West Virginia. If we followed his suggestion, we would put down just a blanket rule concerning the time of the deployment period or the number of deployments in any 360-day period. And this would be not more than one.

President Clinton could not have fought in Bosnia and Kosovo and maintained the blockade of Iraq, as he did as Commander in Chief, under this kind of a law. In fact, I do not think any Commander in Chief could command our total force with that kind of a law. But what we have to look at is the number of times that you are deployed in any one period of your service. There are people who still enlist for a period of time. If they enlist in the Guard or the Reserve or the regular forces, I think we ought to assure them, if they are in each category, there ought to be a different standard. In the regular services, those are 365-day-a-year deployments, period.

This concept of applying this policy only to the Reserve component, I think—and I assume by that the Senator includes the National Guard—is not proper, in my judgment. We have to look at the total force and say, if you are a part of that force, this is what will apply to you.

I think there should be some distinctions between the regular services and the Guard and the Reserve so that a person could make a choice based on his or her circumstance as to how often and for what duration deployments might take place.

We developed, in World War II, a concept of points. Again, my friend from Hawaii and I probably are of the few people in the Senate who can remember that. But you got points for the number of months you were deployed overseas. You might have been deployed to France or Italy or England but you built up points. As you reached the zenith on points, you were eligible then to be rotated back home, back to the continental U.S.

That system is almost implied in what the Senator is raising because if you have been deployed more than once in a 360-day period, you could not go again, I take it, until that period was exhausted. But the concept of when a person should be entitled to be returned to the continental U.S., and how many times they can be deployed overseas in any one—we used to call them ''hitches''—enlistment period I think has to be explored.

I have just reviewed this, and I want to find a way to raise this so the Senate will understand the issues as we see them with regard to this policy. We need to establish a review by people who are decidedly interested in addressing the problems that Senator BYRD has outlined to give us some judgment, as quickly as possible, on what we should do.

One of the basic questions, in my mind, is, should it be a law, or should we mandate there be regulations issued that encompass certain criteria that must be met by those regulations, or should we direct the Commander in Chief to issue an Executive order?

There are several ways this could be changed. I take it one of the questions that should be addressed in this amendment, too, is the question of whether the rules should be the same during a period such as we are in now—this is a period of engagement overseas, at the direction of the President, approved by the Congress, by the way, but it is not in response to a declaration of war. I think once we get into a period of total war, as in terms of a declaration of war passed by Congress, then all bets are off. In fact, that triggers, once again, if that happens, as I understand the law, the draft again. We go into entirely different circumstances in terms of manpower and encouraging people to come. We will have to address that sometime.

Just parenthetically, I remember offering the amendment, once in my youth, on the floor, to extend the draft to cover women. Maybe the Senators do not remember that but I did, and it was defeated. We thought it would be defeated but we then went ahead to defeat the draft. We eliminated the draft. Once we agreed we would not draft women, we eliminated the discrimination in being able to draft men. I think, should we ever get into total war again, God forbid, we will have to look into the concept of a draft and how we execute it.

But, very clearly, what we are talking about now, being deployed for more than one 360-day period—I would have been able to come back from China very quickly if we only had 360 days. There were many people who served overseas for more than 2 to 3 years during World War II. By the way, they did not build up the points that were necessary to come home because those points primarily arose, as I recall, in periods of combat—at least you got greater credit while you were in combat.

I never had to worry about points, Mr. President. I enjoyed what I was doing, and maybe I didn't want to quit flying, so I was very pleased to stay where I was.

What we are trying to do is develop a policy that comprehensively examines the issue of overseas deployments and analyzes any resulting personnel readiness or operation tempo strains on the Active Guard and Reserve Forces, and to apply this concept to the total force.

We want to examine overseas rotation policies and practices and determine how those policies—for the whole force—impact military readiness, individual and unit training, the quality of life for military service members and their families, their dependents, the retention of career and noncareer military service members, and the impact on reenlistments of the policies that are pursued.

We want to specifically get some recommendations on ways to reduce the burden of overseas military deployments while maintaining military readiness, overseas presence, and supporting the national military strategy and the ability to respond to the President's orders as Commander in Chief.

I particularly think we ought to find some way to recognize that there has to be times when the Commander in Chief has the right to obtain the forces that he and his military advisers believe are necessary to maintain our national defense.

Again, parenthetically, I am reading a novel now. I believe I told Senator BYRD and others about it. It is about the Revolutionary War. During that period, the Washington Army was a national army but there still was not a national government and they did not have permanent enlistments. They had enlistments for periods of days or weeks or months. Often Washington found he did not have the forces in one week that he had the week before, and he had to wait until he was augmented by further forces that came to him from the State militias.

What are the State militias today? They are the National Guards. Our history of militias in the United States has given us the National Guards.

This amendment offered by Senator BYRD really applies to the National Guard, too. The National Guard has another commander in chief, unless they are, in fact, mobilized by the President; and that is the Governor of each State. It is only when they are mobilized that they would come under this proposal of Senator BYRD.

What I am saying is, we have many problems out there that have now been perceived because of the multiple deployments of our forces in the last 10 to 12 years. One of them became apparent to me as I talked to military people in my home State of Alaska; that is, we now have, in many instances, couples who are both in the military. Sometimes they are actually in different units, at different bases, but they are married and they have families. We have the problem of units being deployed and finding that both parents might be deployed at the same time, with minor children involved. That is something that ought to be looked at. We ought to have some limits on overseas deployment, period.

Now, for instance, I believe about half of our marines today are in Okinawa. They are stationed there almost permanently. The Marines have fewer married people, I understand, but they do have some problems with regard to family deployments, and I think that concept ought to be looked at.

We ought to look at the question of unaccompanied tours, the reverse side of that. How long should the marines or any of these individuals be stationed overseas when they are not accompanied by their spouse or their families?

I distinctly remember the time Senator HOLLINGS and I were asked to go to Europe by Senator Stennis. We went to study a problem that was coming because in those days, this is back in the 1970s, we had unaccompanied tours in terms of our basic force assigned to the protection of Europe and NATO. When these young people got a leave, they came home. They got married. And pretty soon the wives and younger children would follow the father, and they

were living in these really sad circumstances.

Senator HOLLINGS and I went to what we called a walkup, cold-water flat in Germany, where a young woman and her children were living. They had one little burner, and they had cold water. This young woman had to care for those children, and the husband was not allowed any funds for that deployment because he was unaccompanied. They had to literally live off the local economy and somehow survive.

I have to tell you, these young people, who were then draftees still going to Germany, weren't very well paid at all. They had a tough life. I still give much credit to Senator John Stennis for what he did for the military people because we followed through on every single issue he raised. And one by one we tried to solve the question of the quality of life of these young people. We increased the rotation with families. We increased the allowances for housing and various other quality-of-life items. Senator Stennis rightly has been credited as one of those who brought about a great deal of that change.

This is another change, however. This is a change of a rapid number of deployments on various issues where we have been involved—Somalia, Haiti, Kosovo, Bosnia, Afghanistan, and Iraq. They all happened during our watch. And in many instances they involved the same people.

I congratulate Senator BYRD for raising the issue, but I respectfully say his amendment is not the way to do it. I didn't see the Senator's amendment until just a few minutes ago. I am drafting an amendment which I will offer to the Senator's amendment.

There is a great deal of interest in what is going on. I have just been notified that the Enlisted Association of the National Guard, the Reserve Officers Association, and the National Guard association has asked me to oppose the Senator's amendment. We believe Senator BYRD has good intentions but that the way this is done, if this would become law, would be too abrupt and would not really alleviate the pressures. We believe there should be much more consideration going into how these limitations on deployment will be brought about. We particularly do not want to take the risk that passing a very strict limitation on either the number of deployments or the time for the deployments would have on our national security.

We are about ready to enter into another deployment. We all know the Commander in Chief has decided that some of our forces will go to Liberia. This again is going to raise the issue. But we have tried to deal with some of these issues by increasing compensation, by doing the things we think we should do to ease the burden on National Guard and Reserve personnel when they serve and to increase the amount they get towards credit for retirement and for promotion and for an increase in eligibility for pay.

I do think we are dealing with something that everyone is talking about restructuring and everybody is talking about revamping the policies. Secretary Rumsfeld has told us he intends to issue a draft of a plan for a sweeping restructuring of the 900,000 National Guard and Reserve forces. He wants to deal with the question in a way that would bring about a reduction in the need for calling up large numbers of reservists in a war and do away with the concept in some instances.

He considered it to be, according to the clipping I have just received, a matter of utmost urgency. I believe it is of utmost urgency, too. I would like the opportunity to review the plans the Secretary wants to put into effect. I think if they are plans that would be counter to the goals we currently are trying to achieve, we should find a way to work together.

The Secretary issued a statement on July 9. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF DEFENSE,
Washington, DC, July 9, 2003.

Memorandum for Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, and Under Secretaries of Defense.

Subject: Rebalancing forces.

The balance of capabilities in the Active and Reserve components today is not the best for the future. We need to promote judicious and prudent use of the Reserve components with force rebalancing initiatives that reduce strain through the efficient application of manpower and technological solutions based on a disciplined force requirements process.

To that end there are three principal objectives that I want to achieve. They are:

Structure active and reserve forces to reduce the need for involuntary mobilization of the Guard and Reserve. Eliminate the need for involuntary mobilization during the first 15 days of a rapid response operation (or for any alerts to mobilize prior to the operation). Structure forces in order to limit involuntary mobilization to not more than one year every 6 years.

Establish a more rigorous process for reviewing joint requirements, which ensures that force structure is designed appropriately and which validates requests for forces in time to provide timely notice of mobilization.

Make the mobilization and demobilization process more efficient. When Reservists are used, ensure that they are given meaningful work and work for which alternative manpower is not readily available. Retain on active duty only as long as absolutely necessary.

I consider this a matter of the utmost urgency. I expect each of you to tailor the actions in the attachment to your specific organization and report back to USD (P&R) by memo on your assessment and plan for implementation NLT July 31, 2003. Follow up actions may be reviewed at a future SROC as necessary.

DONALD RUMSFELD.

Mr. STEVENS. It reads:

. . . there are three principal objectives that I want to achieve. They are:

Structure active and reserve forces to reduce the need for involuntary mobilization of the Guard and Reserves. Eliminate the need for involuntary mobilization during the first 15 days of a rapid response operation (or for any alerts to mobilize prior to the operation). Structure forces in order to limit involuntary mobilization to not more than one every 6 years.

Establish a more rigorous process for reviewing joint requirements.

I am just picking portions of this statement. It will be in the RECORD.

Make the mobilization and demobilization process more efficient.

We agree with that. We ought to agree that there should be a review of that. I hope, however, the Secretary also would undertake some review of the impact of what he is talking about in terms of looking at what it will do to our enlistment rates, our retention rates and, in particular, into the viewpoints of the individual Governors who, after all, have a basic responsibility for the National Guard itself.

I would like to introduce the amendment. I don't have it ready.

Does Senator INOUYE have any comment on this? I need to get the draft of the amendment. Would the Senator wish me to yield the floor?

I yield the floor.

Mr. INOUYE. Mr. President, I just want to say I support my chairman on this matter. I congratulate Senator BYRD for bringing this to our attention because it is an important matter that concerns all Americans. I hope this proposal by Chairman STEVENS will be acceptable to all Members of the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from West Virginia.

Mr. BYRD. Mr. President, while the Senate is awaiting Mr. STEVENS' amendment, let me read some excerpts from some of my constituents. I referred to letters from my constituents during my comments on the amendment which I offered. Here is a constituent who writes as follows:

I am writing to express some of my concerns with so many of our West Virginia guardsmen and women deployed.

I am under the impression that the duty of the National Guard and Air National Guard is to fill in and help the active duty in times of need. Many of our West Virginia Guard have been deployed for quite a while now, but it seems as though very few have come home yet. The combat portion of the war seems to be nearing an end, and a couple of months have passed for supplies and human aid to reach the people of Iraq. It seems to me that our Guards men and women have fulfilled their duty and should be sent home soon. A recent severe flooding in our State could use the help of service men and women here at home. I feel that our West Virginia Guards men and women have contributed their portion of duty to this war for the time being and deserve to come home now and begin rotations with other units to cover the needs of our active duty overseas. I do not want to see our State suffer during this time of need for their services here.

I am very proud of our service members within our State because I believe they do an excellent job for us as a State and for the Nation. They are always prepared to perform any tasks they are called to do. I personally

believe that we can use their services here at home for the time being and that they have accomplished their duties overseas. I wanted to explain my concerns to you about the need for our Guard men and women to return home soon.

From another letter I present these excerpts:

I am writing asking for your intervention and help in the swift return to the United States for my son's unit serving in Iraq. His unit has had no real mission since it was sent to Iraq.

He mentions his unit, which I will not mention here. He says:

They have been pumping fuel which is not fit for use in trucks or planes. Most of the time, they end up pumping it on the ground just to settle the dust. They have been in the very dangerous sections of Iraq, north and east of Baghdad. At a family support meeting, we were told that the soldiers are now being rationed water—one 20-ounce bottle a day. They have no way of communicating with us back home. Their food is limited and they are living in extremely miserable conditions. We were urged to contact you for help. Mail is not getting to them and we rarely receive mail from them. They are not part of the rebuilding of the country. They are not involved in any constructive activity—only the danger of being in convoys and the sniper fire which has been reportedly happening regularly.

This war is not over, as our President continuously tells the Nation. Our soldiers are not home. Please help. My son chose to serve his country and for this I am very proud. But this mission has gone into some bizarre and impossible conditions for our sons and daughters. Please help bring them home soon.

Another letter is as follows, and I will excerpt certain paragraphs:

As you are aware from my last letter that these men have been deployed for quite a long time, they were gone for a year with the last deployment, as well as State duty for floods and now this deployment. For this deployment, these men have been deployed since February of this year, and here we are already in the middle of May. They were sent overseas without any real kind of indication as to when they will return home. I have gotten some form of answer [from a certain office in the service] that the current policy is for the men to be deployed for 6 months overseas. However, that is not any guarantee either. We are still looking at 2 years of deployment for these men. I just find it so hard to believe that there is no one out there that can help get these men home before that timeframe. I don't understand why it can't be a total of 6 months.

There are many family members, including mothers and fathers, of these soldiers who would be very grateful to you if you can make this happen for us.

Another letter:

On December 1, 2002, my husband [she writes his name, which I shall not divulge] was deployed for the war in Iraq, and he was told that he would return to continue in his normal career when the war was over. Since then, he has been scheduled to return to the United States on five occasions.

She gives the dates.

He is still in Germany. He is having to pay for his meals and a hotel room, while awaiting a flight somewhere in Africa, as directed by his commander, although there are no legal or valid orders to do so. As of today, my husband has been deployed, mobilized, 200 days. His orders state his deployment is not to exceed 179 days. . . . My husband is a West Virginia National Guard soldier who has been deployed over 6 months, who by regulation should have been redeployed to his home station before being assigned to a new theater, as stated in his orders. . . . Morale is at an all-time low for my husband, myself, and our family, and all the soldiers and families I have spoken to.

Anything you could do to make this situation right would be so greatly appreciated than I could possibly let you know. Please help me get my soldier home.

It was signed by his wife.

Mr. President, I will not go further in reading letters, but I have many of them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, this is a very complex issue.

I wish to remind the Senate that in this bill, we have added $2 million for employer support for Guard and Reserve to help address problems with recent deployments. I was just informed there was a Rand study of deployments. The authors looked at the issue in the wake of the high rate of military deployments through the nineties, and the prospect that deployment will rise even more.

The authors found, paraphrasing part of this report, that reenlistment was higher among members who deployed compared with those who did not, and sizable increases in deployment all appeared unlikely to reduce reenlistment rates. Research suggested past deployment influences current reenlistment behavior because it enables members to learn about their preferences of deployment and about its frequency and duration, which may revise members' previously held, more naive expectations.

I have had some letters similar to what Senator BYRD has just read. I do think there are individual problems, and that is our job as Members of the Congress, this body in particular, to look into those and try to remedy them and see they do not happen again. I again commend the Senator for addressing the problem.

There are existing provisions of the United States Code, specifically sections 12301, 12302, and 12304, that detail the varying levels of mobilization, the number of forces the President can call up and the amount of time those forces can be activated and actions required with respect to Congress.

There is no question there is already a law concerning this situation, and by law the President of the United States has the authority to deploy members of the Guard and Reserve overseas as appropriate and within the context of the laws I just mentioned.

This amendment would obviously change those laws, and if nothing else, before we change those laws, we should give the legislative committees, the Armed Services Committee, the opportunity to look at the subject. I think their review should be based upon a review of people with competence who have had experience in the problem of assisting the Commander in Chief to deal with the Reserve components of our military.

I am told the standard rotation is a deployment of 180 days. Those deployment days do not include preparation or recovery time, and typically the units may be mobilized for 230 days in order to complete the 180-day deployment. This would put a restriction on that past policy as it has been carried out.

We should have some in-depth review of the relationships of these policies of rotation, deployment, and mobilization days, as well as the impact on families and upon their employers, as the Senator has mentioned.

Without question, employers are affected and without question small cities and towns, such as exist in my State and I know exist in West Virginia, are impaired if these durations are for too long.

Clearly, we have come through a period which now I think we ought to review a little bit, and I will speak later today about the reliance of the Department of Defense on supplemental appropriations for contingency and peacekeeping operations in the past two decades. That is something that has to be addressed, and the Senator from Nevada addressed it earlier today, and I will discuss those.

For now, though, again coming back to this basic problem of this amendment, do you think we can say the Secretary of Defense has already issued a statement of intent to devise a plan to deal with a portion of these problems? There is no question we have a difficult future to deal with because we still have forces in Kosovo; we still have forces in Haiti; we still have forces in Bosnia; we still have forces in Korea; we still have forces in Okinawa; we still have forces in Diego Garcia; we have forces at King Sultan Airfield in Saudi Arabia.

The Senator from Hawaii and I represent two areas that have what they call forward-deployed forces. I say to the Senator from West Virginia, often when we have forces deployed from Alaska and Hawaii to go overseas, we then get replacements who are really people who have been called up, Guard and Reserve units, to come to our forward-deployed areas to fill in those spots. They are not considered deployed overseas. If they were from West Virginia, they would be away from West Virginia for a substantial period of time. The Senator's amendment would not cover those people.

In terms of review, I hope, if we are successful in establishing a commission to bring this about, that there will be a basic review of the overall concept of deployment, whether it is overseas or otherwise, when it takes members of the armed services away from their home duty station and their families and particularly those who have multiple family members of the military who could be affected by deployment at the same time.

One of the difficulties I have is now looking at Africa and what is going to happen in Africa. We have had repeated demands for the President to deploy forces there, increased demand to look at more than one nation that is going through a period of rebellion and riotous conduct. I think that may be one of the worst deployment problems we will have in the future, is to find forces to undertake those objectives, fulfill the objectives of the Commander in Chief's orders if we are at the same time still in Afghanistan, Bosnia, Korea, Kosovo, and Iraq.

It is mind-boggling, to say the least, to deal with the concept of deployment at the present time, the requirements overseas to maintain the policies of the United States.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. STEVENS. Yes.

Mr. BYRD. The distinguished Senator speaks of our forces being deployed in various and sundry continents, countries, and climes. Are these guardsmen and reservists whom the Senator is talking about?

Mr. STEVENS. Under the total force concept, there could be National Guardsmen and Reserve in any of the units deployed overseas.

Mr. BYRD. He speaks of Kosovo. Are those National Guardsmen and Reserve deployed there?

Mr. STEVENS. I do not know the current component, Mr. President, but we did see some reservists and Guard people in Kosovo when we were there. We visited Fort Bonnsteel. We saw them in Bosnia, and we saw them in Afghanistan. I am specifically told the National Guard currently has a mission in Bosnia.

Mr. BYRD. Are they limited to 6 months?

Mr. STEVENS. Currently, I believe there is a 6-month deployment limit, but they do not charge against that deployment period the time necessary to get them ready to go over, or the time they use in demobilization when they get back.

Mr. BYRD. But the time there, are they limited to 6 months?

Mr. STEVENS. That is my understanding.

Mr. BYRD. Then why shouldn't the people in the hot sands of Saudi Arabia, Kuwait, and Iraq be likewise?

Mr. STEVENS. They are. I just read that law. They are subject to the same law. I am told the standard rotation period is 180 days. Those days do not include any preparation or recovery time. The units are typically mobilized for 230 days or more to complete the 180-day requirement, but it applies to all forces. It does apply to our forces in Iraq, Afghanistan, Kosovo—they are all subject to coming back after 180 days.

Mr. BYRD. Is the Senator aware of any complaints from his National Guard in Alaska or other Reserve units there that they are being held longer than the 180 days and being redeployed for a longer period?

Mr. STEVENS. The Senator used the word ''redeployment,'' which is another matter. Deployment is limited to 180 days. There is currently no limit on the number of deployments, as I understand it. The problem that I and the Senator from Hawaii discussed with various members of the armed services Regular Guard and Reserve has been the problem of successive deployments. Active duty tours are limited to 180 days under most circumstances when they are not considered to be a home station, such as Korea and Okinawa.

For the deployment into these areas, as I understand it, like the Balkans, Afghanistan, or Iraq, the limitation on the deployment is 180 days, but there is no limitation on the number of rotations that one could take to another place overseas when they are brought back.

Mr. BYRD. I am trying to get some predictability worked into the equation. That is the reason I have offered this amendment. I am getting these letters from the men and women from West Virginia who are in Iraq. They want to come home. They think they have served the time that was indicated to them they would serve and yet they are serving longer.

Mr. REID. Will the distinguished Senator yield for a question?

Mr. BYRD. Do I have the floor, Mr. President?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. I thank the Chair.

Yes, I am glad to yield to the Senator.

Mr. REID. It is my understanding this amendment does two things. I wonder if the Senator from West Virginia would indicate if my understanding of the amendment is correct. First, that Guard and Reserve Forces could be deployed for no longer than 180 days. That is 6 months, is that right?

Mr. BYRD. Right.

Mr. REID. And the second part of the amendment says they cannot be deployed twice during a 1-year period of time, is that right?

Mr. BYRD. In essence, the Senator is precisely correct.

Mr. REID. I say to my friend from West Virginia that the people of Nevada are like the people of West Virginia. We get inquiries all the time about when their sons or daughters are going to be able to come home. The Senator from Alaska said they not only are overseas for a long period of time but they have training outside the State of Nevada getting ready to go for long periods of time.

Mr. BYRD. Yes.

Mr. REID. So I hope my colleagues will listen very closely to this debate and approve the amendment of the Senator from West Virginia. It is very simple. If someone is a guard or reservist, they will be deployed no more than 180 days, and if they are a guard or reservist they cannot be deployed overseas twice in any 1-year period of time?

Mr. BYRD. They are entitled to know. They are employed and they are entitled to have their expectations met. Here we are with our men and women in Iraq. They are there like sitting ducks. It is like a shooting gallery. They are in an area I am sure we would find very difficult to live in. We will be talking more about reasons why they were told they were going and about the problems with certain intelligence that had an impression, I am sure, a persuasive impression on some of the Members of Congress who voted to give this President the power to send our men and women into harm's way, but we will save that for another day.

Mr. REID. Will the Senator yield for another question?

Mr. BYRD. What I am trying to do is make it possible for these men and women who are in the Guard and Reserve units to return home to their children, their families, their wives, their mothers, their fathers, their jobs, their communities. Communities have been hit hard in this country. Communities have been hit hard in West Virginia. These men and women answered the call. They have served well. They have demonstrated great courage, bravery, and patriotism. Why should we not keep our word to these people? Why should we not be up front with them?

Mr. REID. Will the Senator yield for another question?

Mr. BYRD. Yes.

Mr. REID. One of the concerns I have and the reason we need some definition for the obligations of these men and women in the Guard and Reserve is that we are having trouble in Nevada recruiting new people for the Guard and Reserve. These weekend soldiers are becoming year-long soldiers and we in Nevada, I think, are no different than any other State. I believe we need a definite period of time they can be obligated to go overseas and how many times they have to go overseas, are obligated to go overseas, or we are not going to get people to join the Guard and Reserve.

Will the Senator agree with that statement?

Mr. BYRD. I agree with that statement, and I think the administration ought to tell these people how long they are going to stay over there. They are not told they are going to be over there just 6 months. They are not told they will be there 9 months or a year. This administration has failed to tell our people, who are put in harm's way by this administration's policy of preemptive strikes, what this administration intends. Congress has not been told how long these people are going to be there, what are the costs.

We hear every day—the President spoke on the *Abraham Lincoln* with a sign, a banner, fluttering overhead, ''mission accomplished.'' The mission has not been accomplished. What was the mission? I am not sure we know what the mission was.

I appreciate the statements and the questions by the Senator from Nevada. I appreciate also the words of the distinguished Senator from Alaska. He is a very reasonable man and a reasonable legislator.

We talk about a study, but we study things to death around here. We need to act, and that is what I am trying to do. I am trying to bring some succor, comfort, relief, and satisfaction to the families of our Guard and reservists who are waiting the return of those men and women.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. There may be some misunderstanding in the minds of those who have been called up, or the dependents of those who have been called up, concerning existing law. The existing law does limit the deployment for overseas to 180 days. They must be rotated in that period of time. As I have said, it takes 230 days to complete that because of the time to call them up. They have to give them notice. They report. They then are put into units and then they are sent overseas.

When they come back, they come into the units where they are going to be really demobilized and it takes some time then, too. I do not think we have a disagreement with the Senator from West Virginia about the need to ease the pressure on these continuing forces caused by the concept of total force, but there seems to be one misunderstanding. It is the unit that is deployed for the 180 days—in some instances members are deployed individually to fill in units. They would be subject to the same limitation, but the basic concept of the law deals with being able to deploy members of the Guard and Reserve as appropriate within the context of the law I have mentioned.

AMENDMENT NO. 1255 TO AMENDMENT NO. 1244

Mr. President, I have my amendment, which I send to the desk, and I will give a copy to my friend from West Virginia. I submit this amendment on behalf of myself and the Senator from Hawaii as a bipartisan approach to deal with the issues and try to bring them together.

The Secretary of Defense has a group going ahead on this. We obviously believe the Congress should be involved in some way. I ask that that amendment be in order to be called up at this time.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. STEVENS. I apologize. I am offering this amendment in the second degree to the Byrd amendment.

The PRESIDING OFFICER. The Senator wants his amendment to be a second-degree amendment, is that correct?

Mr. STEVENS. That is correct, as an amendment to the Byrd amendment.

The PRESIDING OFFICER. The Senate will withhold while we evaluate the amendment and make the necessary changes.

The amendment is being revised to be a second-degree amendment to the Byrd amendment. Is that the Senator's intent?

Mr. STEVENS. That is my intention.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. INOUYE, proposes an amendment numbered 1255 to amendment No. 1244.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a commission to study overseas deployments)

Strike all after the word sec. and insert:

8124 (a) There is established a Commission on Overseas Deployments.

(b)(1) The Commission shall be composed of 11 members of whom—

(A) three shall be appointed the President;

(B) two shall be appointed by the Speaker of the House of Representatives;

(C) two shall be appointed by the Majority Leader of the Senate, in consultation with the Secretary of Defense;

(D) two shall be appointed by the Minority Leader of the Senate, in consultation with any person who served as Secretary of Defense pursuant to an appointment to such position by President Jimmy Carter or President Bill Clinton; and

(E) two shall be appointed by the Minority Leader of the House of Representatives.

(2) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(3) The Commission shall meet at the call of the Chairman. The Commission shall hold its first meeting not later than 30 days after the date on which all members of the Commission have been appointed.

(4) A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(5) The Commission shall select a Chairman and Vice Chairman from among its members.

(c) The Commission shall—

(1) conduct a comprehensive examination of overseas deployments of members of the Armed Forces, and analyze the resulting adverse effects on personnel, readiness, and operation tempos on members of the active and reserve components of the Armed Forces;

(2) examine current overseas rotation policies and practices for active and reserve component forces and how those policies and practices affect military readiness, unit and individual training, quality-of-life for members and their dependents, and retention of career and noncareer members.

(d)(1) Not later than 120 days after the date of the enactment of this Act, the Commission shall submit to the congressional defense committees a report on the results of the examination and analysis under subsection (c).

(2) The report shall include recommendations on ways to reduce the burden of overseas deployments while maintaining readiness, overseas presence, and support for the National Military Strategy.

(3) The report and recommendations shall also address the overall size, structure, and sufficiency of the Armed Forces in relation to current requirements for overseas deployments and presence, the adequacy of the current balance and mix of active and reserve component forces, and the adequacy of the current balance and mix of critical, high-demand low-density units the rotation and assignment of members of the Armed Forces married to each other, limitations on the periods of overseas tours, and unaccompanied tours in hardship locations.

(e) The Commission shall consult with the congressional defense committees in carrying out its duties under this section.

(f) The Commission shall terminate 90 days after the submission of the report under subsection (d).

(g) Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $3,000,000 may be used for carrying out this section.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Alaska.

Mr. STEVENS. If I could explain this proposal, it would create a commission on overseas deployments to have 11 members: 3 appointed by the President, 2 appointed by the Speaker, 2 appointed by the minority leader of the House, 2 appointed by the majority leader of the Senate, and 2 by the minority leader of the Senate. They would be appointed the term of the commission. We ask for the commission to hold its first meeting not later than 30 days after they have been appointed. They have the duty to give us a report within 120 days after enactment of the act—obviously, that would be a period of 90 days for their basic work—and they would recommend ways to reduce the burden of overseas deployments while maintaining readiness, overseas presence, and support of the national military strategy.

The report and recommendations shall address the overall side, structure, and sufficiency of the Armed Forces in relation to current requirements for overseas deployment and presence, and the adequacy of the current balance and mix of Active and Reserve component forces, and the adequacy of the current balance and mix of critical, high-demand low-density units the rotation and assignment of members of the Armed Forces married to each other, limitations on the periods for overseas tours and unaccompanied tours and hardship locations.

I believe this commission would have a duty to give us some basic information to address the problem raised by the Senator from West Virginia.

Incidentally, I now have the numbers the Senator from West Virginia asked. There were Reserve and Guard organizations deployed. They were in Operation Noble Eagle, which was Afghanistan, Kosovo, Iraqi crisis, Bosnia, Haiti, Somalia, Kuwait, and Iraq. We have had a sizable deployment of Guard and Reserve personnel—the Reserve component is what they refer to—in all of those instances. I do have the numbers and the duration.

As I indicated, the rotation schedule was that which I mentioned, which is 180 days for deployment overseas. I urge the Senator from West Virginia to consider supporting the amendment we have offered to his amendment to assure we have the right mix of Active-Duty and Reserve components and that

we devise means to reduce our forces with the least disruption on the lives of the service members involved.

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. BYRD. The distinguished Senator said the reservists should be deployed for 180 days.

Mr. STEVENS. That is the current law.

Mr. BYRD. That is what my amendment says.

Mr. STEVENS. Not quite. We do not interpret it that way. It goes further than existing law.

Existing law says the units can be deployed for no more than 180 days but under the current law, the time and preparing for that deployment and the time after that deployment to be redeployed, say, another place such as england or somewhere, to be put together so they can be brought home, those times don't count against the 180 days.

The Senator's amendment adds a dimension not included in existing law, not more than one deployment in any 360-day period.

Mr. BYRD. Is there a final deadline for this commission to report?

Mr. STEVENS. One hundred and twenty days from enactment of the basic appropriations bills, yes, sir.

Mr. BYRD. I am afraid our guards men and women will have to serve a long time. Many of them have already been serving a long time, in their estimation. They will have to serve a much longer time if they wait the appointment of the commission and then the rendering by that commission. I see its first meeting will not be later than 30 days after the date on which all members of the commission have been appointed.

Mr. STEVENS. The Senator is correct in many ways. The difficulty is the current practice is 180 days but none of these people, to my knowledge, have been over there 180 days yet. This operation has not been ongoing for 180 days. There may, however, be people deployed previously in this current timeframe who were deployed to one place, brought home, and then deployed again in the same year. That is true. That is what the Secretary of Defense has said he is trying to address. That is what this commission is trying to address, some way to provide some guidelines so members of the Active-Duty and Reserve components can determine how long they will be deployed away from their homes in any period.

Mr. BYRD. The Senator gave me this amendment, a 4-page amendment but page 3 is missing.

I thank the Senator. The third page which was missing is the page that had on it the provision:

> Not later than 120 days after the date of enactment of this Act, the Commission shall submit to the congressional defense committees a report on the results of the examination and analysis under subsection (c).

So that is 120 days, so that is 4 months, not later than 4 months, by the time this commission is created, is established and has its first meeting and then reports back to the appropriate committees. I hope surely our young men and women will be home by then without any such report. This is going to be a long time.

That is what I see with this. We need to act. We can study this to death. This is kind of like questioning Secretary Rumsfeld. When I asked him a question in the Armed Services Committee the other day, my question was, How much has our country been spending on the average per month in Iraq?

And he says to me: Well, I'm sorry, Senator, we don't have that information at hand. We will get it for you. We don't have that information at hand.

I asked, How much have we been spending per month in Afghanistan? I got the same answer. Senator, we don't have that information. We will be glad to get it for you.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BYRD. In a moment, if I may.

I am referring to the cavalier treatment that we peons on the Armed Services Committee get from this great Secretary of Defense that we have downtown. He says, Well, Senator, we don't have that information.

Here we are with the top man—the man at the Pentagon, the greatest defense department in the world, the most expensive one, the one that handles more money than any other defense department in the world. As a matter of fact, we are spending more money each year than all of the other 18 NATO nations combined, plus the six remaining rogue nations, plus China, plus Russia. That is almost half of the total moneys that the world spends for defense. We are treated like children by this Secretary of Defense: Well, Senator we don't have that information.

It would seem to me that would be elemental. It would seem to me that a Secretary of Defense would know how much money we spend on national defense; that he would know how much money we are spending on average in Iraq per month. He would know that. He should know that would be one of the first questions he would be asked by the Armed Services Committee when he comes before it. I would think so. You are the Secretary of Defense. How much are we spending in Iraq monthly? Then to have to turn and say, Well, Senator, I don't have that information. It would take us a while to assemble it. That is the way it is here. It is going to take quite a while.

It is going to take quite a while to get this commission started, if we follow the recommendations of the distinguished Senator from Alaska. I ascribe to him a far greater degree of appreciation for what we are doing and a far greater degree of understanding of the need for us to act than I do some of the people downtown. But here we are being asked for a study.

What I am saying is that way of dealing with Members of Congress and committees, saying, Well, we don't have that information; we will get it for you—by the time we get that information, the time is long past for the committee to ask the next question, if we need the answer to the first question in order to ask the second question. We are going to have to wait to be able to ask the second question. That is a cavalier way of handling people. I have been around here 50 years. I am on to that kind of game.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BYRD. Not yet. I am not talking about the Senator. I am talking about our distinguished Secretary of Defense and the way he handles us children on the Armed Services Committee.

Mr. STEVENS. I would like to tell the Senate about the way the last administration treated this Senate.

Mr. BYRD. The Senator can wait a minute.

Mr. President, I have the floor. I have the floor.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Now I yield to the Senator for whatever he wishes to say.

Mr. STEVENS. Mr. President, I think the Senator from West Virginia is well aware of what the last administration did. They just spent money. They didn't even tell us where they were taking it from. Twice in 1999, we had to have supplementals. They didn't even tell us in the supplementals what funds they used. They deployed forces, and they took money from the accounts we had already appropriated for other purposes. Every time President Clinton deployed forces, that is what he did.

This time, this President came and asked for a supplemental. He has money he is spending, but he cannot tell us precisely day by day what they are spending. They asked for money in advance. They got money in advance.

He did not disturb the individual accounts of the various services. He did not cause the chaos in terms of defense that the last administration did.

I will defend my friend, this Secretary of Defense. If the Senator wants to defend the last Secretary of Defense, I will let him do it. But I know what happened. In 1998, 1999, and 2000—we had 2 supplementals in 1999. That represented money that was used under the food and farm act concept of ancient law of the United States. The President took money from other accounts and just spent it. He didn't ask us for it. He didn't tell us what he was using it for. He never would account for it. Even when he asked for a supplemental, he didn't tell us what unit he took it from. We had to look for the unit and put the money back where it belonged.

This administration is doing it right. When they ask for money in advance, they are spending money and accounting for it as they account for their bills normally in their normal reports. But they did not take money from the individual units.

They took money from the Air Force and Army and spent it somewhere else without telling anybody.

You want to get me excited about something, I will get excited about the way the last administration handled the Department of Defense. They decreased funding and used the money in a manner totally unheard of in the history of the United States. It would have ruined the military had it not been for the concept of the consolidated force structure. The military saved itself by using Reserve and Guard units in the proper way.

But their funding came from moneys that were for entirely different purposes. I believe they took money from the procurement account from time to time. Normally, they took the operation and maintenance money. That is the steaming money. That is money for flying hours. That is money for drilling. That is money for equipment. That is money for munitions. They just depleted money, and deployed forces to Bosnia and Kosovo without asking at all. There was no advance request. There was no notice given.

If the Senator wants to get excited about the way funding is being used now, they are using the funds which they asked Congress for. I was the one who presented the bill. Congress approved it. The President signed the law. And the Secretary of Defense has the right to use that money according to laws that we pass. And he is following those laws, to the best of my knowledge.

Mr. BYRD. Mr. President, may I say to my distinguished friend, I don't worry. He can get excited as many times as he wishes. I have excited many people in my time around here, before the Senator from Alaska came here. He can get excited all he wishes. I will be glad to wait while he gets excited again, if he would like.

He reminds me of the pharisee and the publican who went up into the tower. The publican said, ''Oh, Lord, I don't do what this man does. I don't do as he does. I give my tithes. I give one-tenth of all I earn.'' And he went on to talk about his attributes. The other poor man in the tower said, ''Oh, Lord. Forgive me. I am a sinner.''

So don't point to Clinton, when the Senator talks to me—or to any other President. I am talking about this administration. We can't excuse this administration because of something some other administration may have done. The people on that side are good at that. Many of them are always pointing out what we did, what Clinton did, or what this one did, or what that one did. That time is past. We can't excuse our own sins on the basis of the sins of others.

I am talking about this President, this administration, your administration, your Secretary of Defense. You can stand up and defend him all you wish, my friend. And I shouldn't say ''you.'' I shouldn't speak in the second person under the Senate rules. Maybe I got a little excited also.

But the Senator isn't going to run that old fish along the side of me. He can get excited all he wants. He is noted for his temper. Temper is a good thing. We all have some of it.

But I am saying here that when we ask questions of his friend, the Senator from Alaska's friend, Mr. Rumsfeld, we get treated cavalierly, and many times get a lecture. It is about time we get rid of that kind of treatment. Secretary Rumsfeld, with all due respect to him, wasn't elected by the American people to that job he has today. He was appointed to it. He was confirmed in it by this Senate. I was not appointed to anything.

So let's don't attempt to respond to what I hope were sincere questions here by pointing to what a previous administration may have done. I did not agree with everything that happened in the previous administration. The supplemental requested by the Clinton administration is in no way appropriate to the cost of Iraq. Bosnia and Kosovo were minuscule in comparison to the cost of Iraq.

Let's talk about Iraq, and let's talk about this administration. We have to deal with the problems that confront the Senate today. I am not going to ask my constituents to settle for a study. We need to act. And we Senators have a duty to vote on my amendment. When we talk about a supplemental, that is a way to—and I speak always with great reverence to my friend, Senator STEVENS; and he is my friend, he is going to be my friend, and I am his, but this is a way to hide costs from the American people, huge costs that can be anticipated, and that are driven by policy decisions made in this White House.

There is no reason for a supplemental request in this instance. Congress is not an ATM machine. This White House wants to be accountable to no one. We have a responsibility to the taxpayer to exercise oversight over these monies.

I have nothing else I wish to say at this point. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I do agree to a great extent with the Senator from West Virginia, except that I reiterate I am proud to defend this administration. This administration asked for the money, told us what it was for. As a matter of fact, in one instance, the President asked for $10 billion for the global war on terrorism as a contingency fund and, together with the Senator from West Virginia, I helped deny that request. The Congress asked that the administration define the costs and contingencies, and they did. And that money was included in the big supplemental we passed for defense. We asked for it and received the statement of what the money was to be spent for.

We asked them to tell us what they were going to spend the money on in Iraq. It was detailed. It was in the fund that was given to them.

Again, I defend this administration because, to their credit, they agreed we have rescinded in this bill $3.1 billion of that supplemental we gave to the Department and took the money back and put it for other functions in the Department. Now, the last administration would have taken that money and put it there, anyway. They agreed we should take it back, and now we are going through the process of reappropriating the same money in this bill for 2004 because it is not going to be used according to what they told us they were going to use it for in terms of the Iraq supplemental.

But, Mr. President, a friend in the House, watching this event, has sent to me a statement that was made in the House Armed Services Committee on April 3 of this year by Sergeant First Class Steven Davis of the U.S. Army Reserve. I think it is significant to have this comment at this time, and I am pleased that my friends are listening. I am going to read the statement word for word.

Sergeant First Class Steven Davis said:

Mr. Chairman, members of this distinguished subcommittee, thank you for the opportunity to be here today and for allowing me to be a participant in this panel.

My name is Sergeant First Class Steven Davis and I am a Military Policeman in the Army Reserve. I have been serving in the United States Army for 15 years, seven of which have been in the Army Reserve. I am assigned to the Military Police Port Security Detachment in Pocahontas, Iowa. I have been mobilized once since I have been in the Army Reserve. I was mobilized on September 23, 2001, for Operation Noble Eagle, and I served one year state side in North Carolina.

In my experience, with both the regular Army and the Army Reserve, I believe that the two are very much integrated. I had positive contacts with reserve soldiers when I was on active duty, and I have also had positive contact with the active Army since I have been a reserve soldier. Most recently during our deployment to Sunny Point, North Carolina, we were directly assigned to the 597th Transportation Group. From the moment we arrived, I felt as though we belonged there. I remember during a welcome meeting, COL Heiter, the Commander of the 597th, made it very clear to everyone in the room that the members of my unit would be treated as any other soldier at Sunny Point. The Command emphasis set the tone for our one-year star. Our forces integrated flawlessly with the existing Department of Defense forces, which is what we were trained to do. We were able to work together as a cohesive team, and everyone's moral was high.

As for the question, did the recent deployment change or affect the reservist's intention to continue to serve. I believe the deployment made our unit stronger and more willing. From month to month we go ask ourselves, are we really needed?? Why are we doing this? Then September 11th came and all our questions were answered. Yes, we were needed, and yes, we were important. On September 12, 2001, we had 24 soldiers, myself included, volunteer to go on a security mission to an unknown place. The 24 volunteers left for Beaumont, Texas, on September 13th, 2001. Ten days later, on September 23rd, the remainder of our unit was mobilized and sent to North Carolina, where we spent our tour of duty. When our year was up, and we all got the word that we were going home, we were told the New York unit was going to take our place, but that they did not have

enough people. Twenty-two soldiers from my unit volunteered to stay with them, not for 3 or 6 months, but for another year. Some of the soldiers were married and some were college students. Why did they stay when they did not have to? I would say it was because they knew they had a job to do, and they weren't going to leave until it was finished.

The one problem that we encountered during our deployment was medical benefits. The Army did a great job of providing the coverage, and teaching the soldiers how to use the coverage. However, our family members did not have the advantage of having a representative available to inform them. This created many headaches for the soldiers, who would try to trouble shoot the problems long distance. I believe a local representative, available for family members would have been very helpful and would have saved the soldiers a lot of time on the telephone.

I read that because it is indicative of the feeling of our young people. We talked at one of our hearings to the Guard and Reserve members, and we found that as the deployments increased, enlistments increased; and as deployments increased, reenlistments increased.

We are having complaints from some people who believe they should have come home sooner, but none have been over there a year yet. None of them have been over there 6 months yet. Even under the current, existing law, the Senator's amendment will not affect them. Well, I am told some in Kuwait have been there 6 months by now, and they should be rotating home. But, as a practical matter, the existing law provides for the deployment limitation, the existing regulations and practice for rotation in deployment every 180 days.

However, again, I come back and ask my friend from West Virginia to support us in this effort to have this reviewed. I hope the Senator has read the composition of the commission we would like to create: people appointed by the President, people appointed by the leaders of the two bodies. I do believe an 11-member commission is sufficient. I envision that they would call on former Secretaries of Defense and their assistants, former commanding officers, generals, and members of the Guard and Reserve from the enlisted area. So we would have a representative group to give us their advice.

Respectfully, I think we need their advice on how to deal with the complex problems of dealing with rotation and deployment limitations in this day of a very complex total force that our military defense units face today.

I urge my friend to reflect and let us adopt our amendment and create this commission, and we will be back here in 5 months. That, I think, would be sufficient to deal with this problem. And it will give us a forward-looking concept as far as deployment strategy, rotation strategy, and benefit strategy for members of our Armed Forces.

Mr. BYRD. Mr. President, 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. BOND. 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. BOND. Mr. President, I rise today to address the amendment offered by the distinguished Senator from West Virginia and the second-degree amendment offered by Chairman STEVENS.

I think we all realize the tremendous strain that the deployments, the call-ups have placed on our Guard and Reserve and actually the continuing deployments place upon the active members of the military. That is a well-deserved concern. We must take into account how calling upon our troops, whether active or reserve, puts stress on them and their families.

I believe very strongly that Senator STEVENS has in his amendment adopted the appropriate approach—appointing a commission to examine the overseas deployments of members of the Armed Forces, the overseas rotation policies and practices for Active and Reserve component forces, and how these policies and practices affect military readiness, unit and individual training, quality of life for members and their dependents, and retention of career and noncareer members.

In examining this issue, as cochairman of the National Guard caucus, we sent out a request, an urgent request, for information from the Guard on their views on these policies. MG Richard Alexander, retired major general, president of the National Guard Association, has written me a letter—which I will, at the end of my remarks, ask to include in the RECORD—noting and commending the efforts of Senator BYRD to bring this issue to the forefront but saying that the National Guard Association is opposed to the amendment. Understanding the intent behind the amendment, it does, unfortunately, reduce the ability of the President to utilize the National Guard and Reserve and places a large, unnecessary restriction on the Department of Defense.

He writes:

> The National Guard, as part of the Total Force, shoulders the burdens of our nation. Senior level members of the Office of the Secretary of Defense and the Department of Defense have iterated the importance of the Guard and Reserve to be able to carry out this nation's will.

The members of the National Guard and Reserve with whom I am most familiar take very highly their obligation and responsibility to be available when the President must mobilize them in the national interest. They wish to be considered an active part of the military when we are at war. The single deployment limitation of 180 days or more, for example, may unnecessarily restrict the effectiveness of the Guard if they are called into service.

They say you can only be there 6 months and then you are gone. That really ties the hands of the Secretary of Defense and makes the Guard less likely to be called upon. In those circumstances, the missions for which our Guard members in Missouri and around the Nation train so assiduously may be lost.

The Reserve Officers Association of the United States says, in reference to the amendment of the Senator from West Virginia:

> Although we understand the amendment is well intentioned, these restrictions are not needed and such determinations are best left with the Military Departments and services.
>
> In today's security environment we must ensure that our military commanders have flexibility to execute their mission with all available forces.

Finally, the Enlisted Association of the National Guard, EANGUS, the executive director, MSG Michael Cline, Retired, writes that there is clearly concern about the pressures of frequent deployment on National Guard and Reserve members. But much more consideration needs to go into how that will be accomplished. Limiting deployment of National Guard and Reserve members could negatively impact our national security during an overseas operation.

These are the reasons that I believe the amendment offered by the Senator from Alaska is the preferred means of dealing with this question. Clearly, it is of concern to all of us because while we all recognize and acknowledge that the National Guard and Reserves have been called upon more and more over the last several years in various conflicts, our citizen soldiers have answered those calls to duty with a forbearance and spirit of service to their Nation that we all admire.

I will reference a book authored by a good friend, former chief of the National Guard Bureau, General John Conoway, ''Call Out the Guard.'' He underscores the commitment of our citizen soldiers. He said:

> As we saw during Desert Storm, the readiness of the individual Reservists was generally high in Operation Desert Storm/Shield. An amazing 99.9 percent of Army National Guard personnel who were called reported for active duty. Ninety-four percent were ready for deployment; the remaining 5.9 percent were either waiting for initial duty training, high school students, members attending officer candidate, missing pantographic x-rays, or were medical personnel willing to go anyway, but prevented from doing so due to critical civilian jobs.

My question is, why would we want to limit or restrict those who sign up to serve their country and defend freedom when their country needs them?

If you ask any guards man or woman, he or she would not stand down when his or her country needed them. Whether the defense of freedom merits a two-week deployment or a 180-day deployment, our guards men and women stand ready to contribute to the fight. The fact is, today our dedicated soldiers, sailors, airmen, and marines in

the Active Duty rely on and recognize the tremendous value the National Guard brings to the fight and the seamless interoperability that exists between the Guard, Reserve, and Active Duty. Again, to quote from GEN Conoway, he quotes General Charles Horner, stating:

The Guard and Reserve performed very well.

He went on further to say that he ''couldn't even tell the difference between the active, Guard, and Reserve; and that's the way it is supposed to be.''

That is what we found wherever the National Guard has been called—Desert Shield, Desert Storm, Kosovo, et cetera. They have been excellent members of the team. It is a validation of the total force policy that ensures the National Guard and Reserves are a ready, relevant, and reliable fighting force, capable of responding to any mission they are called upon to conduct. I fear that limiting the role arbitrarily to a 180-day deployment would be a limitation that would reduce the very real direct impact and connection our Guard has with the citizens of this Nation and with their obligation for our national security.

Just as we saw by calling up the National Guard and Reserves from over 6,000 communities during Desert Storm, community support was assured as their loved ones marched off to defend freedom. We all want our service men and women to return home as soon as possible. But under this circumstance, I feel the original amendment is too restrictive on our military services by limiting the amount of time our Guard and Reserve can be deployed. I urge my colleagues to support the alternative. There is a real question here, and I commend the Senator from West Virginia for raising these concerns. But I think they should be studied, as the chairman of the Defense Appropriations Subcommittee and the full committee has suggested.

I urge we support the Stevens amendment. I ask unanimous consent that the letters from the National Guard Association, Reserve Officers Association of the United States, and the Enlisted Association of the National Guard be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EANGUS,
Alexandria, VA, July 15, 2003.

Hon. CHRISTOPHER S. ''KIT'' BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: EANGUS understands that Senator Byrd has introduced an amendment to the FY2004 Defense Appropriations bill which would prohibit excessive overseas deployments of members of the Guard and Reserves. EANGUS is strongly opposed to this action.

This amendment would limit overseas deployments to less than 180 days and prohibit more than one deployment per year. This legislation is too restrictive.

Many believe that something must be done to alleviate the pressures of frequent deployments of National Guard and Reserve members, but much more consideration needs to go into how that will be accomplished. Limiting deployment of National Guard and Reserve members could negatively impact our national security during an overseas operation.

Thank you for your diligence and efforts on behalf of the Enlisted men and women of the National Guard.

Respectfully,
MSG (Ret) MICHAEL P. CLINE AUS,
Executive Director.

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
Washington, DC, July 15, 2003.

Ref. S. 1382—Mr. Byrd's political amendment ''To prohibit excessive deployment overseas of members of the Guard and Reserve.''

Although we understand the amendment is well intentioned, these restrictions are not needed and such determinations are best left with the Military Departments and Services.

In today's security environment we must ensure that our military commanders have flexibility to execute their mission with all available forces.

ROBERT A. MCINTOSH,
Major General, USAFR (Ret.),
Executive Director.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES,
Washington, DC, July 15, 2003.

Hon. CHRISTOPHER ''KIT'' BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: It is on behalf of the men and women of the National Guard Association of the United States (NGAUS), I am writing to express our concern about Senator Byrd's amendment limiting the involuntary call up of the National Guard and Reserve component to:

1. A single deployment overseas of 180 days or more.
2. More than one deployment overseas in any 360-day period.

The NGAUS is opposed to this amendment. While we understand the intent behind the amendment, reducing the ability of the President to utilize the National Guard and Reserves places a large unnecessary restriction on the Department of Defense. The National Guard, as part of the Total Force, shoulders the burdens of our nation. Senior level members of the Office of the Secretary of Defense and the Department of Defense have iterated the importance of the Guard and Reserve to be able to carry out this nation's will.

We applaud the efforts of Senator Byrd in bringing this issue to the forefront. However, while judicious utilization of the Guard is prudent, the Byrd amendment is not in the best interest of the National Guard.

Respectfully,
RICHARD C. ALEXANDER,
Major General (Ret), AUS, President.

Mr. BOND. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, first of all, I want to congratulate my friend and colleague, the Senator from West Virginia, for his constancy in terms of ensuring to the best of his ability and the best of this institution's ability that we were going to meet our constitutional responsibilities some months ago, and understanding the Constitution, and that the issue of making war is something that was reserved to the Congress of the United States, and the extraordinary service he provided for our country in reminding us of our responsibilities in the United States to make a judgment and decision about sending and committing our men and women overseas in this conflict.

I welcomed the opportunity to join with him at that time. His eloquence, passion, and knowledge of this institution and the history of the Constitution still ring in my ears from that experience. I think history will show that even though he did not at that time persuade the majority of the Members of the Senate, when history evaluates that effort it will be one of the important contributions he has made, and he has made many to this institution.

As we all understand, he is a person who has placed the interests of this institution at the forefront of his agenda on many occasions, and it is a better institution and it is living up to its historic role as our Founding Fathers wanted it to be because of his contribution.

So I thank him for what he has done and particularly in terms of the whole issue of policy toward Iraq. I welcomed again his comments earlier today. I was unable to catch all of them, but I will study them closely during the evening time, and I know as we are considering the Defense appropriations, we will hear more from him about the issue of American troops overseas, the National Guard and Reserve here at home—the importance of them, and also about what we as a country are going to do in terms of funding this commitment that has been made in terms of Iraq as well as Afghanistan.

The issue of the Guard and Reserve comes to us in a very clear way because of the number of troops we have over in Iraq at the present time. As the Senator knows full well, we have effectively half of all of the Army divisions tied up either in Iraq or Afghanistan. Eighteen out of the 35 or 36 combat divisions are in Iraq. So even when we talk to 148,000 troops, and 22 percent or 23 percent of our Army over there, when you are talking about the combat arms of the United States and the location of those service men and women, we are talking about in Iraq. And when we are talking about the Reserve and the Guard, in my State of Massachusetts, it is the fastest tempo that we have had, I believe, since the end of World War II—13 times higher today than the average over the previous years.

I know he has spelled this out in great detail about what this has meant. What we do know is that it has meant really a stronger military because of the Guard and the Reserve in my own State, having known those individuals and visited those facilities and met those leaders. They are as committed as any military men and women who have served in our country. They provide indispensable services. But as has been pointed out, we are straining these individuals.

Mr. President, last fall, many of us emphasized in the Senate that 9/11 had not nullified the long-standing basic principle that war should be the last resort. We felt that America should not go to war against Iraq unless and until all other reasonable alternatives for a peaceful solution had been exhausted.

Then—as now—I believed that the threat posed by Saddam Hussein was not serious enough or imminent enough to justify a rush to war, and that we were going to war under false pretenses. Then—as now—I believed that war would distract from our broader war against terrorism and that we should not go to war with Iraq without the clear support of the international community. Then—as now—I believed that without a systematic reexamination, with dubious and even false rationalization, and without the informed consent of the American people, the Bush administration was drastically altering our long-standing foreign policy against preventive war, in order to justify its preconceived determination to invade Iraq.

Supporters and opponents of the war alike were enormously proud of the way our troops performed in Operation Iraqi Freedom. The speed and success of their mission demonstrated the outstanding strength of the Nation's armed forces. As a citizen of Massachusetts and a member of the Armed Services Committee in the Senate, it never ceases to amaze me how far we have come in the two centuries since the embattled farmers at Concord Bridge fired the shot heard around the world.

In the past decade alone, technology has put vast changes in warfare on fast-forward. We redefined the nature of modern warfare in the Persian Gulf war, we redefined it again in Afghanistan, and yet again in Iraq. We have by far the world's best military on the ground, on the sea, and in the air. It is no accident that so few paid the ultimate sacrifice during those 3 tumultuous weeks in March and April in Iraq.

It was a foregone conclusion that we would win the war. But pride goes before a fall, and the all-important question now is whether we can win the peace. In fact, we are at serious risk of losing it.

Our policy toward Iraq is adrift. Each day, our troops and their families are paying the price. Our clear national interest in the emergence of a peaceful, stable, democratic Iraq is being undermined.

Since May 1, when President Bush announced aboard the USS *Abraham Lincoln* aircraft carrier that ''major combat operations'' in Iraq had ended, 81 more American troops have died. For the men and women of our Armed Forces who are dodging bullets in the streets and alleys of Baghdad and other parts of Iraq, the battle is far from over. President Bush says of the attackers, ''Bring 'em on.'' But how do you console a family by telling them that their son or daughter is a casualty of the post-war period?

The debate may go on for many months or even years about our intelligence failures before the war began. As we now know, despite the claim made in the State of the Union Address, Saddam was not purchasing uranium from Africa to build nuclear weapons.

Despite all the intelligence we were shown in the months leading up to war, despite the additional intelligence they said was there but could not be shared, we have yet to uncover any evidence that Iraq was stockpiling chemical or biological weapons. There was and is no evidence that Saddam was conspiring with al-Qaida. What was the imminent threat to the United States that required us to launch a preventive war in Iraq with very little international support? It is a disgrace that the case for war seems to have been based on shoddy intelligence, hyped intelligence, and even false intelligence. We have undermined America's prestige and credibility in the world and undermined the trust that Americans should and must have in what their nation tells them. How many will doubt a future claim of danger even if it is real?

The failures of intelligence were bad enough. But the real failure of intelligence was our failure to understand Iraq.

There is no question that long before the war began, a serious issue was raised about the danger of winning the war and losing the peace. In fact, it was one of the principal arguments against going to war.

Before the war began, 11 separate agencies of the United States Government worked with 280 Iraqi citizens in the State Department's so-called ''Future of Iraq'' working groups.

In numerous briefings, Pentagon officials assured us on the Senate Armed Services Committee that firm plans were in place to secure and rebuild Iraq. But the reality is that the administration had no realistic plan. We knew the post-war rebuilding of Iraq would be difficult. Based on our experience in Bosnia, Kosovo, East Timor, and Afghanistan, we knew that security could be a profound problem, and that there would be challenges from a restless population. We knew that building a national police force and a credible new government would be complicated tasks. These are not new issues. But rather than learning from past experience in these previous conflicts, the administration was blinded by its own ideological bravado. It rushed ahead without planning for contingencies or raising even basic questions about likely events.

The foundation of our post-war policy was built on a quicksand of false assumptions, and the result has been chaos for the Iraqi people, and continuing mortal danger for our troops. The truth, as our colleague Senator JOHN KERRY starkly stated last week, is clearer with each passing day and each new casualty: ''The administration went to war without a thorough plan to win the peace.''

The Pentagon assumed that we would be able to draw on thousands of Saddam's police force to protect security—but in the critical early weeks that followed the war, they were nowhere to be found, and too many of their officers turned out to be thugs and torturers.

The Pentagon assumed that the bulk of the Iraqi Armed Forces could be used to supplement our forces—but those soldiers did not join us.

The Pentagon assumed that some Iraqi exile leaders could return to Iraq to rally the population and lead the new government—but they were resented by the Iraqi people and the exiles were put on hold.

The Pentagon assumed that after a few hundred of Saddam's top advisers were removed from power, large numbers of local officials would remain to run the government—but the government crumbled.

The Pentagon assumed that Americans would be welcomed as liberators—but for large numbers of Iraqis, we went from liberators to occupiers in a few short weeks. The dancing in the streets after the fall of the statue of Saddam was accompanied by an orgy of massive looting and chaos and was followed by growing frustration even from those who first saw us as liberators.

There was egg on the face of the administration and its peace plan from Day 1. Plan A was so obviously the wrong plan that GEN Garner, the man sent to oversee it, was abruptly replaced on Day 21, and Paul Bremer was rushed in to make up Plan B as he went along.

Today, Paul Bremer rules the country from Saddam's palace, while the Iraqi people too often sit in the dark without adequate water or electricity.

Hospital equipment and medical supplies have been stolen. Power grids in major cities are being sabotaged.

Cynicism and anger toward America are growing. Many Iraqis believe that we are unwilling—rather than unable—to restore basic services. They are losing faith and trust in our promise of a reconstructed, stable, peaceful future. They fear that Saddam may still be alive.

Under fire from guerrillas determined to see America fail, our soldiers are now performing police functions for which they have little training. They are building schools and hospitals—a task for which they are ill prepared. We are straining their endurance, and they want to know how long they will have to stay in Iraq.

That America would be seen as occupier should have come as no surprise. Former Secretary of State James Baker wrote in the New York Times last August, ''If we are to change the regime in Iraq, we will have to occupy the country militarily.''

Retired four-star Marine Corps General and former Central Command Commander Anthony Zinni said last

August that we would ''inherit the country of Iraq'' and ''put soldiers that are already stretched so thin all around the world into a security force there forever.''

James Webb, an Assistant Secretary of Defense and Secretary of the Navy in the Reagan administration, warned last September that we could occupy Iraq ''for the next 30 to 50 years.''

We knew—or should have known—that if we went into Iraq without the genuine support of the international community, there would be no easy way out. As James Webb also warned, ''Those who are pushing for a unilateral war in Iraq know full well that there is no exit strategy if we invade and stay.''

The White House is only just beginning to face the truth. On July 3, President Bush finally agreed that rebuilding Iraq would be a ''massive and long-term undertaking.''

But that undertaking cannot be sustained—and no foreign policy in this free society can succeed—unless it is supported by our people. With the administration's credibility frayed, and distrust rising here at home, it is time for President Bush to level with America. It is time for him to hear and heed the words of the great World War II general and great post-war Secretary of State George Marshall in his historic commencement address at Harvard in 1947:

> An essential part of any successful action on the part of the United States is an understanding on the part of the people of America of the character of the problem and the remedies to be applied.

The Marshall Plan proposed in that address became one of the great achievements of the 20th century. It succeeded because it involved a coordinated effort by the United States and many nations of Europe to advance the recovery of the continent after the war, and Marshall won the Nobel Peace Prize. Is it too much to ask that we now be guided by that example?

President Bush should face the truth and level with the American people about the cost of stabilization and reconstruction in Iraq—both financial and human. We need a plan—a real plan, to which we are truly committed—to share the burden with the international community, including old allies who can be enlisted if we make a genuine effort to heal the divisive past.

Our troops are now sent overseas for longer stretches than ever—because we rely on their skill and talents to meet commitments on a global scale. More than 150,000 of our troops are in Iraq, and many have been deployed in the region for close to a year. Half of our Army divisions are in Iraq or Afghanistan. Of 33 Army combat brigades, 18 are in Iraq.

The strain is also great for citizens serving in the Guard and Reserves because we must depend upon them with greater frequency, ever since we reduced our forces after the cold war.

More than 150,000 Guard and Reserve soldiers have been mobilized; 13,000 have been on active duty for at least a year. Others return home from deployments, only to be turned around and sent overseas for another tour. In fact, today our Reservists are spending 13 times longer in active duty than they did a decade ago, forced to put their lives on hold, missing births of their children, dealing with family crises by phone and e-mail.

Open-ended missions are a serious strain on our forces and their families. It is difficult to continue to put these patriotic men and women through the deployment grinder year after year and expect them to hold up indefinitely.

It is also difficult to sustain the cost of such missions. We are now spending $3.9 billion a month in Iraq. With the ongoing cost of the war on terrorism, our operations in Afghanistan, and our potential new responsibilities around the globe, in places such as West Africa, let alone Iran and North Korea, we are creating an unsustainable financial burden at a time of exploding budget deficits, soaring demands for homeland security, and mounting needs for health care, education, and other domestic priorities.

Despite the escalating cost of the military operation in Iraq, not one cent of its cost is included in the defense-spending legislation being considered this very week in the Senate. Not one penny. How will we pay the bill? To this question, there is only resounding silence at the White House, another refusal to level with the American people.

As a Nation with honor, responsibility, and the vision of a better world, America cannot invade and then cut and run from Iraq. But we also can't afford the continuing cost—in dollars or in blood—of stubbornly continuing to go-it-alone. If our national security is at stake, we will spare no cost. But we have options here that reach beyond the checkbook of the American people.

Working with the international community, we can develop and implement an effective strategy to change a failed course, reduce the burden and risk to our soldiers, stabilize Iraq, and deliver on the promise of a better future for the Iraqi people.

As we all know, a number of countries supported our military action against Saddam Hussein. Many others did not. But if the administration is willing to put the national interest ahead of its own ideological pride, I believe that we can secure broad international support and participation in the stabilization and reconstruction of Iraq. After all, so much is clearly at stake for the rest of the world.

At issue are the stability and the future of the entire highly volatile region. None would be immune from the dangers that a disunited and disorganized Iraq could present for its neighbors and for nations everywhere.

These are not just American or British concerns. They are true international concerns. America cannot be effective in its mission in Iraq if old wounds don't heal and bitterness continues to fester. We need to take the chip off our shoulder, mend fences with France and with Germany, and stop the divisiveness.

As we seek to stabilize and democratize Iraq, we do not need to go it alone and should not try to. If we diversify the faces of the security force, it is far less likely that Iraqis will see us as the enemy, oppressor, and occupier. We want the 25 million citizens of Iraq to see the forces that are there as friends and partners in their pursuit of freedom.

We need to bring regional forces into Iraq—especially Muslim ones. Countries like Jordan, Pakistan, and Egypt could transform this mission with both their diversity and their expertise. The United Arab Emirates have contributed to the effort in Kosovo. Morocco and Albania and Turkey have worked with us in Bosnia. Countries such as France, Germany, Italy, Argentina, and Spain could provide well-trained police.

Reaching out to other countries and bringing them into the post-war process is the surest path to a stable Iraq. But most other nations are unlikely to send troops to serve in what is perceived as an American occupation. They will be more likely to do their part if an international mission is approved by the United Nations and organized by NATO.

Secretary Rumsfeld insists that we are reaching out to the international community and that we are working with NATO. But the Secretary General of NATO, Lord Robertson, says that the alliance as an institution has never been asked to play the formal role in Iraq that it plays in Bosnia and Kosovo, and soon will play in Afghanistan. Nor has the Secretary General of the United Nations, Kofi Annan, been asked to seek international consent for a truly multilateral force. The United States insists on a coalition of the few, dominated and controlled by our Nation.

Instead of asking our Armed Forces to carry out a mission for which they are not trained and to do so alone, we need to rely on the expertise and resources of the international community. The United Nations has assumed that responsibility in other countries in the past. It is one of the major reasons why the U.N. was created—to bring international vision and strength to the difficult issues of peace keeping and nationbuilding after the Second World War. Necessity is the mother of invention. In the case of Iraq, President Bush has at last been persuaded to abandon his strong opposition to nationbuilding. The challenge now is to persuade him to move beyond unilateral nationbuilding.

The new Iraqi council announced on Sunday was a step in the right direction. But it would have been much

more effective if the U.N. Special Representative—and not the U.S. Government—was seen as sponsoring its creation.

If America alone sets up a new government in Baghdad, it may fail—if not now, later; if not while our forces are there, as soon as they are gone. Those who join such a government run the risk of being dismissed by the Iraqi people as American puppets. And for as long as America alone is calling the tune, Iraqi moderates may remain in the background, and possibly even oppose us.

Our interests in the emergence of a true democracy in Iraq are best fulfilled by involving the world community and especially other Arab nations as partners in helping the Iraqis themselves shape a new Iraq. Only then will a new Iraqi government be viewed as legitimate by the Iraqi people.

So it is time for the administration to stop giving lip service to international participation and start genuinely seeking and accepting it—on reasonable terms, and with a real commitment to it. President Bush's meeting with U.N Secretary General Kofi Annan at the White House yesterday should be the beginning of a renewed relationship and a shift in attitude at 1600 Pennsylvania Avenue about the rightness and the practical imperative of working with others.

The U.N. has a mandate for humanitarian issues. But it has only an advisory role in the civil administration of Iraq. That has to change. The U.N. should have a formal role in overseeing the establishment of a political process. The U.N.—rather than the United States and Britain—should preside over the evolution of the new Iraqi government. Doing so will win international legitimacy and marshal international support for this challenge, minimizing the danger that Iraqis will regard their government as a puppet of ours.

With Arab-speaking spokesmen, the U.N. could also convey a different image and a different message to the people of that country, a sense of reassurance that an overwhelmingly American occupation never can.

NATO, as an institution, should clearly be in Iraq as well. Military experts believe it will take at least 200,000 troops to stabilize Iraq. Our goal should be to include NATO and some of its 2-million-member pool of armed forces in military operations as soon as possible. America would provide a majority of the troops, but over time the overall number of forces would decrease.

As in Kosovo and Bosnia, we should ask the United Nations Security Council to authorize NATO to organize an international security force to demilitarize and stabilize Iraq. Doing so does not mean that the United States should or must relinquish all military control. On the contrary, we would have a significant role in the NATO force, and could continue to have the defining role in Iraq. An American commander was in charge of American troops in Bosnia, and the head of NATO forces in Europe is—and always has been—an American.

Secretary Rumsfeld told the Armed Services Committee last week that except for the area around Baghdad, most of Iraq is already secure. If that is so—and we have to hope this estimate is more accurate than others we have heard—then why not reduce the burden on our military and decide that this large area of Iraq, which needs police forces as well as combat troops, should be turned over as soon as possible to a United Nations-approved and NATO-led force? Why not allow American and coalition forces to secure the area around Baghdad, and allow other nations to provide security for the rest of Iraq?

Finally, as long as Iraq continues to dominate our attention, we cannot give other aspects of the war against terrorism the focus they deserve.

Has the American occupation of Iraq defeated Osama bin Laden and al-Qaida? No.

Has it increased our security against the continuing al-Qaida threats in Afghanistan and other terrorist sanctuaries? No.

Has our action in Iraq led Osama bin Laden and al-Qaida to lay aside their sworn purpose of killing Americans and destroying our way of life? No.

It is not just what happens in Iraq itself, as important as that issue is, but the continuing urgency of the ongoing fight against terrorism that should compel this administration to enlist allies in an international plan for a peaceful Iraq. Otherwise, we run the grave risk of exposing our Nation to more terrorist attacks.

America won the war in Iraq, as we knew we would, but if our present policy continues, we may lose the peace. We must rise to the challenge of international co-operation. Saddam Hussein may no longer be in power, but the people of Iraq will not truly be liberated until they live in a secure country. And the war will not be over until the fighting stops on the ground, democracy takes hold, and the people of Iraq are able to govern themselves.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from West Virginia.

Mr. BYRD. Madam President, I thank the Senator from Massachusetts for his statement in support of the amendment and also for his overly gracious and charitable statement at the beginning of his remarks concerning my previous efforts in regard to the whole question of Iraq.

I am hoping other Senators will speak on the amendment, but in the meantime I say that soldiers whom we are using in our National Guard and Reserve are entitled to fairness. They are entitled to know how long their tour of duty will extend. After all, we were told that our men and women would be welcomed not as occupiers but as liberators. We were told that our men and women would be welcomed with flowers and smiles.

Our men and women in the Reserve components are beginning to wonder if they were misled. We are using our National Guard and Reserve in a way which is unfair to them and to their families. We cannot ask them to wait for some study now while they bide their time. It is not their fault that the White House decided to wage a war without considering the aftermath in Iraq. It is not their fault that a policy of preemption may demand many more troops than we can muster. We need to give our Guard and Reserve some relief from the turmoil of being constantly deployed. We owe them more than a study. We owe them action.

If this amendment were accepted, it would push the administration to internationalize the peacekeeping in Iraq. I hope other nations will join in keeping the peace in Iraq so that our own guardsmen and reservists will be relieved and will be able to come home.

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. HOLLINGS. 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. HOLLINGS. Madam President, my understanding is that there is a first-degree amendment by my distinguished ranking member, the former chairman of our Budget Committee, that I very vigorously favor with respect to the National Guard and the Reserve. I know that the Reserve officers at the C–17 unit under General Black at the field in Charleston, SC, were alerted on September 12, the day after 9/11, and they are still flying. Now, that is quite a burden. Many are straining to make their rent payments and their house payments.

When we had a hearing about 2 months ago and the distinguished Secretary of Defense, Donald Rumsfeld, came, after listening, I said: Mr. Secretary, what you need is not a money supplement but a manpower supplement.

In that vein, I want to say as much as I can in support of my chairman, but I deter for the simple reason that the money is not in this particular Defense appropriations bill for Iraq, and there is a good reason for it.

Now, there should be gratitude for little things that happen. I first express my gratitude to the distinguished editor and publisher of the Washington Post, Mr. Donald Graham. I complained in an op-ed piece some weeks ago that they were not covering the budget amounts and that we ought to have truth in budgeting, and because we have come to the highest budget deficit in the history of the U.S. Government, that ought to be covered as front-page news. Today it is. We have moved from page A4 to page 1. I have my copy of today's Post, and front and center on page one are the articles:

''The Budget Deficit May Surpass $450 Billion'' and ''Budget Woes Trickle Down.''

I happened to be a State Governor, and I received a AAA rating from Standard&Poors and Moody's, and we have maintained that in South Carolina. We have to have a balanced budget.

I coauthored Gramm-Rudman-Hollings, which happened under President Reagan. I have been in the vineyard. But the headline here states: ''The Budget Deficit May Surpass $450 Billion,'' and I want to thank Jonathan Weisman, the author of this particular story, and Fred Hiatt, the editorial page editor, for including this.

I said we just move up in inches. Let's look at the Mid-Session Review of the Budget of the United States Government by the Office of Management and Budget, the Executive Office of the President, signed by Joshua Bolton, Director, as of yesterday, July 15.

We find out why Mitch left town. Mitch Daniels is gone. Now we know why Ari Fleischer is gone. Both Mitch and Ari skipped town. Why? Just look at this document. They have no tricky answers for this one. This is the Administration's writing, and I am reading on page 1 their statement:

The deficit for 2003 is now estimated at $455 billion.

That is on page 1. One learns, after years up here, how to read these things. So on page 57, you get to the actual deficit, how much we get in revenues and how much we spend, and if spending exceeds revenues, then there is a deficit. If we look at table 20 on page 57, we will find the total gross Federal debt for 2002 was $6,198,000,000,000 and it will go up to $6,896,000,000,000 this year. That is why Mitch left town. Compute that and the deficit will not be an estimated $455 billion; it will be $698 billion. They estimate a $698 billion deficit for the year 2003.

But, wait, we have actual numbers as of this minute. As of July 14th, yesterday, the Treasury says the debt to the penny is $478 billion. So it is already more than the $455 billion they say it will be at the end of the year. I guess that is why Paul O'Neill left town, too. They are all leaving if they have anything to do with fiscal matters, and so now we have John Snow as Treasury Secretary.

What did President Bush say when he came to town? I have the exact quote, taken from his first address to a Joint Session of Congress in 2001:

To make sure the retirement savings of America's seniors are not diverted in any other program, my budget protects all $2.6 trillion of the Social Security surplus for Social Security and for Social Security alone.

Well, he is spending the trust funds when he says on page 1, $455 billion. He is spending $163 billion of Social Security, plus another $30 billion of other trust funds.

What we have is a Social Security trust fund, the Medicare trust fund, the military retirees trust fund, the civil service retirees trust fund, the highway, the airport, the railway trust fund, the unemployment compensation trust fund—which will be drained, incidentally; we will have to fill that back up. We are spending it on any and everything but unemployment. This is Enron bookkeeping. We are spending Social Security moneys on any and everything but Social Security.

But the President, when he was speaking when he was speaking right after he took office in February 2001, said that wasn't all he was going to do.

He goes on and says:

We should approach our Nation's budget as any prudent family would, with a contingency fund for emergencies. We are going to have a contingency fund for emergencies or additional spending needs. My budget sets aside $1 trillion over 10 years for additional needs. That is 1 trillion additional reasons you can feel comfortable supporting this budget.

Now, Iraq and Afghanistan and the whole kit and kaboodle, put in Liberia and whatever country he wants to run to, we have 14 peacekeeping missions, then we have Kuwait, then we have Afghanistan, then we have Iraq, and now he is looking for another country to send the military to. We don't have enough National Guard or anybody in uniform to get to that country, I can tell you that right now.

But that has not cost $1 trillion. It has not cost $1 trillion. But he had $1 trillion set aside before September 11, so why can't he pay for this out of that?

Now, let's find out what he said last year in the State of the Union:

Our budget will run a deficit that will be small and short-term so long as Congress restrains spending and acts in a fiscally responsible manner.

Well, all the spending bills were signed by President George W. Bush. So I take it since that was his admonition to us, he must have had that in mind for himself. And he signed only fiscally responsible budgets.

He also said:

The way out of this recession, the way to create jobs, is to grow the economy by encouraging investment in factories and equipment and by speeding up tax relief so people will have more money to spend.

There were plenty of tax cuts, but he hasn't created any jobs.

One more—let's go to January of 2003, to what he said in his State of the Union then:

We will not pass along our problems to other Congresses, to other presidents and other generations. Tax relief will help our economy immediately.

Immediately? He got yet more tax cuts, and we still have 3.8 million Americans, the highest in 20 years, receiving unemployment compensation. There have been over 3 million Americans who have lost their jobs since President Bush took office.

I think of President Clinton. He created 20 million jobs, and President Bush already has lost 3 million. Where is the immediacy that his budget is going to take care of?

We will not pass along our problems to other Congresses, other presidents and other generations.

That is exactly what we are doing—$698 billion in bills. Mark it down. Poor Mitch, he got free. Mitch Daniels escaped to Indiana. He did not want to come before the Budget Committee and answer any questions, I tell you, and Ari Fleischer says: This is enough for me, I'm gone. Everybody is going to run—out of Washington.

I have worked with the Senator from West Virginia and my chairman, Senator INOUYE, who is most responsible on budget matters and we balanced the budget. They want to forget that. Eight years under William Jefferson Clinton and we came from a $403 billion deficit in 1992 to finally getting in the black. We gradually got it down. I voted to increase taxes on Social Security. I voted to increase gas taxes. I voted for all of those tax increases and we acted responsibly.

George W. Bush comes to town and what does he do? He says: Tomorrow, don't worry about it. He has some fellow hidden out in the Pacific, he is far enough from Washington, out in California and Boston who says, don't worry about deficits and all. The youngsters are keeping IRA savings accounts and when their IRA savings accounts trigger you will not have to worry about deficits. There is no conscience with this charade. This is the best off-Broadway show you will find going on in the National Government, the National Congress.

I hope we can sober up and pull in our horns. We have so much manpower. We do not have the manpower of the Chinese. We have to maintain our security on the superiority of technology, and Iraq proved that. We had the superior technology. But we have been cutting back on that.

I have a hearing tomorrow morning where we are going to be cutting back the advanced technology. We are cutting back on education programs. We are cutting back on all the important investments.

I ask unanimous consent to print page 1 and page 57 of the Midsession Review for the fiscal year 2004 of the budget of the U.S. Government in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY

The President's Budget, released in February, focuses on the challenges posed by three overriding national priorities: winning the war against terrorism, securing the homeland, and restoring strong economic growth and job creation. Significant program has been made in all three areas.

This Mid-Session Review of the Budget revises the estimates of receipts, outlays, and the deficit to reflect economic, legislative, and other developments since February. The deficit for 2003 is now estimated at $455 billion, up from the $304 billion deficit estimated in February, for the following reasons:

Economic and Other Reestimates. The economic assumptions for this review, discussed

later in the chapter ''Economic Assumptions,'' reflect weaker-than-anticipated economic growth since February. Slower growth, lower estimates of wage and salary income, and other economic factors have reduced receipts from the levels estimated in the budget. In the interest of cautious and prudent forecasting, the revised estimates also include a downward adjustment for revenue uncertainty of $15 billion in 2003, $30 billion in 2004, and $15 billion in 2005. These reestimates in receipts are partially offset by lower outlays due to revised economic and technical assumptions. The net effect of all economic and other reestimates is to raise the projected deficit by $66 billion in 2003 and $95 billion in 2004.

Iraq War. Funding for Operation Iraqi Freedom in supplemental appropriations enacted in April, including costs for military action and reconstruction assistance, increases spending by $47 billion in 2003 and $20 billion in 2004. These estimates do not reflect what the Administration has previously indicated are expected but undermined additional costs arising from ongoing operations in Iraq, extending beyond 2003.

Jobs and Growth Act. Enactment of a jobs and growth bill that was larger for 2003 and 2004 than proposed in the February Budget raises the projected deficit by $13 billion in 2003 and $36 billion in 2004. Of this increase, $9 billion in 2003 and $11 billion in 2004 is due to temporary state fiscal assistance included in the final enacted bill. In later years, the enacted tax relief is smaller than proposed in the Budget, which reduces the deficit projected in those years relative to the February estimates.

Other Legislation and Policy Changes. Final 2003 appropriations action, non-war related costs in the April supplemental, extension of the program to help unemployed Americans by providing an additional 13 weeks of unemployment benefits, and other policy changes raise spending by $26 billion in 2003, $17 billion in 2004, and smaller amounts in subsequent years.

The reasons for changes in receipts and spending from the February Budget are discussed further in the ''Receipts'' and ''Spending'' chapters of this Review.

The deficit is projected to increase slightly from $455 billion in 2003 to $475 billion in 2004. As a share of the economy, the projected deficit remains steady in these two years, at 4.2 percent of Gross Domestic Product (GDP). These deficit levels are well below the postwar deficit peak of 6.0 percent of GDP in 1983, and are lower than in six of the last twenty years.

TABLE 20.—FEDERAL GOVERNMENT FINANCING AND DEBT

[In billions of dollars]

	2002 actual	Estimate					
		2003	2004	2005	2006	2007	2008
Financing:							
Unified budget deficit (−)	−158	−455	−475	−304	−238	−213	−226
Financing other than the change in debt held by the public:							
Premiums paid (−) on buybacks of Treasury securities	−4						
Net purchases (−) of non-Federal securities by the National Railroad Retirement Investment Trust	−2	−18	1	1	1	1	1
Changes in:[1]							
Treasury operating cash balance	−17	16					
Compensating balances[2]	−14	−25	52				
Checks outstanding, etc.[3]	−12	−3					
Seigniorage on coins	1	1	1	1	1	1	1
Less: Net financing disbursements:							
Direct loan financing accounts	−15	−13	−19	−15	−20	−21	−21
Guaranteed loan financing accounts	−2	2	3	2	3	1	1
Total, financing other than the change in debt held by the public	−63	−40	38	−12	−16	−17	−18
Total, requirement to borrow from the public	−221	−496	−437	−316	−254	−230	−244
Change in debt held by the public	221	496	437	316	254	230	244
Changes in Debt Subject to Limitation:							
Change in debt held by the public	221	496	437	316	254	230	244
Change in debt held by Government accounts	208	202	253	275	280	294	307
Change in other factors	*	16	*	*	*	*	1
Total, change in debt subject to statutory limitation	429	713	690	591	534	524	551
Debt Subject to Statutory Limitation, End of Year:							
Debt issued by Treasury	6,171	6,869	7,560	8,151	8,685	9,209	9,760
Adjustment for Treasury debt not subject to limitation and agency debt subject to limitation[4]	−15	−*	−*	−*	−*	−*	−*
Adjustment for discount and premium[5]	6	6	6	6	6	6	6
Total, debt subject to statutory limitation[6]	6,161	6,875	7,565	8,156	8,690	9,215	9,766
Debt Outstanding, End of Year:							
Gross Federal debt:[7]							
Debt issued by Treasury	6,171	6,869	7,560	8,151	8,685	9,209	9,760
Debt issued by other agencies	27	27	27	26	26	26	25
Total, gross Federal debt	6,198	6,896	7,586	8,177	8,711	9,235	9,785
Held by:							
Debt held by Government accounts	2,658	2,860	3,113	3,388	3,668	3,962	4,269
Debt held by the public[8]	3,540	4,036	4,473	4,789	5,043	5,272	5,516

*$500 million or less.

[1] A decrease in the Treasury operating cash balance or compensating balances (which are assets) would be a means of financing a deficit and therefore has a positive sign. An increase in checks outstanding (which is a liability) would also be a means of financing a deficit and therefore also has a positive sign.

[2] Compensating balances are non-interest bearing Treasury bank deposits that Treasury mainly uses to compensate banks for collecting tax and non-tax receipts under financial agency agreements. Most of the balances estimated at the end of 2003 are required to be invested in nonmarketable Depository Compensation Securities issued by the Treasury; the rest of the balances, and the entire amount in previous years, is invested in the way that the banks decide. The Administration has proposed legislation that would allow Treasury to replace compensating balances by an appropriation.

[3] Besides checks outstanding, includes accrued interest payable on Treasury debt, miscellaneous liability accounts, allocations of special drawing rights; and, as an offset, cash and monetary assets (other than the Treasury operating cash balance and compensating balances), miscellaneous asset accounts, and profit on sale of gold.

[4] Consists primarily of Federal Financing Bank debt in 2002.

[5] Consists of unamortized discount (less premium) on public issues of Treasury notes and bonds (other than zero-coupon bonds) and unrealized discount on Government account series securities.

[6] The statutory debt limit is $7,384 billion.

[7] Treasury securities held by the public and zero-coupon bonds held by Government accounts are almost all measured at sales price plus amortized discount or less amortized premium. Agency debt securities are almost all measured at face value. Treasury securities in the Government account series are measured at face value less unrealized discount (if any).

[8] At the end of 2002, the Federal Reserve Banks held $604.2 billion of Federal securities and the rest of the public held $2,936.2 billion. Debt held by the Federal Reserve Banks is not estimated for future years.

Mr. HOLLINGS. There you go. Instead of $455 billion in deficits, we are running right this minute, according to the Secretary of the Treasury, in excess of $455 billion. We do not have to wait until the end of September. We are already up to $470 billion.

The ''Public Debt to the Penny,'' I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEBT TO THE PENNY

	Amount
Current:	
07/14/2003	$6,705,859,055,894.83
Current Month:	
07/11/2003	$6,659,621,392,684.00
07/10/2003	6,659,226,260,487.87
07/09/2003	6,660,190,974,044.60
07/08/2003	6,661,139,880,068.78
07/07/2003	6,656,880,050,796.69
07/03/2003	6,656,271,436,016.11
07/02/2003	6,664,585,450,219.34
07/01/2003	6,661,149,640,189.12
Prior Months:	
06/30/2003	6,670,121,155,027.26
05/30/2003	6,558,146,735,285.55
04/30/2003	6,460,380,745,789.28
03/31/2003	6,460,776,256,578.16
02/28/2003	6,445,790,102,794.08
01/31/2003	6,401,376,662,047.32
12/31/2002	6,405,707,456,847.53
11/29/2002	6,343,460,146,781.79

THE DEBT TO THE PENNY—Continued

	Amount
10/31/2002	6,282,527,974,378.50
Prior Fiscal Years:	
09/30/2002	6,228,235,965,597.16
09/28/2001	5,807,463,412,200.06
09/29/2000	5,674,178,209,886.86
09/30/1999	5,656,270,901,615.43
09/30/1998	5,526,193,008,897.62
09/30/1997	5,413,146,011,397.34
09/30/1996	5,224,810,939,135.73
09/29/1995	4,973,982,900,709.39
09/30/1994	4,692,749,910,013.32
09/30/1993	4,411,488,883,139.38
09/30/1992	4,064,620,655,521.66
09/30/1991	3,665,303,351,697.03
09/28/1990	3,233,313,451,777.25
09/29/1989	2,857,430,960,187.32
09/30/1988	2,602,337,712,041.16
09/30/1987	2,350,276,890,953.00

THE DEBT TO THE PENNY AND WHO HOLDS IT

[Debt held by the public vs. intragovernmental holdings]

	Debt held by the public	Intragovernmental holdings	Total
Current:			
07/14/2003	$3,866,723,997,104.30	$2,839,135,058,790.53	$6,705,859,055,894.4
Current Month:			
07/11/2003	3,820,773,321,549.88	2,838,848,071,134.12	6,659,621,392,684.0
07/10/2003	3,820,833,957,669.25	2,838,392,302,818.62	6,659,226,260,487.8
07/09/2003	3,820,333,904,766.11	2,839,857,069,278.49	6,660,190,974,044.6
07/08/2003	3,818,105,259,943.75	2,843,034,620,125.03	6,661,139,880,068.7
07/07/2003	3,817,909,677,373.27	2,838,970,373,423.42	6,656,880,050,796.6
07/03/2003	3,817,524,856,163.49	2,838,746,579,852.62	6,656,271,436,016.1
07/02/2003	3,813,751,975,812.24	2,850,833,474,407.10	6,664,585,450,219.3
07/01/2003	3,813,425,178,154.99	2,847,724,462,034.13	6,661,149,640,189.1
Prior Months:			
06/30/2003	3,816,831,315,563.84	2,853,289,839,463.42	6,670,121,155,027.2
05/30/2003	3,776,621,896,107.35	2,781,524,839,178.20	6,558,146,735,285.5
04/30/2003	3,702,844,997,678.07	2,757,535,748,111.21	6,460,380,745,789.2
03/31/2003	3,711,311,962,399.17	2,749,464,294,178.99	6,460,776,256,578.1
02/28/2003	3,683,881,032,284.53	2,761,909,070,509.55	6,445,790,102,794.0
01/31/2003	3,636,978,106,813.83	2,764,398,555,233.49	6,401,376,662,047.3
12/31/2002	3,647,939,770,383.73	2,757,767,686,463.80	6,405,707,456,847.5
11/29/2002	3,649,352,539,575.36	2,694,107,607,206.43	6,343,460,146,781.7
10/31/2002	3,586,523,556,148.57	2,696,004,418,229.93	6,282,527,974,378.5
Prior Fiscal Years:			
09/30/2002	3,553,180,247,874.74	2,675,055,717,722.42	6,228,235,965,597.1
09/28/2001	3,339,310,176,094.74	2,468,153,236,105.32	5,807,463,412,200.0
09/29/2000	3,405,303,490,221.20	2,268,874,719,665.66	5,674,178,209,886.8
09/30/1999	3,636,104,594,501.81	2,020,166,307,131.62	5,656,270,901,633.4
09/30/1998	3,733,864,472,163.53	1,792,328,536,734.09	5,526,193,008,897.6
09/30/1997	3,789,667,546,849.60	1,623,478,464,547.74	5,413,146,011,397.3

Mr. HOLLINGS. Otherwise, you have heard the comments. It is going up to $698 billion, and it will probably be even more than that. They are trying to be as conservative as they can, I take it.

I appreciate the distinguished author of the amendment yielding me time to talk on a peripheral matter. But it goes right to the heart of why they do not include money for Iraq in the Defense appropriations bills.

Mr. BYRD. That is right. What the Senator has been quoting isn't included either. They don't include the cost of the war.

Mr. HOLLINGS. No, they don't put in the cost of the war.

Mr. NELSON of Florida. Madam President, will the Senator yield?

Mr. HOLLINGS. I would be delighted to yield to the Senator.

Mr. NELSON of Florida. I think the point just made by the Senator from West Virginia and the Senator from South Carolina is most important. With this misinformation about the budget, isn't it curious that it comes at a time when we are discussing the Defense appropriations bill? There is not one penny in this bill, as pointed out by the Senator from West Virginia, for the war in Iraq. Just in Iraq, the war is costing $1 billion a week—$4 billion a month. That doesn't include all of the other necessary military expenditures, such as in Afghanistan and in Bosnia. Yet we are considering a Defense appropriations bill that does not have any money in here for the war in Iraq.

Mr. STEVENS. Will the Senator yield right there?

Mr. NELSON of Florida. The Senator from South Carolina controls the time.

Mr. HOLLINGS. I have the floor. I would be glad to yield to the distinguished Senator from Alaska for a comment.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. STEVENS. The money to pay the salaries for everyone in Iraq is in this bill. The money to pay for operations is in this bill. The problem is the special money for the deployment costs were in the supplemental which we already passed. There was more than was necessary. We have already taken $3 billion out of that. They are operating on what is left. We appropriated $60-plus billion before.

Let me assure the Senator that there is money in this bill for Iraq. There is money to pay the salaries and support for the military personnel. Some 60 percent of the money in this bill is support for them. It is there. No matter where they are in the world, they are paid from money in this bill.

Mr. NELSON of Florida. Will the Senator yield?

Mr. HOLLINGS. Let me yield the floor so the Senator from West Virginia can straighten the point out.

Mr. BYRD. The men and women are being paid their salaries, even if they are from West Virginia. If they were all from West Virginia, they would be paid their salaries. We are talking about the additional costs, the incremental costs, and how much it costs this country to wage war in Iraq per month. We are not talking about the salaries. They get paid no matter where they are. We are talking about the additional costs of Iraq. Let us be clear about that. Additional costs are almost $1 billion a day for Iraq.

Mr. STEVENS. No.

Mr. BYRD. One billion dollars a week. That was a misstatement. I know better than that—$1 billion a week.

Mr. NELSON of Florida. Will the Senator from West Virginia yield?

Mr. BYRD. Yes.

Mr. NELSON of Florida. Madam President, this Senator would like for the Senator from West Virginia to clarify, since the Senator from South Carolina has pointed out that we are talking about an annual deficit not close to $500 billion but now it might be approaching a $700 billion annual deficit, is that not all the more the responsibility of the Senate, which is part of the legislative branch? Under the Constitution, it is supposed to control the purse strings. Would that not make it all the more incumbent upon us to insist on what is going to be the supplemental bill to pay for the war so that we exercise our constitutional duty?

Mr. BYRD. Absolutely. The American people are entitled to know that. They are going to pay the bill.

Mr. HOLLINGS. Will the distinguished Senator yield so I can bring this into focus?

Mr. BYRD. Yes.

Mr. HOLLINGS. Madam President, if you took the cumulative deficits from President Truman, President Eisenhower, President Kennedy, President Johnson, President Nixon, and President Ford—if you took the deficits for all of the 30 some years which these six President's ran up—it would add up to $358 billion. The deficit this year, according to this President, is going to be almost at $700 billion.

Look at page 57 from the Mid-Session Review released today. See where the gross debt from 2002 to September 30, 2003, is in black and white; that is almost $700 billion. We are doubling the 30 plus-year deficit of Republican and Democratic Presidents—paying for the cost of World War II, all the costs of Korea, all the costs of 10 years in Vietnam. We always paid our way.

Abraham Lincoln, the father of the party over there on the other side of the aisle, put a tax on dividends and on estates in order to pay for the Civil War.

Now you folks come and want to take the tax off dividends, saying there is no tomorrow.

Mr. INHOFE. Madam President, will the Senator yield?

Mr. HOLLINGS. I would be delighted to yield.

Mr. INHOFE. I know it is a difficult thing to deal with when you talk about the benefits of reducing taxes and giving people more choices to do with it what they wish. A great Democrat President, John F. Kennedy, back in

the 1960s, said: We need to have more money to put these programs together, and the best way to increase revenues is to decrease marginal rates. He did that, and increased revenues nearly a third.

In 1980, the total amount of money that was raised from marginal rates was $244 billion. In 1990, it was $466 billion. It almost doubled in the period of time that the greatest reduction in rates took place.

Every time since World War I, this has happened when we did that.

This Senator doesn't like to sit here and hear somebody talking about reducing rates and, therefore, that is the reason for the deficit.

Mr. HOLLINGS. According to the Concord Coalition—let me refer first to them—you have diminished revenues $3.12 trillion in 3 years and three tax cuts.

I know the distinguished Senator from Oklahoma doesn't want to refer to the loss of all those revenues. But when the market sees that, they say: Well, wait a minute. Yes, you can cut the interest rate a quarter of a point under Alan Greenspan. But that means the Government will be crowding the financial market with its sharp elbows crowding out corporate finance, and they freeze in place. And we run huge deficits in the balance of trade. We are running trade deficits of $500 billion, that is $1.5 billion a day. The foreign investors who helped cause that bubble are frozen in place. Then the poor worker finds as he opens his mouth that his job has gone overseas, so he gets lockjaw and freezes in place.

This is not like Jack Kennedy who inherited almost a balanced budget. We started this fiscal year with $428 billion in budget deficits from last year. This year, it is $698 billion, according to the President of the United States.

Mr. INHOFE. If the Senator will yield on that point.

Mr. HOLLINGS. Yes.

Mr. INHOFE. This Senator wants to bring up the point that there is no reason to come in here and talk about which party was responsible. We all know, and the Senator from South Carolina knows, that the recession we are in right now began in March of 2000.

Mr. HOLLINGS. It only lasted for 3 years.

Mr. INHOFE. Not under a Republican administration. If the Senator feels strongly about believing the Concord Coalition over that great former President John Kennedy, it is his option to do that.

Mr. HOLLINGS. That is right. It is bipartisan. Kennedy wasn't bipartisan. He was a Democrat. This is bipartisan.

Mr. INHOFE. I didn't say he was bipartisan. He said he advocated a reduction in tax rates to increase revenue, and it worked. Look at the Democrat Governor out in New Mexico who did the same thing. It is one of the very few States that is increasing revenue right now. He is the only Governor I know—Democrat or Republican—who is reducing marginal rates.

Mr. HOLLINGS. Madam President, I am sure these other nine Republican Governors quoted in this ''Budget Woes Trickle Down''—I am sure they would love to be able to reduce rates. I know my Republican Governor of South Carolina would love to reduce rates. They are not given that option. This ''Budget Woes Trickle Down'' and those nine Republican Governors are having to raise taxes. Kentucky let the prisoners out. They are cutting back all the programs. Higher education is decimated. Every college president is increasing tuition.

''Budget Woes Trickle Down.'' They are not cutting taxes.

Let's get right to where we are.

Mr. INHOFE. If the Senator will yield, I agree they are not cutting taxes. One of the Democrat Governors is cutting taxes and look what is happening to the revenues out in the State of New Mexico. They are going up.

Mr. HOLLINGS. Bill Richardson is the only exception I have been able to find.

Mr. NELSON of Florida. Will the Senator yield for a question?

Mr. HOLLINGS. Yes.

Mr. NELSON of Florida. I want to ask the Senator, when this Senator was assigned to the Budget Committee and the administration came forth with a budget, I questioned the figures because what was expressed was that we were not going to raid the Social Security trust fund to pay the normal expenditures of Government. Clearly, that is what the people in the country do not want. They do not want the Social Security trust fund raided to pay for expenses.

Now, the Senator has come up with a new budget document that is saying the annual deficit could be as high as $500 billion but it could also be, by the words on the paper, $700 billion?

Mr. HOLLINGS. That is right, $698 billion—spending Social Security tax moneys. That is the revenues. That is how they get to the $455 billion on page 1.

But let me point this out because we were here in 1983, and the distinguished Chair remembers this, we had the Greenspan commission. That really started over on the House side with our good friend Wilbur Mills, who had been chairman of the Ways and Means Committee. He upped the ante along with President Nixon, decimating the trust fund.

So by the end of the 1970s we appointed the Greenspan commission. After a 3-year study, they came with section 21. It says we are going to have an inordinate increase in payroll taxes, graduated up so as to take care of the baby boomers in the next generation. Section 21 says: And put this money in trust and don't spend it on anything but Social Security.

Now my friend from Florida, what happens is, it took us from 1983 to 1990, I think it was. It was on November 5, 1990, George Walker Herbert Bush, President Bush's father, he signed into law section 13301. Section 13301 of the Budget Act, says: You shall not report a budget, either the President or the Congress, spending Social Security trust funds on anything other than Social Security. We put that into law and they continued to violate it. They continued to spend it. That is 13301.

The vote in the Senate was 98 to 2 for that particular provision. It is in the law today, in the Budget Act. But that is what they are doing. That is when the distinguished President started off and he took office in 2001 and he said: I am setting aside $2.3 trillion to take care of the needs of Social Security.

He was following through on a pledge that he made in the campaign. But we spend Social Security moneys on any and everything but Social Security, and run around like a dog chasing his tail saying we have to fix Social Security, we have to fix Social Security, we have to fix it, and they have all kinds of plans: invest in the stock market, get an IRA, take this percent, that percent, retire early, don't retire—you know, on and on.

All they need do is obey section 13301 of the law, the Budget Act, and not spend Social Security revenues on anything and everything but Social Security. That is all they have to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, since we are on the Defense Appropriations subcommittee bill, I want to follow up on the remarks of the Senator from South Carolina. I thank him for his comments.

I say this Senator is quite concerned about the legislated budgetary sleight of hand that has been apparent throughout this budgetary process. I don't like it. I don't think it is instructive to the country. I think it is budget fakery and that, although it has certainly been employed on both sides of the aisle over the years in the history of this Republic, particularly at a time now where the numbers are getting so large, where the annual deficit—that is spending more than we have coming in in revenue—is getting so large, if you believe the figures the Senator from South Carolina has just spoken about from a budget document that was just released—upwards of $500 billion on one page and upwards of $700 billion on another page—that is spending that much more in this fiscal year than we have coming in in revenue—that is not a way to get our economic engine purring again. That is not a way of stopping the economic recession. Because if there are more people chasing the available dollars that we need to borrow, then there is more demand on the money. What is going to be the result on the cost of the money? The cost of the money is going to go up. That is going to be the interest rates that are going to go up, and that is all the more going to stall us trying to get out of the recession.

It is perplexing to me, to say it in the mildest terms that I can, as to why we have all this budgetary sleight of hand, why we have this budgetary fakery. Why can't we just be up straight, aboveboard: this is what it is and this is the plan to get out from under it. But there seems to be an agenda to try to mask, to obscure what is the real situation.

Since we are on the Defense Appropriations subcommittee bill, I want to bring up a matter of grave concern that I have. That is, as we continue to battle, as we continue to prosecute the war against terrorists—be that in Afghanistan, be that in Iraq, be that in America—we have to have timely and accurate intelligence. That has to be a given. There can't be any fudging or fakery or sleight of hand. It has to be the best estimate of all the intelligence agencies. So I get quite concerned.

Mr. BYRD. Will the Senator yield?

Mr. NELSON of Florida. I yield to the Senator from West Virginia.

Mr. BYRD. And it should not be based on unsubstantiated——

Mr. NELSON of Florida. Unsubstantiated.

Mr. BYRD. So-called evidence that is produced by the intelligence agencies of another country, another state.

Mr. NELSON of Florida. That is precisely the point I want to make. I thank the Senator from West Virginia for underscoring that. Because I get a little concerned, I got a little upset when I read in Sunday's Washington Post:

> CIA director George J. Tenet successfully intervened with White House officials to have a reference to Iraq seeking uranium from Niger removed from a Presidential speech last October. . . .

Continuing:

> Tenet argued personally to White House officials, including deputy national security adviser Stephen Hadley, that the allegation should not be used because it came from only a single source, according to one senior official.

That was in October. Three months later, in the President's State of the Union speech, the very reference that was exorcised from the speech in October was inserted.

I want the Senator from West Virginia to hear this reference. I want the Senator from West Virginia to verify what I am saying because, according to the Washington Post, when the Director of the CIA removed that reference to Iraq seeking uranium from Niger in October, the very same reference was inserted 3 months later in the President's State of the Union speech but with a qualifier, and the qualifier was: according to British intelligence, even though 3 months earlier the CIA Director had that reference stricken because it was not true.

Mr. BYRD. Yes.

Mr. NELSON of Florida. What does that suggest is going on with regard to accurate, timely, and truthful intelligence?

Mr. BYRD. Well, it suggests we are going down the wrong path when the President of the United States leads our country into war, leads our men and women into war, based on evidence that is supposed to have been developed by another country's agencies, that evidence not being substantiated by our own intelligence agencies.

So it is very evident we were just grasping for a straw to hang our hats on. I happen to believe that this administration intended from the beginning to go to war in Iraq, that this administration intended from the beginning to invade Iraq.

How many times has the Senator from Florida heard the President say, with reference to the U.N., ''If you don't do it, we will. If you don't do it, we will''? They were not waiting on the U.N. to come along. We already had our minds made up to go into Iraq.

And anybody who heard Karl Rove or read about Karl Rove's statement to the National Republican Committee—in January of last year, I believe it was, yes—when he indicated to the National Republican Committee that: this homeland security horse was the one we could ride to victory politically on, and that the national Republican efforts should make, as its center strategy, the subject of homeland security—it was evident to me they were going to ride that horse to the utmost until the horse dropped or got across the victory goal line in the election.

Mr. NELSON of Florida. I thank the Senator for his response.

Mr. BYRD. And I think it was a misuse. It is a misuse. It is just an effort now, as they look back, to cover their skirts because it is clear, so far as the evidence thus far is concerned, that there was no such uranium coming from Africa. That was virtually a fictitious thing, and our people knew it. They knew it in October of last year, as the Senator has pointed out.

Mr. NELSON of Florida. Madam President, I was in Iraq last week, as the blood of a Florida soldier was still soaking into the parched sands of Baghdad. I still feel that we have sufficient security interests of the United States for us to be in Iraq, and, clearly, we better draw this to a successful conclusion to politically and economically stabilize that country.

But I can tell you, when I read this kind of information that suggests that the American people and their Representatives in the Congress were being fed information that was not accurate—and it was intentional—then I get very concerned for this country's ability to conduct our war against terrorists, for we are only going to be successful in a war against terrorists from timely and accurate and truthful intelligence.

Mr. BYRD. The administration misled the American people when it tried to leave the impression that the war on terrorism is engaged in by—in other words, that Saddam Hussein and al-Qaida could be linked. That has not been shown to be a fact. And the American people, according to the polls I read some time ago, seemed to be half of the belief that those who took the planes into the Twin Towers were Iraqis. The truth is, not one of those hijackers of planes flown into the Twin Towers on 9/11—not one of those hijackers was an Iraqi, not one. Not one was from Iraq.

So where is the link? Where is the link?

Mr. NELSON of Florida. I thank the Senator from West Virginia. I will have more to say about this as the debate continues on Defense appropriations. I will speak to this issue that I have raised here. It is of grave concern to me.

I want, in the course of this debate, for us to be told in this debate a satisfactory explanation of why we are not planning for the supplemental on the Defense appropriations for the war in Iraq, why we are not planning for that and stating that in this Defense appropriations bill. I think that should be a part of the debate for all of the Senators to engage in.

I yield the floor.

Mrs. BOXER. Mr. President, I support the amendment offered by Senator BYRD to assure that the deployments of National Guard and Reservists do not exceed 180 days. The amendment further mandates that Guard and Reservists are not deployed more than once in a 60-day period.

As a member of the Senate Foreign Relations Committee, I asked many questions of the administration as it made its case for war. Two of the questions that were never answered involved the length of our deployment and the ability of the international community to share the burden of rebuilding Iraq.

Because of the failure of the administration to answer these questions, some of our troops face the possibility of spending more time than expected in Iraq. Our Guard and Reservists have fought bravely. We have to see that they are rotated home and replaced with other troops on a timely basis.

I want to read part of a letter I received from one Californian asking that a Marine Reserve Unit return to the United States:

> The members of the Marine Reserve unit ANGLICO are important members of our society. They are hard working citizens who contribute to our economy. Their families are feeling the financial strain of their continued and unnecessary absence. These Marines are eager to come home to contribute to the continued success of our surrounding communities. I am asking you to please look into this matter and help facilitate the homecoming of our Marines.

Because of security concerns, the DoD was unable to shed any light on when this particular unit was to return home. But it highlights the sacrifice our communities are making to support this action in Iraq.

I believe the U.S. should fulfill its duty and provide for the reconstruction of Iraq. However, I call on the President to ask our allies to help share the burden and I ask him to ensure that

our Guard and Reservists are rotated out of Iraq on a regular basis.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, this has been an interesting debate, but in the course of the debate we found that we have agreement that we have to do something about the basic subject of rotation and deployment as it applies to the Guard and Reserve as well as the active portions of our total force.

I think, in the interest of all concerned, it would be best to put aside both Senator BYRD's amendment and the one that Senator INOUYE and I have offered and see if we cannot get further information from the Department and try to work with the Department in terms of this new policy that is projected.

So on that basis and the debate that has taken place so far, I move to table Senator BYRD's amendment, which would take with it my second-degree amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 1244.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 31, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—64

Akaka	Crapo	Lott
Alexander	DeWine	Lugar
Allard	Dodd	McCain
Allen	Dole	McConnell
Baucus	Domenici	Miller
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Biden	Feingold	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Smith
Carper	Hagel	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Talent
Coleman	Inouye	Thomas
Collins	Kohl	Voinovich
Conrad	Kyl	Warner
Cornyn	Landrieu	
Craig	Leahy	

NAYS—31

Bingaman	Corzine	Harkin
Boxer	Daschle	Hollings
Breaux	Dayton	Jeffords
Byrd	Dorgan	Johnson
Cantwell	Durbin	Kennedy
Clinton	Feinstein	Lautenberg
Levin	Pryor	Schumer
Lincoln	Reed	Stabenow
Mikulski	Reid	Wyden
Murray	Rockefeller	
Nelson (FL)	Sarbanes	

NOT VOTING—5

Edwards	Kerry	Sununu
Graham (FL)	Lieberman	

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1257 THROUGH 1259, EN BLOC

Mr. STEVENS. Mr. President, I have three amendments which have been cleared. Senator INOUYE has similar ones for his side. Right after that, we will have a consent agreement that we will present, and if we are successful in getting that consent agreement, we would not have any further votes tonight but we will have to wait until we present that agreement.

I send to the desk three amendments en bloc, one from Senator VOINOVICH to make available from amounts available for research, development, test, and evaluation, defensewide, $3 million for the long-range biometric target identification system; an amendment on behalf of myself and Senator INOUYE for Senator ROBERTS which earmarks $2,500,000 for the study of geospatial visualization technologies; and a third amendment by Senator ALLEN to make available from amounts available for research, development, test, and evaluation, Navy, $4 million for the high speed antiradiation demonstration airframe/propulsion section.

I send those to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 1257, 1258, and 1259.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1257

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, $3,000,000 for the Long Range Biometric Target Identification System)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $3,000,000 may be available for the Long Range Biometric Target Identification System.

AMENDMENT NO. 1258

On page 120, between lines 17 and 18, insert the following:

SEC. . Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $2,500,000 may be used for the study of geospatial visualization technologies.

AMENDMENT NO. 1259

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Navy $4,000,000 for High Speed Anti-Radiation Demonstration Airframe/Propulsion Section)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $4,000,000 may be available for High Speed Anti-Radiation Demonstration Airframe/Propulsion Section (PE#0603114N).

The PRESIDING OFFICER. Is there further debate on the amendments?

If not, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 1257, 1258, and 1259) were agreed to en bloc.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1260 THROUGH 1263, EN BLOC

Mr. INOUYE. Mr. President, I have four amendments I ask to have considered en bloc. The first is submitted by Senators BINGAMAN and DOMENICI providing for $3,500,000 for the National Consortia on MASINT research; the second by Senator CONRAD for research, development, test, and evaluation for the Army, $3,500,000 for the Medical Vanguard Project; third, submitted by Senator BREAUX to make available from amounts available for research, development, test, and evaluation, $800,000 for the Tulane Center for Missile Defense, Louisiana; and the final and fourth from Senator REED of Rhode Island to make available from amounts available for Defense Production Act purchases $3,000,000 for a flexible aerogel material supplier initiative.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes amendments numbered 1260 through 1263, en bloc.

Mr. INOUYE. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1260

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading ''Research and Development Defense Wide'', up to $3,500,000 may be used for National Consortia on Masins Research For Program Element Number 0305884L.

AMENDMENT NO. 1261

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation for the Army $3,500,000 for the Medical Vanguard Project to expand the clinical trial of the Internet-based diabetes management system under that project)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $3,500,000 may be available for the Medical Vanguard Project to expand the clinical trial of the Internet-based diabetes management system under that project.

AMENDMENT NO. 1262

(Purpose: To make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, $800,000 for the Tulane Center for Missile Defense, Louisiana)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $800,000 may be available for the Tulane Center for Missile Defense, Louisiana.

AMENDMENT NO. 1263

(Purpose: To make available from amounts available for Defense Production Act Purchases, ($3,000,000) for a Flexible Aerogel material Supplier Initiative to develop affordable methods and a domestic supplier of military and commercial aerogels)

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading ''DEFENSE PRODUCTION ACT PURCHASES'', up to $3,000,000 may be available for Flexible Aerogel Material Supplier Initiative to develop affordable methods and a domestic supplier of military and commercial aerogels.

The PRESIDING OFFICER. Is there further debate on the amendments?

If not, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 1260 through 1263) were agreed to en bloc.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from Missouri has a statement I would like to respond to, and I ask unanimous consent that I be allowed to yield to him for his portion of the statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mr. TALENT. Mr. President, I rise in support of the bill in general, and second, I thank the chairman for his support of hypersonics funding in the bill. The bill increases funding above last year's appropriated level. I do have a couple of concerns and I appreciate the chairman's willingness to address them with me in a colloquy.

Hypersonics are the future of aerospace. Later this year NASA will carry out a further test of the X43–A. This will be done as part of NASA's hyper-X project, a program devoted to the study and creation of vehicles that use air-breathing engines at hypersonic speed. If this test is successful, the aerospace industry will prove that the physics of hypersonics are correct and our engineers can begin creating the models that will become the future of the aerospace industry.

This technology will yield unprecedented results, opening up new commercial markets for industry, furthering human and robotic exploration in the solar system, and significantly improving national security. This transformational technology holds great promise for the development of missiles, unmanned combat air vehicles, manned flight and next-generation space shuttles. I thank the chairman for his support, and I ask him for his comments about hypersonics.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I appreciate the advocacy of our colleague from Missouri on the issue of hypersonics, and I know, as a member of the Armed Services Committee, he has been a champion of this issue and raised it several times.

I agree with the Senator on hypersonics technology. It is very important for the future of the aerospace industry. Over the next 10 years or more, the U.S. will develop and test a series of ground and flight demonstrators that will be powered by air-breathing rocket or turbine-based engines or ram/scramjets. It is a very interesting technology. I agree with Senator TALENT that this technology has the potential to revolutionize our commercial transport industry, space travel, as well as the military capabilities.

I look forward to working with the Senator from Missouri on this important issue as the chairman of the Defense Subcommittee and generally. I think it is a very interesting subject.

Mr. TALENT. I close by thanking the chairman again and look forward to continuing to work with him and the committee to advance the technology and research necessary to ensure a strong hypersonics program. I thank the chairman for the colloquy.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent that Senator DORGAN be recognized to offer an amendment on budget costs. I further ask consent that when the Senate resumes consideration of the amendment on Wednesday, there be an additional 30 minutes equally divided in relation to the Dorgan amendment; provided further that at the expiration of that time Senator BINGAMAN be recognized to offer an amendment regarding detainees; provided further that there then be a 40-minute period equally divided in the usual form; further, that following that time the Senate proceed to a vote in relation to the Dorgan amendment to be followed by a vote in relation to the Bingaman amendment with no amendments in order to the amendments prior to the votes, and with 2 minutes for debate equally divided prior to each vote.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Reserving the right to object, at 10 a.m, the Secretary of State will be in the building for a briefing. The debate on the Burma amendment should not involve all Senators. I thought originally we would have a recess during that period of time but the majority leader has decided not to do that. I understand why. But that is still available.

Mr. STEVENS. I have a further consent agreement. Does the distinguished leader wish to have that set forth before he agrees for the first unanimous consent?

I reoffer the first request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, on behalf of the leader, I ask unanimous consent that at 10 a.m. tomorrow, Wednesday, the Senate proceed to the immediate consideration of House bill 2330, the Burma sanctions bill, under the following conditions: One hour of debate equally divided in the usual form; Then upon the use or yielding back of time, the bill be read the third time and the Senate proceed to a vote with no amendments in order to the bill, at a time to be determined by the majority leader after consultation with the Democratic leader, with particular reference to the prior agreement we have already entered into.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am now authorized by the majority leader to say there will be no more record votes tonight.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1264

Mr. DORGAN. Mr. President, I offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1264.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require from the President a budget amendment for the budget for fiscal year 2004 on the amounts requested for military operations in Iraq in fiscal year 2004)

Insert after section 8123 the following:

SEC. 8124. Not later than July 29, 2003, the President shall submit to Congress a budget amendment to the budget of the President for fiscal year 2004, as submitted to Congress in 2003 under section 1105(a) of title 31, United States Code, setting forth in full the amounts required for fiscal year 2004 for United States military operations in Iraq and Afghanistan in fiscal year 2004.

Mr. DORGAN. Mr. President, I will speak briefly. I will speak further tomorrow on this subject. This relates to something I spoke about yesterday. It may well be that the Congress—in this case, the Senate—feels it is appropriate to ignore the added costs of Afghanistan and Iraq in next year's budget, but

I happen to think that makes no sense at all. If we know, reasonably, that we are going to spend an additional $1 billion a month in Afghanistan and perhaps $4 billion a month in Iraq—that is perhaps a $50 or $60 billion additional expenditure—it seems to me we ought to address that question now; not only address what are the additional costs with respect to Iraq and Afghanistan but where we will find the money.

What will likely happen is what happened last year. The President made the case he did not know what the costs might be in Iraq and therefore did not include anything in the budget for it, but we have been through now at least an initial phase of the war, with continuing violence in Iraq. We know from Secretary Rumsfeld's position earlier this week we may well see an increase of troop strength in the area. We know the comptroller of the Pentagon says they have a pretty good sense of what will be on the ground for the next fiscal year—referring both to Afghanistan and Iraq.

If that is the case, and if we are now appropriating money for the Department of Defense, why not try to learn from the administration what figures they are using for additional costs in the coming year and what they recommend we appropriate and how they recommend we find the money.

My amendment is very simple. It asks the President to submit an amended budget to the Congress within the next 2 weeks setting out what he thinks the costs will be in Iraq and Afghanistan above that which is already in the Department of Defense budget, and then recommending how we would cover that, how we would pay for it. That, after all, is a starting point that comes from the executive budget, and then to be considered by the Congress.

This is a very incomplete picture and an incomplete process if we are staring anywhere from $50 to $60 billion in additional costs right square in the face and pretending it does not exist.

My amendment is very simple. I deeply appreciate the work that Senator STEVENS and Senator INOUYE have done on this bill. I happen to be on that subcommittee. These two are some remarkable men in this Senate and have distinguished war records and have a distinguished record of service to our entire country. I appreciate very much their work on this bill. But I do think it is important for the Congress to answer this question: Is this the way we should continue to handle these extra costs?

Now these extra costs are becoming very large, $5 billion a month. It is quite clear from statements this week that the Pentagon knows or has some notion of what these extra costs will be. It makes no sense to pass an appropriations bill and pretend they do not exist.

I will speak at greater length tomorrow morning on this subject, but I really believe we need to address this as a Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, unless there is a unanimous consent request to proceed to another matter, I would like to speak for a few moments in support of Senator DORGAN's amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. DURBIN. I know the Senator from North Dakota has to leave and will be back tomorrow to discuss his amendment, but doesn't it strike those following this debate as strange that we are considering the appropriation for the Department of Defense for the next year and it includes everything except Iraq and Afghanistan?

If this is truly an appropriations bill, if the Senate is meeting its responsibility in reviewing the requests of the administration to make certain they are reasonable, how can we, in good conscience, pass a bill without any reference to the costs of the war? That, of course, is a good turn of events for the administration because they do not have to explain how they will pay for it.

This morning's newspapers across America disclosed we are facing a record-breaking budget deficit. We have gone, over the span of 3 years, from over $200 billion in surplus each year to over $450 billion in deficit. That does not count the Social Security portion which is about another $160 billion. We are facing record-breaking budget deficits. And now as we debate appropriations bills, these bills are not speaking to the reality of official spending under the Bush administration.

To think we would consider this Department of Defense bill and not include the money necessary for the war in Iraq is to suggest that this bill does not tell the whole story.

Just last week in the Armed Services Committee, Secretary Rumsfeld, our Secretary of Defense, appeared before the committee and was asked by Senator BYRD of West Virginia, what is the cost of the war in Iraq? Secretary Rumsfeld, in charge of the largest military operation on the face of the Earth, said, I don't know. Senator BYRD said, you better find out. These are questions asked by Congress of Secretaries of Defense through history. So there was a break in the action and Senators came over for a vote and when we returned, Secretary Rumsfeld said, I have been told it will be about $3.9 billion per month, roughly $1 billion a week for Iraq. When asked about Afghanistan, he suggested it would be somewhere in the range of $1 billion a month.

That means we are going to spend roughly $5 billion a month that is not accounted for in this bill. So we know we are going to spend the money. We are never going to shortchange our men and women in uniform. Why isn't this Bush administration, in all candor and honesty, coming to us with a bill that includes the costs of the war?

Senator DORGAN, my colleague from North Dakota, asked that obvious question and asked the Senate to vote on it. It will be interesting tomorrow to see if those who believe the Senate has a responsibility for oversight and also believe this administration has a responsibility to be honest about the costs of the war, will, in fact, support the Dorgan amendment. I certainly will. I hope my colleagues on both sides of the aisle will, as well.

This is a tough amendment because it puts the administration on the spot. They have to explain where they are going to come up with a substantial amount of money, but I think that is the burden they asked for when they assumed office. We need to face it squarely, as do they.

I also say, despite the obvious monetary costs of the war, what I find in traveling back to Illinois is the people are less concerned about the monetary costs than the human costs of this war. It is tough to calculate how many of our great men and women have died since President Bush declared military victory in the first part of May. But we know almost on a daily basis that we are losing some of our finest soldiers, men and women, well trained for military combat, who are now in the position of maintaining peace in Iraq, trying to establish a civil society. It is not an easy task. These men and women, trained with the highest technology, so successful on the battlefield, now find themselves on patrol, guarding college campuses, guarding museums, enforcing curfews, dealing with scuffles and fights in public marketplaces. As they go in to try to quell this violence and bring peace to the situation, sadly, many of them are being attacked by Iraqis. Some are being killed.

To those who follow this debate, I say we can try in this bill to ignore the dollar costs of this war but, trust me, families across America, the people of this country, know the human costs on a daily basis. They are asking us the hard questions.

Senator LUGAR of Indiana, whom I respect very much, visited Iraq. He came back and said, in all candor, he believed we would be in that country for 5 years. He said he felt that was a minimum. I hope he is wrong. But I respect his judgment and his insight. If we are to be there for 5 years, if 150,000 troops or any portion of those troops will remain for that period of time, it is a massive investment by the United States in Iraq. It calls into question our basic strategy in trying to establish civil order.

I cannot for the life of me understand why this administration has not gone to the United Nations and asked them to assume responsibility with us for the future of Iraq. Why hasn't this government come to the Senate and asked the same thing? If we could replace American troops in the field, guardsmen and reserves who have been there for long periods of time away from their family, if we could replace them

and bring them home by bringing in troops from other countries, that would certainly be very positive.

In this morning's newspapers Prime Minister Vajpayee of India said the United States requested 17,000 Indian troops and he declined the invitation. He said he might join an effort sponsored by the United Nations. Those are his conditions. I don't know the conditions of other countries.

What is clear to me now is that though the coalition of the willing was enough to win the military end of the war, the coalition of the willing is incapable of meeting the responsibility today of establishing and maintaining order in Iraq. That coalition has really come down to two major countries, Great Britain and the United States. We are shouldering this burden, not just on the monetary side but on the side of human cost.

I think this administration should be conscious of the fact that many Americans, supportive of the invasion of Iraq, supportive of eliminating Saddam Hussein, are now raising serious questions about the duration and cost of our occupation of Iraq.

The same thing can be said, obviously, of Afghanistan. I am a big supporter of Hamid Karzai. I think he has done a remarkable job as the leader in Afghanistan, bringing some order to a country which has known chaos for too many years. But we know he needs help. Too many tribal warlords control portions of the country that should be controlled by some central authority coming out of Kabul, the capital of Afghanistan. That is not the case.

The President of Pakistan recently visited the United States. President Musharraf said to President Bush: If you want one piece of advice, send more troops to Afghanistan. We don't have enough people there to maintain order. Our troop strength is estimated to be between 8,500 and 10,000. That points to the need for this bill to be more inclusive on the real cost of the war in Afghanistan and Iraq. We need to face this head on.

For the Department of Defense appropriations bill to speak to national security and ignore 150,000 men and women in uniform in Iraq and the cost to our country, as well as another 8,500 or so in Afghanistan, really misses the point. We need a bill that is complete. The Dorgan amendment will move us in that direction. I will support it tomorrow, and I hope my colleagues will join me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, no one regrets the deaths that are occurring in Iraq any more than I, or anyone else here, particularly those of us who served in the uniform of our country. We know the seriousness of being involved in Iraq.

The offensive operations in Iraq started in March. I believe it was March 19. This budget was presented to us long before that. It did not have money for Iraq. As a matter of fact, we have handled this concept of the war in Iraq on the same basis as Bosnia, Kosovo, et cetera—with one exception. The President came to us and asked for a supplemental for Iraq, and we passed it. The money is there. He asked for the money; we gave it to him. I don't understand this demand, now, for another supplemental. We do not need any more money right now. We are continuing to spend the money Congress provided, over $60 billion.

I have a little sense of politics in this. I don't quite understand. Politics are never raised on the floor of the Senate, obviously. But clearly the political implication is, somehow or other, the deaths are related to the fact that the President has not asked for any money. We have plenty of money right now to run this war. The costs of the war are coming down. As I pointed out previously here this afternoon, all of the costs of the manpower for fighting in Iraq are in this bill. The costs that are not in this bill, that are being paid from the supplemental, are the incremental costs of moving forces to Iraq, moving materiel to Iraq, moving people back from Iraq, taking care of our global expenses, and conducting the war in Iraq.

The President came in and asked for a $10 billion contingency fund. I joined in saying no, you can't have a contingency fund. We gave him the money he requested, the money whose use they detailed. But we didn't put up $10 billion as a contingency fund because we didn't think it was necessary, and I still don't think it is necessary. But we do understand if the cost of the war in Iraq will somehow exceed what we have already provided, the President will come for a supplemental in time. He has done that.

We are funding the war in Iraq on an incremental basis from a supplemental fund we gave the President. Again, we gave him so much money, we rescinded $3 billion in this bill. Three billion dollars of the previous supplemental have been rescinded and spread around in other areas of the Department of Defense.

I think we ought to get back into some historical context here. We have had a series of peacekeeping operations, so-called peacekeeping operations. There were people killed in Bosnia. There was a war in Bosnia. There is a war in Kosovo. There is a war in Afghanistan. This administration has asked for the money, and we have given it to them. The money we gave them, by the way, the $60 billion-plus, was for the whole area that was commanded by General Franks. It was the war zone. That included Afghanistan as well as Iraq.

We have had, unfortunately, in the past—and I also mentioned this today—we had in connection with Bosnia and Kosovo a policy of the administration, the previous administration, to not ask for money at all. They took the money from the O&M accounts of the Departments, the various forces—Army, Air Force, Navy, Marines—and spent it. They never told us where they were spending it. When they came up and asked for a supplemental to replace it, they asked us for the money to replace the accounts. We never really got detailed descriptions of how much money was spent per day in Bosnia or Kosovo. I don't know where this is coming from.

As a matter of fact, Senator INOUYE and I have been involved in managing this bill, now, since 1981. We can tell the Senate the way we are handling the bill now is the way we should handle a bill for defense. We pay the money for the regular costs, and the Department asks us for the extraordinary costs. The last administration had the money for the personnel and regular costs in the bill, but they took some of that money and fought the war in Bosnia and fought the war in Kosovo and then came up for a supplemental. This administration came for the supplemental first.

They have the money. It is in the bank. They are spending it. And somehow they are being criticized for not asking for a supplemental.

I oppose this amendment. I intend to oppose it. I intend, as a matter of fact, to make a motion to table it in the future.

There is an agreement for debate. We are in a situation where, as far as I am concerned, we should not ask the Department to come and ask for moneys on a contingency basis. That is really what the Senator is suggesting—ask for money, what you might spend in the future, beyond what we have already given you. There is a bank over there. They have the money.

To ask for a budget amendment for the fiscal year 2004, to be submitted this year, I don't understand at all. It wasn't required by the congressional budget resolution, by the way. If this was so important, why didn't someone raise it in connection with the congressional budget resolution that passed after we went to war? And we are at war.

I really believe it is time we understand what is going on. I do not want to see us get another supplemental request this year. We have 13 appropriations bills to pass. They have plenty of money. Why tie us up in another supplemental? Everyone knows a supplemental this time of year would become a Christmas tree. Everyone is going to offer amendments to do things they didn't get in the other bills, and every one would be a demand for an emergency.

As long as I am chairman, we are going to try to have some discipline with regard to dealing with money. The discipline is, we follow the budget. I have committed to follow the budget. We are following the congressional budget. In order to do so, we had to ask the President's permission. Chairman YOUNG, chairman of the House Appropriations Committee, and I asked for

permission to take $3 billion off the President's request that is in this bill for defense. We admit we took $3.1 billion from what the President asked for in his budget request and put it in other subcommittees. Because of the fact the congressional budget resolution was $2.6 billion below the President's budget, we needed to find money to fund operations of those other departments that would not fit within that bill.

We are proceeding on a basis that I think makes sense. I hope we will have bipartisan support for it. But one thing we don't need is another supplemental at this time dealing with Defense when Defense has money to continue to operate in Iraq. When they run out of money or come close to it, I assume they will come and ask for more. I presume the cost per week is going to go down. It has been fairly high. The incremental cost was over $34 billion last month, as I understand it. Under the circumstances, if it continues to wind down, I believe the monthly cost will decline and the Department will be able to get through this fiscal year with the money they have. If they need more money in the calendar year 2004, they can come in and ask for it. But I predict—I hope I am right—they are not going to need any more money in calendar year 2003 for either fiscal year 2003 or the first quarter of 2004. If they do, and that could happen—God forbid this thing could blow up over there and we would have to send more forces back in. I don't know. No one can predict what happens in a situation like we have now. We want to as rapidly as possible cease being an occupation force.

This reminds me of some of harassment that took place during World War II when we had operating forces in areas where part of the enemy was not subdued and there were sniper attacks. There were bombing attacks. It was a disaster for people in uniform, who suffered even after the war was over. There were some deaths in World War II. I think this is a sad thing.

I hear a call to bring the troops home. One of the reasons the troops are there is to protect one another and protect the people we just freed. I thought the price of freedom was in fact doing what our people are doing; that is, following the commands of the Commander in Chief.

It is a very tough thing to say, but once we undertake action such as this, our national image would be absolutely tarred if we brought these people home before there was security for the people who have been liberated from that regime, the Baath party of Saddam Hussein. We can't leave them exposed, nor can we leave exposed our people who are trying to bring about reconstruction. I think we have to use common sense.

To say the President shall submit a budget amendment—by the way, I don't know of any requirement anywhere in the law that the President has to submit a budget resolution before. I don't know that Congress has ever said the President shall present a budget amendment for a specific amendment of money or a specific item. I have been here 35 years. I can't remember such a requirement before in my life. For no other reason, I would oppose that because he is the President. The Constitution gives him some powers. It gives us powers. One of the powers is to exercise the power of the purse. But we are not the ones who can command the President to ask for the money. He is the President. If he wants the money, he should ask for it. If he doesn't need it, we should not compel him to ask for it. I am sure if he needs it, he will be the first one to ask for it.

As a matter of fact, I have heard comments about our President on this floor lately that are sort of derogatory. I think he is a fine man. He is a great President. He is doing a good job. He is honest. He is forthcoming. He admits if he makes mistakes, and then he gets highly criticized for having made the mistakes. Everybody makes mistakes from time to time. It takes a real man to say he has made one.

That is why I came to the floor yesterday and congratulated George Tenet for having taken the step of admitting he bore the responsibility for the error in handling the reference in the President's State of the Union message.

But this President is doing a good job. This Secretary of Defense is doing a good job. I think the American people should be proud of them. In my home State, they are certainly proud of them. And they are proud of the young men and women in uniform representing our country over there.

I think the very thought that somehow something is going wrong here and because something is going wrong here people are dying in Iraq is just a terrible thing. People are dying in Iraq, unfortunately, because there are snipers. There are terrorists loose in Iraq. I thought we were conducting a global war against terrorism. What is going on in Iraq is terrorism. There has been a regime change. There are people opposed to that change, and they are trying to kill our people over there. They are trying to protect their own brothers and sisters in their own country.

I hope the Senate settles down a little bit. In the past, we have handled this bill very expeditiously because of our respect for men and women in uniform. This is the money to pay those people who represent our country throughout the world. They are deployed in many countries. They read about what goes on here. They listen to it. They have it on C–SPAN.

By the way, it is a very interesting thing for this generation to go overseas compared to my time overseas. I never got a phone call after I left my home until I got back. These young people have phone calls every day. They have e-mail. They use the Web. They conduct their classes when they are deployed overseas and continue their studies. It is a different world. They know what is going on here.

I hope they understand what we are trying to do is get this bill passed and make sure they get their pay raise; make sure everything is in place in time so when September 30 comes, this bill will have passed and become law and be there for the protection of our men and women in uniform.

I regret deeply that we have to handle an amendment like this. We know the amounts required for the fiscal year 2004 military operations in Iraq and Afghanistan. We already put the money up. They are reporting monthly on what they spend.

Now we want to predict how much they are going to spend. I really do not see the relevancy of this amendment. Tomorrow, I hope to end the debate by moving to table. I hope the Senate will support that motion.

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. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

JOINT AIR TO SURFACE STAND-OFF MISSILE (JASSM)

Mr. SHELBY. Mr. President, I am reminded that both the distinguished chairman and the ranking member have been strong proponents of the JASSM program in the past.

The JASSM program is less than 30 days from completing operational test and is scheduled for a full rate production decision in November of this year. Both DOD and the Air Force have sufficient confidence in JASSM that they have proposed to use fiscal year 2003 Iraqi freedom funds to procure additional missiles. In addition, I would note that the Navy is scheduled to join the Air Force in future JASSM procurements and this production ramp is critical to meeting both the Navy and Air Force inventory requirements.

I hope that we can work in conference to find a path that will protect the existing contract while at the same time provide the Air Force these vitally needed ''go-to-war'' assets.

Mr. STEVENS. I thank the Senator for bringing this matter to my attention. He has my assurance that we will consider this matter in conference.

Mr. INOUYE. I agree with the chairman and will join him in reviewing this matter for conference.

DIGITIZATION OF DEPARTMENT OF DEFENSE MANUALS

Mr. INOUYE. Mr. President, beginning in fiscal year 2003 and continuing this year, the Defense Appropriations Subcommittee has included funds for the digitization of Department of Defense, DoD, manuals and has directed that the work be performed by information technology firms owned and operated by Native Americans located in

impoverished Native communities. These Native firms came together and formed a corporation, the Intertribal Information Technology Corporation, that could serve as the prime contractor in an effort to facilitate the contracting relationship with the Department of Defense.

This consortium of firms has been working with mentoring information technology companies who already have existing contracts with the Department of Defense. I have had two briefings on the progress that is being made by the Native firms and their mentoring companies on existing DoD contract work, and have been advised that the performance of the Native firms is both exemplary and highly efficient. A few months ago, I had the opportunity to attend the dedication of the Native Hawaiian information technology firm that is part of this consortium, and was further impressed with the capacity of these Native firms to carry out the digitization work.

Mr. STEVENS. I agree. The war in Iraq demonstrated the important of having the highly-mobile maintenance capability that the digitization of DoD manuals enabled our forces to employ. For many years, the Senator and I have shared a concern about the high unemployment rates in Native communities. This program serves as one effective means of addressing those high unemployment rates while also providing the Defense Department with new sources of supply for digitization services.

Mr. INOUYE. As the Senator knows, the ten Native-owned firms that came together to establish a new Small Business Act 8(a) firm is composed of American Indian, Alaska Native and Native Hawaiian information technology companies. To my knowledge, this is the first business enterprise to be jointly owned by the three indigenous populations of the United States.

This new jointly-owned firm was established so that DoD would only have to award a single contract rather than having to award ten separate contracts to each of the ten participating firms. In establishing the jointly-owned firm, it was well understood that the jointly-owned firm would subcontract the digitization work to the ten participating Native-owned firms, and that the jointly-owned firm would assume administrative responsibilities and provide technical support to the ten Native Firms to ensure the highest quality production.

This innovative approach reflects the intent of the Congress that the digitization work be performed by Native firms that can not only produce quality products for the Government, but that in the process of doing so, can also generate jobs in the economically-disadvantaged communities that they serve.

Mr. STEVENS. It is my understanding that the contract with the jointly-owned firm was to have been awarded on June 2 of this year, but that DoD officials are now expressing some reluctance to allow the jointly-owned firm to pass the digitization work through to the Native firms because the customary practice is to have the prime contractor perform the majority of the work. I am also told, however, that there is an exception to this practice provided for in regulation, particularly when the Government had directed or identified a specific source for the provision of services, as we did in the fiscal year 2003 Department of Defense Appropriations Act.

Mr. INOUYE. Yes, that is my understanding as well. I am advised that the exception can be applied while still assuring full compliance with all procurement requirements. So I would ask, is it the intent and directive of the Appropriations Committee that the Department of Defense employ all legal measures available under the law to accomplish the intent of the Congress in having the digitization work performed by the ten participating Native-owned firms through a single DoD contract with the jointly-owned firms?

Mr. STEVENS. This is the intent. This new program is already proving to be a highly-efficient means of addressing the Department's needs for the digitization of DoD manuals, and we would expect the Defense Department to employ every legal authority at its disposal to implement the program as Congress intended it to be implemented.

AIR FORCE ADVANCED POWER TRANSFORMATION OFFICE

Mr. CHAMBLISS. Mr. President, I rise today to express my support for the mission of the U.S. Air Force, USAF, Advanced Power Transformation Office, APTO, at Robins Air Force Base in Georgia. This transformation office was established to advise and assist military installations all over the world in their development of alternative fueled vehicles.

Mr. STEVENS. If the Senator from Georgia would yield for a question, I have learned that the Energy Policy Act authorizes the APTO to enter into public-private collaborative agreements to encourage the development and deployment of alternative fuel vehicles and alternative hydrogen fueling infrastructures. Does the Senator know whether the transformation office in Georgia has taken advantage of this opportunity?

Mr. CHAMBLISS. As my colleague from Alaska has suggested, the APTO has entered a public-private collaborative project with the Southern Hydrogen Fuel Cell Research Partnership, which has then entered into a further agreement with the Georgia Tech Research Institute. This Georgia-based collaborative advances the national interest in the study of hydrogen-powered vehicles and fueling system designs. The APTO also hopes to accelerate the development of hydrogen power technology to determine whether it is feasible for both military and commercial use. Because of the importance of this project, I urge the Air Force to continue to support this important initiative.

Mr. STEVENS. The committee also notes the importance and value of the efforts of the Advanced Power Transformation Office and encourages the Air Force to continue funding and support for this important initiative.

Mr. CHAMBLISS. I thank the distinguished Senator from Alaska, and I yield the floor.

SAC POSITION ON OBJECTIVE FORCE CANNON

Mr. INHOFE. Mr. President, I rise in support of S. 1382, the Department of Defense appropriations bill for fiscal year 2004, as reported by the Senate Committee on Appropriations. I take a moment to talk about the urgent need for the non-line of sight cannon and to commend the actions the Senate Appropriations Committee has taken to meet this key need.

We have heard testimony from the most senior members of the Army uniformed and civilian leadership that organic Army indirect fire is one of the most urgent needs in today's military environment.

When Congress agreed to allow the Department of Defense to terminate the Crusader program last year, it did so with the explicit understanding the Crusader technology would be used to form the basis of a new lighter, more easily deployable non-line of sight cannon, which would be ready no later than 2008.

Indeed, during the last session we enacted law to that effect, and also stipulated that development of the non-line of sight cannon would be undertaken as part of the Army's Artillery Systems Demonstration and Validation program element, which is the only place within the budget that cannon artillery research and development is funded.

The designation of the non-line of sight cannon as a congressional special interest by the Senate Appropriations Committee goes even further than last year's legislation to ensure that this need is met. I ask the chairman to comment on the need for this further step.

Mr. STEVENS. In an effort to ensure full compliance with Congress's intent to fully fund the non-line of sight cannon program, the Senate Appropriations Committee has designated the program as a congressional special interest and appropriated funding in a separate program element devoted to the advanced development of artillery systems.

Mr. INHOFE. With limited resources available for the competing needs of modernization and force sustainment, it is imperative that crucial programs like non-line of sight cannon receive the requisite congressional oversight to ensure their timely development and fielding in accordance with the priority they enjoy.

I thank the Senator, and my other colleagues on the Appropriations Committee for their efforts to ensure that this vital program receives the funding it needs.

SUPPLIES OF MEALS READY TO EAT

Mr. BAYH. Would the chairman yield for an inquiry on the subject of MRE supplies?

Mr. STEVENS. I would yield to the Senator from Indiana for a question.

Mr. BAYH. Mr. President, during Operation Iraqi Freedom, our military relied upon MREs to an extent never before seen in the history of modern combat. Due to concerns about the safety of the local food supply, Operation Iraqi Freedom and the subsequent mission has relief almost entirely on MREs to feed our soldiers. It is my understanding at the height of the operation, the Department of Defense was consuming roughly 300,000 cases of MREs per week. Is the chairman aware of this unprecedented use of MREs?

Mr. STEVENS. I was aware of the reliance on MREs, yes.

Mr. BAYH. I would further point out at the height of the operation, some estimate that DOD was down to a worldwide reserve of some 400,000 cases. To summarize, DOD was within a week of running out of food for our soldiers in the field. Thanks to a surge in production by MRE producers on very little notice, DOD managed to stave off a logistical and potential military disaster. Is the chairman aware of how close we came to literally running out of food?

Mr. STEVENS. I was not. But I certainly believe the committee should look into it.

Mr. BAYH. Surprisingly, the Defense Logistics Agency, DLA, has still not chosen to replenish an adequate was reserve of MREs. In additions, DLA has cut MRE production despite the fact that our troops in Iraq are still consuming MREs at an unprecedented rate. Would the chairman consider this matter in conference and have the managers address it if the committee finds the problem to be as grave as it would appear?

Mr. STEVENS. We would be willing to look at that possibility.

Mr. LOTT. Would the chairman yield for me to add further to the discussion at hand?

Mr. STEVENS. I yield to the Senator from Mississippi.

Mr. LOTT. Part of any military exercise or experience is an afteraction review to learn what went right and wrong and how to improve on things in future situations. It would seem that the MRE supply issue is just such an issue. Obviously DLA did not have reserve stocks of food on hand going into this operation. Obviously no one anticipated the consumption rate we have experienced in the past few months. But it seems apparent that the reliance upon MREs isn't going to change in the foreseeable future.

I can think of a number of things that could go wrong during a military operation, but running out of food has to be one of the worst. So I can't imagine why DLA is cutting production when we haven't even started to replenish our reserves. It would seem simple enough that if anything DLA should be increasing production and increasing reserves so that we never face this potential disaster again.

I am informed that an adequate reserve based upon the new realities we have discovered in the past few months would ultimately be 10.5 million cases. Well, we are about 10 million cases away from that goal so we better get started on meeting that target. I too would certainly welcome anything the chairman could do to address this problem in conference and compel DLA to up the reserve stocks of MREs to an adequate level. I yield back of the chairman.

Mr. STEVENS. We are going to take a close look at this problem and see what is or isn't being done to address it and take corrective action if necessary.

COST-SHARING OF DEFENSE MEDICAL RESEARCH

Mr. LEAHY. Mr. President, I would like to take this chance to thank Chairman STEVENS for his leadership in funding the Army Peer-Reviewed Breast Cancer Research Program at $150 million in this bill. I would also like to take a moment to enter into a colloquy with the distinguished chair of the Appropriations Committee about the report language in the committee report on cost-sharing in such medical research. Mr. Chairman, when I read this report language, it seems clear that the intent of the language is to determine if there is some way to contain medical research costs within the defense budget.

We all know that the Army Peer-Reviewed Breast Cancer Research Program, BCRP, has proven to be efficient and highly effective, and the committee has supported its efforts strongly. The flexibility of this program allows the Army to administer it in such a way as to maximize its limited resources. The BCRP is able to quickly respond to current scientific advances, and is able to fill gaps by focusing on research that is traditionally underfunded. It is also responsive, not just to the scientific community, but also to the public.

Mr. STEVENS. Yes, the Senator from Vermont is correct. The committee is seeking to determine alternative ways to fund increases in these kinds of projects, but not undermine the effectiveness of ongoing programs. The committee has received numerous requests to start up new medical research programs. In many cases these requests cannot be met when trying to meet other valid military requirements with limited resources. The language is certainly not specifically designed to undermine the integrity of the existing DOD BCRP, and the committee recognizes it as innovative, extremely accountable and transparent in its approach to medical research.

Mr. LEAHY. I thank the chairman. I would also like to clarify the language in this provision about the agencies to perform the study. Am I right in reading the word ''consultation,'' in reference to the offices, institutes, and bureaus performing the study, to mean a continual process of discussion and collaboration? Consultation almost always involves more than simple briefings, but a consistent, mutual back-and-forth designed to ensure the objectivity, soundness, and fairness of a research process.

I personally hope that the Assistant Secretary of Defense for Health Affairs will go even beyond that notion and rely heavily on the expertise of the Institute of Medicine, which has reviewed programs like the Army Peer-Reviewed Breast Cancer Research Programs on several occasions.

Mr. STEVENS. Yes, that is right. The language clearly foresees that the Assistant Secretary of Defense for Health Affairs will work closely with the service Surgeons General and the Institute of Medicine to develop and conduct a sensible, objective, and fair analysis of cost-sharing options for future medical research programs.

Mr. LEAHY. I thank my good friend from Alaska for his support of programs like the Army Peer-Reviewed Breast Cancer Research Program. Recently one of the staunch advocates of this program in my home State of Vermont, Patt Barr, passed away. One of my lasting memories of Pat is seeing her standing in the hallway here in the Capitol, well past midnight, patiently explaining to individual Senators why the Department of Defense should include funds for breast cancer research in its medical budget. Mr. Chairman, your support and spirit has keep her legacy living on.

LASER PEENING

Mr. DEWINE. Mr. President, I rise today to discuss an important matter with my friend, the distinguished committee chairman.

I have been a long-time supporter of laser peening technology. Laser peening is a revolutionary materials processing technology that has proven very effective in solving many of the fatigue problems currently plaguing military engines, such as the F101 engine in the B–1 bomber. Laser peening has been scientifically and battlefield proven to extend fatigue life and fatigue strength of metal parts.

In recognition of the benefits of laser peening, the Army has initiated an effort to establish a technology insertion program that would employ laser peening in support of major Army helicopter programs. Congress provided $1 million to begin this effort in fiscal year 2002.

Laser peening technology is being evaluated to extend the life of flight critical components on Army helicopters—including the CH–47 Chinook, AH–64 Apache, and UH–60 Black Hawk. These components are subject to fretting fatigue, wear that results when two metal components rub against each other. Without laser peening, fretting produces cracks that penetrate

deep into the component surface, causing fracture, failure, and ultimately requiring part replacement. Laser peening will be applied to families of components such as integrally bladed rotors, gears, and bearing raceways to significantly increase service life and reliability. These components are used in all of the Army's helicopters and ground vehicles with turbine engines, including the Comanche, Black Hawk, and Apache helicopters and the M2 Abrams tank.

Stated simply, laser peening will improve the performance, extend the service life and reduce the cost of these critical systems. Without continued support for laser peening technology, this program will halt and these savings and improvements will never be realized.

In recognition of the tremendous potential for laser peening for the Army, I would ask the chairman's assistance in allowing the funds available for Research, Development, Test and Evaluation for the Army to be used for laser peening for Army aircraft and ground equipment.

Mr. STEVENS. I thank the Senator for his interest in this issue. I recognize the importance of laser peening technology, and I promise the Senator that I will be certain to give his request careful consideration as we proceed with action on the Department of Defense Appropriations bill for fiscal year 2004.

Ms. LANDRIEU. Mr. President I rise today to discuss the defense appropriations bill before us this week and the excellent work the chairman of the Appropriations Committee, Senator STEVENS, and the ranking member of the Defense Subcommittee, Senator INOUYE, have done to bring a very good bill before the Senate under a tight budget. Additionally, we are engaged in operations in Afghanistan and Iraq, which make it critical that we approve a bill that gives the men and women in the field the tools they need. Senator STEVENS and Senator INOUYE have crafted a bill to benefit our armed forces in a time of war. Additionally, the bill is forward looking and meets our transformational goals to modernize the U.S. military.

On Saturday, LPD–17, USS *San Antonio,* will be christened at Avondale Shipyard in Louisiana. The *San Antonio* will move from dry-dock into the Mississippi River, where she will undergo final preparations before she can be delivered to the United States Navy and the Marines. It will be a day to celebrate. There can be no doubt about America's need for the LPD class of ships. The LPD is designed to bring the fight to our enemy.

But the LPD program has suffered bumps and bruises along the way. She has experienced delays and cost-overruns. Some tough love was needed to bring efficiency to the program. Today, however, the LPD program is back on track. It is on time and on budget. It is a fitting coincidence that we will christen the *San Antonio* at a time when the LPD program is healthy.

The LPD program could not have been brought back to even keel without the guidance and support of Senators STEVENS and INOUYE. They have been long-time advocates of the LPD program. I cannot thank them enough for keeping faith in a program that is absolutely vital to our Marines.

In this bill, Senators STEVENS and INOUYE helped the LPD overcome yet another hurdle. When the President's budget for shipbuilding came out in February, the President recommended the construction of LPD–23 to begin in fiscal year 2006, not fiscal year 2005 as originally planned. The Department of Defense sought to push back the production rate of the LPD program, which, if enacted, will only cause the LPD program to experience price increases, once again. Moreover, if the recommendation holds, over 2,000 layoffs of highly skilled workers could occur at Avondale and Ingalls in Mississippi. Fortunately, the chair and ranking member support keeping LPD–23 on schedule for fiscal year 2005. I am appreciative, and I know the Marine Corps and people of Louisiana are appreciative.

During the debate on the budget resolution, I offered a resolution to increase spending for the National Guard and Reserve forces by $1.1 billion to meet unfunded equipment requirements. Our Guard and Reserve forces make up over 40 percent of our armed forces personnel, yet for years they barely received 8 percent of the funds in the defense budgets. Our Armed Forces could not have performed as brilliantly as they did in Operation Enduring Freedom and Operation Iraqi Freedom without our reliance on our National Guard and Reserve. Over 320,000 guardsmen and reservists have been activated since September 11, 2001. Many have been called up two and three times, which places tremendous stresses on the lives of our troops and their loved ones. Our citizen soldiers are being asked to perform the same tasks as our active forces, and they are doing so with expertise. But, they often have hand-me-down equipment. There are people near and dear to me stationed right now in Iraq in the Reserves. When their lives are on the line, I do not want them wondering if their Vietnam era equipment will work.

Again, I am pleased Senators STEVENS and INOUYE have made a strong commitment to bolstering our National Guard and Reserve. They funded the National Guard and Reserve equipment account at $750 million. This will allow our Guard and Reserve forces to purchase key equipment for modernization, such as laser targeting pods. The Senate also commits key funds to the modernization and long-term sustainment of the National Guard: $175 million for upgrades to National Guard Bradley fighting vehicles; $50 million and pledge for full funding for a Stryker Brigade for the National Guard, $70 million for Black Hawk helicopters, and $17 million to stand up 12 additional weapons of mass destruction civil support teams. This money will be well invested, and I know the men in women in our National Guard and Reserve will put this equipment to good use.

I also wish to thank Senator STEVENS and Senator INOUYE for their continued support of the National D-Day Museum in New Orleans, LA. Last year, we were saddened by the death of one of America's greatest historians, Dr. Stephen Ambrose. His works have chronicled, for perpetuity, the lives of Lewis and Clark, Dwight Eisenhower, and the millions of brave Americans who took up a call to arms in World War II in order to protect the United States and liberate the world.

In 1991, Dr. Ambrose embarked on a mission to create a museum to honor America's war heroes. He wanted to place the Museum in New Orleans because Andrew Jackson Higgins was a New Orleanian. Most people in the U.S. do not know who Andrew Jackson Higgins is, but we owe a great debt to Mr. Higgins. He created the landing crafts, or Higgins boats, used to carry U.S. G.I.s to the shores of northern France for the D-day invasion of 1944. In Dr. Ambrose's interviews with President Eisenhower, President Eisenhower stated that Andrew Jackson Higgins' boats were the reason America won World War II.

In June of 2000, on the 56th anniversary of D-day, the National D-Day Museum opened its doors and fulfilled the realization of Dr. Ambrose's dream. The museum has been a run-away success. When you walk through its exhibits, you cannot keep from being immersed in the history. To see a veteran explaining to his grand-children what life was like in World War II is truly remarkable.

Just last week, on July 7, the 1 millionth visitor walked through the doors of the D-Day Museum. It is an extraordinary accomplishment for a museum to welcome 1 million visitors in 37 months. Visitors to the Museum are saying they traveled to New Orleans just to tour the National D-Day Museum. Usually, people say they visit New Orleans for the food or the music. It is a true testament to the D-Day Museum that people are now thinking of the D-Day Museum before they think of creole food and jazz as reasons to vacation in New Orleans. Again, we might not be celebrating the millionth visitor if it were not for the commitments of Senator STEVENS and Senator INOUYE to help Dr. Ambrose make his dream a reality. The people of Louisiana and all one million visitors are grateful.

In closing, I look forward to approving the Defense appropriations bill and hope we can move to conference quickly so that we can best provide for our troops. I would be remiss if I did not commend the Defense Appropriations Subcommittee staff members their

diligence, too. Senators STEVENS and INOUYE navigated difficult waters and came up with a good bill, and for that I am appreciative.

Mr. HARKIN. Mr. President, I am very pleased we were able to maintain continued strong funding for the Army Peer-Reviewed Breast Cancer Research Program, BCRP, and for a number of other medical research programs in this bill. The BCRP has made a real difference in supporting innovative, effective research to help the many women and men who get breast cancer in this country. Because of its success, other medical research programs have been added, and there is always interest in adding more. The chairman has expressed concern about the potential effect of these new requests on the Defense budget, and the committee report includes language requesting the Department to look at possible additional sources of funding. I look forward to working with the Department, the Institute of Medicine, and others to ensure that this review strengthens the medical research programs and does not undermine or bias them, and I look forward to working with the chairman to ensure continued strong funding for these important programs.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. MURRAY. Mr. President, on Friday, July 11, 2003, I was unavoidably absent from the Senate and missed three rollcall votes. Had I been present, I would have voted ''yes'' on rollcall vote Nos. 272, 273 and 274. I particularly want the record to indicate my support for the Legislative Branch and Military Construction appropriations measures.

PROTECTING THE NATION'S PASSENGER AVIATION SYSTEM

Mr. KENNEDY. Mr. President, last week I joined Massport CEO Craig Coy, Logan Airport's Federal Security Director George Naccara, and Congressman Stephen F. Lynch to mark a significant milestone in our efforts to better protect the Nation's passenger aviation system. The occasion was the announcement that the Transportation Security Administration and Massport had reached an agreement concerning Federal reimbursements for Massport's installation of a comprehensive explosive detection baggage screening system.

That the announcement was made at Logan Airport was fitting because since 9/11 Massport has been a leader among airport operators in strengthening aviation security. In fact, Logan was the only major airport in the country to have met the deadline mandated by Congress in the Aviation and Transportation Security Act by having its permanent baggage screening system up and running by December 31, 2002.

In order to accomplish this feat, Massport had to invest nearly $146 million of its own money before it was clear that the Federal Government would reimburse any of these costs. Additionally, meeting this deadline required the around-the-clock efforts of over 700 laborers who completed 2 years of construction in less than 6 months. Finally, this effort required Massport to work in close collaboration with the Transportation Security Administration, an agency headed by dedicated and talented professionals, but also one that, having just been created, was still working to define its mission and scope in the 9/11 environment.

While there are still many security enhancements to be completed at Logan—as there are at every major airport in the country—solid and consistent progress is being made under Massport's new CEO, Craig Coy, and his management team. Just as they have done with regard to the new baggage screening system, Massport's leadership, security officials, and professional staff continue to work to define complex security challenges and to meet those challenges. And I believe they are setting a very strong example for those public agencies across the country charged with the complicated and costly responsibilities of protecting key pieces of our Nation's transportation, energy transmission, and public health infrastructure.

The manner in which Massport is approaching these new challenges is outlined succinctly in an April 1 Boston Business Journal editorial by John A. Quelch, a Harvard Business School professor and the current chairman of the board of the Massachusetts Port Authority. The performance model Quelch describes is, I think, instructive for other public agencies—and some corporate boards—that are struggling to adopt a governance structure that encourages performance and works to eliminate obstacles to achievement.

I ask unanimous consent to print the text of Chairman Quelch's article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston Business Journal, Apr. 1, 2003]

BETTER GOVERNANCE IN PUBLIC AGENCIES?

(By John A. Quelch)

Corporate executives say they're concerned that new and improved governance requirements will prove onerous and irrelevant, dissuade talented people from serving as non-executive directors, and eat up valuable board time that could be spent better on discussing the health of the business.

To ease their minds, these executives need look no further than well-run public agencies, where tough governance practices enhance professionalism and can be a source of competitive advantage.

Take, for instance, the Massachusetts Port Authority. With $350 million in annual revenues, Massport runs Logan Airport and the Port of Boston. Massport is governed by a politically balanced board of six members plus a chairman, appointed for staggered seven-year terms of the Massachusetts Governor. Following the tragedy of 9/11, an independent commission called for reduced political patronage in Massport appointments. A professional CEO with corporate experience was appointed following a nationwide search. A new, politically independent, chairman was also appointed.

Massport has since become a model of public agency governance. Consider these practices from which many corporations could learn a thing or two:

Frequent Oversight. The Board meets ten times a year, typically for four hours. Meeting agendas follow a systematic pattern, varying with the annual planning and budgeting cycle. Five committees, each chaired by a board member and with its own charter, meet at least twice a year and report back to the Board. These committees cover audit, human resources and compensation, security, community affairs, and facilities and real estate.

Zero Compensation. Board members are not compensated. Yet, despite the workload, attendance is consistent and commitment is high. Members are attracted by a shared interest in transportation and economic development challenges, and by the opportunity to apply their professional expertise in the public interest.

Voting Transparency. The state public meeting law requires all Massport board and board committee meetings open to the public. Discussions of security issues, litigation and real estate and collective bargaining negotiations can be held in executive session if agreed to by a public roll call vote of board members. Any member can request a roll call vote if (s)he wishes to put each board member on the record.

Patronage Control. A sunshine policy adopted by Massport requires that requests for patronage appointments be reported to legal counsel. All job openings have to be posted internally and externally and requests for charitable contributions are all channeled through an employee committee which disburses an annual budget and reports to the board.

Conflicts of Interest. Each board member maintains a Register of Interests, recording his or her outside employment, directorships in public companies and any governmental appointments. State law requires disclosure and/or recusal where conflicts arise.

Audit Independence. Massport's auditors provide no other consulting services to the agency and the audit partner must be rotated every five years. An internal audit function reports directly to and is evaluated by the board.

Shared Leadership. The roles of the chairman and chief executive are, by board resolution, separated, as is common practice in European companies but not the USA. The CEO is selected and evaluated by the board. All decision-making authority of the CEO is delegated from the board. Senior management appointments, as well as substantial financial commitments, require board approvals.

Improved governance is essential to enhancing Massport's newfound political independence and managerial professionalism. These efforts are enhancing the pride and commitment of the pro bono bond members, and commanding the respect of bond rating agencies and other stakeholders.

Though public agencies are not required to do so, Massport is now in compliance with almost all relevant New York Stock Exchange corporate governance recommendations. In addition, Massport's CEO and CFO

are leading the way among public agencies by being the first in the nation to voluntarily sign off on the annual accounts according to the terms of the Sarbanes-Oxley Act.

If the corporate world is to regain public confidence, it might do the unthinkable and follow the lead of public agencies that good governance can enhance rather then hinder performance.

TRIBUTE TO BONJWING

Mr. BROWNBACK. Mr. President, I rise to recognize my staff member Bonjwing Lee on this 15th day of July, 2003.

It is with both regret and heartfelt joy that my staff and I see Bonjwing leave my office today. I as well as many of my staff member have had the blessing of knowing Bonjwing nearly the entire 7 years of my tenure thus far in the Senate. Hailing from Kansas City, MO, he first came to service in my office as a bright young college student at Northwestern University and in the subsequent years has become a friend and family member to the Brownback crew and me.

For the past year and a half, Bonjwing has worked with me as a legislative aide. Professionally, the ''Jwinger,'' as he is affectionately called by his colleagues, has demonstrated diligence, dedication, kindness, and humility in his work, and his outstanding service has been deeply appreciated. Beyond the office, I am honored to call Bonjwing a personal friend. Through talks we have shared and interactions, I have come to know Bonjwing as a remarkable young man with unique perspectives. I have learned a great deal from his cultural heritage, his religious faith, active endeavors, talents, and amazing experiences, and for this I thank him.

Although I lose a valued staff member today and will miss his presence and company, I heartily congratulate Bonjwing Lee on his many successes and prayerfully wish him well as he heads off to take on the rigors of legal study at the University of Michigan School of Law this fall and to an exciting future beyond. As he has taught me that the Chinese never say goodbye, instead parting company with a promise, ''we shall meet again,'' I remain optimistic that our paths will cross again and look forward to my next meeting with Bonjwing.

I wish to leave Bonjwing with a verse from the Book of Philippians, IV: 9

Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things.

HOSPICE AND HOME CARE IMPROVES QUALITY OF LIFE

● Mrs. BOXER. Mr. President, I rise today to tell you of two of my constituents from Merced, CA. I recently met with both of them and learned how the availability of home hospice and home health care in their homes improved their lives.

I had the opportunity to visit Carmel Flinders, a 93-year-old retired teacher with an engaging personality and a voracious appetite for reading books who lives at her home in Merced. On Christmas Eve, she was preparing for a large family gathering and unfortunately broke her hip and had to be rushed to Sacramento for surgery. Thanks to home health care paid for by Medicare, Carmel was able to return home and resume her life, supported by home health care workers and family members. She had the help of Rigo Mayoral, a caring physical therapist, who works for California Home Care and Hospice. She also benefitted from the assistance of Kim Holmes, a gifted nurse recently named Home Health Nurse of the year. It was inspiring to meet Carmel Flinders and the health care workers who have contributed to her strong recovery.

Americo Martignoni, and his wife, Eleanor, lived in the lovely home that they built more than 40 years ago. Americo was a retired farmer and veteran who was able to live at home with hospice care for the last 11 months. He was visited every week by Kerry Cheek, a licensed vocational nurse, and also assisted by Kaye Moyer, a certified home health aide. A lung cancer patient, with an indomitable spirit, Americo loved Eleanor's polenta and her legendary biscotti. These special people have a wonderful and supportive family of which they are so proud. Home hospice care, paid through Medicare, improved their lives while saving dollars. Mr. Martignoni died on July 7th at his home. He was a remarkable man and I extend my deepest condolences to his wife Eleanor and his family.

Medicare will soon celebrate its 38th birthday. It is gratifying to see this program at work, making a difference in the lives of my constituents. I saw the importance of this program through the eyes of two remarkable Americans, Carmel Flinders and Americo Martignoni.●

ADDITIONAL STATEMENTS

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

FREE TRADE AND WORKER PROTECTIONS

● Mr. KERRY. Mr. President, the Senate will soon consider implementing legislation for the Chile and Singapore Free Trade Agreements. These FTAs are comprehensive in nature and will serve well the interests of the United States and these two very important trading partners.

However, I am increasingly concerned with the notion that the Chile and Singapore FTAs should serve as models or templates for future trade negotiations. I feel strongly that future negotiations must reflect the particular concerns and uniqueness of each trading partner. This seems obvious, but those who follow trade negotiations have warned that the Bush administration may claim that the standards of the Chile and Singapore agreements are universally applicable. I hope those warnings are wrong because provisions that are acceptable given the circumstances in Chile and Singapore may not be acceptable in agreements with countries in very different situations.

International trade enhances economic opportunity and can serve to improve workers' rights. As such, future trade agreements must build upon the progress made to date by including comprehensive worker protections and strong enforcement provisions.

Over the past decade, the treatment of labor and environmental issues in trade agreements has evolved both in emphasis and enforcement. NAFTA represents an early stage in this evolution, addressing labor and environmental issues in the context of the agreement, albeit in side accords. The United States-Jordan Free Trade Agreement was the first FTA to include labor provisions in the actual text of the agreement and to subject those provisions to the same dispute settlement procedure as all other elements of the agreement.

Although the Chile and Singapore agreements should be the next step forward in this evolution towards strong and effectively enforced labor and environmental standards, they are in fact a step back. Unlike the United States-Jordan FTA, the only labor provision subject to dispute settlement is the requirement that each trading partner enforce its existing labor laws. Furthermore, there is no enforcement mechanism to ensure that Chile and Singapore will strive to uphold basic international labor rights.

As we pursue future trade agreements, we must encourage policies that avoid a downward spiral in working or environmental conditions. Trade agreements must be a catalyst to improve these standards. To achieve this end, American trade policy must be flexible: we must maintain a broad adherence to basic principles and at the same time address the unique characteristics of each trading partner.

Maintaining this flexibility is of utmost importance in our ongoing trade negotiations with six Central American countries. These countries provide an entirely different set of political and economic conditions than Chile, Singapore, and our other FTA partners. The administration must not ignore the fact that critical differences exist between the CAFTA countries and Chile and Singapore in labor and environmental areas. A fully enforceable obligation to adopt and enforce basic labor standards will improve the broader socioeconomic dynamics in Central

America. I have recently written to Ambassador Zoellick on this topic, along with Senators BAUCUS, BINGAMAN, and JEFFORDS. We expressed concern that the labor rights situation in a number of the Central American countries presents concerns of a significant degree different from those underlying the negotiations of the United States-Singapore and United States-Chile FTAs and urged that the CAFTA negotiations ought not be tied to previously negotiated agreements.

I will monitor progress of future trade negotiations closely and fully expect to see substantial progress in several areas. In particular, the inclusion of basic worker protections, as well as strong monitoring and enforcement provisions, are necessary to meet the challenges of an inclusive and progressive trade policy. ●

COMMENDING CHARLES E. ''CHUCK'' FRANK

● Mr. DURBIN. Mr. President, I wish to offer praise of Charles E. ''Chuck'' Frank of Chicago, IL, for his ongoing efforts to improve our environment. Mr. Frank's stance on environmental issues deserves particular commendation because in addition to being an active supporter of the environment, he is in the business of selling cars and trucks at one of the Chicago area's largest car dealerships, which was founded by his legendary father, ''Z'' Frank.

Mr. Frank's love for the outdoors started in the early years of his life when he spent hours camping, fishing, and pursuing other activities immersed in nature. His love and respect for the environment did not stop with childhood. Mr. Frank has made a personal and professional commitment to protect the environment that he so loved to ensure that future generations will be able to experience the same natural wonders that he was able to. This commitment led Mr. Frank to join the Sierra Club in 1975, and now he is a lifetime member and Vice President of the Sierra Club Foundation.

Mr. Frank has demonstrated his commitment to the environment he loves by working with the Sierra Club to secure a significant increase in the Corporate Average Fuel Economy standards. Offering a unique perspective from inside the automobile industry, he believes the current CAFE standards of 27.5 miles per gallon for cars and 20.7 miles per gallon for trucks are standards the fail to meet consumers' demands both for more cost-effective vehicles and solutions to the worsening problems of air pollution and global warming. He believes the technology in his industry can surpass the current standards, and believes that an increase to 40 miles per gallon for cars and 27.5 miles per gallon for trucks is entirely possible. Mr. Frank strongly advocates increasing the CAFE standards to these proposed levels to ensure stronger customer satisfaction and improved environmental conditions.

Mr. Frank has termed his business, ''The Country's #1 Conscientious Chevy Dealer,'' In Mr. Frank's case, this slogan goes beyond simple rhetoric and is absolutely true of his approach to his business. Mr. Frank believes so strongly in the need for an increase in the CAFE that he has pledged part of his business profits to the Sierra Club Clean Air Campaign. He is currently running advertisements in the Chicago area that detail the need for a raise in the CAFE standards and offer consumers an opportunity to have Mr. Frank's car dealership donate $200 to the Sierra Club for each car or truck sold. I commend Mr. Frank for demonstrating that issues that affect our Nation's public health and environment are just as important as the bottom line.

The tireless work that Chuck Frank has done as a champion of the environment and as a manager in the automobile industry should be an inspiration for us all to enact legislation to raise the CAFE standards. Mr. Frank's unique position demonstrates that business and environmental issues can go hand-in-hand. I thank Chuck Frank for his unwavering support for consumers of this country and the environment, and I am confident that his work will help move us toward the increase in CAFE standards that is so needed in this country.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

LAW ENFORCEMENT OFFICERS SAFETY ACT

● Mr. KERRY. Mr. President, I rise today to express my support for S. 253, the Law Enforcement Officers Safety Act. This groundbreaking legislation will enable law enforcement officers to protect themselves and our communities, wherever they are, whenever they are needed. This legislation authorizes off-duty and qualified retired officers to carry a firearm anywhere in the Nation to help ensure the safety and well-being of law abiding citizens. While I strongly support this goal, I hope that amendments on the Senator floor will add additional common sense restrictions to the bill.

Today, the authority of off-duty police officer to carry concealed weapons varies widely from State to State. This complex patchwork of Federal, State and local laws places an undue and unnecessary limitation on professionals sworn to defend the public interest. The Law Enforcement Officers Safety Act would allow active law enforcement officers to carry their weapons while traveling outside their own jurisdiction, anywhere in the country. However, the bill also preserves State laws that restrict the carrying of concealed weapons on private or government property.

Although we need to supplement the nationwide effort to increase security, it is critical that enactment of such legislation be limited to current licensed professionals. This new authority to carry concealed firearms should complement existing duty of police officers to protect their communities however, it must also provide clear channels of accountability.

I hope that the Senate will consider including the following common sense restrictions to improve this legislation for our officers and our citizens. First, we should limit this new authority to currently employed law enforcement officers. This will allow for reliable oversight by State and local authorities. We should also restrict the off-duty officer's firearm selection to handguns. This will reduce the potential for abuse and the unnecessary violence that high powered weapons may induce. We should also prevent off-duty officers from carrying weapons in places where alcohol is served. Clearly, guns and alcohol are a deadly combination, even in the hands of trained professionals.

Finally, even as we take comfort in the greater protection this legislation will provide, we must not lose sight of the fact that there is no substitute for a uniformed, on-duty police officer. The reluctance of the administration to provide adequate State fiscal relief has forced many police departments to downsize their police forces at a time when they have never been in greater demand. In addition, the inadequate funding of First Responders within the Homeland Security Department puts even greater strain on police departments and threatens our national security. Furthermore, the decision by Congress and this administration to deny level funding for the successful Community Oriented Policing program is a betrayal of the very communities that the Law Enforcement Officers Safety Act is designed to protect. Though there is much to be gained by supplementing community security with armed and trained citizens, there is also much to be lost by law enforcement entities are not fully funded.

I intend to support the Law Enforcement Officer's Safety Act. It is my hope that this is only the first step to giving those responsible for our protection the tools and resources that are necessary to uphold their oath.●

TRIBUTE TO ANNE MARIE PEDERSON

● Mr. BUNNING. Mr. President, I pay tribute to one of Kentucky's most benevolent humanitarians. Ann Marie Pederson, a graduate student at the University of Louisville, volunteers in the English-as-a-second-language, ESL, program through Kentucky Refugee Ministries. Through this program, Anne Marie works with refugees from over 25 different nationalities and ethnic groups throughout Kentucky.

Kentucky Refugee Ministries is a refugee resettlement office for the Episcopal Migration Ministries and Church World Service. The organization assists refugees legally admitted to the United States as victims of persecution for religious or political belief. Anne Marie

became involved with Kentucky Refugee Ministries after volunteering with a similar program in Jordan in 2000. Anne Marie, a rhetorician and composition graduate student at the University of Louisville, also obtained a master's degree in creative writing from George Mason University. Remarkably, English is her only language.

In one of her assignments, Anne Marie assisted a Bosnian family in accomplishing basic daily activities like shopping, driving, and setting up bank accounts. She also taught English conversation skills to two sisters from a Congolese refugee camp. Anne Marie is a mentor to refugee children from Kosovo, Mexico, and Jordan, serving as both a friend and a teacher.

Her generosity and kindness has improved the lives of refugees in countless ways. Her patience, instruction, and friendship is an example for us all. Anne Marie Pederson is an exemplar of charity and a tribute to Kentucky. I thank the Senator for allowing me to recognize Anne Marie Pederson and voice her praises. She is Kentucky at its best.●

IN REMEMBRANCE OF R. HUGH BRADY

● Mr. CRAIG. Mr. President, it is never easy to say good-bye to a long-time friend, and it is even tougher when a community has to mourn the loss of a true humanitarian. Last Thursday, one of the most charitable men I have ever had the pleasure of knowing passed away at the age of 74 after a courageous battle with cancer.

His name was Hugh Brady and for many children in Idaho, he was the man who made sure they had the necessary sporting equipment to participate in the games they loved. In 1954, Hugh was hired as a salesman for Idaho Sporting Goods in Boise and traveled all over a three-State area providing uniforms and equipment to schools that needed it, especially those in the more rural areas. He became sole owner of Idaho Sporting Goods in 1969 and over the years sponsored thousands of children and teams in all types of sports.

On August 6, Hugh will be inducted into Idaho High School Activities Association Hall of Fame for his kind-hearted efforts off the field and his immense support for any child who had a desire to play no matter their ability. He wanted so badly to attend the ceremony, but it was not meant to be. Instead it will be a time to celebrate his wonderful life and reflect upon how one man was able to touch so many lives for the better.

Hugh lived by a simple rule he picked up from a used car salesman many years ago, and it served him well: Be honest to your wife, your banker and your customers. He expected honesty from his employees and to this day Idaho Sporting Goods is one of the most trusted businesses in Idaho.

I would like to pass along my heartfelt condolences to Hugh's family. Cherle, his wife of 52 years, and their 11 children are regulars around the Boise sports scene. Whether in the stands or on the field, the Brady's prove great ambassadors for athletics. His 33 grandchildren and 11 great-grandchildren carry on their tradition today. We will miss you, Hugh, but we will never forget all you gave so that others could play.●

PEACHES FROM SOUTH CAROLINA FARMERS

● Mr. HOLLINGS. Mr. President, today, 10,000 fresh, juicy peaches from my home State have been delivered to offices throughout the Senate, House, and U.S. Capitol. I want to thank the South Carolina Farm Bureau Federation and the South Carolina Peach Council for giving my colleagues and their staffs this taste of South Carolina.

For a tiny State, South Carolina is second only to California in peach production. This year we expect to harvest 130 million pounds, and because of all the rain the peaches are plumper and juicier than they have ever been. So with all due respect to my colleagues from Georgia, South Carolina is known as the ''Tastier Peach State'' for good reason.

I hope as all of us enjoy these peaches, we think about the farmers who get up early every morning and labor all summer in the heat and humidity to bring us this. We are so fortunate to have in this country safe, plentiful, and affordable fresh fruit and vegetables and none of us should ever take that for granted.

Finally, I remind the rest of America to ask for South Carolina peaches at their groceries.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-SINGAPORE FREE TRADE AGREEMENT—PM 44

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States

I am pleased to transmit legislation and supporting documents to implement the United States-Singapore Free Trade Agreement (FTA). The Agreement will further open Singapore's markets and increase competition and consumer choice. This is America's first FTA with an Asian-Pacific nation, and we hope it will serve as a benchmark for future free trade agreements with other nations in the region. The Agreement will enhance prosperity in the United States and Singapore, serve the interest of expanding U.S. commerce, and advance our overall national interest.

My Administration is strongly committed to securing a level playing field for America's workers, farmers, and businesses. The Congress helped advance that policy by passing Trade Promotion Authority in the Trade Act of 2002 (the ''Trade Act''). The Congress can help us take another important step by approving this Agreement and the implementing legislation. Without this Agreement, U.S. workers and businesses could be placed at a competitive disadvantage, because Singapore has signed or is currently working on free trade agreements with Japan, Canada, Australia, Mexico, and India.

In negotiating this FTA, my Administration was guided by the negotiating objectives set out in the Trade Act. The Agreement locks in tariff-free access for all U.S. goods, including textile and agriculture products, and addresses other barriers to trade. It opens opportunities for our services businesses, which now account for nearly 65 percent of our gross domestic product and more than 80 percent of employment in the United States. Through this FTA, Singapore will grant substantial additional market access to U.S. firms across a broad spectrum of services, including banking, insurance, securities and related financial services, express delivery services, professional services, and telecommunications. The Agreement also incorporates commitments on regulatory transparency that will be of special help to services business.

This Agreement provides state-of-the-art intellecutural property protection, including significant commitments on trade in digital products. It ensures that electronic commerce will stay free of duties and discriminatory rules. In addition, Singapore will accede to international treaties dealing with copyright and access issues for the Internet.

United States citizens and businesses that invest in Singapore will have significant increased protections. This Agreement enhances transparency and openness in order to foster a more secure environment for trade and investment. Furthermore, Singapore will provide U.S. investors with important substantive protections that Singaporean investors already enjoy in the United States.

Singapore and the United States have also agreed to cooperate on the

environment and labor issues and to establish mechanisms to support those efforts. The FTA obligates each country to enforce its own labor and environmental laws and makes clear that domestic labor or environmental protections may not be reduced in order to encourage trade or investment. The Agreement also preserves our right to pursue other legitimate domestic objectives, including the protection of health and safety, consumer interests, and national security.

Trade and openness contribute to development, the rule of law, economic growth, and international cooperation. Singapore is a close partner of the United States, and this Agreement will strengthen those ties.

With the approval of this Agreement and passage of the implementing legislation by the Congress, we will advance U.S. economic, security, and political interests, while encouraging others to work with us to expand free trade around the world.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 15, 2003.*

LEGISLATION AND SUPPORTING DOCUMENTS TO IMPLEMENT THE UNITED STATES-CHILE FREE TRADE AGREEMENT—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Chile Free Trade Agreement (FTA). The Agreement will further open Chile's markets for U.S. manufactured goods, agricultural products, services, and investors. It will increase competition and consumer choice. The FTA will enhance prosperity in the United States and Chile, serve the interest of expanding U.S. commerce, and advance our overall national interest.

The U.S.-Chile FTA is the first United States free trade agreement with a South American country. We hope the FTA will add momentum to Chile's continued implementation of the free market economic policies that have made Chile a model for its Latin American neighbors. This Agreement will also encourage other countries in the Western Hemisphere to follow Chile's path, furthering our efforts to establish a Free Trade Area of the Americas.

My Administration is strongly committed to securing a level playing field for America's workers, farmers, and businesses. The Congress helped advance that policy by passing Trade Promotion Authority in the Trade Act of 2002 (the ''Trade Act''). The Congress can help us take another important step by approving this Agreement and the implementing legislation. United States workers and businesses are currently at a competitive disadvantage in the Chilean market. Chile is an associate member in Mercosur and has FTAs with many other countries, including Canada, Mexico, and the 15 members of the European Union. Securing an FTA with Chile will ensure that U.S. workers and businesses will receive treatment in the Chilean market that is as good as or better than their competitors.

In negotiating this FTA, my Administration was guided by the negotiating objectives set out in the Trade Act. More than 85 percent of trade in consumer and industrial goods between the United States and Chile will be free of duties immediately upon implementation, and most remaining tariffs on U.S. exports to Chile will be eliminated within 4 years after that. More than three-quarters of U.S. farm goods will enter Chile duty free within 4 years and all duties on such goods will be phased out over 12 years. At the same time, the Agreement includes measures to ensure that U.S. firms and farmers have an opportunity to adjust to imports from Chile.

This Agreement opens opportunities for our services businesses, which now account for nearly 65 percent of our gross domestic product and more than 80 percent of employment in the United States. Chile will grant substantial market access to U.S. firms across nearly the entire spectrum of services, including banking, insurance, securities and related financial services, express delivery services, professional services, and telecommunications.

This Agreement provides for state-of-the-art intellectual property protection and recognizes the importance of trade in the digital age by including significant commitments on trade in digital products. In addition, it ensures that electronic commerce will stay free of duties and discriminatory rules.

United States citizens and businesses that invest in Chile will have significant increased protections. This Agreement promotes rule of law and enhances transparency and openness in order to foster a more secure environment for trade and investment. Furthermore, Chile will provide U.S. investors with important substantive protections that Chilean investors already enjoy in the United States.

The United States and Chile have also agreed to cooperate on environment and labor issues and to establish mechanisms to support those efforts. A number of important cooperative projects that will promote environmental protection are identified for future work. The FTA encourages the adoption of high labor and environmental standards, obligates each country to enforce its own labor and environmental laws, and makes clear that domestic labor and environmental protections may not be reduced in order to encourage trade or investment. The Agreement also preserves our right to pursue other legitimate domestic objectives, including the protection of health and safety, consumer interests, and national security.

Trade and openness contribute to development, the rule of law, economic growth, and international cooperation. Chile is a close partner of the United States, and this Agreement will strengthen those ties.

With the approval of this Agreement and passage of the implementing legislation by the Congress, we will advance U.S. economic and political interests, while encouraging others to work with us to expand free trade around the world.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 15, 2003.*

MESSAGES FROM THE HOUSE

At 2:17 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, without amendment:

S. 709. An act to award a congressional gold medal to Prime Minister Tony Blair.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2330. An act 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.

H.R. 2673. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

The message further announced that the House had agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 215. A concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 1) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafetaria plans and flexible spending arrangements, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

For consideration of the House bill and the Senate amendments, and modifications committed to conference: Mr. TAUZIN, Mr. THOMAS, Mr. BILIRAKIS, Mrs. JOHNSON of Connecticut, Mr.

DELAY, Mr. DINGELL, Mr. RANGEL, and Mr. BERRY.

ENROLLED BILL SIGNED

At 7:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 709. An act to award a congressional gold medal to Prime Minister Tony Blair.

MEASURE REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 215. Concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–181. A joint resolution adopted by the Assembly of the State of Nevada relative to trade between the Republic of China on Taiwan and the United States; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 4

Whereas, it is our belief that it is the responsibility of the United States to promote the values of freedom, democracy, and a commitment to open markets and the free exchange of both goods and ideas both at home and abroad; and

Whereas, the Republic of China on Taiwan shares these values with the United States and has struggled throughout the past 50 years to create what is today an open and thriving democracy; and

Whereas, the United States must continue to support the growth of democracy and ongoing market opening in Taiwan if this relationship is to evolve and reflect the changing nature of the global system in the 21st Century; and

Whereas, despite the fact that Taiwan only recently became a member of the World Trade Organization and that it has no formal trade agreement with the United States, Taiwan has nevertheless emerged as the United States' eighth largest trading partner; and

Whereas, American businesses and workers have benefited greatly from this dynamic trade relationship, most recently in the computer and electronics sector; and

Whereas, Taiwan is a gateway to other Pacific Rim markets for United States exports, helping to preserve peace and stability within the entire region; and

Whereas, United States agricultural products have been particularly underrepresented in the list of United States exports to the region despite the importance of the market for growers of corn, wheat and soybeans: and

Whereas, a free trade agreement would not only help Taiwan's economy dramatically expand its already growing entrepreneurial class, but it would also serve an important political function; and

Whereas, the United States needs to support partner countries that are lowering trade barriers; and

Whereas, Taiwan has emerged over the past two decades as one of the United States' most important allies in Asia and throughout the world; and

Whereas, in the interest of supporting, preserving and protecting the democratic fabric of the government of the Republic of China on Taiwan, it is made clear that the United States supports the withdrawal of missiles deployed as a threat against Taiwan by the People's Republic of China; and

Whereas, Taiwan has forged an open, market-based economy and a thriving democracy based on free elections and the freedom of dissent; and

Whereas, it is in the interest of the United States to encourage the development of both these institutions; and

Whereas, the United States has an obligation to its allies and to its own citizens to encourage economic growth, market opening, and the destruction of trade barriers as a means of raising living standards across the board; and

Whereas, a free trade agreement with Taiwan would be a positive step toward accomplishing all of these goals; and

Whereas, the United States should also support the entry of Taiwan into the World Health Organization, the United Nations and other relevant international organizations: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the members of the Nevada Legislature hereby urge President George W. Bush and Congress to support a free trade agreement between the United States and Taiwan; and be it further

Resolved, That United States policy should include the pursuit of some initiative in the World Trade Organization that will give Taiwan meaningful participation in a manner that is consistent with the organization's requirements; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the United States Secretary of State, the Secretary of Health, Education, and Welfare, the Speaker of the United States House of Representatives, the Vice President of the United States as presiding officer of the Senate, the Government of Taiwan, the World Trade Organization and the members of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–82. A resolution from the Senate of the Commonwealth of Pennsylvania relative to the Combat Medical Badge; to the Committee on Armed Services.

RESOLUTION

Whereas, the United States Army has denied the Combat Medical Badge to personnel of the 91 MOS who were assigned to duty aboard helicopter ambulances (DUSTOFF); and

Whereas, from 1962 through 1973, 496,573 missions were flown by DUSTOFF and more than 900,000 casualties were safely evacuated; and

Whereas, DUSTOFF missions are more hazardous than other rotary-wing operations as proven by the aircraft loss rate versus insertion and extraction missions; and

Whereas, the bravery and the medical skills of the aeromedic functioning in the heat of hard combat has often meant the difference between survival and death; and

Whereas, aeromedical personnel are able to triage and provide necessary emergency medical treatment en route to a definitive care facility, and many medics leave the helicopter to load multiple casualties, often under the intense enemy fire unarmed medevacs attract; and

Whereas, selective expansion of the Combat Medical Badge award occurred in the Persian Gulf War when the United States Army Chief of Staff authorized if for medics assigned to armor and ground cavalry units; and

Whereas, the conduct of the Persian Gulf War was characterized by armor and ground cavalry operations, while airmobile operations dominated the Vietnam War from logistics to combat to medevac; Therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize 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; and be it further

Resolved, That no inference of any diminution of the prestige of this award be assigned to the lawful and realistic expansion of eligibility; and be it further

Resolved, That initial presentations of the Combat Medical Badge be received by survivors of aeromedical personnel whose names appear on the Vietnam Veterans Memorial Wall; and be it further

Resolved, That copies of this resolution be transmitted to the President, presiding officers of each house of Congress and to each member of Congress from Pennsylvania

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POM–183. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to funding for the American Red Cross Armed Forces Emergency Services; to the Committee on armed Services.

SENATE RESOLUTION NO. 71

Whereas, for over a century, the American Red Cross has served as a link between the people of the United States and their Armed Forces; and

Whereas, under its Congressional Charter of 1905, the American Red Cross is entrusted to deliver emergency messages to members of the Armed Forces and their families; and

Whereas, Military commanders around the world rely on the Red Cross Armed Forces Emergency Services (AFES) to verify the need to approve leave for military personnel, and to provide financial support to enable them to return home when necessary; and

Whereas, in order to meet the Department of Defense requirements for emergency leave verification, Red Cross AFES is on call every hour of everyday and night for 13 million service members and their families; and

Whereas, the Red Cross AFES program maintains a global emergency communications network supported by 392 employees and 28,000 volunteers located in 961 chapters across the nation, on 108 military installations around the world, and at two AFES Centers located at Fort Sill, Oklahoma, and Falls Church, Virginia; and

Whereas, Michigan's 26 Red Cross chapters and its work on three installations provided emergency communications assistance to 6,238 military personnel and their families in fiscal Year 2002. Since last July, the American Red Cross in Michigan has seen a 43% increase in the number of military cases served over last year; and

Whereas, Operation Enduring Freedom, the war on terrorism, and the Iraq conflict have place increased demands on this vital program. The Red Cross and Congress can no longer rely on charitable contributions from the American public to support this required service, especially during the current economic downturn: Now, therefore, be it

Resolved by the Senate, That we memorialize Congress to include funding for the American Red Cross Armed Forces Emergency Services in the National Defense Authorization Act and the Department of Defense Appropriations Act for fiscal year 2004 to help fund costs associated with AFES

emergency communications and staff mobilization and deployment. We also support the inclusion of AFES funding in the Department of Defense budget request starting in fiscal year 2005; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–184. A concurrent resolution adopted by the Senate of the Legislature of the State of Hawaii relative to military bases; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 176

Whereas, beginning in 1988, the Pentagon began to downsize its military base structure with a series of base closures; and

Whereas, Congress accelerated the process by mandating scheduled base realignment and closures (BRAC) over the last decade and a half; and

Whereas, U.S. military bases establish a substantial economic and societal epicenter within the communities in which the bases are located; and

Whereas, the economies of a community, city, and even state become severely dependent upon the commerce and vitality created by the military personnel and their activities in the area; and

Whereas, all across the country, BRACs create a sudden economic vacuum that adversely impacts on the lives of the residents remaining after a military base has closed and its personnel have moved away; and

Whereas, one of the most immediate effects of a military base closure is the loss of jobs as businesses attempt to cope with the sudden decrease in commercial activity; and

Whereas, over the long-term, communities must deal with the extraordinary costs relating to the upkeep and redevelopment of the unoccupied military facilities and surrounding areas; and

Whereas, Hawaii has first-hand experience with the complexities and issues resulting from a military base closure with the closure of Barbers Point Naval Air Station in 1999; and

Whereas, Hawaii continues to struggle with the burdensome economic impacts and redevelopment problems of that closure; and

Whereas, in addition to the short-term economic loss that the State experiences when a base closes, long-term losses from such an exodus includes the loss of access to ''dual use technology''; and

Whereas, dual use technology is a term used for formerly high tech military equipment and applications that have been recently declassified for use by the general public for commercial purposes; and

Whereas, Hawaii companies benefit from their proximity to military bases and are able to convert dual use technology to economic gain due to this proximity; and

Whereas, during this time of heightened international tensions, the increased likelihood of attack by terrorists and rogue countries, and the fragile nature of Hawaii's economy further military base closures in the State of Hawaii would reduce the security of the State and the nation; and

Whereas, Hawaii is an island state that is heavily dependent upon air and sea industries; and

Whereas, tourism and federal expenditure are the top two sources of income to Hawaii, with tourism accounting for approximately $11 billion and federal expenditures accounting for $9.1 billion annually; and

Whereas, tourism has suffered greatly since September 11, 2001, and the current wars in the Middle East are causing further declines in visitor travel; and

Whereas, the impacts on the airline and visitor industries will be staggering and require years of recovery for the State's economy; and

Whereas, closure of military bases and the subsequent departure of the military when tourism is floundering would be catastrophic to Hawaii's economy; and

Whereas, the potential impact of base closures in Hawaii is so significant that a special commission should be established to address the issue to prevent base closures in Hawaii when possible: Now, therefore, be it

Resolved, By the Senate of the Twenty-Second Legislative of the State of Hawaii, Regular Session of 2003, the House of Representatives concurring, that the U.S. Congress is urged to discontinue closures of U.S. military bases in the State of Hawaii; and be it further

Resolved, That a Base Realignment and Closing Committee be established to work with federal, state, and military leaders to preserve local military bases and to position Hawaii to inherit work from other bases that are closed; and be it further

Resolved, That the Base Realignment and Closing Committee be comprised of at least the following members:

(1) Two members appointed by the Senate President:

(2) Two members appointed by the Speaker of the House of Representatives; and

(3) Two members appointed by the Governor; and be it further

Resolved, That additional members be appointed to the Base Realignment and Closing Committee as appropriate, from the public and private sectors and the military; and

Resolved, That the Base Realignment and Closing Committee report to the Legislative at least twenty days prior to the convening of the 2004 Regular Session regarding its work to preserve local bases; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the U.S. Senate, Speaker of the U.S. House of Representatives, Hawaii's congressional delegation, and the Governor of the State of Hawaii.

POM—185. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to military bases; to the Committee on Armed Services.

SENATE RESOLUTION NO. 124

Whereas, beginning in 1988, the Pentagon began to downsize its military base structure with a series of base closures; and

Whereas, Congress accelerated the process by mandating scheduled base realignment and closures (BRAC) over the last decade and a half; and

Whereas, U.S. military bases establish a substantial economic and societal epicenter within the communities in which the bases are located; and

Whereas, the economies of a community, city, and even state become severely dependent upon the commerce and vitality created by the military personnel and their activities in the area; and

Whereas, all across the country, BRACs create a sudden economic vacuum that adversely impacts on the lives of the residents remaining after a military base has closed and its personnel have moved away; and

Whereas, one of the most immediate effects of a military base closure is the loss of jobs as businesses attempt to cope with the sudden decrease in commercial activity; and

Whereas, over the long-term, communities must deal with the extraordinary costs relating to the upkeep and redevelopment of the unoccupied military facilities and surrounding areas; and

Whereas, Hawaii has first-hand experience with the complexities and issues resulting from a military base closure with the closure of Barbers Point Naval Air Station in 1999; and

Whereas, Hawaii continues to struggle with the burdensome economic impacts and redevelopment problems of that closure; and

Whereas, in addition to the short-term economic loss that the State experiences when a base closes, long-term losses from such an exodus includes the loss of access to ''dual use technology''; and

Whereas, dual use technology is a term used for formerly high tech military equipment and applications that have been recently declassified for use by the general public for commercial purposes; and

Whereas, Hawaii companies benefit from their proximity to military bases and are able to convert dual use technology to economic gain due to this proximity; and

Whereas, during this time of heightened international tensions, the increased likelihood of attack by terrorists and rogue countries, and the fragile nature of Hawaii's economy, further military base closures in the State of Hawaii would reduce the security of the State and the nation; and

Whereas, Hawaii is an island state that is heavily dependent upon air and sea industries; and

Whereas, tourism and federal expenditures are the top two sources of income to Hawaii, with tourism accounting for approximately $11 billion and federal expenditures accounting for $9.1 billion annually; and

Whereas, tourism has suffered greatly since September 11, 2001, and the current wars in the Middle East are causing further declines in visitor travel; and

Whereas, the impacts on the airline and visitor industries will be staggering and require years of recovery for the State's economy; and

Whereas, closure of military bases and the subsequent departure of the military when tourism is floundering would be catastrophic to Hawaii's economy; and

Whereas, the potential impact of base closure in Hawaii is so significant that a special commission should be established to address the issue to prevent base closures in Hawaii when possible: Now, therefore be it

Resolved, By the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, that the U.S. Congress is urged to discontinue closures of U.S. military bases in the State of Hawaii; and be it further

Resolved, That a Base Realignment and Closing Committee be established to work with federal, state, and military leaders to preserve local military bases and to position Hawaii to inherit work from other bases that are closed; and be it further

Resolved, That the Base Realignment and Closing Committee be comprised of at least the following members:

(1) Two members appointed by the Senate President;

(2) Two members appointed by the Speaker of the House of Representatives; and

(3) Two members appointed by the Governor; and be it further

Resolved, That additional members be appointed to the Base Realignment and Closing Committee as appropriate, from the public and private sectors and the military; and be it further

Resolved, That the Base Realignment and Closing Committee report to the Legislature at least twenty days prior to the convening of the 2004 Regular Session regarding its work to preserve local bases; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the

U.S. Senate, Speaker of the U.S. House of Representatives, Hawaii's congressional delegation, and the Governor of the State of Hawaii.

POM–186. A joint resolution adopted by the House of the Legislature of the State of Utah relative to a national missile defense system; to the Committee on Armed Services.

HOUSE JOINT RESOLUTION 15

Whereas, the 1972 Anti Ballistic Missile (ABM) Treaty was signed with a nation that no longer exists;

Whereas, an increasing number of nations—including North Korea—either currently possess the capability to launch missile attacks against the United States or are working to obtain that capability;

Whereas, due in part to advances in technology, the possibility that a missile bearing a weapon of mass destruction will be used against United States forces or interests is higher today than it was during most of the Cold War;

Whereas, terrorist groups, not just states, may have the means to buy intercontinental ballistic missiles;

Whereas, the nation still has no defense against missile attack;

Whereas, the Cold War policy of ''mutual assured destruction'' assumed in arms control treaties is not sufficient to deter terrorist missile attacks; and

Whereas, defending against a missile attack is the government's moral obligation: Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges the state's congressional delegation to support and vote for all efforts to build and deploy a national missile defense system as rapidly as possible; be it further

Resolved, The a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM–187. A resolution adopted by the House of the Assembly of the Commonwealth of Pennsylvania relative to the Combat Medical Badge; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 172

Whereas, the United States Army has denied the Combat Medical Badge to personnel of the 91 MOS who were assigned to duty aboard helicopter ambulances (DUSTOFF); and

Whereas, from 1962 through 1973, 496,573 missions were flown by DUSTOFF and more than 900,000 casualties were safely evacuated; and

Whereas, DUSTOFF missions are more hazardous than other rotary-wing operations as proven by the aircraft loss rate versus insertion and extraction missions; and

Whereas, the bravery and the medical skills of the aeromedic functioning in the heat of hard combat has often meant the difference between survival and death; and

Whereas, aeromedical personnel are able to triage and provide necessary emergency medical treatment en route to a definitive care facility, and many medics leave the helicopter to load multiple casualties, often under the intense enemy fire unarmed medevacs attract; and

Whereas, selective expansion of the Combat Medical Badge award occurred in the Persian Gulf War when the United States Army Chief of Staff authorized it for medics assigned to armor and ground cavalry units; and

Whereas, the conduct of the Persian Gulf War was characterized by armor and ground cavalry operations, while airmobile operations dominated the Vietnam War from logistics to combat to medevac; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize 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; and be it further

Resolved, That no inference of any diminution of the prestige of this award be assigned to the lawful and realistic expansion of eligibility; and be it further

Resolved, That initial presentations of the Combat Medical Badge be received by survivors of aeromedical personnel whose names appear on the Vietnam Veterans Memorial Wall; and be it further

Resolved, That copies of this resolution be transmitted to the President, presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–188. A resolution from the House of Representatives of the Assembly of the Commonwealth of Pennsylvania relative to the Commonwealth's support for President Bush's actions against Saddam Hussein; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 115

Whereas, the United States Armed Forces, a total force comprised of active, National Guard and Reserve personnel, are now undertaking courageous and determined operations against the forces of Saddam Hussein's Regime; and

Whereas, the dictatorship of Iraq has continued to develop weapons of mass destruction in violation of United Nations Security Council Resolution 1441; and

Whereas, the dictator of Iraq, Saddam Hussein, has demonstrated a willingness to use weapons of mass destruction against neighboring nations and the citizens of Iraq; and

Whereas, Saddam Hussein threatens the Middle East and the global economy with the threat to use weapons of mass * * * Operation Iraqi Freedom, who are providing support and prayers for the loved ones currently engaged in military operations in Iraq; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the members of the President's cabinet, the Chairman of the Joint Chiefs of Staff and to the members of the Pennsylvania congressional delegation.

POM–189. A resolution adopted by the Livingston Parish Council of the State of Louisiana relative to support for President of the United States and the U.S. Armed Forces; to the Committee on Armed Services.

POM–190. A concurrent resolution adopted by the Senate of the Legislature of the State of New Hampshire relative to the Northeast multispecies fishing industry; to the Committee on Commerce, Science, and Transportation.

CONCURRENT RESOLUTION NO. 2

Whereas, the New England fishing industry, including New Hampshire fishermen, have worked tirelessly over the last decade to rebuild the fishing stocks off New England and have increased their community effort to work towards better conservation practices and sustainability; and

Whereas, the new federal fishing restrictions imposed by the National Marine Fisheries Service have severely curtailed fishing opportunities available to New Hampshire fishermen and may well put these small commercial fishermen in financial jeopardy in the present and in the future; and

Whereas, the methodology for estimating fish populations, which became the basis for these new federal fishing restrictions, might be based on faulty science due to the fact that the federal government's research vessel used uncalibrated scientific fishing equipment for more than 2 years, possibly painting a more dire picture of fish stocks than might exist; and

Whereas, a recent federal court ruling required the Secretary of Commerce to publish an interim rule to be in compliance with the overfishing, rebuilding, and by catch provisions of the Sustainable Fisheries Act; and

Whereas, the proposed interim rule proposed additional restrictions to include a freeze on days at sea at the highest annual level used from fishing years 1996 to 2000 and a 20 percent cut from that level; and

Whereas, the use of days at sea from the fishing years 1996 to 2000 as a vessel's new ''baseline'' fails to take into account a number of factors, including participation in formerly ''exempted fisheries,'' creates inequitable results and thereby unfairly penalizes fisherman who were encouraged to enter these ''exempt fisheries''; and

Whereas, the head of stock assessment for the National Marine Fisheries Service has stated faulty gear on a trawler used to collect data about groundfish stocks may have led to inaccurate findings and New Hampshire fishermen have suspected the federal fisheries stock assessments were seriously flawed; and

Whereas, New England fishermen, including New Hampshire fishermen, have readily complied with voluntary conservation measures only to be penalized by this ''good faith'' compliance; and

Whereas, the goals to allow the regeneration of groundfish stocks in the waters off the New England coast while protecting those individuals and their significant investments who bring that resource to the public are not mutually exclusive; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the United States Senate and House of Representatives seek legislation requiring the Secretary of Commerce not to implement any new federal restrictions on the New England multispecies fishery until the following conditions have been met, and not before May 1, 2006:

I. all regulations now and in the future must be adjusted based on fairness and equity, and social and economic needs of communities in accordance with the national standards;

II. all collection and analysis of scientific information must be sound and supply the best methods and technology available;

III. All National Oceanic and Atmospheric Administration trawl survey vessels should be independently reviewed for stock status reference points, definitions for all stocks should be implemented, the incorporation of state-of-the-art survey devices should be made on these research vessels, and a independent review made of trawl survey protocol; and

That the Secretary of Commerce be allowed to relax federal regulations on an emergency basis as appropriate to address issues of fairness and equity within the Interim Final Rule; and

That greater federal funding be made for cooperative research within the fishing industry and the scientific community; and

That copies of this resolution be forwarded by the senate clerk to the governor, the executive director of the fish and game department, the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of Commerce, the administrator of the National Oceanic

and Atmospheric Administration, and the members of the New Hampshire congressional delegation.

POM–191. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to regulating spam, unsolicited commercial email; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 93

Whereas, an increasing problem to individuals and businesses using email is the growing volume of unsolicited bulk commercial email messages. What started as an annoyance has become a major problem for many, with estimates of several billion unsolicited bulk messages sent every week. The cost of this mail, both in lost worker time and adding computer equipment to process or block the spam, is an increasing burden for those receiving spam, while the costs of senders are negligible; and

Whereas, along with the problems created by the accelerating volume of spam, other components of this issue include the number of deceptive and offensive messages and the use of this technology to operate a variety of scams; and

Whereas, many states, including Michigan, have discussed ways to cope with the onslaught of unsolicited bulk commercial messages. Congress has also faced this issue. Numerous approaches have been mentioned. These range from requiring truthfulness in return addresses to efforts to increase vigilance against fraud to the creation of ''do-not-spam'' lists. While the appropriate form of federal response may take one of these or other strategies, it is increasingly clear that federal action is essential and holds far more promise of dealing with the problem effectively than state actions alone; Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to regulate spam, unsolicited bulk commercial email; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–102. A resolution adopted by the Senate of the General Court of the Commonwealth of Massachusetts relative to the development of a national geologic repository; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, the Nuclear Waste Policy Act of 1982 established a program requiring the United States Department of Energy to begin accepting and disposing of spent nuclear fuel and waste from all commercial power plants no later than January 31, 1998; and

Whereas, the act required ratepayers, through their electric bills, to fund this program by paying a fee into the Federal Nuclear Waste Fund, a fund into which the ratepayers of the commonwealth have already paid nearly $500,000,000; and

Whereas, the United States Government has failed to meet its obligation to remove spent nuclear fuel from the commonwealth on a priority basis to a centralized federal site, especially the spent fuel stranded at the single-unit decommissioning reactor site in the town of Rowe; and

Whereas, spent nuclear fuel can be stored safely at reactor sites but there are compelling national interests that require completing the siting process necessary to consolidate commercial and defense spent fuel and waste into 1 secure federal repository location; and

Whereas, the President of the United States has recently recommended, after decades of study and the expenditure of billions of ratepayer dollars, that the Yucca Mountain site in the state of Nevada is scientifically sound and suitable for development as the nation's long term geological repository for nuclear waste; and

Whereas, the Department of Energy's alternative plan, if the Yucca Mountain site is not approved for development by the United States Congress, is to end all work at Yucca Mountain and store the spent nuclear fuel at reactor sites for the next 100 to 10,000 years; therefore be it

Resolved, That the Massachusetts General Court calls upon the United States Senate and House of Representatives to adopt a joint resolution in its current session approving Yucca Mountain for development as the nation's permanent geologic repository; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this commonwealth.

POM—193. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to migration to Hawaii from freely associated states; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 36

Whereas, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau (collectively, Freely Associated States), formerly part of the Trust Territory of the Pacific Islands under the United Nations Charter, entered into an agreement with the government of the United States known as the Compact of Free Association (Compact); and

Whereas, the Compact was entered into with these nations in part to terminate the trusteeship, recognize their independence, provide them with critical economic development aid, and allow their people to immigrate freely to the United States; and

Whereas, under the Compact, the United States provides direct economic assistance, federal services, and military protection to these nations, in exchange for defense rights; and

Whereas, the Compact, codified as Title II of Public Law 99–239, was established in 1986 between the United States and the Republic of the Marshall Islands and the Federated States of Micronesia, and in 1994 with the Republic of Palau, codified as Title II of Public Law 99–658; and

Whereas, section 104(e)(1) of Title I, Public Law 99–239, regarding the interpretation of and United States policy regarding the Compact, states that in approving the Compact, ''it is not the intent of the Congress to cause any adverse consequences for ... the State of Hawaii''; and

Whereas, section 104(e)(4) of Title I, Public Law 99–239, provides that ''if any adverse consequences to ... the State of Hawaii result from implementation of the Compact of Free Association, the Congress will act sympathetically and expeditiously to redress those adverse consequences''; and

Whereas, section 104(e)(5) of Title I, Public Law 99–239, appropriated funds beginning after September 30, 1985, to cover the costs, if any, incurred by Hawaii ''resulting from any increased demands placed on educational and social services by immigrants from the Marshall Islands and the Federated States of Micronesia''; and

Whereas, section 104(e)(2) of Title I, Public Law 99–239, requires the President of the United States to report annually to the Congress on the impact of the Compact on the State of Hawaii, identifying any adverse consequences resulting from the Compact and making recommendations for corrective action, focusing on such areas as trade, taxation, immigration, labor, and environmental regulations; and

Whereas, section 104(e)(3) of Title I, Public Law 99–239, further provides that in preparing these reports to Congress, the President shall request the views of the government of the State of Hawaii and transmit the full text of those views to Congress as part of those reports; and

Whereas, the interpretation of and United States policy regarding the Compact as set forth in section 104 of Title I, Public Law 99–239, with respect to the Federated States of Micronesia and the Republic of the Marshall Islands, also applies to the Republic of Palau, pursuant to section 102(a) of Title I, Public Law 99–658, thereby making the State of Hawaii eligible for additional funds resulting from increased demands placed on the educational and social services of the State of Hawaii by immigrants from the Freely Associated States; and

Whereas, payments from the United States to the Republic of Marshall Islands and the Federated States of Micronesia under the Compact of Free Association will end on October 1, 2003, and Compact re-negotiation talks have been continuing; and

Whereas, instead of mitigating the incentive for Freely Associated states citizens to migrate by improving the overall quality of life in the Freely Associated States through increased economic aid, the United States has proposed giving additional funds to regions affected by ''Compact impacts,'' while creating ''various mechanisms'' to ensure that migrants from Freely Associated States are eligible for admission; and

Whereas, although the renegotiated Compacts with the Republic of the Marshall Islands and the Federated States of Micronesia will most likely continue to provide islanders with visa-free entry to the United States, the United States Congress should review the migration issue and increase the amount of aid available for the Compact's educational and social impact on Hawaii; and

Whereas, many residents of the Freely Associated States are attracted to the State of Hawaii due to the State's increased employment and educational opportunities, as well as similar Pacific Island culture and lifestyle; and

Whereas, drawn by the promise of better medical care and a better education for their children, over six thousand Freely Associated State citizens have migrated to and are currently residing in Hawaii; and

Whereas, Freely Associated States citizens that enter the United States may have contagious diseases, criminal records, or chronic health problems—conditions that are normally grounds for inadmissibility into the United States; and

Whereas, the 1996 federal Welfare Reform Act cut off access to federal welfare and medical assistance programs, forcing citizens of the Freely Associated States residing in Hawaii to rely on state aid; and

Whereas, the cost of supporting Freely Associated States citizens residing in Hawaii, largely in healthcare and education, totaled more than $101,000,000 between 1998 and 2002; and

Whereas, Freely Associated States students have higher costs than other students due to poor language and other skills, and because such students enter and leave school a few times each year, their integration into the school system has been difficult; and

Whereas, since the Compact went into effect in 1986 until 2001, Hawaii has spend over $64,000,000 to educate Freely Associated

States citizens and their children in public schools, $10,000,000 in 2000 alone; and

Whereas, last year, the number of Freely Associated States students in primary and secondary public schools in Hawaii increased by twenty-eight per cent, resulting in costs to the State of over $13,000,000 for school year 2001–2002, and ringing the total cost for education, since 1988, to about $78,000,000; and

Whereas, during the academic school year 2001–2002, the University of Hawaii lost over $1,200,000 in tuition revenue systemwide, as a result of students from the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau paying resident rather than non-resident tuition; and

Whereas, inadequate and delayed federal compensation to Hawaii's education system results in a cost to Hawaii's own children and contributes to Hawaii being substantially below many other states in per pupil expenditures for public school children in kindergarten through twelve; and

Whereas, state medical assistance payments for Freely Associated States citizens from 1998 to 2002 totaled $14,961,427, and financial assistance payments during the same period totaled $13,378,692, with costs borne solely by the State of Hawaii; and

Whereas, the financial stability and viability of private hospitals and medical providers is threatened by staggering debts and write-offs for medical services provided to Freely Associated States citizens residing in Hawaii, in spite of state Medicaid reimbursements; and

Whereas, between 1998 and 2002, $10.1 million in operating losses attributable to healthcare for Freely Associated States citizens residing in Hawaii were incurred at three Honolulu hospitals (the Queen's Medical Center, Straub Clinic and Hospital, and Kapiolani Medical Center for Women and Children), and these types of losses were also incurred at the twenty other hospitals in the State; and

Whereas, community health centers estimate an annual cost of $420,000 for services to Freely Associated States citizens residing in Hawaii; and

Whereas, the Department of Health has also been significantly impacted by the cost of public health services to Freely Associated States citizens residing in Hawaii, with $967,000 spent on screening vaccination and treatment of communicable diseases and $190,000 spent for immunization and outreach by public health nurses; and

Whereas, inadequate and delayed federal compensation threaten to overwhelm Hawaii's health care systems, leading to potential cutbacks in services and personnel that would impact all of Hawaii's citizens; and

Whereas, it is imperative that Hawaii be granted immediate and substantial federal assistance to meet these mounting costs; and

Whereas, the fact that Micronesians should qualify for federal benefits, while residing in Hawaii and the rest of the United States, can best be summed up by the resolution which was adopted September 9, 2001, in Washington, D.C., by Grassroots Organizing for Welfare Leadership, supporting the insertion of language in all federal welfare, food, and housing legislation, because Micronesians are eligible for these and other benefits as ''qualified non-immigrants'' residing in the United States; and

Whereas, the United States government is now owning up to its responsibility for what the United States did to the Micronesian people by refusing them food stamps and other federal benefits when they come to Hawaii and the rest of the United States seeking help; and

Whereas, the excuse by the United States government to deny any aid to the Micronesians in the United States is the word ''non-immigrant'' used in the Compact of Free Association to describe Micronesians who move to Hawaii and the United States; and

Whereas, Micronesians have also developed high rates of diabetes, high blood pressure, and obesity as a result of American dietary colonialism; and

Whereas, it is the intent of this Resolution to encourage the responsible entities to implement the provisions of the Compact of Freely Associated States, which authorizes compact impact funds to be made available to states that welcome and provide services to the people of the Federated States of Micronesia, Republic of the Marshall Islands, and Republic of Palau, because most of the Freely Associated States citizens who migrate to Hawaii do so for medical problems related to the United States' military testing of nuclear bombs; now, therefore,

Resolved, By the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, that the Bush Administration and the United States Congress are requested to appropriate adequate financial impact assistance for health, education, and other social services for Hawaii's Freely Associated States citizens; and

Resolved, That the Bush Administration and the United States Congress are requested to insert language in all federal welfare, food, and housing legislation which says that Micronesians are eligible for federal food stamps, welfare, public housing, and other federal benefits as ''qualified non-immigrants'' residing in the United States; and

Resolved, That the Bush Administration and the United States Congress are requested to restore Freely Associated States citizens' eligibility for federal public benefits, such as Medicaid, Medicare, and food stamps; and

Resolved, That Hawaii's congressional delegation is requested to introduce legislation in the United States Congress calling for further review of the migration issue and for increased aid for the educational and social impact of the Compact of Free Association, and any newly renegotiated Compact, on the State of Hawaii; and

Resolved, That Hawaii's congressional delegates are requested to assure financial reimbursements, through the establishment of a trust, escrow, or set-aside account, to the State of Hawaii for educational, medical, and social services and to Hawaii's private medical providers who have provided services to Freely Associated States citizens; and

Resolved, That certified copies of this Resolution be transmitted to the President of the United States; U.S. Secretary of State; President of the U.S. Senate; Speaker of the U.S. House of Representatives; members of Hawaii's congressional delegation; the Presidents of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, and their respective Honolulu Offices; the national negotiating teams of the Compact of Free Association; the Governor; State Attorney General; Directors of Health and Human Services; President of the University of Hawaii; Superintendent of Education; Chair of the Board of Agriculture; Grassroots Organizing for Welfare Leadership; Micronesians United; the United Church of Christ; Hawaii Conference of Churches; and the United Methodist Church of Honolulu.

POM–194. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the Interstate Traveler Project; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 89

Whereas, the Interstate Traveler Project is an elevated maglev (magnetic levitation) rail mass transit system that is based upon a conduit cluster concept powered by hydrogen and solar power. The project promises to provide travelers with a clean, quiet, safe, reliable mode of transportation. The intent of the project is to create the world's first switchable maglev rail network that will provide interurban/intercity pedestrian, automobile, and light freight transit services. The project will simultaneously produce, store, and distribute hydrogen, which will not only serve as an alternative energy source, but also give Michigan's automakers the incentive to produce hydrogen internal combustion engines, fuel cell cars, and the manufacturing opportunity to build maglev rail cars; and

Whereas, by fully integrating with the interstate highway system, existing transportation infrastructure, and mass transit systems, the Interstate Traveler Project seeks to reduce traffic congestion and air pollution while improving traffic safety and efficiency. The Interstate Traveler Project substations will utilize the existing interstate highway system's entrances and exits, providing a seamless link of private automobiles, pedestrian traffic, existing municipal bus routes, and taxi services. These substations will also support the hydrogen distribution system, as well as fiber optics, water, electricity, and other utilities. Although the Interstate Traveler Project is ideally suited for the interstate highway system, it may also be integrated with existing and abandoned railroad right-of-ways or along other appropriate lands; and

Whereas, the Interstate Traveler Project is consistent with the 2003 State of the Union address, which called on Congress to appropriate $1.2 billion for hydrogen fuel cell technology; now, therefore, be it

Resolved by the Senate, That we memorialize Congress to enact legislation to support research, development, and construction of the Interstate Traveler Project through the reauthorization of the Transportation Equity Act of the 21st Century (TEA–21) and/or other related federal programs; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–195. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to custom inspectors in Michigan; to the Committee on Finance.

HOUSE RESOLUTION NO. 281

Whereas, The events of September 11, 2001, have shattered the illusion that past practices are adequate when it comes to security issues. One of the most important elements of security for our state is the need for stronger and more thorough measures at Michigan's international points of entry. While some people have long called for increased resources at border crossings, there is little disputing the significance of this now; and

Whereas, Because of its unique and mutually beneficial relationship with Ontario, Michigan includes some of the busiest crossing points along the entire United States-Canada border. In addition to the number of people who cross the border each year, the amount of equipment and goods here far surpasses the traffic in other regions. The importance of free trade to both our countries is reflected in the volume of material that comes into Michigan each day; and

Whereas, Although there may eventually be other ways to heighten security at border crossings with new technologies and other

strategies, the most effective, immediate, and practical approach to take is to increase significantly the number of customs agents working at entry points. No single step offers a greater return than putting more trained and dedicated customs agents at our international border crossings. In addition to the added measure of security from better inspections and examinations of people and goods entering the country, the increased staffing would also bring benefits by reducing delays as much as is practical; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to increase the number of customs inspectors at Michigan's international border crossings; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–196. A joint resolution adopted by the Assembly of the State of Nevada relative to the U.S. Social Security Act; to the Committee on Finance.

JOINT RESOLUTION 3

Whereas, In 1977, Congress amended the Social Security Act to provide that pensions earned in federal, state or local government employment not covered by social security be treated as if they were social security benefits, specifically requiring that if a person receives such a government pension, the social security benefits payable to that person as a spouse or surviving spouse be reduced by the amount of the government pension, which provision is commonly known as the Government Pension Offset; and

Whereas, Congress further amended the Social Security Act in 1983, reducing the amount of the Government Pension Offset to an amount equal to two-thirds of the amount of the government pension, but simultaneously enacting what is commonly known as the Windfall Elimination Provision, which requires reductions in the primary social security benefit earned by a person in employment covered by social security if the person also receives a pension from a federal, state or local government not covered by social security; and

Whereas, Government employees in 15 states, including Nevada, earn pension benefits that are not covered by social security; and

Whereas, The reductions in benefits effected by these provisions can be significant, the Windfall Elimination Provisions reducing the earned benefits of a person subject to it by up to 60 percent and the Government Pension Offset eliminating spousal benefits in their entirety for 9 out of every 10 retired government workers to whom it applies; and

Whereas, The retirement security and economic well-being of over 300,000 government retirees is degraded by the Government Pension Offset, some of whose benefits are also subject to reduction pursuant to the Windfall Elimination Provision; and

Whereas, Each provision has had unintentional consequences, the Windfall Elimination Provision causing a relatively larger reduction in benefits paid to workers with low incomes, while the Government Pension Offset applies disproportionately to women, often dropping their income in retirement below the poverty line, with the ironic effect of making them eligible for more costly welfare benefits, such as food stamps; and

Whereas, Growing awareness of the inequities imposed by the Windfall Elimination Provision and the Government Pension Offset threatens efforts to attract and retain persons into public service in the affected states, particularly into teaching, a field which is notoriously underpaid, whose ranks are disproportionately filled with women and for which there is a critical shortage; and

Whereas, There is pending before the 108th Session of Congress the Social Security Fairness Act of 2003. H.R. 594 and S. 349, which would repeal both the Government Pension Offset and the Windfall Elimination Provision; and

Whereas, The repeal of these provisions would restore fairness and equity to the most vulnerable federal, state and local government retirees and eliminate disincentives for public service in the affected states; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada. Jointly. That the members of the Nevada Legislature hereby urge Congress to amend the Social Security Act by repealing the provisions, commonly known as the Government Pension Offset and the Windfall Elimination Provision, that require reductions in the amount of social security benefits paid to persons who also receive pensions earned in federal, state or local government employment not covered by social security; and be it further.

Resolved. That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM—197. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to Medicare; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 133

To memorialize the Congress of the United States to enact legislation to correct the flawed Medicare hospital outpatient prospective payment system methodology in order to ensure that all hospitals are appropriately reimbursed for drugs and biologics as well as to ensure beneficiary access to innovative biotechnology drugs.

Whereas, the federal Medicare program for seniors and the disabled has a responsibility to pay enough for beneficial new technologies in order to ensure that beneficiaries have access to the best care; and

Whereas, the Medicare program should be a prudent purchaser of health care items and services, however, decision making should be made according to what is in the best interests of the individual patient, not reimbursement amounts; and

Whereas, the 2003 Medicare Hospital Outpatient Prospective Payment System regulation implemented on January 1, 2003, by the Centers for Medicare and Medicaid Services includes drastic reductions in reimbursements for innovative and biotech drugs covered by Medicare; and

Whereas, the imposed reductions in reimbursements imposed by Centers for Medicare and Medicaid Services may have resulted in limiting beneficiary access to innovative but expensive care; and

Whereas, fair, stable and rational reimbursements, devoid of perverse financial incentives to use cheaper treatments, will ensure patient access to new technologies; and

Whereas, our senior citizens and the disabled deserve access to the best medicine America has to offer. Therefore, be it *Resolved* that the Legislature of Louisiana memorializes the Congress of the United States to enact legislation to correct the flawed Medicare hospital outpatient prospective payment system methodology in order to ensure that all hospitals are appropriately reimbursed for drugs and biologics and to ensure beneficiary access to innovative biotechnology medicines. Be it further, *Resolved* that a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana Delegation to the United States Congress.

POM–198. A joint resolution adopted by the Legislature of the State of Maine relative to the social security offsets of the government pension offset and the windfall elimination provision; to the Committee on Finance.

JOINT RESOLUTION

Whereas, under current federal law, individuals who receive a Social Security benefit and a public retirement benefit derived from employment not covered under Social Security are subject to a reduction in the Social Security benefits; and

Whereas, these laws, contained in the federal Social Security Act, 42 United States Code, Chapter 7, Subchapter II, Federal Old-Age, Survivors, and Disability Insurance Benefits, and known as the Government Pension Offset and the Windfall Elimination Provision, greatly affect public employees, particularly women; and

Whereas, the Windfall Elimination Provision reduces by a formula the Social Security benefit of a person who is also receiving a pension from a public employer that does not participate in Social Security; and

Whereas, the Government Pension Offset and the Windfall Elimination Provision are particularly burdensome on the finances of lower- and moderate-income public service workers, such as school teachers, clerical workers and school cafeteria employees, whose wages are low to start; and

Whereas, the Government Pension Offset and the Windfall Elimination Provision both unfairly reduce benefits for those public employees and their spouses whose careers cross the line between the private and public sectors; and

Whereas, since many lower-paying public service jobs are held by women, both the Government Pension Offset and the Windfall Elimination Provision have a disproportionately adverse effect on women; and

Whereas, in some cases, additional support in the form of income, housing, heating, prescription drug and other safety net assistance from state and local governments is needed to make up for the reductions imposed at the federal level; and

Whereas, other participants in Social Security do not have their benefits reduced in this manner; and

Whereas, to participate or not to participate in Social Security in public sector employment is a decision of employers, even though both the Government Pension Offset and the Windfall Elimination Provision directly punish employees and their spouses; and

Whereas, although the Government Pension Offset was enacted in 1977 and the Windfall Elimination Provision was enacted in 1983, many of the benefits in dispute were paid into Social Security prior to that time; and

Whereas, bills are present in Congress in both the House of Representatives and the Senate, known as ''The Social Security Fairness Acts,'' that would amend the Social Security Act, 42 United states Code, Chapter 7, Subchapter II and totally repeal both the Government Pension Offset and the Windfall Elimination Provision; now, therefore, be it

Resolved, That We, your Memorialists, request that the President of the United States and the United states Congress work together to support reform proposals that include the following protections for low- and moderate-income government retirees:

1. Protections permitting retention of a combined public pension and Social Security benefit with no applied reductions;

2. Protections permanently ensuring that level of benefits by indexing it to inflation; and

3. Protections ensuring that no current recipient's benefit is reduced by the reform legislation; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United states; the President of the United States Senate; the Speaker of the House of Representatives of the United states; and each Member of the Maine Congressional Delegation.

POM–199. A joint resolution adopted by the Assembly of the State of Nevada relative to compensation for losses of revenue for public education; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION NO. 5

Whereas, For many years, the State of Nevada, along with the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Oregon, Utah, Washington and Wyoming, have grappled with the challenge of providing the best education for their residents; and

Whereas, The State of Nevada and the other western states face unique challenges in achieving this goal; and

Whereas, From 1979 to 1998, the expenditures per pupil increased approximately 28 percent in the western states, 34 percent in the State of Nevada and 57 percent in the remaining states in the Nation; and

Whereas, In the 2000–2001 school year, the pupil-teacher ratio in public schools was approximately 18 to 1 in the western states, 19 to 1 in the State of Nevada and 15 to 1 in the remaining states in the Nation; and

Whereas, The difficulty experienced by Nevada and the other western states in providing quality education to their residents is exacerbated by projections that enrollment in public schools from 2002 to 2011 is expected to increase by approximately 7 percent in Nevada and the other western states and decrease by approximately 3 percent in the remaining states in the Nation; and

Whereas, The ability of the State of Nevada and other western states to fund public education is further hindered by and directly related to the fact that the Federal Government holds large percentages of the land located in those states; and

Whereas, While states fund public education largely with revenue earned from the assessment of state and local property taxes, states cannot assess such property taxes on land in the state held by the Federal Government; and

Whereas, The State of Nevada and the other western states face greater burdens than the remaining states in the Nation in raising revenue from state and local property taxes to fund public education as the Federal Government holds approximately 52 percent of the land located in the western states, 87 percent of the land located in the State of Nevada and only 4 percent of the land located in the remaining states; and

Whereas, According to the Action Plan for Public Lands and Education (APPLE) developed by the APPLE Steering Committee established by Speaker Marty Stephens of the Utah House of Representatives, the estimated annual loss of revenue from the inability of a state to assess property taxes for public education on land in the state held by the Federal Government is approximately $4 billion in the western states and approximately $116 million in the State of Nevada; and

Whereas, The ability of the State of Nevada and other western states to fund public education is also limited by the fact that the Federal Government shares with states only a portion of the royalty revenues that the Federal Government receives from the natural resources on land in the state held by the Federal Government; and

Whereas, The amount of such royalties received by states for public education is further reduced because land held by the Federal Government is less likely to be developed and federal laws often place stipulations on the use of royalty payments made to states; and

Whereas, According to the Action Plan for Public Lands and Education (APPLE), the estimated annual loss of revenue as a result of federal policies concerning royalty payments is approximately $1.8 billion in the western states and approximately $6 million in the State of Nevada; and

Whereas, The Federal Government should compensate the State of Nevada and other western states for the significant impact of lands in those states held by the Federal Government; and

Whereas, Just compensation provided by the Federal Government to the State of Nevada and the other western states will allow those states to be on equal footing with the rest of the Nation in their efforts to provide education for their residents; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the members of the Nevada Legislature urge Congress to appropriate just compensation to the State of Nevada for the losses of revenue for public education from the impact of land held by the Federal Government within the boundaries of the State of Nevada; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage.

POM–200. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the United States Food and Drug Administration's policies on pharmaceutical sales and pharmaceutical companies; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 105

Whereas, the rules and regulations that the Federal Drug Administration imposes on pharmaceutical companies affect the cost of pharmaceutical research and the cost of retesting drugs; and

Whereas, although they comprise only a small part of the total health care cost, drug prices are rising rapidly; and

Whereas, major pharmaceutical companies are merging thereby creating less drug choices for citizens to choose from; and

Whereas, there is an extremely high cost of bringing a drug to the market. Now, therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to study the impact that the United States Food and Drug Administration's policies, rules, and regulations may have on pharmaceutical companies and the development of new pharmaceuticals. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–201. A joint resolution adopted by the Legislature of the State of Maine relative to the No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

Whereas, on January 8, 2002, President Bush signed into law the No Child Left Behind Act of 2001, referred to in this resolution as ''the Act,'' which applies to all states that accept federal Title I education dollars; and

Whereas, the State of Maine receives federal Title I dollars and is therefore subject to the Act's requirements;

Whereas, the Act mandates that every public school in Maine must make adequate yearly progress toward the goal of 100% student proficiency in math, reading and language arts and science by school year 2013–2014; and

Whereas, the Act requires that an entire school be identified as failing to make adequate yearly progress in any school year when the school as a whole or any one of the following subgroups within that school fails to make such progress: students with learning disabilities and students with limited English proficiency; and

Whereas, it may be extremely difficult for the subgroup of students with disabilities to make adequate yearly progress in each of the measured areas each year, since those students are identified as belonging in that subgroup because of significant educational challenges, well above and beyond the normal challenges encountered by nondisabled students, that adversely affect their capacities to achieve proficiency in the measured areas; and

Whereas, it will be extremely difficult for the subgroup of students with limited English proficiency to meet the adequate yearly progress standard in the area of reading and language arts since those students are required to be tested in English after only 3 years in the public school system, which will rarely be a sufficient time for such students to become proficient in English; and

Whereas, failure by either the disabilities subgroup or the limited English proficiency subgroup in any given year to meet any one of the State's proficiency expectations or that year will result in identification of the school as a whole as failing to make adequate yearly progress; and

Whereas, the Act imposes a series of escalating consequences and financial costs on local schools and school units that fail to make adequate yearly progress for 2 or more years in a row, including offering intradistrict school choice and transportation; supplemental services, including private tutoring for eligible students; and the possibility of wholesale dismissal of teachers, paraprofessionals and administrators who are considered ''relevant'' to the school's failure to make adequate yearly progress; and

Whereas, the Act requires the State of Maine and local school units to develop additional new testing in grades 3, 5, and 7, which will further limit the time that teachers and students are able to spend on achieving Maine's system of learning results; and

Whereas, the Act also requires that all Maine public school teachers who teach in core academic subjects meet federal ''highly qualified'' standards by the end of the 2005–2006 school year, with teachers new to the profession all having to pass a rigorous state test in the areas they will be teaching; and

Whereas, the Act also requires that all paraprofessionals and educational technicians working in programs funded by Title I must meet certification standards that are often higher than those that currently apply in Maine; and

Whereas, the Act imposes significant costs on local school units, teachers, and paraprofessionals for the funding of staff development, certification upgrades, course work, choice-related transportation and private tutoring, as well as the unavoidable costs and dislocation that would arise in the event of mandatory school restructuring and staff dismissals; and

Whereas, the State of Maine has had high standards of learning in its system of learning results since 1995, long before enactment of the Act, including a comprehensive statewide assessment of student achievement through the Maine Educational Assessment and including a new system of local assessment to go into effect by the end of the 2003–2004 school year; and

Whereas, the State of Maine for many years has been one of the highest-ranked states in the nation in school achievement, ranking first in the nation in 1999 in the performance of its kindergarten to grade 12 system, ranking first in the nation in 1999 as the best state in which to raise a child, ranking first in the nation in 2001 in the state high school completion rate and regularly ranking among the top states in the nation in student academic performance on national testing in 4th and 8th grades; and

Whereas, the State of Maine has obtained its strong educational achievements through the efforts of its students, teachers and schools and its own system of learning results prior to enactment of the No Child Left Behind Act of 2001; and

Whereas, enactment of the Act resulted in only a $4,600,000 increase in Title I funding for the State of Maine in 2002 over and above the 2001 level that applied before the new Act's mandates; and

Whereas, the congressional appropriation for Title I costs was $3.15 billion short of the congressional authorization in 2002 and $4.32 billion short in 2003 and a projected $6.15 billion short in 2004, for a total shortfall of $13.2 billion over the 3-year period; now, therefore, be it

Resolved, That We, your Memorialists, on behalf of the people of the State and on behalf of the State's outstanding system of public elementary and secondary school education, respectfully urge and request that the President of the United States and the Congress of the United States accommodate Maine's special circumstances by issuing a waiver of the requirements under the No Child Left Behind Act of 2001 for the State's public schools; and be it further

Resolved, That in the event that no such waiver is forthcoming, the United States Congress should appropriate full funding of the Act at the authorization levels called for by the Act itself; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and each Member of the Maine Congressional Delegation.

POM–202. A joint resolution adopted by the Legislature of the State of Maine relative to funding for AmeriCorps; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

Whereas, AmeriCorps is the domestic version of the internationally respected Peace Corps. It consists of 70,000 volunteers who serve either full-time or less than full-time in local schools and nonprofit agencies. AmeriCorps members perform volunteer service that meets a community need and recruit citizens to work alongside them; and

Whereas, over 1,500 Maine people have served full-time and part-time in Maine communities through the federally funded AmeriCorps program during the past 9 years; and

Whereas, during 2003, nearly 200 AmeriCorps volunteers are scheduled to serve in Maine communities to help local nonprofit, educational and municipal organizations address critical health, environmental, educational, housing, public safety and homeland security issues; and

Whereas, Maine AmeriCorps members are catalysts, building stronger communities by engaging, on average, 32 local citizens per AmeriCorps member in volunteer service that solves local problems and meets critical local needs. In 2003, AmeriCorps members can be expected to meet or exceed their 2002 success of 9,000 citizens recruited and placed in service to communities; and

Whereas, in just the last 4 years, AmeriCorps service has qualified Maine citizens for over $2,100,000 in federal financial aid for higher education or payment of student loans; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the Congress of the United States recognize the valuable role AmeriCorps plays in Maine communities. We request that AmeriCorps be funded as needed in these times of budget cutting across the Nation in the fiscal year 2003 supplemental budget so that Maine communities are able to receive help from AmeriCorps volunteers and meet the critical needs of our citizens; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM–203. A joint resolution adopted by the Legislature of the State of Maine relative to calculating rates in the Woods Wage Survey, establishing heavy equipment operational rates, and removing barriers to the health and safety of persons harvesting forest products; to the Committee on Health, Education, Labor, and Pensions.

JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States as follows:

Whereas, the United States Department of Labor H–2 Bonded Labor Program is still used to employ loggers by timber harvesting companies that operate in the forests of Maine; and

Whereas, a 1999 United States Department of Labor-sponsored study of the H–2 program and the Maine logging industry recommended a number of changes in the H–2 program; and

Whereas, piece and equipment rates established annually for the H–2 program essentially represent piece and equipment rates not only for Canadian bonds but also United States loggers who work in Maine timber harvesting operations; and

Whereas, the timber harvesting segment of the Maine forest products industry is characterized by greater use of mechanized equipment to harvest the trees in the Maine woods and the rates of operational reimbursement for that equipment have not changed in 30 years; and

Whereas, the 1999 bonded labor study found that ''changes to the annual Woods Wage Survey and the establishment of heavy equipment reimbursement rates will make the H–2 program more efficient in ensuring its goals''; and

Whereas, the varying and conflicting definitions of, criteria for and application of independent contractor status by federal agencies also represent a significant challenge to the forest products industry and other industries; and

Whereas, these varying and conflicting definitions and applications of independent contractor status make it difficult for members of the forest products industry and other industries to efficiently operate their businesses in compliance with these laws, which are intended to define and characterize the employer-employee relationship; and

Whereas, some of these varying and conflicting definitions and applications of independent contractor status, particularly Section 530 of the federal Revenue Act of 1978, as amended, encourage and enable some industry members to use these laws to gain a competitive advantage over those industry members struggling to obey both the letter and the spirit of these laws; and

Whereas, these varying and conflicting definitions and applications of independent contractor status have made it difficult, if not impossible, for federal agencies to successfully prosecute individuals and businesses who willfully violate the letter and spirit of these laws; now, therefore, be it

Resolved, That We, your Memorialists, for the continued viability of the timber harvesting industry in Maine, respectfully recommend, urge and request the Members of the Maine Congressional Delegation to:

1. Submit and support legislation requiring the United States Department of Labor to establish reimbursement rates for heavy equipment operation under the H–2 program;

2. Urge the United States Department of Labor to conduct a thorough examination of the current methodology for calculating the various rates reflected in the annual Woods Wage Survey for the H–2 program, particularly the methodology for calculating hourly wage rates, and specifically urge the department to examine the methodology for its Woods Wage Survey for accuracy, rigor and types of workers included in the survey's universe;

3. Submit and support legislation to clarify and make more consistent the definitions, applications and criteria for independent contractors in federal law; and

4. Review Section 530 of the federal Revenue Act of 1978, as amended, with the Internal Revenue Service to ensure that is current application does not represent a barrier to the health and safety of those who work in the forest products industry and that, if warranted, the delegation submit and support legislation that will clarify the application of Section 530 of the federal Revenue Act of 1978, as amended; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Secretary of the United States Department of Labor, to the Commissioner of the United States Internal Revenue Service and to each Member of the Maine Congressional Delegation.

POM–204. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to bovine tuberculosis; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 87

Whereas, Bovine tuberculosis is an infectious disease that poses a significant risk to domestic livestock, wildlife, companion animals, and humans throughout the world; and

Whereas, Bovine tuberculosis has many severe impacts beyond the disease itself. It increases costs, limits markets for livestock producers nationally and internationally, depresses interest in the state's hunting and tourism industries, and requires state resources for its eradication. These factors have impacted the families of northeastern Lower Michigan significantly; and

Whereas, Since the discovery of bovine tuberculosis in wild white-tailed deer in Michigan in 1995, and in cattle in 1998, the state of Michigan, in a partnership with Michigan State University, the livestock industry, the hunting and outdoors community, and local and federal officials, has worked diligently to control, contain, and eradicate the disease; and

Whereas, Through an aggressive testing plan for livestock and wildlife, Michigan is able to demonstrate to other states and the world that this disease is not present throughout the entire state of Michigan and that the tremendous efforts undertaken with both livestock and wildlife are moving the state toward eradication; and

Whereas, Federal assistance on technical, financial, and staff levels has been critical to Michigan's efforts to eradicate bovine tuberculosis; and

Whereas, With many other current and emerging plant and animal diseases, resources are challenged at both the federal and state levels to address these diseases adequately; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to continue providing assistance to Michigan to help eradicate bovine tuberculosis; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United States Department of Agriculture.

POM–205. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to Federal Prison Industries' unfair advantages in business competition; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 103

WHEREAS, in 1934, Federal Prison Industries (FPI) was created as a government corporation. This system operates more than 100 factories, utilizes more than 20,000 inmate workers, and compiles total sales of approximately $500 million annually from over 150 products; and

WHEREAS, While the role that FPI plays in promoting the development of marketable skills among inmates has clear merits, this operation enjoys unfair advantages over private sector manufacturers. Even beyond the obvious wages and benefits advantages inmate workers offer, other factors favor FPI. This is especially true through certain governmental procurement policies, including a ''mandatory source'' requirement that severely limits competition; and

WHEREAS, Michigan is harmed significantly by the advantages FPI has over private manufacturers, especially within the furniture industry. Thousands of Michigan workers have lost their jobs in recent years, and the favorable policies for FPI are major contributing factors in these job losses; and

WHEREAS, In the past, legislation has been considered in Congress to address directly the issue of the preferential treatment afforded FPI in bidding for government contracts. This unfair situation needs to be corrected to preserve jobs and to restore fairness in the marketplace; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation that would remove the unfair advantages that Federal Prison Industries has in competition for business; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Office of the President of the United States.

POM–206. A joint resolution adopted by the Senate of the Legislature of the State of Colorado relative to the Aurora Veterans' Memorial; to the Committee on Veterans' Affairs.

SENATE JOINT RESOLUTION 03–029

Whereas, In 1918, the Army established the Army General Hospital No. 21 to serve World War I veterans, which hospital was later renamed Fitzsimons Army Medical Center to honor 1st Lieutenant William T. Fitzsimons, the first Army officer killed in World War I; and

Whereas, On October 7, 2002, the Aurora City Council approved a memorial concept to pay tribute to the many living and fallen military veterans from the city of Aurora; and

Whereas, The Aurora Veterans' Memorial at Fitzsimons—''National Debt'' monument will be located in Generals' Park, on the Fitzsimons campus; and

Whereas, Artist and veteran Gene Martin will bring his vision to reality with a stunning sculpture entitled ''National Debt'' depicting a hand reaching down from above, spilling over with dog tags; and

Whereas, The approximately fifty readable dog tags in the sculpture, as well as four of the five black granite base panels, will be engraved with the names and other information of military veterans whose home of record was Aurora and who died as a result of combat action, in the line of duty, during the time since the Spanish-American war; and

Whereas, The proposed sculpture, from bronze and stainless steel with a black granite base, will be surrounded by a fifty-eight foot pentagon-shaped ring of approximately nine thousand commemorative paver and donor bricks located on the ground and vertically on the inside of the inner pentagon-shaped sandstone wall which will incorporate five massive cornerstones, each with a six foot bench; and

Whereas, Three flagpoles will be displayed. Six foot by ten foot American and POW/MIA flags will fly on the center fifty-foot pole, and six foot by ten foot Colorado state and City of Aurora flags will each fly on shorter forty-five foot flagpoles located to the north and south of the center pole. All three flagpoles will face east and will be brilliantly lit at night along with the ''National Debt'' sculpture; and

Whereas, The Aurora Veterans' Memorial at Fitzsimons—''National Debt'' monument will permanently honor the spirit and sacrifice of Aurora veterans and their commitment to the defense of our nation and serve as a reminder that we owe a debt of gratitude to our veterans; and

Whereas, A special documentary will be produced explaining the entire history and concept of the memorial, further honoring the fallen heroes who sacrificed their lives; and

Whereas, The Aurora Veterans' Memorial at Fitzsimons—''National Debt'' monument will also inspire future generations, deepening their appreciation of the accomplishments, dedication, and sacrifices of veterans in creating the foundation for a more stable, peaceful, and prosperous world, and will further serve as a reminder of what can be accomplished when people unite in pursuit of a just cause; and

Whereas, Governor Bill Owens has expressed his support for the establishment of the Aurora Veterans' Memorial at Fitzsimons—''National Debt'' monument as evidenced by his letter dated March 17, 2003; now, therefore, be it

Resolved by the Senate of the Sixty-fourth General Assembly of the State of Colorado, the House of Representatives concurring herein: That we, the members of the Sixty-fourth General Assembly of the State of Colorado, recognize and pay tribute to the veterans, living and fallen, of Aurora and of all of Colorado, and we support the efforts of the Aurora Veterans' Affairs Commission in erecting the Aurora Veterans' Memorial at Fitzsimons—''National Debt'' monument. Be it further

Resolved, That copies of this Joint Resolution be sent to President George W. Bush; Vice President Richard Cheney; Secretary of State Colin Powell; Secretary of Defense Donald Rumsfeld; Secretary of Veterans Affairs Anthony Principi; Colorado's congressional delegation; Aurora Mayor Paul Tauer; the Aurora City Council; the Aurora Veterans Affairs Commission; and Jerry L. Staples, Director, Aurora Veterans' Memorial at Fitzsimons—''National Debt'' monument.

POM–207. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to benefits for Filipino veterans of World War II; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 70

Whereas, on February 11, 2003, Representative Neil Abercrombie, along with other members, introduced H.R. 664 in the United States House of Representatives, which bill was then referred to the Committee on Veterans' Affairs; and

Whereas, H.R. 664 proposes to amend title 38 of the United States Code, to improve benefits for Filipino veterans of World War II and for the surviving spouses of those veterans; and

Whereas, H.R. 664 would mandate the Secretary of Veterans Affairs to provide hospital and nursing home care and medical services for service-connected disabilities for any Filipino World War II veteran who resides in the United States and is a United States citizen or lawful permanent resident alien; and

Whereas, H.R. 664 would further increase the rate of payment of dependency and indemnity compensation of surviving spouses of certain Filipino veterans; and

Whereas, H.R. 664 would also increase the rate of payment of compensation benefits and burial benefits to certain Filipino veterans designated in title 38 United States Code section 107(b) and referred to as New Philippine Scouts; now, therefore, be it

Resolved by the Senate of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, That the United States Congress is respectfully urged to support the passage of H.R. 664, to improve benefits for Filipino veterans of World War II and the surviving spouses of those veterans; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Hawaii's congressional delegation, and the Secretary of Veterans Affairs.

POM–208. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to improving benefits for Filipino veterans of World War II; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 69

Whereas, on January 7, 2003, Senator Daniel K. Inouye introduced S. 68 in the United States Senate, which bill was read twice and then referred to the Committee on Veterans' Affairs; and

Whereas, S. 68 proposes to amend title 38 of the United States Code, to improve benefits for Filipino veterans of World War II and for the surviving spouses of those veterans; and

Whereas, S. 68 would increase the rate of payment of compensation benefits to certain Filipino veterans, designated in title 38 United States Code section 107(b) and referred to as New Philippine Scouts, who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further increase the rate of payment of dependency and indemnity compensation of surviving spouses of certain Filipino veterans; and

Whereas, S. 68 would further make eligible for full disability pensions certain Filipino veterans who reside in the United States and are United States citizens or lawful permanent resident aliens; and

Whereas, S. 68 would further mandate the Secretary of Veterans Affairs to provide hospital and nursing home care and medical services for service-connected disabilities for any Filipino World War II veteran who resides in the United States and is a United States citizen or lawful permanent resident alien; and

Whereas, S. 68 would further require the Secretary of Veterans' Affairs to furnish care and services to all Filipino World War II veterans for service-connected disabilities and nonservice-connected disabilities residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic; now, therefore, be it

Resolved by the Senate of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2003, That the United States Congress is respectfully urged to support the passage of S. 68 to improve benefits for certain Filipino veterans of World War II; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Hawaii congressional delegation, and the Secretary of Veterans Affairs.

POM–209. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 8

Whereas, one of the prime missions of the Department of Veterans Affairs is to nurture the health of those who have served their country and who qualify for medical care; and

Whereas, Congress has authorized an increase in the medication copayment from $2 to $7 and applied it to each month's supply rather than each prescription refill, pursuant to the Veterans Millennium Health Care and Benefits Act of 1999; and

Whereas, this change results in a $21 copayment for a 3 months' supply of even minor medications such as aspirin or antacid; and

Whereas, while the Department of Veterans Affairs gains financially, the effect of such changes discourage veterans from seeking help and is contrary to the Department's mission: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring: That the general court of New Hampshire hereby urges that the Congress of the United States make the necessary changes concerning the copayment of $7 per prescription, rather than each prescription refill, and return to the $2 copayment pursuant to the Veterans Millennium Health Care and Benefits Act of 1999; and

That copies of this resolution signed by the speaker of the house of representatives and the president of the senate be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Department of Veterans Affairs, and to each member of the New Hampshire congressional delegation.

POM–210. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Texas relative to the State Children's Health Insurance Program; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 57

Whereas, Federal funding for the State Children's Health Insurance Program (SCHIP), enacted in 1997 by the United States Congress, is provided through state-specific, annual allotments; and

Whereas, Several states have been unable to use all of their allotments, while other states spent all available funds; and

Whereas, Absent a statutory change, states with excess funds from prior years would lose millions in funding and put underserved children's health in jeopardy; and

Whereas, The State of Texas's two-year appropriations cycle delayed the initiation of the SCHIP program, presenting barriers to the full utilization of early-year SCHIP allotments; and

Whereas, The State of Texas began the 2002–2003 biennium enrolling more children in SCHIP faster than any other state in the country; and

Whereas, The State of Texas, specifically, stands to lose $248 million in unspent SCHIP funds: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to enact legislation amending Title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program; and, be it further

Resolved, That the Texas secretary of State forward official copies of this resolution to the president of the United States, the speaker of the house of representatives and the president of the senate of the United States Congress, and all the members of the Texas delegation to the congress with the request that this resolution be officially entered into the Congressional Record of the United States of America.

POM–211. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Texas relative to Medicaid spending; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 56

Whereas, State Medicaid spending currently accounts for approximately 22 percent of total state spending; and

Whereas, Under the Federal Medical Assistance Percentage, the federal share of state Medicaid spending provided to the State of Texas has decreased by 4.2 percent over the past 10 years; and

Whereas, Average monthly Medicaid caseloads in the State of Texas are projected to increase to 2,885,583 by fiscal year 2005 from 2,376,193 in fiscal year 2003; and

Whereas, Prescription drug costs are a major factor driving Medicaid expenditures, and annual Medicaid prescription levels in the State of Texas are projected to rise to 40,257,515 by fiscal year 2005, from 33,859,094 in fiscal year 2003; and

Whereas, The Congressional Budget Office projects that Medicaid spending under the current system will more than double by the year 2012; and

Whereas, Section 1115 of the Social Security Act grants the secretary of health and human services broad authority to waive certain laws relating to Medicaid or SCHIP for the purpose of conducting pilot, experimental or demonstration projects which are likely to promote the objectives of the program; and

Whereas, Section 1115 demonstration waivers allow states to change provisions of their Medicaid or SCHIP programs, including eligibility requirements, the scope of services available, the freedom to choose a provider, a provider's choice to participate in a plan, the method of reimbursing providers, and the statewide application of the program; and

Whereas, The State of Florida has successfully experimented with the ''cash and counsel'' program, a consumer-directed care model for the purchase of attendant care and other community care services under a Section 1115 demonstration waiver; and

Whereas, In early 2002, both houses of the legislature of the State of Florida voted unanimously to continue with a consumer-directed care approach for the purchase of attendant care and other community care services; Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully urge the Secretary of the United States Department of Health and Human Services to authorize any section 1115 demonstration waivers, and any other related waivers, requested by State of Texas for the purposes of implementing a consumer-directed care program for the purchase of attendant care and other community care services under the state Medicaid program; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, the speaker of the house of representatives and the president of the senate of the United States Congress, the secretary of the United States Department of Health and Human Services and all the members of the Texas delegation to the congress with the request that this resolution be officially entered into the Congressional Record of the United States of America.

POM–212. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to seafood import restrictions and antibiotics; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 57

Whereas, on May 8, 2003 Senate Concurrent Resolution No. 18 of the 2003 Regulation Session was enrolled by the Louisiana Legislature; and

Whereas, Senate Concurrent Resolution No. 18 called for the United States Government to improve enforcement of food import restrictions on seafood imports containing chloramphenicol, nitrofurans, and other banned veterinary drugs in order to protect American consumers and ensure the safety of the food supply; and

Whereas, language was added to Senate Concurrent Resolution No. 18 at the request of the American Seafood Distributors Association (ASDA) to state that, ''United States based companies involved in the importation and processing of shrimp are opposed to the use of chloramphenicol and are working with

the domestic shrimp industry and the Food and Drug Administration to develop effective protocols, including in-country testing, certification of foreign testing facilities and other means to detect banned antibiotics and to exclude all tainted products from the United States market''; and

Whereas, the fact that both the domestic industry and companies importing seafood into the United States are opposed to the use of chloramphenicol and all other banned drugs in imported seafood is a benefit to all United States consumers; and

Whereas, the specific working of the amendment added at the request of the ASDA may be misinterpreted that the Louisiana Legislature supports testing of imported seafood in foreign countries: Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana desires to clarify Senate Concurrent Resolution No. 18 of the 2003 Regular Session, enrolled on May 8, 2003, that the Louisiana Legislature only supports the testing of imported seafood by the Federal Food and Drug Administration within the boundaries of the United States; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–213. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to funding for the Louisiana University of Medical Services; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 108

Whereas, Louisiana suffers with one of the worst health environments in the country, including a high infant mortality rate, a high rate of low birth weight babies, and an incidence of stroke that is 1.3 times that of the rest of the country, outside of the ''stroke belt''; and

Whereas, despite the best efforts of medical education institutions in Louisiana, the deficit of primary care physicians continues; and

Whereas, less than one-half of the 1998 graduates of medical education institutions in Louisiana selected a primary care specialty; and

Whereas, Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine, is a non-profit organization designed to address the shortage of primary care physicians in small towns, rural areas, and underserved areas; and

Whereas, the faculty and staff of the College of Primary Care Medicine are committed to a teaching program that addresses the shortage of primary care physicians both in Louisiana and nationwide; and

Whereas, throughout the educational experience at the College of Primary Care Medicine of the Louisiana University of Medical Sciences, Inc., the student will be exposed to a wide variety of primary health care settings; and

Whereas, through the program at the College of Primary Care Medicine of the Louisiana University of Medical Sciences, Inc., the traditional basic medical sciences will be thoroughly presented, and students will be given all the tools necessary to be successful on the United States Medical Licensing Examination: Therefore, be it

Resolved, That the Legislature of Louisiana hereby memorializes the Congress of the United States to provide funding for the Louisiana University of Medical Sciences, Inc., College of Primary Care Medicine; and be it further

Resolved, That a copy of this Resolution be transmitted to the President of the United States, the secretary of the United States Senate, the clerk of the United States House of Representatives, and each member of the Louisiana delegation to the United States Congress.

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. VOINOVICH (for himself and Mr. DEWINE):

S. 1403. A bill to provide for the establishment of a new Department of Veterans Affairs medical facility for veterans in the Columbus, Ohio, area; to the Committee on Veterans' Affairs.

By Mr. McCAIN (for himself and Mr. STEVENS):

S. 1404. A bill to amend the Ted Stevens Olympic and Amateur Sports Act; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1405. A bill to designate the facility of the United States Postal Service located at 514 17th Street Moline, Illinois, as the ''David Bybee Post Office Building''; to the Committee on Governmental Affairs.

By Mr. DORGAN (for himself, Mr. BURNS, Mr. BAUCUS, Mr. JOHNSON, Mr. CRAPO, Mr. DASCHLE, and Mr. CONRAD):

S. 1406. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit the Administrator of the Environmental Protection Agency to register a Canadian pesticide; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. EDWARDS:

S. 1407. A bill to regulate concentrated animal feeding operations for the protection of the environment and public health, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM of South Carolina (for himself, Mr. REID, and Mr. MILLER):

S. 1408. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. DURBIN):

S. 1409. A bill to provide funding for infrastructure investment to restore the United States economy and to enhance the security of transportation and environmental facilities throughout the United States; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. HATCH, Mr. INOUYE, Mr. GRASSLEY, and Mr. DASCHLE):

S. 1410. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Mr. CHAFEE):

S. 1411. A bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1412. A bill to suspend the implementation of the revised definitions of Metropolitan Statistical Areas applicable to Kent, Ottawa, Muskegon, and Allegan Counties in the State of Michigan; to the Committee on Governmental Affairs.

By Mrs. BOXER:

S. 1413. A bill to authorize appropriations for conservation grants of the Environmental Protection Agency, to direct the Secretary of the Army and the Secretary of the Interior to conduct expedited feasibility studies of certain water projects in the State of California, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mr. MILLER, Mrs. HUTCHISON, Mr. CRAIG, Mr. CORNYN, Mr. SESSIONS, Mr. DOMENICI, Mr. CHAMBLISS, Mr. BURNS, Mr. SUNUNU, Mr. ENZI, Mr. BUNNING, Mr. ALLEN, Mr. STEVENS, Mr. CAMPBELL, Mr. GRASSLEY, Mr. THOMAS, Mr. GRAHAM of South Carolina, and Mr. CRAPO):

S. 1414. A bill to restore second amendment rights in the District of Columbia; to the Committee on Governmental Affairs.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 1415. A bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building''; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. FRIST):

S. 1416. A bill to implement the United States-Chile Free Trade Agreement; to the Committee on Finance and the Committee on the Judiciary, jointly, pursuant to section 2103(b)(3) of Public Law 107–210.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. FRIST):

S. 1417. A bill to implement the United States—Singapore Free Trade Agreement; to the Committee on Finance and the Committee on the Judiciary, jointly, pursuant to section 2103(b)(3) of Public Law 107–210.

By Mr. DORGAN (for himself, Mr. LOTT, Mr. HOLLINGS, Ms. COLLINS, Mr. FEINGOLD, Ms. SNOWE, Mr. KERRY, Mrs. HUTCHISON, and Mr. WYDEN):

S.J. Res. 17. A joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 198

At the request of Mr. SMITH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 198, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 300

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there

should be a national day in recognition of Jackie Robinson.

S. 489

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 489, a bill to expand certain preferential trade treatment for Haiti.

S. 569

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 593

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 593, a bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment has occurred.

S. 602

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 602, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 614

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 614, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 622

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 622, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 741

At the request of Mr. SESSIONS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 741, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 764

At the request of Mr. CAMPBELL, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 764, a bill to extend the authorization of the Bulletproof Vest Partnership Grant Program.

S. 793

At the request of Mr. BYRD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 793, a bill to provide for increased energy savings and environmental benefits through the increased use of recovered mineral component in federally funded projects involving procurement of cement or concrete.

S. 846

At the request of Mr. SMITH, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 846, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes.

S. 875

At the request of Mr. KERRY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 893

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 893, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 973

At the request of Mr. NICKLES, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 973, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings.

S. 1046

At the request of Mr. STEVENS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism, to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1053

At the request of Ms. SNOWE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1053, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 1063

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1063, a bill to amend the Public Health Service Act to authorize the Commissioner of Food and Drugs to conduct oversight of any entity engaged in the recovery, screening, testing, processing, storage, or distribution of human tissue or human tissue-based products.

S. 1076

At the request of Mr. HAGEL, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1076, a bill to authorize construction of an education center at or near the Vietnam Veterans Memorial.

S. 1129

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1344

At the request of Mr. CORZINE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1344, a bill to amend the Electronic Fund Transfer Act to require additional disclosures relating to exchange rates in transfers involving international transactions, and for other purposes.

S. 1349

At the request of Mr. SMITH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1349, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage bond financing, and for other purposes.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1380

At the request of Mr. SMITH, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1387

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1387, a bill to amend the Immigration and Nationality Act to authorize the establishment of guest worker programs, to provide for the adjustment of status of certain aliens unlawfully present in the United States to the status of a non-immigrant guest worker, and for other purposes.

S. CON. RES. 33

At the request of Mr. CRAIG, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 33, a concurrent resolution expressing the sense of the Congress regarding scleroderma.

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Louisiana

(Ms. LANDRIEU), the Senator from Arkansas (Mr. PRYOR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nevada (Mr. REID) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as ''National Purple Heart Recognition Day''.

AMENDMENT NO. 1017

At the request of Mr. ALLARD, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of amendment No. 1017 proposed to S. 1, a bill to amend title XVIII of the Social Security Act to provide for a voluntary prescription drug benefit under the Medicare program and to strengthen and improve the Medicare program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—JULY 11, 2003

By Ms. SNOWE (for herself, Mr. REID, Ms. MIKULSKI, Mr. LEAHY, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. MURRAY, Mr. SMITH, Mr. CORZINE, Mr. BIDEN, Mr. SARBANES, Mr. KERRY, Mr. WARNER, Mr. INOUYE, Mrs. LINCOLN, Ms. STABENOW, Mr. DURBIN, Mr. CHAFEE, Ms. COLLINS, and Mrs. BOXER):

S. 1396. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I am pleased today to join Senator SNOWE in introducing legislation that will promote equity and fairness for women.

The Equity in Prescription and Contraception Coverage Act of 2003, EPICC, requires insurance plans that provide coverage for prescription drugs to provide the same coverage for prescription contraceptives.

Senator SNOWE and I first introduced EPICC about 6 years ago. We have been working across party lines and across the ideological spectrum to gain support from our colleagues in the Senate, and I am proud to report that EPICC had 44 cosponsors from both parties in the 107th Congress.

It is time for us to come together and enact this legislation. It will prevent unintended pregnancies, reduce the number of abortions performed in this country, and address unmet health needs of American women.

We can find not only common ground but also a common sense solution in the legislation I am introducing with Senator SNOWE.

By making sure women can afford their prescription contraceptives, our bill will help to reduce the staggering rates of unintended pregnancy in the United States, and reduce the number of abortions performed.

It is a national tragedy that half of all pregnancies nationwide are unintended, and that half of those will end in abortions. It is a tragedy, but it doesn't have to be. If we work together, we can prevent these unintended pregnancies, and abortions.

One of the most important steps we can take to prevent unintended pregnancies, and to reduce abortions, is to make sure American women have access to affordable, effective contraception.

There are a number of safe and effective contraceptives available by prescription. Used properly, they greatly reduce the rate of unintended pregnancies.

However, many women simply can't afford these prescriptions, and their insurance doesn't pay for them, even though it covers other prescriptions.

That is not fair. We know women on average earn less than men, yet they must pay far more than men for health-related expenses.

According to the Women's Research and Education Institute, women of reproductive age pay 68 percent more in out-of-pocket medical expenses than men, largely due to their reproductive health-care needs.

Because many women can't afford the prescription contraceptives they would like to use, many do without them—and the result, all too often, is unintended pregnancy and abortion.

This isn't an isolated problem. The fact is, a majority of women in this country are covered by health insurance plans that do not provide coverage for prescription contraceptives.

This is unfair to women . . . and it's bad policy that causes additional unintended pregnancies, and adversely affects women's health.

Senator SNOWE and I first introduced our legislation in 1997. Since then, the Viagra pill went on the market, and one month later it was covered by most insurance policies.

Birth control pills have been on the market since 1960, and today, 43 years later, they are covered by only one-third of health insurance policies.

So, most insurance policies pay for Viagra. But most of them don't pay for prescription contraceptives that prevent unintentional pregnancies and abortions.

This isn't fair, and it isn't even cost-effective, because most insurance policies do cover sterilization and abortion procedures. In other words, they won't pay for the pills that could prevent an abortion . . . but they will pay for the procedure itself, which is much more costly.

The Federal Employee Health Benefits Program, which has provided contraceptive coverage for several years, shows that adding such coverage does not make the plan more expensive.

In December 2000, the U.S. Equal Employment Opportunity Commission, EEOC, ruled that an employer's failure to include insurance coverage for prescription contraceptives, when other prescription drugs and devices are covered, constitutes unlawful sex discrimination under Title VII of the Civil Rights Act of 1964.

On June 12, 2001, a Federal district court in Seattle made the same finding in the case of Erickson vs. Bartell Drug Company.

These decisions confirm that we have know all along; contraceptive coverage is a matter of equity and fairness for women.

We are not asking for special treatment of contraceptives—only equitable treatment within the context of an existing prescription drug benefit.

This legislation is right because it's fair to women.

It's right because it will prevent unintended pregnancies, a goal we all share.

And it's right because it is more cost-effective than other services—including abortions, sterilizations and tubal ligations—that most insurance companies routinely cover.

This is common sense, cost-effective legislation . . . and it is long overdue.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself and Mr. STEVENS):

S. 1404. A bill to amend the Ted Stevens Olympic and Amateur Sports Act; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today, I am joined by Senator STEVENS in introducing the United States Olympic Committee Reform Act of 2003. This legislation is designed to reform the governance structure of the United States Olympic Committee, USOC, in response to a series of embarrassing events that has beset the USOC and threatened the organization's credibility in the eyes of our athletes, the American people, and the international sports community.

While the current mission of the USOC is to ''preserve and promote the Olympic ideal as an effective, positive role model that inspires all Americans,'' turmoil within the organization over the past decade has seriously compromised that mission and has amplified significant problems that exist within its governance structure and culture. By failing to place the organization ahead betrayed the Olympic ideals that they pledged to preserve.

The bill that we are introducing today is the product of three hearings held this year by the Senate Committee on Commerce, Science, and Transportation in response to several USOC scandals and in an effort to help begin reforming the organization. It also is informed by the report of an independent commission requested by the Commerce Committee to review the USOC, and a review by an internal USOC task force, both of which were released last month.

The bill would make significant improvements to the governance structure of the USOC by reducing the size of the current board of directors from

124 to nine members and by creating an assembly of USOC stakeholders. Unlike the current duopolistic leadership structure of the USOC, the board would be the primary governing body of the USOC, and it would appoint a chief executive officer to carry out its policies and run its day-to-day operations. As such, the USOC will become a more efficient and effective organization, as well as one with a more logical and transparent structure.

In addition, the bill would maintain the authority of athletes and national governing bodies in the operation of the USOC, require increased financial transparency, and provide whistleblower protection for USOC employees. Most importantly, however, this bill would streamline the organization to allow a larger percentage of USOC revenues to be dedicated to support amateur athletes. Instead of supporting a large and wasteful corporate structure, the reformed USOC will be able to dedicate fewer resources to a small and more effective governing body.

We must be mindful that the Olympic movement is not about people who attach themselves to the USOC for their own benefit. It is a movement that is driven by athletes who dedicate their bodies and souls to improving their God-given talent with the hope of someday realizing their Olympic dreams. The USOC is an entity entrusted by the American people with the privilege of being the custodian of these dreams. We must act quickly to ensure that the self-serving agendas of individual USOC constituencies are no longer paramount to the common objectives of the organization.

The problems that plague the USOC compromise the organization's ability to operate effectively and efficiently and undermine the credibility of the organization. I believe this bill would provide realistic remedial measures to these problems, and I urge my colleagues to support its expeditious enactment.

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. 1404

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 ''United States Olympic Committee Reform Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) There is a widespread loss of confidence in the United States Olympic Committee.

(2) Restoring confidence in the United States Olympic Committee is critical to achieving the original intent of the Ted Stevens Amateur and Olympic Sports Act.

(3) Confusion exists concerning the primary purposes and priorities of the United States Olympic Committee.

(4) The current governance structure of the United States Olympic Committee is dysfunctional.

(5) The ongoing national corporate governance debate and recent reforms have important implications for the United States Olympic Committee.

(6) There exists no clear line of authority between the United States Olympic Committee volunteers and the United States Olympic Committee paid staff.

(7) There is a widespread perception that the United States Olympic Committee lacks financial transparency.

SEC. 3. AMENDMENT OF TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. 220501 et seq.).

SEC. 4. GOVERNANCE OF THE UNITED STATES OLYMPIC COMMITTEE.

(a) IN GENERAL.—The Act (36 U.S.C. 220501) is amended by adding at the end the following:

''SUBCHAPTER III. GOVERNANCE

''§ 220541. Board of directors

''(a) IN GENERAL.—The board of directors is the governing body of the corporation and shall establish the policies and priorities of the corporation. The board of directors shall have the full authority to manage the affairs of the corporation.

''(b) STRUCTURE OF THE BOARD.—

''(1) IN GENERAL.—The board of directors shall consist of 9 elected members and the ex officio members described in paragraph (3).

''(2) ELECTED MEMBERS.—The elected directors, elected as provided in subsection (g), are—

''(A) 5 independent directors, as defined in the constitution and bylaws of the corporation;

''(B) 2 directors elected from among those nominated by the Athletes' Advisory Council, who at the time of nomination meet the specifications of section 220504(b)(2)(B) of this title; and

''(C) 2 directors elected from among those nominated by the National Governing Bodies' Council.

''(3) EX OFFICIO MEMBERS.—The ex officio members are—

''(A) the speaker of the assembly; and

''(B) the International Olympic Committee member or members from the United States who are required to be ex officio members of the executive organ of the corporation under the terms of the Olympic Charter.

''(c) TERMS OF OFFICE.—

''(1) ELECTED DIRECTORS.—The term of office of an elected director shall be 4 years. An individual elected to replace a director who does not serve a full 4-year term shall be elected initially to serve only the balance of the expired term of the member that director replaces. No director shall be eligible for reelection, except a director whose total period of service, if elected, would not exceed 6 years. The chair of the board shall be eligible to serve an additional 2 years as required to complete his or her term as chair.

''(2) STAGGERED TERMS.—Notwithstanding paragraph (1), of the directors first elected to the board after the date of enactment of the United States Olympic Committee Reform Act—

''(A) 2 of the directors elected under paragraph (2)(A) shall be elected for terms of 2 years;

''(B) 3 of the directors elected under paragraph (2)(A) shall be elected for terms of 4 years;

''(C) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 2 years;

''(D) 1 of the directors elected under paragraph (2)(B) shall be elected for a term of 4 years;

''(E) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of 2 years; and

''(F) 1 of the directors elected under paragraph (2)(C) shall be elected for a term of 4 years.

''(3) EX OFFICIO MEMBERS.—The speaker of the assembly shall serve as a non-voting ex officio member of the board while holding the position of speaker of the assembly. An International Olympic Committee member shall serve as an ex officio member of the board for so long as the member is a member of that Committee.

''(d) VOTING.—

''(1) ELECTED MEMBERS.—Each elected director shall have 1 vote on all matters on which the board votes, consistent with the constitution and bylaws of the corporation.

''(2) EX OFFICIO MEMBERS.—Each voting ex officio member shall have 1 vote on matters on which the ex officio members vote, consistent with the constitution and bylaws of the corporation, and the votes of the ex officio members shall be weighted such that, in the aggregate, the votes of all voting ex officio members are equal to the vote of one elected director.

''(3) TIE VOTES.—In the event of a tie vote of the board, the vote of the chair of the board shall serve to break the tie.

''(4) QUORUM.—The board may not take action in the absence of a quorum, which shall be 7 members, of whom at least 3 shall be members described in subsection (b)(2)(A).

''(e) CHAIR OF THE BOARD.—The board shall elect 1 of the members described in subsection (b)(2) to serve as chair of the board first elected after the date of enactment of the United States Olympic Committee Reform Act. The chair of the board shall preside at all meetings of the board and have such other duties as may be provided in the constitution and bylaws of the corporation. No individual may hold the position of chair of the board for more than 4 years.

''(f) COMMITTEES.—

''(1) IN GENERAL.—The board of directors shall establish the following 4 standing committees:

''(A) The Audit Committee.

''(B) The Compensation Committee.

''(C) The Ethics Committee.

''(D) The Nominating and Governance Committee.

''(2) COMMITTEE MEMBERSHIP.—The Compensation Committee shall consist of 3 board members selected by the board. The Audit Committee, Ethics Committee, and Nominating and Governance Committee shall each consist of—

''(A) 3 board members described in subsection (b)(2)(A), selected by the board;

''(B) 1 board member described in subsection (b)(2)(B), selected by the board; and

''(C) 1 board member described in subsection (b)(2)(C), selected by the board.

''(3) ADDITIONAL COMMITTEES.—The board may establish such additional committees, subcommittees, and task forces as may be necessary or appropriate and for which sufficient funds exist.

''(g) NOMINATION AND ELECTION.—

''(1) IN GENERAL.—The nominating and governance committee shall recommend candidates to the board of directors to fill vacancies on the board as provided in the constitution and bylaws of the corporation. For each vacancy that is to be filled by a nominee of the Athletes' Advisory Council or the National Governing Bodies' Council, the Athletes' Advisory Council or the National Governing Bodies' Council shall recommend 3 individuals to the nominating and governance committee, which shall nominate 1 of

the recommended individuals to the board of directors.

''(2) RECUSAL OF MEMBERS ELIGIBLE FOR RE-ELECTION.—Any member of the nominating and governance committee who is eligible for re-election by virtue of serving for an initial term of less than 2 years shall be recused from participation in the nominating and recommendation process.

''(3) BOARD TO ELECT MEMBERS.—Except as provided in section 4(c)(2) of the United States Olympic Committee Reform Act, the board of directors shall elect directors from the candidates proposed by the nominating and governance committee.

''§ 220542. Assembly

''(a) IN GENERAL.—

''(1) FORUM FUNCTION.—The assembly shall be a forum for all stakeholders of the corporation. The assembly shall have an advisory function only, except as otherwise expressly provided in this chapter.

''(2) VOTING ON MATTERS RELATING TO THE OLYMPIC GAMES.—The assembly shall have the right to vote on, and shall have ultimate authority to decide, matters relating to the Olympic Games. The board of directors shall determine whether a matter is a question relating to the Olympic Games on which the assembly is entitled to vote. The determination of the board shall be final and binding.

''(3) MEETINGS.—The assembly shall convene annually in a meeting open to the public. The board of directors may convene special meetings of the assembly.

''(4) ANNUAL BUDGET.—The board of directors shall establish an annual budget for the assembly, as provided in the constitution and bylaws of the corporation. In establishing the budget, the board of directors shall take into account the interest of the corporation in minimizing the costs associated with the assembly.

''(b) STRUCTURE OF THE ASSEMBLY.—

''(1) IN GENERAL.—The assembly shall consist of—

''(A) representatives of the constituencies of the corporation specified in section 220504 of this title (other than former United States Olympic Committee members);

''(B) the International Olympic Committee's members for the United States; and

''(C) not more than 3 individuals who have represented the United States in an Olympic Games not within the preceding 10 years, selected through a process to be determined by the board of directors in accordance with the constitution and bylaws of the corporation.

''(2) AMATEUR ATHLETE REPRESENTATION.—Amateur athletes shall constitute not less than 20 percent of the membership in the assembly.

''(c) VOTING.—

''(1) REPRESENTATIVES OF THE NATIONAL GOVERNING BODIES.—Representatives of the national governing bodies shall constitute not less than 51 percent of the voting power held in the assembly.

''(2) AMATEUR ATHLETES.—Amateur athletes shall constitute not less than 20 percent of the voting power held in the assembly.

''(d) SPEAKER OF THE ASSEMBLY.—The speaker of the assembly shall be a member of the assembly (who, as a member, is entitled to vote) who is elected by the members of the assembly for a 4-year term. An individual may not serve as speaker for more than 4 years. The speaker shall preside at all meetings of the assembly and serve as a nonvoting ex officio member of the board of directors as provided in section 220541. The speaker shall have no other duties or powers (other than the right to vote), except as may be expressly assigned by the board of directors.

''§ 220543. Chief executive officer

''(a) IN GENERAL.—The corporation shall have a chief executive officer who shall not be a member of the board of directors. The chief executive officer shall be selected by, and shall report to, the board of directors, as provided in the constitution and bylaws of the corporation. The chief executive officer shall be responsible, with board approval, for filling other key senior management positions as provided in the constitution and bylaws of the corporation.

''(b) DUTIES.—The chief executive officer shall, either directly or by delegation—

''(1) manage all staff functions and the day-to-day affairs and business operations of the corporation, including but not limited to relations with international organizations; and

''(2) implement the mission and policies of the corporation, as determined by the Board.

''§ 220544. Whistleblower procedures and protections

''The corporation, through the board of directors, shall establish procedures for—

''(1) the receipt, retention, and treatment of complaints received by the corporation regarding accounting, auditing or ethical matters; and

''(2) the protection against retaliation by any officer, employee, director or member of the corporation against any person who submits such complaints.''.

(b) TRANSITION.—The individuals serving as members of the board of directors of the United States Olympic Committee on the date of enactment of this Act shall continue to serve as the board of directors until a board of directors has been elected under subsection (c)(2) of this section.

(c) INITIAL NOMINATING AND GOVERNANCE COMMITTEE.—

(1) IN GENERAL.—Until the initial board of directors has been elected and taken office, the nominating and governance committee required by section 220541(f) of title 36, United States Code, shall consist of—

(A) 1 individual selected by the Athlete's Advisory Council from among its members;

(B) 1 individual selected by the National Governing Bodies' Council from among its members;

(C) 1 individual selected by the public-sector directors of the United States Olympic Committee from among such directors serving on the date of enactment of this Act;

(D) 1 individual selected by the Independent Commission on Reform of the established by the United States Olympic Committee in March, 2003, from among its members, who shall chair the committee; and

(E) 1 individual selected by the Governance and Ethics Task Force established by the United States Olympic Committee in February, 2003, from among its members.

(2) ELECTION OF NEW BOARD OF DIRECTORS.—The nominating and governance committee established by paragraph (1) shall—

(A) elect an initial board or directors who shall serve for the terms provided in section 220541(c)(2) of title 36, United States Code; and

(B) elect 1 of the members described in section 220541(b)(2)(A) of that title to serve as chair until the terms of the members elected under subparagraph (A) have expired.

(d) CONFORMING AMENDMENTS.—

(1) REPRESENTATION REQUIREMENTS.—Section 220504(b) is amended—

(A) by striking ''representation of—'' and inserting ''representation on its board of directors and in its assembly of—''; and

(B) by striking subparagraph (B) of paragraph (2) and inserting the following:

''(B) ensure that—

''(i) the membership and voting power of such amateur athletes is not less than 20 percent of the membership and voting power of each committee, subcommittee, working group, or other subordinate decision-making group, of the corporation; and

''(ii) the voting power held by members of the board of directors who were nominated by the Athlete's Advisory Council is not less than 20 percent of the total voting power held in the board of directors;''.

(2) CONSTITUTION AND BYLAWS.—Section 220505(a) is amended—

(A) by striking ''bylaws.'' and inserting ''bylaws consistent with this chapter, as determined by the board of directors. The board of directors shall adopt and amend the constitution and bylaws of the corporation, consistent with this chapter.'';

(B) by inserting ''the board of directors proposes and approves by majority vote such an amendment and'' after ''only if''; and

(C) by striking ''publication,'' in paragraph (1) and inserting ''publication and on its website,''.

(3) OMBUDSMAN TO REPORT TO BOARD OF DIRECTORS.—Section 220509(b) is amended—

(A) by inserting ''the board of directors and'' in paragraph (1)(C) after ''report to'';

(B) by striking ''corporation's executive director'' in paragraph (2)(A)(i) and inserting ''board of directors'';

(C) by striking clauses (ii) and (iii) of paragraph (2)(A) and inserting the following:

''(ii) The board of directors shall hire or not hire such person after fully considering the advice and counsel of the Athlete's Advisory Council.'';

(D) by striking ''corporation'' the first place it appears in paragraph (2)(B) and inserting ''board of directors'';

(E) by striking ''to the corporation's executive committee by either the corporation's executive director'' in paragraph (2)(B)(ii) and inserting ''by 1 or more members of the board of directors''; and

(F) by striking ''corporation's executive committee'' in paragraph (2)(B)(iii) and inserting ''board of directors''.

(4) ELIGIBILITY REQUIREMENTS.—Section 220522(a)(4)(B) is amended by striking ''corporation's executive committee'' and inserting ''board of directors''.

(5) CHAPTER ANALYSIS.—The chapter analysis for chapter 2205 of title 36, United States Code, is amended by adding at the end the following:

''SUBCHAPTER III. GOVERNANCE

''220541. Board of directors
''220542. Assembly
''220543. Chief executive officer
''220544. Whistleblower procedures and protections''.

SEC. 5. REPORTS.

Section 220511 is amended—

(1) by striking so much of subsection (a) as precedes paragraph (2) and inserting the following:

''(a) BIENNIAL REPORT.—On or before the first day of June of every other year, the corporation shall transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding 2 years, including—

''(1) annual financial statements—

''(A) audited in accordance with generally accepted accounting principles by an independent certified public accountant; and

''(B) certified by the chief executive officer and the chief financial officer of the corporation as to their accuracy and completeness;'';

(2) by striking ''4-year period;'' in subsection (a)(2) and inserting ''2-year period;''; and

(3) by inserting ''free of charge on its website (or via a similar medium that is widely available to the public), and otherwise'' in subsection (b) after ''persons''.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1405. A bill to designate the facility of the United States Postal Service located at 514 17th Street Moines, Illinois, as the ''David Bybee Post Office Building''; to the Committee on Governmental Affairs.

Mr. DURBIN. Mr. President, today I am pleased to introduce legislation to name the U.S. Post Office at 514 17th Street in Moline, IL after my friend, David Bybee, who suffered a fatal heart attack last year.

Dave was a hard working and dedicated public servant who served as a National Business Agent for the Chicago Region of the National Association of Letter Carriers for twenty-five years. In 1967, Mr. Bybee became a letter carrier for the Postal Service and after just two years was elected President of Letter Carriers Local 318. Bybee then became the Regional Administrative Assistant for three years and also worked as Secretary to the Illinois State Association of Letter Carriers from 1971 to 1977. Three years later, Bybee was elected the National Business Agent to the National Association of Letter Carriers for the 17,000 members of the Chicago Region. Mr. Bybee held that position and also served as Vice President of the Illinois AFL-CIO until his death on May 31, 2002.

In recognition of his lifetime work on behalf of the letter carriers of Illinois, the local union he first served as President was named the David M. Bybee Branch of the National Association of Letter Carriers in 1992.

Mr. Bybee did not let his busy work schedule interfere with his family life. He was devoted to his wife, Judy, and their two sons, John and Michael. Dave Bybee also found time to serve his community as fire chief of Carbon Cliff, a school board member, and kept active in the Moline Elks Club.

Post offices are often designated in honor of individuals who have made valuable contributions to their community, State, and country. I can think of no more fitting way to permanently and publicly recognize David Bybee's dedication than to name the Moline, IL post office in his honor. It would be a most appropriate way to commemorate his exemplary service to the Moline community and to postal workers across Illinois and the Nation.

By Mr. DORGAN (for himself, Mr. BURNS, Mr. BAUCUS, Mr. JOHNSON, Mr. CRAPO, Mr. DASCHLE, and Mr. CONRAD):

S. 1406. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit the Administrator of the Environmental Protection Agency to register a Canadian pesticide; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DORGAN. Mr. President, today I am reintroducing a bipartisan bill to remedy a long-standing inequity in pesticide pricing between agricultural chemicals sold in Canada and similar use chemicals sold in the United States. This pesticide price disparity has caused an undue cost burden on our American farmers putting them at a distinct disadvantage when competing in the world grain market.

Currently, American and Canadian farmers use the same chemicals on their fields; but they are marketed under different labels and sold at much lower cost north of the border. This bill simply eliminates that inequity by setting up a process that would allow American farmers to access these lower-priced—but substantively identical—pesticides.

This legislation would direct the Environmental Protection Agency, EPA, upon the request of anyone who can comply with the pesticide registration requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, FIFRA, to register a Canadian pesticide for use in the United States. This registration would take effect if, after analysis by the EPA, the pesticides are of similar use and composition in both countries. The bill also has provisions to allow EPA to delegate portions of the registration process to individual states with EPA having the final authority over the process. This is to conserve the resources of the EPA and at the same time utilize the expertise of State agriculture departments around the country.

The new labels for the chemicals would still be under the strict scrutiny of the Environmental Protection Agency as would their use. This would continue to insure safety in the food supply. Food safety is a top priority for all of us. Chemical safety is a top priority for all of us. This bill keeps those priorities intact.

I have come before the Senate time and again to talk about the hidden inequities of trade. Trade must be fair, and the pricing inequities of Canadian and United States similar use pesticides have been a glaring weakness of the free trade initiative. For far too long, American farmers have watched their neighbors to the north apply pesticides that are used in both countries, used on the same crops, and yet Canadian producers get a price cut.

Our farmers are also concerned that similar use pesticides are being utilized by farmers in Canada to produce wheat, barley, and other agricultural commodities which are subsequently imported and consumed in the United States. They rightfully believe it to be unfair to import commodities produced with agricultural pesticides that are not available to U.S. producers. If commodities grown with the use of these Canadian pesticides are deemed safe enough for import and consumption in the United States, why would we make American producers pay 117 percent to 193 percent more in chemical costs to produce the same crops? The current scenario doesn't make sense.

This bill is not an ending, but a beginning. Hidden trade barriers and schemes riddle the fabric of our trade agreements. We cannot continue to accept trade practices that on the one hand hamstring Americans, and on the other hand, unduly promote our competitors. We cannot allow our competitors to sell us commodities treated with lower priced chemicals that are used both in Canada and the United States, tell our consumers that the chemicals used on those commodities are perfectly safe, and yet not give our producers access to those same chemicals at a lower price. This is a classic example of free trade gone bad.

We ought not accept second best all of the time, and this bill is a step in bringing American producers back to a level playing field.

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. 1406

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

SECTION 1. REGISTRATION OF CANADIAN PESTICIDES.

(a) IN GENERAL.—Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a) is amended by adding at the end the following:

''(i) REGISTRATION OF CANADIAN PESTICIDES.—

''(1) DEFINITIONS.—In this subsection:

''(A) CANADIAN PESTICIDE.—The term 'Canadian pesticide' means a pesticide that—

''(i) is registered for use as a pesticide in Canada;

''(ii) is identical or substantially similar in its composition to a comparable domestic pesticide registered under this section; and

''(iii) is registered in Canada by the registrant of the comparable domestic pesticide or by an affiliated entity of the registrant.

''(B) COMPARABLE DOMESTIC PESTICIDE.—The term 'comparable domestic pesticide' means a pesticide—

''(i) that is registered under this section;

''(ii) the registration of which is not under suspension;

''(iii) that is not subject to—

''(I) a notice of intent to cancel or suspend under any provision of this Act;

''(II) a notice for voluntary cancellation under section 6(f); or

''(III) an enforcement action under any provision of this Act;

''(iv) that is used as the basis for comparison for the determinations required under paragraph (4);

''(v) that is registered for use on each site of application for which registration is sought under this subsection;

''(vi) for which no use is the subject of a pending interim administrative review under subsection (c)(8);

''(vii) that is not subject to any limitation on production or sale agreed to by the Administrator and the registrant or imposed by the Administrator for risk mitigation purposes; and

''(viii) that is not classified as a restricted use pesticide under subsection (d).

''(2) AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

''(A) IN GENERAL.—The Administrator may register a Canadian pesticide if the registration—

''(i) complies with this subsection;

''(ii) is consistent with this Act; and

''(iii) has not previously been disapproved by the Administrator.

''(B) PRODUCTION OF ANOTHER PESTICIDE.—A pesticide registered under this subsection shall not be used to produce a pesticide registered under this section or section 24(c).

''(C) REGISTRANT.—

''(i) IN GENERAL.—The Administrator may register a Canadian pesticide under this subsection on the application of any person.

''(ii) APPLICATION.—If the Administrator registers a Canadian pesticide under this subsection on application of any person, the applicant shall be considered to be the registrant of the Canadian pesticide for all purposes of this Act.

''(D) ADMINISTRATOR.—Not later than 60 days after a person submits a complete application for the registration of a Canadian pesticide under this subsection, the Administrator shall—

''(i) approve the application; or

''(ii)(I) disapprove the application; and

''(II) provide the applicant with a statement of the reasons for the disapproval.

''(E) DELEGATION.—

''(i) IN GENERAL.—Subject to clause (ii), the Administrator may delegate a function of the Administrator under this subsection.

''(ii) APPROVAL.—The Administrator shall approve or disapprove any final action taken under this subsection as the result of a function delegated to a State.

''(3) APPLICANT REQUIREMENTS.—A person seeking registration of a Canadian pesticide under this subsection shall—

''(A) demonstrate to the Administrator that the Canadian pesticide is identical or substantially similar in its composition to a comparable domestic pesticide; and

''(B) submit to the Administrator a copy of—

''(i) the label approved by the Pesticide Management Regulatory Agency for the Canadian pesticide; and

''(ii) the label approved by the Administrator for the comparable domestic pesticide.

''(4) CRITERIA FOR REGISTRATION.—The Administrator may register a Canadian pesticide under this subsection if the Administrator—

''(A) obtains the confidential statement of formula for the Canadian pesticide;

''(B) determines that the Canadian pesticide is identical or substantially similar in composition to a comparable domestic pesticide;

''(C) for each food or feed use authorized by the registration—

''(i) determines that there exists an adequate tolerance or exemption under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) that permits the residues of the pesticide on the food or feed; and

''(ii) identifies the tolerances or exemptions in the notification submitted under subparagraph (E);

''(D) obtains a label approved by the Administrator that—

''(i) includes all statements, other than the establishment number, from the approved labeling of the comparable domestic pesticide that are relevant to the uses registered by the Administrator; and

''(ii) excludes all labeling statements relating to uses that are not registered by the Administrator; and

''(E) not later than 10 business days after the issuance of the registration, publish in the Federal Register a written notification of the action of the Administrator that includes—

''(i) a description of the determination made under this paragraph; and

''(ii) a statement of the effective date of the registration;

''(5) LABELING OF CANADIAN PESTICIDES.—

''(A) IN GENERAL.—Each container containing a Canadian pesticide registered by the Administrator shall bear the label that is approved by the Administrator under this subsection.

''(B) DISPLAY OF LABEL.—The label shall be securely attached to the container and shall be the only label visible on the container.

''(C) ORIGINAL CANADIAN LABEL.—The original Canadian label on the container shall be preserved underneath the label approved by the Administrator.

''(D) PREPARATION AND USE OF LABELS.—After a Canadian pesticide is registered under this subsection, the registrant shall—

''(i) prepare labels approved by the Administrator for the Canadian pesticide; and

''(ii) conduct or supervise all labeling of the Canadian pesticide with the approved labeling.

''(E) REGISTERED ESTABLISHMENTS.—Labeling of a Canadian pesticide under this subsection shall be conducted at an establishment registered by the registrant under section 7.

''(6) REVOCATION.—

''(A) IN GENERAL.—After the registration of a Canadian pesticide, if the Administrator finds that the Canadian pesticide is not identical or substantially similar in composition to a comparable domestic pesticide, the Administrator may issue an emergency order revoking the registration of the Canadian pesticide.

''(B) TERMS OF ORDER.—The order—

''(i) shall be effective immediately;

''(ii) may prohibit the sale, distribution, and use of the Canadian pesticide in a State; and

''(iii) may require the registrant of the Canadian pesticide to purchase and dispose of any unopened product subject to the order.

''(C) REQUEST FOR HEARING.—Not later than 10 days after issuance of the order, the registrant of the Canadian pesticide subject to the order may request a hearing on the order.

''(D) FINAL ORDER.—If a hearing is not requested in accordance with subparagraph (C), the order shall become final and shall not be subject to judicial review.

''(E) JUDICIAL REVIEW.—If a hearing is requested on the order, judicial review may be sought only at the conclusion of the hearing on the order and following the issuance by the Administrator of a final revocation order.

''(F) PROCEDURE.—A final revocation order issued following a hearing shall be reviewable in accordance with section 16.

''(7) LIMITS ON LIABILITY.—No action for monetary damages may be heard in any Federal or State court against—

''(A) the Administrator acting as a registering agency under the authority of and consistent with this subsection for injury or damage resulting from the use of a product registered by the Administrator under this subsection; or

''(B) a registrant for damages resulting from adulteration or compositional alteration of a Canadian pesticide registered under this subsection if the registrant did not have and could not reasonably have obtained knowledge of the adulteration or compositional alteration.

''(8) PROVISION OF INFORMATION BY REGISTRANTS OF COMPARABLE DOMESTIC PESTICIDES.—

''(A) IN GENERAL.—On request by the Administrator the registrant of a comparable domestic pesticide shall provide to the Administrator that is seeking to register a Canadian pesticide under this subsection information that is necessary for the Administrator to make the determinations required by paragraph (4).

''(B) PENALTY FOR NONCOMPLIANCE.—

''(i) IN GENERAL.—If the registrant of a comparable domestic pesticide fails to provide to the Administrator, not later than 15 days after receipt of a written request by the Administrator, information possessed by or reasonably accessible to the registrant that is necessary to make the determinations required by paragraph (4), the Administrator may assess a penalty against the registrant of the comparable pesticide.

''(ii) AMOUNT.—The amount of the penalty shall be equal to the product obtained by multiplying—

''(I) the difference between the per-acre cost of the application of the comparable domestic pesticide and the application of the Canadian pesticide, as determined by the Administrator; and

''(II) the number of acres in the United States devoted to the commodity for which the registration is sought.

''(C) NOTICE AND OPPORTUNITY FOR HEARING.—No penalty under this paragraph shall be assessed unless the registrant is given notice and opportunity for a hearing in accordance with section 14(a)(3).

''(D) ISSUES AT HEARING.—The only issues for resolution at the hearing shall be—

''(i) whether the registrant of the comparable domestic pesticide failed to timely provide to the Administrator the information possessed by or reasonably accessible to the registrant that was necessary to make the determinations required by paragraph (4); and

''(ii) the amount of the penalty.

''(9) PENALTY FOR DISCLOSURE.—

''(A) IN GENERAL.—The Administrator shall not make public information obtained under paragraph (8) that is privileged and confidential and contains or relates to trade secrets or commercial or financial information.

''(B) DISCLOSURE.—Any employee of the Environmental Protection Agency who willfully discloses information described in subparagraph (A) shall be subject to penalties described in section 10(f).

''(10) DATA COMPENSATION.—The Administrator and a person registering a Canadian pesticide under this subsection shall not be liable for compensation for data supporting the registration if the registration of the Canadian pesticide in Canada and the registration of the comparable domestic pesticide are held by the same registrant or by affiliated entities.

''(11) FORMULATION CHANGES.—

''(A) IN GENERAL.—The registrant of a comparable domestic pesticide shall notify the Administrator of any change in the formulation of a comparable domestic pesticide or a Canadian pesticide registered by the registrant or an affiliated entity not later than 30 days before any sale or distribution of the pesticide containing the new formulation.

''(B) STATEMENT OF FORMULA.—The registrant of the comparable domestic pesticide shall submit, with the notice required under subparagraph (A), a confidential statement of the formula for the new formulation if the registrant has possession of or reasonable access to the information.

''(C) SUSPENSION OF REGISTRATION FOR NONCOMPLIANCE.—

''(i) IN GENERAL.—If the registrant fails to provide notice or submit a confidential statement of formula as required by this paragraph, the Administrator may issue a notice of intent to suspend the registration of the comparable domestic pesticide for a period of not less than 1 year.

''(ii) EFFECTIVE DATE.—The suspension shall become final not later than the end of the 30-day period beginning on the date of the issuance by the Administrator of the notice of intent to suspend the registration, unless during the period the registrant requests a hearing.

''(iii) HEARING PROCEDURE.—If a hearing is requested, the hearing shall be conducted in accordance with section 6(d).

''(iv) ISSUES.—The only issues for resolution at the hearing shall be whether the registrant has failed to provide notice or submit a confidential statement of formula as required by this paragraph.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by adding at the end of the items relating to section 3 the following:

''(4) Mixtures of nitrogen stabilizers and fertilizer products.
''(g) Registration review.
''(h) Registration requirements for antimicrobial pesticides.
''(1) Evaluation of process.
''(2) Review time period reduction goal.
''(3) Implementation.
''(4) Annual report.
''(i) Registration of Canadian pesticides.
''(1) Definitions.
''(2) Authority to register Canadian pesticides.
''(3) Applicant requirements.
''(4) Criteria for registration.
''(5) Labeling of Canadian pesticides.
''(6) Revocation.
''(7) Limits on liability.
''(8) Provision of information by registrants of comparable domestic pesticides.
''(9) Penalty for disclosure.
''(10) Data compensation.
''(11) Formulation changes.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 180 days after the date of enactment of this Act.

By Mr. GRAHAM of South Carolina (for himself, Mr. REID, and Mr. MILLER):

S. 1408. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Finance.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1408

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

SECTION 1. RESTORATION OF DEDUCTION FOR TRAVEL EXPENSES OF SPOUSE, ETC. ACCOMPANYING TAXPAYER ON BUSINESS TRAVEL.

(a) IN GENERAL.—Subsection (m) of section 274 of the Internal Revenue Code of 1986 (relating to additional limitations on travel expenses) is amended by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

By Mrs. FEINSTEIN (for herself and Mr. DURBIN):

S. 1409. A bill to provide funding for infrastructure investment to restore the United States economy and to enhance the security of transportation and environmental facilities throughout the United States; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the ''Rebuild America Act of 2003,'' a bill to improve our national transportation and water infrastructure and to stimulate economic growth.

This bill promises to do what the latest tax cut will not: provide an immediate economic stimulus without increasing the Federal budget deficit. Whereas the President's economic advisors have said that the latest tax cut will create 1.4 million jobs by the end of 2004, at a cost of $350 billion, this bill will create as many as 2 million jobs at a tenth the cost.

These jobs could be created in as little as three months, as the bill is specifically designed to fund transportation and water infrastructure projects which are ready to go within 90 days.

Not only would those jobs bring some of the 9 million Americans who are unemployed and seeking jobs back into the workforce, it would generate long-term economic benefits from the increased productivity of our transportation infrastructure.

This bill will do more to stimulate the economy at less cost than the tax cut because it is directed squarely at our most urgent needs. Unlike the recent tax cut, which largely benefits high income taxpayers who are likely to save any windfall they receive, infrastructure spending is necessarily injected into the economy.

According to the Department of Transportation, each $1 billion in new infrastructure investment creates 47,500 new jobs: 26,500 direct jobs for construction workers, engineers, contractors, and other on-site employees, and 21,000 indirect jobs resulting from the spending associated with the investment.

These are jobs our economy desperately needs, particularly in the transportation and nonresidential construction sectors, which have been hit hard by the recent downturn. While new home construction has sustained the homebuilding trades, there are now 715,000 unemployed private construction workers, most of whom were laid off due to a downturn in nonresidential building. That represents an 80 percent increase from three years ago.

As anyone who has taken a hard look at our transportation needs can attest, federal funding for highways, transit, aviation, high-speed rail, and ports, among other areas, remains inadequate.

Without those funds, we are on the verge of falling behind the rest of the developed world in the quality of our infrastructure. I recently visited the port of Hong Kong and was amazed by the automated technology used to process thousands of containers each day with fewer employees than would be required to move an equivalent amount of cargo at even our most advanced ports.

And while many countries around the world, including France, China, Germany, and Japan, now have operating MAGLEV train systems, the United States does not have a single demonstration MAGLEV line operating anywhere in the country.

Increasingly, global industry demands a level of efficiency and reliability which requires substantial upgrades to existing infrastructure. In California, where computer and electronic products account for 51 percent of the State's manufacturing exports, the trend is toward lighter, higher value shipments. Nationwide, shipments of below 1,000 lbs accounted for 18 percent of total value in 1977, and 32 percent of value in 1997, a dramatic increase.

Those changes put a premium on speed and reliability, without which ''just-in-time'' manufacturing and lean inventory controls are impossible. A company such as Hewlett Packard, which uses Intel processors made in California in servers which it assembles in Texas, must be able to ship processors without risk of even a 24-hour delay.

This bill takes a big step toward ensuring that level of speed and reliability by dedicating $50 billion to infrastructure upgrades. And I must stress the huge incremental value of that spending in the context of reauthorization of the Transportation Equity Act for the 21st Century, TEA–21, which is expected this year.

Reauthorization of TEA–21 will dedicate more than $250 billion toward transportation projects over the next six years, but even that level of funding will only allow us to tread water. Maintenance of existing infrastructure will consume much of that spending.

To take one example, the Department of Transportation estimates that $20.6 billion is needed annually to maintain and improve performance of public transit systems alone.

The $50 billion provided by the ''Rebuild America Act'' will go beyond current maintenance and actually improve overall productivity by allowing substantial upgrades to go forward. Specifically, the bill provides:

$5 billion in additional authority for Federal-aid highway capital investments, drawn from the $19 billion surplus in the Highway Trust Fund.

$3 billion in transit capital and operating grants, drawn from the surplus in the Highway Trust Fund.

$3 billion in airport development projects, including $2 billion in airport improvement program grants to enhance airport safety, efficiency, and capacity.

$14 billion of tax-credit high-speed rail bonds for infrastructure construction and the acquisition of rolling stock.

$7.5 billion for capital investment in passenger and freight rail, including $2.5 billion for Amtrak.

$2.5 billion for port security grants to ports and marine facility operators.

$11.5 billion for wastewater and drinking water infrastructure, to be administered

through the existing Clean Water State Revolving Fund and Safe Drinking Water State Revolving Fund.

$1.5 billion to fund investment in currently authorized water resources infrastructure projects.

$1.5 billion in grants to economically distressed communities for economic development.

$500 million for the repair and alteration of Federal buildings.

In my home State of California, the infrastructure needs that could be addressed by this bill are particularly great. Although the just-completed BART link to San Francisco International Airport is a major achievement, we still remain a long way off from the long-term goal of ringing the Bay Area with BART stations.

And despite the recent economic downturn, California's economy remains the engine of much of the country's economic growth, and California's population continues to grow. That puts tremendous demands on our roads, airports, and transit systems, and is one reason why Los Angeles and the San Francisco Bay Area are consistently ranked as the top two urban areas in the U.S. with the longest annual delays per rush-hour driver.

This bill will provide a total of $1.8 billion in new funds for California transportation and safe drinking water infrastructure, and more than $1.5 billion more for high speed and passenger and freight rail. All told, the bill will create well over 100,000 new jobs in California.

That could bring us farther toward fulfilling one of California's most urgent needs, a high speed rail link from the Bay Area all the way south to San Diego. Without high speed rail there is little hope of taking some of the pressure off of California's over-burdened highways and airports.

In addition to the transportation improvements contemplated by the bill, I would like to say a few words about the need for additional funds for port security and clean drinking water.

Since the attacks of September 11 it has become clear that our ports should be one of the first lines of defense against attempts to bring weapons of mass destruction into this country. And yet the funds we have dedicated to securing our ports have been woefully inadequate.

Last year I introduced comprehensive legislation to improve security at our ports, and to inspect more of the 16 million containers which come through those ports each year. Currently, only one to two percent of those containers are inspected, and the possibility of a dirty bomb or nuclear device being shipped in via container remains alarmingly real.

This bill provides an additional $2.5 billion for port security, which would go some of the way toward meeting the $6 billion in expenses the Coast Guard anticipates over the next 10 years for ports to comply with security standards imposed under the Maritime Transportation Security Act.

With respect to clean drinking water, a very different, but equally important, priority, this bill provides $11.5 billion for wastewater and drinking water infrastructure investment. That funding is important because the Administration continues to insist on funding cuts for the Clean Water and Safe Drinking Water State Revolving Funds.

Even level funding will not allow us to upgrade existing water treatment facilities, many of which were built in the 1970s, when the federal government first began to take a major role in the construction of drinking water infrastructure. Many of those facilities will require substantial improvements and overhauls over the next two decades as pipes and equipment fall into disrepair.

In the West, the magnitude of water supply contamination by perchlorate, a chemical used in rocket fuel, has only recently become apparent. The costs of cleaning up perchlorate in California alone will likely stretch into the billions of dollars, and some of those funds must come from the Safe Drinking Water State Revolving Fund, which would receive $1.5 billion under this bill.

With the Federal budget deficit certain to top $400 billion this year, and with the gross federal debt projected to increase by over $5 trillion by 2013, there is a real question as to where these funds will come from.

I am glad to say, therefore, that this bill is fully offset and would not add at all to our deficit. The bill uses three offsets to recoup the $34 billion cost of the bill, two of which are designed to limit corporate fraud, and the last of which extends customs user fees.

The bulk of the funds used to offset the bill are generated by limiting the ability of large corporations to shelter income from taxation. A recent report by the Joint Economic Committee on corporate fraud at the Enron Corporation speaks to the magnitude of this problem.

For several years Enron reported huge profits to its shareholders, while reporting little or no taxable income to the IRS. We now know that Enron executives treated their tax division as a for-profit entity within the company and set annual revenue targets for the division.

Between 1996 and 1999, Enron reported aggregate profits of $2.1 billion on its income statement, while claiming aggregate losses, for tax purposes, of $3 billion. Some of that gap can be explained by the massive tax deductions Enron took for employee stock deductions, and the rest stemmed from the closely guarded tax-shelter transactions designed for the company by banks, accountants, and legal firms.

This bill closes those Enron-specific loopholes, but also strengthens a very simple provision which will have a big impact on shutting down future loopholes.

The so-called ''Economic Substance Doctrine'' imposed by the bill states that any transaction which has no material economic impact on the business of the company, but which is purely designed for the purpose of tax avoidance, shall be disallowed for tax purposes.

That will allow enhance the ability of tax courts to crack down on companies that engage in off balance sheet transactions, artificial income shifting, uneconomic financing transactions, and other tax avoidance schemes which are not designed to provide any profit to the company beyond a tax savings.

In the same vein, the bill puts an end to the practice of setting up corporate headquarters offshore in order to avoid corporate taxes at home. This practice is not only blatantly unpatriotic, but also creates an imbalanced playing field for companies that abide by the spirit of the law but are forced to compete with firms that don't.

This bill will require such corporate expatriates to continue to pay U.S. taxes even if they move abroad. All told, these provisions fully offset the cost of the infrastructure improvements included in the bill.

Just about any American you talk to will tell you that our economy is not in good shape. A quick look at the front page of newspapers shows that our stock markets remain well below their 2000 high, that more people face long-term unemployment than at any time in the past two decades, and that businesses are not making new investments.

The tax cut which was recently signed into law is the wrong medicine for our economy, and will do little to reverse our current course. In fact, it may well increase uncertainty and act as a long-term drag on the economy by increasing the federal debt and putting pressure on long-term interest rates.

I urge my colleagues to support this bill as a much better means of stimulating economic growth, and one which will pay long-term dividends in terms of improved roads, railways, and water treatment facilities.

Rather than simply hand down a burden of debt to our children and grandchildren, this bill would create a lasting legacy of modern infrastructure for their benefit.

By Mr. HARKIN (for himself, Mr. HATCH, Mr. INOUYE, Mr. GRASSLEY, and Mr. DASCHLE):

S. 1410. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President. Today, I am introducing legislation called, ''The Access to Medical Treatment Act, AMTA'', on behalf of myself and my colleagues, Senators HATCH, INOUYE, GRASSLEY, and DASCHLE.

This legislation is important for thousands of Americans who suffer from illness or disease for which conventional medical treatments offer little or no promise of cure or relief.

Many Americans are plagued with the hopelessness of debilitating pain caused by illness. For some of these patients, non-conventional treatments could offer much needed relief. Thousands of other Americans live with potentially fatal diseases that are unresponsive to traditional medical treatments. Increasing the options for treatment by utilizing unconventional therapy could provide newfound hope for lifesaving results.

AMTA addresses limits placed on unconventional medical care and would allow Americans access to many promising, even proven, treatments that are currently restricted. For example, the bill would lift some restrictions on treatments that have been approved and used in other countries. The bill would also allow access for many additional patients to drugs or therapies otherwise available through the Food and Drug Administration, FDA, human clinical trials.

This legislation establishes parameters for the use of such non-conventional therapies. A health care practitioner may provide the medical treatment requested by a patient under certain guidelines. First, the health care practitioner must personally examine the patient, the treatment must be within the practitioner's appropriate range of practice, it must not violate any existing licensing laws, and the treatment must comply with the Controlled Substances Act. Next, there must be no reason for the practitioner to conclude that the treatment will cause danger to the patient. The patient must be informed, in writing, of the contents and methods of treatment, its possible side effects, anticipated benefits, results of prior use of treatment on other patients, and any other information necessary to fully meet the requirements for informed consent of human subjects in FDA regulations.

I believe we have some of the best medicine, technology, and health care providers in the United States. However, there are vast amounts of information yet to be learned on disease and treatment. We must not allow ourselves to be exclusively, perhaps, myopically, focused on traditional forms of treatment when some Americans find no relief from them. Those with debilitating pain and disease should have access to new options for relief, especially when conventional treatments fail.

We owe it to the American people to engage in this crucial discussion on access to non-conventional forms of medical treatments. There are many questions that need to be addressed. We must begin to address them by exploring the new and innovative forms of therapy that exist, and by engaging in an educated dialogue on this issue.

By Mr. KERRY (for himself and Mr. CHAFEE):

S. 1411. A bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, our Nation is facing an affordable housing crisis. Recent changes in the housing market have limited the availability of affordable rental housing across the country and have dramatically increased the cost of those that remain. More families are forced to pay more than 50 percent of their income for housing at a time when Federal spending on housing programs are under attack. That is why, along with Senator CHAFEE, I am again proposing to address the severe shortage of affordable housing by introducing legislation that will establish a National Affordable Housing Trust Fund and begin a rental housing production program.

The Affordable Housing Trust Fund that is established in this legislation would create a production program that will ensure 1.5 million new rental units are built over the next 10 years for extremely low-income families and working families. The goal is to create long-term affordable, mixed-income developments in areas with the greatest opportunities for low-income families. Seventy-five percent of Trust Fund assistance will be awarded, based on need, through matching grants to States and local jurisdictions. The States and local jurisdictions will allocate funds on a competitive basis to projects that meet Federal requirements, such as mixed-income projects and long-term affordability, and that address local needs. The remainder of the funding will be competitively awarded by the Department of Housing and Urban Development, HUD, to intermediaries, such as the Enterprise Foundation, which will be required to leverage private funds. A portion of the Trust Fund will be used to promote home ownership activities for low-income Americans.

The Trust Fund would be paid for out of surplus revenue generated by the Federal Housing Administration and Government National Mortgage Administration after ensuring their fiscal safety and soundness. These Federal housing programs generate billions of dollars in excess income, which currently goes to the general Treasury for use on other Federal priorities. It is time to stop taking housing money out of housing programs. These excess funds should be used to help alleviate the current housing crisis. According to current projections, approximately $28 billion will be available for the Trust Fund between now and 2008.

The need for affordable housing is severe. Many working families have been unable to keep up with the increase in housing costs. Today, for many low-income families and their children, the cost of privately owned rental housing is simply out of reach. According to the National Housing Conference, more than 14 million families spent over half of their income on housing in 2001. Today, working families in this country increasingly find themselves unable to afford housing. A person trying to live in Boston would have to make more than $35,000 annually, just to afford a two-bedroom apartment. This means teachers, janitors, social workers, police officers and other full-time workers may have trouble affording even a modest two-bedroom apartment.

The cost of rental housing keeps going up. According to the Consumer Price Index, CPI, contract rents began to rise above the rate of inflation in 1997 and have continued every year since. Rental costs have outpaced renter income gains for households across the board. Low wage workers have been hardest hit by the increase in cost of rental housing.

Because of the lack of affordable housing, too many families are forced to live in substandard living conditions putting their children at risk. Children living in substandard housing are more likely to experience violence, hunger, lead poisoning and to suffer from infectious diseases such as asthma. They are more likely to have difficulties learning and more likely to fall behind in school. Our Nation's children depend upon access to affordable rental housing.

At the same time the cost of rental housing has been increasing, there has been a significant decrease in affordable rental housing units. More than 1.8 million affordable housing units have been demolished over the past decade. Making matters worse, many current affordable housing providers are deciding to opt-out of their Section 8 contracts or are prepaying their HUD-insured mortgages. These decisions have further limited the availability of affordable housing across the country. Many more providers will be able to opt-out of their Section 8 contracts in the next few years, further limiting the availability of affordable housing in our nation. The current decline has already forced many working families eligible for Section 8 vouchers in Boston to live outside the city because there are no available rental housing units which accept vouchers.

The loss of affordable housing has exacerbated the housing crisis in this country, and the Federal Government must take action. We have the resources, yet we are not devoting these resources to fix the problem. Despite the fact that more families are unable to afford housing and there are fewer affordable rental housing units, we have decreased Federal spending on critical housing programs. Between 1978 and 1995, the number of households receiving Federal housing assistance was increased by almost 3 million. From 1978 through 1984, an additional 230,000 families received Federal housing assistance each year. This number dropped significantly to 126,000 additional households each year from 1985 through 1995.

In 1996, this nation's housing policy went all the way back to square one—not only was there no increase in families receiving housing assistance, but the number of assisted units actually decreased. From 1996 to 1998, the number of HUD assisted households dropped by 51,000.

During this time of rising rents, increased housing costs, and the loss of affordable housing units, it is incomprehensible that we are not doing more to increase the amount of housing assistance available to working families. Yet in the face of these critical housing problems and the effect it has on our children, the Bush Administration is working to dismantle many federal programs that help Americans find affordable housing. The Bush Administration has proposed to block grant the Section 8 Voucher program, which I believe will reduce the number of families with children eligible for Federal housing assistance and increase housing costs for those families who remain. A recent Center on Budget and Policy Priorities study that shows President Bush's fiscal year 2004 budget request is inadequate to fund all Section 8 housing vouchers needed in fiscal year 2004. Specifically, the lack of funding in the voucher program request means that approximately 184,000 vouchers now in use serving low-income families will not be funded. In Massachusetts, this would mean a reduction of more than 6,000 vouchers or nearly ten percent of the vouchers projected to be in use in October 2003. If the President's request is enacted into law, the Center on Budget and Policy Priorities believes that it is likely that some families that now rely on vouchers to help pay their rent will lose assistance, placing these families at high risk of eviction and, in some cases, homelessness. President Bush's fiscal year 2004 budget request also proposes cutting an additional $2.45 billion from existing housing programs and eliminating the HOPE VI program, which has helped revitalize neighborhoods around the country. These cuts come on top of an earlier Bush Administration action to abolish the Public Housing Drug Elimination Grant program.

The Bush Administration changes in Federal housing programs mean that the Commonwealth of Massachusetts and many other States will likely receive a reduction in Federal housing funds in fiscal year 2004. Almost every State is facing serious budget deficits and are forced to dramatically increase spending on homeland security. Additional funds are not available to make up the decline in Federal spending. The future is even bleaker. These reductions at HUD follow the enactment of two separate tax cuts, which primarily benefit the wealthiest in our society, that will make it almost impossible for any significant increases in the HUD's budget over the next decade. We need to bring housing resources back to where they belong. The National Affordable Housing Trust Fund will provide desperately needed funds to begin production of affordable housing in the United States. Enacting the Housing Trust Fund legislation is an important step in the right direction to add resources to housing and to help begin producing housing again.

We can no longer ignore the shortage of affordable housing in America, and the impact it is having on families and children around the country. It is still unclear to me why this lack of housing has not caused more uproar. How many families are to be pushed out of their homes and into the streets, before action is taken. I believe it is time for our nation to take a new path—one that ensures that all Americans, especially our children, has the opportunity to live in decent, affordable and safe housing. Everyone knows that decent housing, along with neighborhood and living environment, play enormous roles in shaping young lives. Federal housing assistance, has assisted millions of low-income children across the nation and has helped develop stable home environments. However, too many children still live in families that have substandard housing or are homeless. These children are less likely to do well in school and less likely to be productive citizens. Because of the positive effect that this legislation would have on America's children, the Trust Fund was included in the Act to Leave No Child Behind, a comprehensive proposal by the Children's Defense Fund to assist in the development of our nation's children.

I urge you to support this legislation to restore our commitment to provide affordable housing for all families. We can no longer turn our backs on those who struggle every day just to put a roof over their family's head.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1412. A bill to suspend the implementation of the revised definitions of Metropolitan Statistical Areas applicable to Kent, Ottawa, Muskegon, and Allegan Counties in the State of Michigan; to the Committee on Governmental Affairs.

Ms. STABENOW. Mr. President, I rise today to introduce legislation along with Mr. LEVIN, that would stop the implementation of a new Metropolitan Statistical Area, MSA, in the Michigan counties of Kent, Ottawa, Muskegon, and Allegan, KOMA.

On June 6, 2003, the Office of Management and Budget issued its Bulletin No. 03–04 on Revised Definition of Metropolitan Statistical Areas, New Definitions of Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on the Use of the Statistical Definitions in These Areas.

This bulletin finalizes a process that began with the last census. Statistical areas, as explained by the OMB, are designed solely for statistical purposes. As stated in the bulletin, they are designed to ''provide nationally consistent definitions in collecting, tabulating, and publishing Federal statistics for a set of geographic areas.'' The problem is that the are used for much more than that. They are principal tool for allocating Federal dollars. And, although OMB recognizes this, it will ''not take into account or attempt to anticipate any nonstatistical uses that may be made of the MSAs.''

This is a serious problem. On one hand, we are implementing new MSAs to serve basic statistical purposes. On the other hand, these new MSAs are critical for the allocation of Federal money and OMB does not consider, in the least bit, how these new MSAs may negatively or positively affect communities. It is easy for OMB staff to say that their hands are tied by rules and strict methodologies, but this is not about number-crunching. This is about real dollars for Michigan.

I have heard from numerous constituents in West Michigan who are concerned about how these new statistical, designations will affect Medicaid and Medicare payments, Housing and Urban Development grants, Community Development Block Grants, and other important programs in Michigan. I share these concerns and want to make sure that we do not allow a new system of Federal dollar allocations to come into effect that would hurt West Michigan. We need time to study the impact of the new MSAs. That is why I am offering legislation to stay the implementation of the new West Michigan MSAs until October 1, 2004, leaving the current Kent-Ottawa-Muskegon-Allegan, KOMA, MSA in place.

The KOMA region has developed a common identity over the last decade. It shares regional challenges such as tourism, transportation networks, environmental protection, and community health. Business leaders have worked hard to market the region as a common community with much to offer potential new businesses and families looking to relocate. I do not want these leaders to lose this marketing tool. By the OMB setting up a new MSA with no consideration of the economic and social integration of the existing MSA, we could see the undermining of a great deal of progress for this part of Michigan.

We, in Congress, should eventually look at this issue of MSAs comprehensively. We should ensure that communities do not have to fact this uncertainty every decade with a new census. We should either ensure that the OMB takes into account economic and other community concerns when creating MSAs or we should make sure that Federal funding allocations are not made through MSAs. Regardless, in the short run, it is essential that the hospitals, the community development organizations, the business leaders, and the social service providers of West Michigan who are raising these concerns with me have time to study the problem and understand the impact of OMB's decision. Once that has been studied, we can work with OMB and

the interested parties to ensure that there is no loss of Federal money to West Michigan.

By Mrs. BOXER:

S. 1413. A bill to authorize appropriations for conservation grants of the Environmental Protection Agency, to direct the Secretary of the Army and the Secretary of the Interior to conduct expedited feasibility studies of certain water projects in the State of California, and for other purposes; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am introducing the California Affordable Quantity and Quality Water Act of 2003, CAL-AQQWA.

Nowhere is the need for a comprehensive water policy that includes innovative recycling and reuse principles more urgently felt than in California. Water agencies and elected officials throughout the State are constantly planning, and struggling, to balance California's agricultural, municipal, industrial and environmental water needs.

This challenge becomes all the more acute in the face of the State's declining Colorado River surplus allocation and growing population. California is facing an annual loss of about 800,000 acre feet from the Colorado River. And population forecasts project an additional 15 million residents in California over the next 20 years.

Unfortunately, funding to pursue and implement much-needed, environmentally beneficial water infrastructure projects is not readily available, and many good water management ideas are left languishing on the shelf. CAL-AQQWA can help move many of these ideas forward and into production.

There are two sections in this bill. The first section authorizes expedited feasibility studies for 22 water projects in California. Funding priority would be given to projects that would provide environmental and other benefits. Costs for these studies would be shared between the local sponsors and the Federal Government.

Studies in this bill explore a variety of innovative water supply strategies, including groundwater recharge; recycled water distribution for landscaping, wetlands restoration, agricultural use, industrial use, and general irrigation; surface water storage alternatives; groundwater storage; desalination; conservation; and groundwater demineralization. If fully implemented, these water projects may provide up to 630,000 acre feet of water per year in California. These additional acre feet would allow local authorities to decrease their dependence on imported water sources.

The second section of this bill increases funding for the Environmental Protection Agency's Conservation Grant programs, including $2 billion in fiscal year 2004 for the drinking water state revolving loan program. EPA conservation grants provide funding for measures that include: urban conservation, low-flow toilets, water meter installation or retrofit, desalination projects, wastewater treatment system upgrades for compliance with Clean Water Act requirements, and groundwater recharge facilities projects.

Water agencies and local officials throughout California are constantly struggling to meet all of our state's water needs. My hope is that this legislation will bring us closer to meeting the challenges facing our growing population by studying and expanding the proven benefits of water conservation and recycling.

Let me conclude by noting that seven of the studies in the bill would be conducted by the Army Corps of Engineers. I support moving forward with additional Corps studies. But I also recognize we need to reform the Corps. As part of any reform effort for the Corps, I would like to see that costly or controversial Corps projects be subject to independent review; that any environmental harm caused by Corps projects be fully mitigated in a timely manner; that the public will have access to the information necessary to fully participate in the Corps' planning process; that the Corps' procedures for determining project costs and benefits will be modernized; and that Corps projects will be designed and operated in a manner that protects our precious natural resources.

I encourage my colleagues to take a close look at this bill, and I ask for their support.

By Mr. HATCH (for himself, Mr. MILLER, Mrs. HUTCHISON, Mr. CRAIG, Mr. CORNYN, Mr. SESSIONS, Mr. DOMENICI, Mr. CHAMBLISS, Mr. BURNS, Mr. SUNUNU, Mr. ENZI, Mr. BUNNING, Mr. ALLEN, Mr. STEVENS, Mr. CAMPBELL, Mr. GRASSLEY, Mr. THOMAS, Mr. GRAHAM of South Carolina, and Mr. CRAPO):

S. 1414. A bill to restore second amendment rights in the District of Columbia; to the Committee on Governmental Affairs.

Mr. HATCH. Mr. President, I rise today to introduce the District of Columbia Personal Protection Act. This is an extremely important piece of legislation. Most importantly, this bill goes a long way toward restoring the constitutionally guaranteed right of Americans who reside in the District of Columbia to possess firearms.

It is no secret that the District of Columbia, our great Nation's Capital, suffers from the most startling violent crime rates in the country. It has the highest, the absolute highest, murder rate per capita in the country. According to the Bureau of Justice Statistics, and despite the most stringent gun control laws in the country, in 8 out of the 9 years between 1994 and 2002, Washington DC had the highest murder rate in the country. In fact, the results are in for 2002, and unfortunately they continue to paint a grim picture. The District of Columbia has again reclaimed its rather unenviable title as the ''Murder Capital of the United States''.

It is time, to restore the rights of law-abiding citizens to protect themselves and to defend their families against murderous predators. All to often, we read in the paper about yet another vicious murder carried out against an innocent District of Columbia resident. Try to imagine the horror that the victim felt when he faced a gun-toting criminal and could not legally reach for a firearm to protect himself. We must act now to stop the carnage and put law-abiding citizens in a position to exercise their right to self defense. It is time to tell the citizens of the District of Columbia that the Second Amendment of the Constitution applies to them, and not only to their fellow Americans in the rest of the country. The District of Columbia Personal Protection Act would do exactly that.

Let me take a moment to highlight what this legislation would do. This bill would: 1. permit law-abiding citizens to possess handguns and rifles in their homes and businesses; 2. repeal the registration requirements for firearms and ammunition; 3. eliminate criminal penalties for possession and carrying of firearms in their homes and businesses; and 4. correct an erroneous provision which wrongly treats some firearms as if they were machineguns.

Over the years, I have heard over and over again from some of my friends on the other side of the aisle that the way you reduce violent, gun-related crime is by prohibiting the possession of firearms. Even if law-abiding citizens are prohibited from possessing firearms, my liberal friends argue, it is a small price to pay for safety and security.

Well, I want to take this opportunity to dispel these unfounded myths. These myths, I might add, are exposed as such by situations like we have today in the District of Columbia. I have said it before, but I will say it again, excessive regulation and the systematic erosion of the rights guaranteed by the Second Amendment do not deter violent, gun-toting criminals. Enacting and vigorously enforcing stiff penalties for those that commit crimes with guns deters violent crime. Not only is this the proven and effective approach to reducing gun violence, it also preserves the constitutionally guaranteed rights of law-abiding men and women to own and possess firearms.

In fact, I recently held a hearing that examined the Administration's gun crime reduction initiative, Project Safe Neighborhoods. This initiative has been incredibly successful. It takes the precise approach that I have advocated—strict and vigorous enforcement of crimes committed with guns. It says to criminals, ''If you use a gun during the commission of a crime, you will do very serious and very hard time.'' And it does so, without trampling on the

rights of law-abiding American men and women.

Today, unfortunately but not surprisingly, the state of affairs in the District of Columbia has highlighted exactly what those of us who care deeply about the Second Amendment of the Constitution have always feared: murderous criminals possess firearms and are free to prey upon law-abiding citizens; and law-abiding citizens—precisely because they are law-abiding citizens—may not possess a firearm in their homes to protect themselves and their families.

The prohibition of firearms in the District of Columbia is as ineffective and deplorable as it is unconstitutional; it is high-time we rectify this wrong. I urge my colleagues to support this measure.

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. 1414

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 ''District of Columbia Personal Protection Act''.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) The Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the rest of the United States for sporting use and for lawful defense of persons, homes, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only disarm law-abiding citizens.

(6) Legislation is required to correct the District of Columbia's law in order to restore the rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. 3. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 303.43 of title 1, District of Columbia Code, is amended by adding at the end the following: ''This section shall not be construed to permit the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons otherwise permitted to possess firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor regulated by the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms.''.

SEC. 4. REPEAL D.C. SEMIAUTOMATIC BAN.

Section 2501.01(10) of title 7, District of Columbia Code, is amended to read as follows:

''(10) Machine gun means any firearm which shoots, is designed to shoot, or can be readily converted or restored to shoot automatically, more than 1 shot by a single function of the trigger.''.

SEC. 5. REPEAL REGISTRATION REQUIREMENT.

Section 2502.01 of title 7, District of Columbia Code, is amended—

(1) in subsection (a)—

(A) by striking '', and no person or organization in the District shall possess or control any firearm, unless the person or organization holds a valid registration certificate for the firearm''; and

(B) by striking beginning with ''A registration'' through paragraph (3); and

(2) in subsection (b)—

(A) in paragraphs (1) and (2), by striking ''firearm or'';

(B) in paragraph (2), by striking the semicolon at the end and inserting a period; and

(C) by striking paragraph (3).

SEC. 6. REPEAL D.C. HANDGUN BAN.

Section 2502.02 of title 7, District of Columbia Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting ''or'' after the semicolon;

(B) in paragraph (3), by striking ''; or'' and inserting a period;

(C) by striking paragraph (4); and

(D) by striking ''(a)''; and

(2) by striking subsection (b).

SEC. 7. REPEAL HANDGUN AMMUNITION BAN.

Section 2506.01 of title 7, District of Columbia Code, is repealed.

SEC. 8. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 2507.02 of title 7, District of Columbia Code, is repealed.

SEC. 9. ADDITIONAL REPEALS.

Sections 2502.03, 2502.04, 2502.05, 2502.06, 2502.07, 2502.08, 2502.09, 2502.10, and 2502.11 of title 7, District of Columbia Code, are repealed.

SEC. 10. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

Section 2507.06 of title 7, District of Columbia Code, is amended—

(1) by striking ''that:'' through ''(1) A'' and inserting ''that a''; and

(2) by striking paragraph (2).

SEC. 11. REMOVE CRIMINAL PENALTIES FOR CARRYING PISTOL IN ONE'S DWELLING OR OTHER PREMISES.

Section 4504(a) of title 22, District of Columbia Code, is amended—

(1) in the matter before paragraph (1), by inserting '', except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded,'' before ''a pistol''; and

(2) in paragraph (1), by striking ''a pistol, without a license pursuant to District of Columbia law, or''.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 1415. A bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the ''Barbara B. Kennelly Post Office Building'', to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today proudly to introduce legislation to rename the postal facility at 141 Weston Street in Hartford, CT, as the ''Barbara B. Kennelly Post Office Building.'' Barbara Kennelly is a dear friend, a former member of the House of Representatives, and an outstanding citizen of Connecticut who has dedicated her life to public service on behalf of the citizens of our great State. It is long past time, and the very least that we can do to pay tribute to her in this small but lasting way.

Barbara's life of public service came as no surprise to those of us who knew her and her family—the first family of Connecticut politics, I might add. Her father, John M. Bailey, was one of the all time great political legends of our State—a powerful political leader, confidante of John F. Kennedy, and Democratic Party chairman under Presidents Kennedy and Johnson. I devoted the better half of my senior year at Yale to the study of Bailey and wrote my senior thesis, later turned into a book, on his brilliant and sophisticated use of political power. Barbara's mother was active in Democratic politics long after the death of her husband in 1975, her brother Jack served as the chief state attorney in Connecticut, and her late husband Jim was a Speaker of the Connecticut House. Politics has been in Barbara's bones practically from the time she was born.

She once told a newspaper that politics didn't ''come naturally, but certainly it's a lot easier when you see members of your family doing it. Obviously I was watching my father all the time and learning through osmosis.''

She had good instructors and she learned well. After serving on the Hartford City Council and as Connecticut's Secretary of State, Barbara was elected to Congress in 1982 and served with distinction until 1999, when she answered her party's call to run for governor.

Like her father, she was a hard-driving and skilled tactician in the House, working the back corridors of politics and shunning the bright lights of the modern media ever in search of a nine-second sound bite.

She was an insider, a loyal Member of the House leadership, and a golf partner to the likes of Danny Rostenkowski. She rose in through the party ranks making few enemies, seeking consensus, playing fair, and gathering strength one vote at a time.

Through the 1980s and 1990s, she was one of the more powerful women in the Congress—part feminist hero, part backroom pol. She had a knack for getting along with the good old boys even as she pushed the boundaries for women's rights.

In 1984, she was thrilled to be chosen to nominate Geraldine Ferraro as the first woman Vice Presidential candidate on a Democratic ticket. Years

afterward, Barbara said that moment was one of the high points of her career. But there would be many others. In her second term, House Speaker Tip O'Neill recognized her ability and appointed her to serve on the prestigious tax-writing Ways and Means Committee, a committee most members wait years to join. She also became the first woman member of the House Intelligence Committee. And in 1991, she became the first woman to join the House leadership as a chief deputy whip.

We miss her strong presence and her wise counsel here in Congress but are grateful for her continuing work on behalf of seniors as the President of the National Committee to Preserve Social Security and Medicare. I appreciate the opportunity to help honor a great woman in this way. 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. 1415

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

SECTION 1. BARBARA B. KENNELLY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, shall be known and designated as the ''Barbara B. Kennelly Post Office Building''.

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

AMENDMENTS SUBMITTED AND PROPOSED

SA 1232. Mr. STEVENS (for himself and Mr. WARNER) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

SA 1233. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

SA 1234. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 2658, supra.

SA 1235. Mr. STEVENS (for Mr. GRAHAM, of South Carolina (for himself and Mr. HOLLINGS)) proposed an amendment to the bill H.R. 2658, supra.

SA 1236. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 2658, supra.

SA 1237. Mr. INOUYE (for Mr. MILLER) proposed an amendment to the bill H.R. 2658, supra.

SA 1238. Mr. INOUYE (for Mr. GRAHAM, of Florida (for himself and Mr. NELSON, of Florida) proposed an amendment to the bill H.R. 2658, supra.

SA 1239. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1240. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1241. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1242. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1243. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1244. Mr. BYRD (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 2658, supra.

SA 1245. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1246. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1247. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1248. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1249. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1250. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1251. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1252. Mr. NELSON, of Florida (for himself and Mr. GRAHAM, of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1253. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1254. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1255. Mr. STEVENS (for himself and Mr. INOUYE) proposed an amendment to amendment SA 1244 proposed by Mr. BYRD (for himself and Mr. CORZINE) to the bill H.R. 2658, supra.

SA 1256. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1257. Mr. STEVENS (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill H.R. 2658, supra.

SA 1258. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2658, supra.

SA 1259. Mr. ALLEN proposed an amendment to the bill H.R. 2658, supra.

SA 1260. Mr. INOUYE (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill H.R. 2658, supra.

SA 1261. Mr. INOUYE (for Mr. CONRAD) proposed an amendment to the bill H.R. 2658, supra.

SA 1262. Mr. INOUYE (for Mr. BREAUX (for himself and Ms. LANDRIEU)) proposed an amendment to the bill H.R. 2658, supra.

SA 1263. Mr. INOUYE (for Mr. REED) proposed an amendment to the bill H.R. 2658, supra.

SA 1264. Mr. DORGAN proposed an amendment to the bill H.R. 2658, supra.

SA 1265. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1266. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1232. Mr. STEVENS (for himself and Mr. WARNER) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Amounts appropriated by this Act may be used for the establishment and support of 12 additional Weapons of Mass Destruction Civil Support Teams, as follows:

(1) Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY'', up to $23,300,000.

(2) Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'', up to $16,000,000.

(3) Of the amount appropriated by title III under the heading ''OTHER PROCUREMENT, ARMY'', up to $25,900,000.

(4) Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $1,000,000.

SA 1233. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $2,000,000 may be available for the development of integrated systems analysis capabilities for bioterrorism response exercises.

SA 1234. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the amount appropriated by title III under the heading ''PROCUREMENT, MARINE CORPS'', up to $1,500,000 may be used for the procurement of highly versatile nitrile rubber collapsible storage units.

SA 1235. Mr. STEVENS (for Mr. GRAHAM of South Carolina (for himself and Mr. HOLLINGS) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $3,000,000 may be available for Marine

Corps Communications Systems (PE#0206313M) for Critical Infrastructure Protection.

SA 1236. Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

SEC. 8124. Of the total amount appropriated by title III under the heading ''OTHER PROCUREMENT, ARMY'', up to $1,500,000 may be used for for the procurement of TSC–750 computer systems.

SA 1237. Mr. INOUYE (for Mr. MILLER) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $1,000,000 may be available for Combat Systems Integration (PE#0603582N) for the Trouble Reports Information Data Warehouse.

SA 1238. Mr. INOUYE (for Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $2,000,000 may be available for night vision goggles in advanced helicopter training.

SA 1239. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $5,000,000 may be available for the Rotary, Multi-Fuel, Auxiliary Power Unit.

SA 1240. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading ''OPERATION AND MAINTENANCE, ARMY RESERVE'', up to $3,000,000 may be available for Army Reserve Information Operations for Land Forces Readiness for Information Operations Sustainment.

SA 1241. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading ''PROCUREMENT, DEFENSE-WIDE'', up to $23,000,000 may be available for modifications to complete the conversion of a C–130J aircraft to EC–130J Commando Solo configuration for the Special Operations Command.

SA 1242. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading ''MISSILE PROCUREMENT, AIR FORCE'', $669,310,000 shall be available for the Evolved Expendable Launch Vehicle.

SA 1243. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading ''MISSILE PROCUREMENT, AIR FORCE'', up to $669,310,000 may be used for the Evolved Expendable Launch Vehicle.

SA 1244. Mr. BYRD (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Notwithstanding any other provision of law, no funds appropriated or otherwise made available for the Department of Defense, including funds appropriated for the Department before the date of the enactment of this Act that remain available for obligation as of that date, may be available for the involuntary call or order to active duty of any member of the National Guard or other Reserve component for purposes of the deployment of the member overseas as follows:

(1) A single deployment overseas of 180 days or more.

(2) More than one deployment overseas in any 360-day period.

SA 1245. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''OPERATIONAL TEST AND EVALUATION, DEFENSE'', up to $12,800,000 may be available for the joint gulf range complex upgrade.

SA 1246. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading ''OTHER PROCUREMENT, AIR FORCE'', up to $20,000,000 may be available for the Halvorsen Loader.

SA 1247. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $6,000,000 may be available for the Combat Trauma Patient Simulation.

SA 1248. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading ''AIRCRAFT PROCUREMENT, NAVY'', up to $100,000,000 may be available for the EA–6B ICAP III Program.

SA 1249. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading ''AIRCRAFT PROCUREMENT, NAVY'', up to $5,500,000 may be available for the EA–6B Ready Room Mission Rehearsal System.

SA 1250. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $7,600,000 may be

available for the Live Fire Test and Training (LFT&T) Program.

SA 1251. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $3,250,000 may be available for the Low-Cost Retractable Needle.

SA 1252. Mr. NELSON of Florida (for himself and Mr. GRAHAM of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $10,000,000 may be available for the National Functional Genomics Center.

SA 1253. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $2,000,000 may be available for the Center of Excellence in Military Low Vision Research (PE#0603002A).

SA 1254. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $4,000,000 shall be available for the Center for Adaptive Optics.

SA 1255. Mr. STEVENS (for himself and Mr. INOUYE) proposed an amendment to amendment SA 1244 proposed by Mr. BYRD (for himself and Mr. CORZINE) to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike all after the word SEC. and insert:

8124. (a) There is established a Commission on Overseas Deployments.

(b)(1) The Commission shall be composed of 11 members of whom—

(A) three shall be appointed the President;

(B) two shall be appointed by the Speaker of the House of Representatives;

(C) two shall be appointed by the Majority Leader of the Senate, in consultation with the Secretary of Defense;

(D) two shall be appointed by the Minority Leader of the Senate, in consultation with any person who served as Secretary of Defense pursuant to an appointment to such position by President Jimmy Carter or President Bill Clinton; and

(E) two shall be appointed by the Minority Leader of the House of Representatives.

(2) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(3) The Commission shall meet at the call of the Chairman. The Commission shall hold its first meeting not later than 30 days after the date on which all members of the Commission have been appointed.

(4) A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(5) The Commission shall select a Chairman and Vice Chairman from among its members.

(c) The Commission shall—

(1) conduct a comprehensive examination of overseas deployments of members of the Armed Forces, and analyze the resulting adverse effects on personnel, readiness, and operation tempos on members of the active and reserve components of the Armed Forces;

(2) examine current overseas rotation policies and practices for active and reserve component forces and how those policies and practices affect military readiness, unit and individual training, quality-of-life for members and their dependents, and retention of career and noncareer members.

(d)(1) Not later than 120 days after the date of the enactment of this Act, the Commission shall submit to the congressional defense committees a report on the results of the examination and analysis under subsection (c).

(2) The report shall include recommendations on ways to reduce the burden of overseas deployments while maintaining readiness, overseas presence, and support for the National Military Strategy.

(3) The report and recommendations shall also address the overall size, structure, and sufficiency of the Armed Forces in relation to current requirements for overseas deployments and presence, the adequacy of the current balance and mix of active and reserve component forces, and the adequacy of the current balance and mix of critical, high-demand low-density units the rotation and assignment of members of the Armed Forces married to each other, limitations on the periods of overseas tours, and unaccompanied tours in hardship locations.

(e) The Commission shall consult with the congressional defense committees in carrying out its duties under this section.

(f) The Commission shall terminate 90 days after the submission of the report under subsection (d).

(g) Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $3,000,000 may be used for carrying out this section.

SA 1256. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table as follows:

Insert after section 8123 the following:

SEC. 8124. (a) CLOSURE OF NAVAL STATION ROOSEVELT ROADS, PUERTO RICO.—Notwithstanding any other provision of law, the Secretary of the Navy shall close Naval Station Roosevelt Roads, Puerto Rico, no later than six months after the date of the enactment of this Act.

(b) DISPOSAL.—(1) The Secretary of the Navy shall exercise the authority granted to the Administrator of the General Services pursuant to section 545 of title 40, United States Code, and dispose of the real property and associated personal property at the former Naval Station by public sale.

(2) The Secretary of the Navy may transfer excess personal property or dispose of surplus personal property located at the installation pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 521 et seq.).

(c) AVAILABILITY OF FUNDS.—The Secretary of the Navy may use funds in the Department of Defense Base Closure Account established by section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) to implement the closure of the former Naval Station.

(d) TREATMENT OF PROCEEDS.—There shall be deposited into the Account referred to in subsection (c) the proceeds of sale from the disposal of property authorized by subsection (b) for the benefit of the Department of the Navy.

SA 1257. Mr. STEVENS (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $3,000,000 may be available for the Long Range Biometric Target Identification System.

SA 1258. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

''Sec. . Of the total amount appropriate by title IV under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', up to $2,500,000 may be made used for the study of geospatial visulization technologies.

SA 1259. Mr. ALLEN proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $4,000,000 may be available for High Speed Anti-Radiation Demonstration Airframe/Propulsion Section (PE#0603114N).

SA 1260. Mr. INOUYE (for Mr. BINGAMAN (for himself and Mr. DOMENICI)) proposed an amendment to the bill H.R. 2658, making appropriations for

the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading ''Research and Development Defense Wide'', up to $3,500,000 may be used for National Consortium on Masins Research for Program Element number 03058846.

SA 1261. Mr. INOUYE (for Mr. CONRAD) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $3,500,000 may be available for the Medical Vanguard Project to expand the clinical trial of the Internet-based diabetes management system under that project.

SA 1262. Mr. INOUYE (for Mr. BREAUX (for himself and Ms. LANDRIEU)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $800,000 may be available for the Tulane Center for Missile Defense, Louisiana.

SA 1263. Mr. INOUYE (for Mr. REED) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading ''DEFENSE PRODUCTION ACT PURCHASES'', up to $3,000,000 may be available for a Flexible Aerogel Material Supplier Initiative to develop affordable methods and a domestic supplier of military and commercial aerogels.

SA 1264. Mr. DORGAN proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Not later than July 29, 2003, the President shall submit to Congress a budget amendment to the budget of the President for fiscal year 2004, as submitted to Congress in 2003 under section 1105(a) of title 31, United States Code, setting forth in full the amounts required for fiscal year 2004 for United States military operations in Iraq and Afghanistan in fiscal year 2004.

SA 1265. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment to be proposed by her to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' for Army Missile Defense System Integration (Non Space), up to $1,500,000 may be used for the Low Cost Avionics program to establish avionic system standards utilizing commercial, open architecture design methodologies.

SA 1266. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading ''MISSILE PROCUREMENT, AIR FORCE'', up to $619,310,000 may be used for the Evolved Expendable Launch Vehicle.

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, July 16, 2003, at 10:00 a.m. in Room 106 of the Dirksen Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by a joint hearing with the House Committee on Resources, Office of Native American and Insular Affairs, on S. 556, a bill to Reauthorize the Indian Health Care Improvement Act, and H.R. 2440, the Indian Health Care Improvement Act Amendments of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 15, at 2:30 p.m. to receive testimony regarding the compact of free association with the Federated States of Micronesia and the Republic of the Marshall Islands.

THE PRESIDING OFFICER. Without objeftion, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, July 15, 2003, at 10:00 a.m., to receive testimony on An Examination of U.S. Tax Policy and Its Effect on the International Competitiveness of U.S.-Owned Foreign Operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Commission on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 15, 2003 at 10:00 a.m., to hold a hearing on Successes and Challenges for U.S. Policy to Haiti.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Commission on Governmental Affairs be authorized to meet on Tuesday, July 15, 2003, at 9:30 a.m., for a hearing entitled ''Nowhere to Turn: Must Parents Relinquish Custody in Order to Secure Mental Health Services for Their Children?, Part One: Families and Advocates.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Commission on Health, Education, Labor and Pensions, Subcommittee on Substance Abuse and Mental Health Services be authorized to meet for a hearing on Reauthorization of the Substance Abuse and Mental Health Services Administration during the session of the Senate on Tuesday, July 15, 2003, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, July 15, 2003, for a hearing to receive a report by Ronald F. Conley, the National Commander of the American Legion. 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.

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration and Border Security be authorized to meet to conduct a joint hearing on ''Visa Issuance, Information Sharing and Enforcement in a Post-9/11 Environment: Are We Ready Yet?'' on Tuesday, July 15, 2003, at 2:30 p.m. in SD226.

Panel I: Mr. Jess T. Ford, Director, International Affairs Division, General Accounting Office, Burke, Virginia.

Panel II: Ms. Janice L. Jacobs, Deputy Assistant Secretary, Visa Service, Department of State, Carbondale, Illinois; Mr. Michael T. Dougherty, Director of Operations, Bureau of Immigration and Customs Enforcement, Department of Homeland Security, McLean, Virginia; Mr. Jayson P. Ahern, Assistant Commissioner, Bureau of Customs and Border Protection, Department of Homeland Security, Ashburn, Virginia.

THE PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DEWINE. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Jennifer Bacigalupi, an assistant in my office, during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. I ask unanimous consent that Stephen Tela, a legislative fellow assigned to Senator KENNEDY's office, be accorded floor privileges during today's consideration of H.R. 2658.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent a staff person in Senator BINGAMAN's office be granted privileges during the pendency of this bill. His name is Jonathan Epstein, a congressional fellow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that William Greer and Ryan Pratt of Senator LOTT's office be granted the privilege of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHECK TRUNCATION ACT OF 2003

Mr. STEVENS. Mr. President, I ask that the Chair now lay before the Senate a message from the House on H.R. 1474.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 1474) entitled ''An Act to facilitate check truncation by authorizing substitute checks, to foster innovative in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes'', and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

For consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Oxley, Mr. Bachus, Mr. LaTourette, Ms. Hart, Mr. Tiberi, Mr. Frank of Massachusetts, Mr. Sanders, and Mr. Ford.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate insist on its amendment to the House bill, agree to a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees at a ratio of 3 to 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer appointed Mr. SHELBY, Mr. BENNETT, Mr. ALLARD, Mr. SARBANES, and Mr. JOHNSON as conferees on the part of the Senate.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2003

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 193, S. 764.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 764) to extend the authorization of the Bulletproof Vest Partnership Grant Program.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is taking up and passing the Bulletproof Vest Partnership Grant Act of 2003, S. 764, a bill to reauthorize an existing matching grant program to help State, tribal, and local jurisdictions purchase armor vests for use by law enforcement officers.

This bill marks the third time that I have had the privilege of teaming with my friend and colleague Senator CAMPBELL to work on this legislation. We authored the Bulletproof Vest Grant Partnership Act of 1998 in response to the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border, in which two State troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with lifesaving body armor, but the State and local law enforcement officers lacked protective vests because of the cost.

Two years later, we successfully passed the Bulletproof Vest Partnership Grant Act of 2000, and I hope we will go three-for-three this time around. Senator CAMPBELL brings to our effort invaluable experience in this area and during his time in the Senate he has been a leader in the area of law enforcement. As a former deputy sheriff, he knows the dangers law enforcement officers face when out on patrol. I am pleased that we have been joined in this effort by Judiciary Chairman HATCH, Judiciary Committee Senators BIDEN, SCHUMER, KOHL and FEINGOLD, as well as five other Senate cosponsors.

Our bipartisan legislation will save the lives of law enforcement officers across the country by providing more help to State and local law enforcement agencies to purchase body armor. Since its inception in 1999, this highly successful Department of Justice program has provided law enforcement officers in 16,000 jurisdictions nationwide with nearly 350,000 new bulletproof vests. In Vermont, 148 municipalities have been fortunate to receive funding for the purchase of almost 1200 vests. Without the federal funding given by this program, I daresay that there would be close to that number of police officers without vests in Vermont today.

The Bulletproof Vest Partnership Grant Act of 2003 will further the success of the Bulletproof Vest Partnership Grant Program by re-authorizing the program through fiscal year 2007. Our legislation would continue the Federal-State partnership by authorizing up to $50 million per year for matching grants to State and local law enforcement agencies and Indian tribes at the Department of Justice to buy body armor.

Not only should we reauthorize this program, but also we should work to see that it is fully funded. While the Bulletproof Vest Partnership Program funding has been consistently authorized at $50 million per year, that amount gets whacked in half during the appropriations process. Law enforcement agencies, however, clearly need our help to purchase vests—for the current fiscal year, the Bulletproof Vest Partnership office received funding requests from small jurisdictions, with populations under 100,000, totaling $59 million—more than double the funds appropriated. The authorizing legislation requires that smaller jurisdictions receive priority funding through this program. Those requests consumed the entire amount of funds available and for the first time ever awards could only be made to small jurisdictions.

We know that body armor saves lives, but the cost has put these vests out of the reach of many of the officers who need them. This program makes it more affordable for police departments of all sizes. Few things mean more to me than when I meet Vermont police officers and they tell me that the protective vests they wear were made possible because of this program. This is the least we should do for the officers on the front lines who put themselves in danger for us every day. I want to make sure that every police officer who needs a bulletproof vest gets one.

I look forward to Senate passage today of the bipartisan Bulletproof Vest Partnership Grant Act, and I hope the House and the President will promptly act on this lifesaving legislation to help better to protect our law enforcement officers.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 764) was read the third time and passed, as follows:

S. 764

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 ''Bulletproof Vest Partnership Grant Act of 2003''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking ''2004'' and inserting ''2007''.

NATIONAL HEALTH CENTER WEEK

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 195, S. Res. 140.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 140) designating the week of August 10, 2003, as ''National Health Center Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 140) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 140

Whereas community, migrant, public housing, and homeless health centers are nonprofit, community owned and operated health providers and are vital to the Nation's communities;

Whereas there are more than 1,000 such health centers serving 13,000,000 people at more than 4,000 health delivery sites, in urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas such health centers have provided cost-effective, high-quality health care to the Nation's poor and medically underserved (including the working poor, the uninsured, and many high-risk and vulnerable populations), acting as a vital safety net in the Nation's health delivery system by meeting escalating health needs and reducing health disparities;

Whereas these health centers provide care to 1 of every 5 low-income babies born in America, 1 of every 8 uninsured individuals, 1 of every 9 medicaid beneficiaries, 1 of every 9 people of color, and 1 of every 10 rural Americans, and these Americans would otherwise lack access to health care;

Whereas these health centers and other innovative programs in primary and preventive care reach out to almost 750,000 homeless persons and nearly 850,000 farmworkers;

Whereas these health centers make health care responsive and cost-effective by integrating the delivery of primary care with aggressive outreach, patient education, translation, and enabling support services;

Whereas these health centers have increased the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by these health centers, infant mortality rates have been reduced between 10 and 40 percent;

Whereas these health centers are built by community initiative;

Whereas Federal grants provide seed money that empowers communities to find partners and resources, and to recruit doctors and needed health professionals;

Whereas Federal grants on average contribute 25 percent of a health center's budget, with the remainder provided by State and local governments, medicare, medicaid, private contributions, private insurance, and patient fees;

Whereas these health centers are community oriented and patient focused;

Whereas these health centers tailor their services to fit the special needs and priorities of communities, and work together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas these health centers contribute to the health and well-being of their communities by keeping children healthy and in school, and helping adults remain productive and on the job;

Whereas these health centers engage citizen participation and provide jobs for 60,000 community residents; and

Whereas the designation of the week of August 10, 2003, as ''National Health Center Week'' would raise awareness of the health services provided by health centers: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of August 10, 2003, as ''National Health Center Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

ORDERS FOR WEDNESDAY, JULY 16, 2003

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, July 16. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business, with the first 15 minutes under the control of the majority leader or his designee and the next 15 minutes under the control of Senator MIKULSKI or her designee, provided that following that time, the Senate proceed to consideration of H.R. 2330, the Burma sanctions bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it so ordered.

PROGRAM

Mr. STEVENS. For the information of all Senators, at the leader's request, following morning business, the Senate will take up H.R. 2330, the Burma sanctions bill, under a 1-hour time agreement. Upon the use or yielding back of that time, the Senate will resume consideration of H.R. 2658, the Department of Defense appropriations bill. Under the previous order, there will be up to 30 minutes equally divided in relation to the Dorgan amendment and 40 minutes equally divided in relation to the Bingaman amendment. Following the use or yielding back of that time, the Senate will proceed to three stacked rollcall votes related to the Dorgan amendment, the Bingaman amendment, and the Burma bill.

Therefore, if all debate time is used, the first vote in tomorrow's session will occur at approximately 12:10 p.m., and that vote will be the first in a series of three stacked votes.

Following that series of votes, the Senate will resume consideration of H.R. 2658, the Department of Defense appropriations bill. It is the majority leader's intention to complete action on that bill tomorrow. I share deeply that desire. Therefore, any Members who have amendments are encouraged to contact either me, as the manager of the bill, or Senator INOUYE so that they can schedule the appropriate time for the amendment's consideration. I also inform the Members that votes should be expected throughout the day.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Missouri, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

AUTHORITY FOR BILL INTRODUCTIONS

The PRESIDING OFFICER. Further in my capacity as a Senator from Missouri, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, it be in order until 8 o'clock this evening for bill introductions as provided for under the trade promotion authority.

Without objection, that is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment until 9:30 a.m. tomorrow.

There being no objection, the Senate, at 7:19 p.m., adjourned until Wednesday, July 16, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 15, 2003:

EXECUTIVE OFFICE OF THE PRESIDENT

KRISTIN J. FORBES, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE RANDALL S. KROSZNER, RESIGNED.

HARVEY S. ROSEN, OF NEW JERSEY, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE MARK B. MCCLELLAN.

DEPARTMENT OF STATE

ROBERT B. CHARLES, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS), VICE R. RAND BEERS, RESIGNED.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

THOMASINA V. ROGERS, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2009. (REAPPOINTMENT)

CONFIRMATION

Executive nomination confirmed by the Senate July 15, 2003:

THE JUDICIARY

LONNY R. SUKO, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON.

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 15, 2003, withdrawing from further Senate consideration the following nomination:

WILLIAM PRESTON GRAVES, OF KANSAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 10, 2005, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2003.

EXTENSIONS OF REMARKS

RECOGNIZING THE HONORABLE REVEREND DOUGLAS L. SIDEN

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Reverend Douglas L. Siden for his outstanding leadership in the San Francisco Bay Area community. Doug Siden has been an ordained American Baptist Minister for 48 years. On July 28, 2003, a reception will be held to honor him on the occasion of receiving a Doctor of Humane Letters from the American Baptist Seminary of the West and to recognize his many years of community service.

Doug Siden, a resident of Alameda, CA, has always been committed to social justice, the environment and to youth. As a young minister in the 1960s, he first demonstrated his leadership abilities by advocating for the establishment of parks in his community. He developed an inter-racial church that supported fair housing and the integration of the community. He marched with Cesar Chavez to support farm workers' rights and marched with Martin Luther King, Jr. during the civil rights movement. Several times, Doug went to Washington, DC, to advocate for civil rights legislation as the representative of the inter-faith San Francisco Conference on Religion, Race and Social Concern.

Through the years, Doug has always been in the forefront of leadership. He was the first pastor of a newly created church in San Mateo, CA; first director of urban strategy for his Northern California regional church; first chairman of the San Francisco Night Ministry; first Area Minister for his denomination's churches from San Francisco to the Oregon border; and first Regional Camp Executive Director for the American Baptist Churches of the West. Doug is proud of his leadership role in the establishment of two-year round camps for children, youth, adults, and families of all ages in the Santa Cruz Mountains and the High Sierra near Lake Tahoe.

Doug is currently devoted full-time to public, community, and church service. He was elected to the East Bay Regional Park Board of Directors in 1992 and currently serves as the Board's Vice President. He is involved in leadership roles in a myriad of other organizations, including President of Martin Luther King, Jr. Freedom Center and Chair of the Seafarers Ministry of the Golden Gate. Secretary of Interior Bruce Babbit appointed him an Advisory Commissioner for the Point Reyes National Seashore and the Golden Gate National Recreation Area. Additionally, he serves on the Board of Directors of the Chabot Space and Science Center in Oakland, the Rotary Club of Alameda, and the American Baptist National Conference.

I join the friends and colleagues of Reverend Douglas L. Siden in expressing congratulations as he receives a Doctor of Humane Letters. I also join in thanking him for his years of service. He is the epitome of community activism from which we have all benefited.

TRIBUTE TO MR. ROBERT MILLER III

HON. JOSEPH M. HOEFFEL
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize and honor Mr. Robert Miller III on his receipt of a Congressional Award Gold Medal on Wednesday, June 25, 2003.

At a mere 18 years of age, Robert's accomplishments are amazing. As a recipient of the Congressional Award Gold Medal, Robert has demonstrated a noteworthy commitment in several fields. Receipt of this award signifies that Robert has performed over 400 hours of community service, as well as 200 hours of both personal development and physical fitness activities over the past 2 years. This honor similarly attests to Robert's exemplary academic and extracurricular status as a student at North Penn High School.

Prestigious awards such as this one are nothing new to Robert. Previously, he has received both a bronze and a silver Congressional Award Medal. As an Eagle Scout, his involvement in the Cradle of Liberty Council Boy Scouts of America further reflects the strength of his character. Robert has shown exceptional dedication to community service, personal development and physical fitness. I firmly believe that these characteristics will lead him to unbounded success in the future.

I also wish to extend my congratulations to Robert's parents, Dorothy and Robert Miller Jr., who have instilled him with good moral standards and have supported his efforts tirelessly.

Again, I congratulate Robert Miller III on his Congressional Award Gold Medal.

LEGISLATION TO RENAME U.S. POST OFFICE IN MOLINE, ILLINOIS

HON. LANE EVANS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. EVANS. Mr. Speaker, today I am introducing legislation to rename the U.S. Post Office at 514 17th Street in Moline, Illinois after my friend, David Bybee, who passed away unexpectedly last year.

Dave was a distinguished public servant who was the National Business Agent for the Chicago Region of the National Association of Letter Carriers. He served his community and union for 33 years within the very walls of the building I seek to name after him. It is my hope that his name will forever be identified with the institution he cherished for so many years as a national union leader for letter carriers.

Dave Bybee became a letter carrier for the Postal Service in 1967 and after only two years on the job was elected President of Letter Carriers Local 318. He then became the Regional Administrative Assistant and concurrently the Secretary to the Illinois State Association of Letter Carriers from 1971 to 1977. In 1980, Mr. Bybee was elected the National Business Agent to the National Association of Letter Carriers for the 17,000 strong Chicago Region. He held that office and concurrently served as a Vice President of the Illinois AFL–CIO until his death on May 31, 2002.

Dave Bybee worked tirelessly on behalf of the letter carriers of Illinois and traveled thousands of miles in Illinois and across the nation representing his members. Dave was also loved by the retirees who knew they had a good friend and leader who fought for their benefits In 1992, recognizing Dave's hard work and lifetime dedication, the local union he first represented as President twenty-three years earlier was named the David M. Bybee Branch of the National Association of Letter Carriers.

Dave Bybee was also civically active and had many friends within the Illinois Congressional delegation and state legislature on both sides of the aisle. He served as a member of the Electoral College in two national elections.

His dedication to his fellow workers did not interfere with his devotion to his wife, Judy, and their two sons, Michael and John. In addition to a full and rewarding family life, he still found time to serve his community as the fire chief of Carbon Cliff and as a school board member, and remain active in the Moline Elks Club.

Dave had a wonderful sense of humor and no matter how tired he was from work and travel, he could always manage to make any group he was visiting or speaking to laugh and smile. When he passed away, letter carriers and postal officials from all over the state and nation traveled to Moline to pay their respects. Dave was a national labor leader who served not only his fellow workers, but his community and family.

Mr. Speaker, the Post Office in Moline, Illinois, should be named after Dave Bybee. The Moline community, postal workers across Illinois and the nation owe David Bybee a great deal because of his advocacy for working Americans. This is the very least we can do to commend such a dedicated and hardworking man.

TRIBUTE TO MS. LYNN COWART

HON. RANDY NEUGEBAUER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. NEUGEBAUER. Mr. Speaker, I rise today to honor and acknowledge my Chief of Staff and friend, Ms. Lynn Cowart on the occasion of her retirement. Through the course

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of my career, working in the business world and as a public official, rarely have I been so privileged to work with such an extraordinary person that gives unselfishly and wholeheartedly to the interests and welfare of other people.

Lynn was born in Virginia to Molly and Andy Cowart and is the middle sister to Ms. Nora McCormick and Ms. Chris Cowart. Daughter of a Captain in the U.S. Navy, Lynn moved all around the United States, attending both public and Catholic schools, and graduated high school in Alexandria, Virginia. She then attended the University of Hawaii and business school in Hawaii.

Lynn's lengthy and impressive career began as a temporary employee for the Department of the Navy in Pearl Harbor. In 1968, Lynn moved to Washington, D.C. and worked in the Pentagon until 1972. Then, in 1973 she moved across the Atlantic Ocean to England where she worked in the United States Embassy in London under the auspices of the Defense Intelligence Agency. Lynn moved back to the United States in 1980 and worked for an attorney here in Washington, D.C. In 1982, she began working for Senator John Tower from Texas until his retirement. She then moved from the U.S. Senate to the U.S. House of Representatives to work for Representative Larry Combest where she worked for 18 years. In May of 2003, Representative Combest retired. On June 3rd, I was elected to fill the seat for the 19th District of Texas and Lynn accepted the position of Chief of Staff in my office.

Lynn's dedication to public service will continue after she retires from politics. This fall she will begin work at Island Creek Elementary School, serving the people of Fairfax County in Virginia's public school system.

Her career is impressive not only for its duration and the intriguing posts she has filled but more so for the integrity and strong work ethic she brings to each job. For over 30 years, Lynn has been a model of devotion, stability, fairness, and attentiveness that is nothing short of amazing. Her loyalty and passion for the 19th District is evident through her nearly 20-year commitment to the area. The Permian Basin and South Plains of Texas is a unique area where hard-working people are faithful to their roots in the oil and gas industry and agriculture. Lynn's integrity and personal attention to these people is astonishing. She has always taken time to listen and act upon any complaints or concerns that farmers or the hard-working folks of Texas had. When I was sworn in on June 5th, I know I would have been stranded and lost without Lynn's incredible capability to maintain patience with me. Six days out of the week, Lynn kept an incredible schedule and put in extended hours in order to keep the office running. Thanks to Lynn, who is the glue which holds my staff together, the offices in Washington D.C., Odessa and Lubbock stayed in business leading up to my election and my first hectic week as a U.S. Congressman. Her ability to remain positive in tough situations only proved to me that Lynn possesses confidence beyond anyone I have ever known. Without her I would not be as I am today: sure that my transition could not have gone any smoother. Over the years, Lynn has made a powerful impression upon people here on Capitol Hill and back home in Texas. Anyone in public service would do well to emulate her example if they truly desire a career that makes a difference and leaves a legacy.

Mr. Speaker, please join me in extending my sincere thanks to Lynn Cowart. I am truly honored to recognize her accomplishments. She will certainly be missed.

CENTENNIAL OF THE SUPERINTENDENCY OF COLONEL CHARLES YOUNG—REDEDICATION OF THE BOOKER T. WASHINGTON TREE

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. NUNES. Mr. Speaker, I stand before you today to observe two very special events taking place in the Sequoia/Kings Canyon National Park on August 23, 2003. The first is the centennial of the superintendency of Colonel Charles Young and secondly, the rededication of the Booker T. Washington Tree.

Born in Kentucky during the Civil War to the parents of former slaves in 1864, Charles Young became only the third African-American to graduate from the United States Military Academy at West Point in 1889. Upon graduation, he was commissioned as a Second Lieutenant and assigned to the 1Oth U.S. Cavalry.

In the year 1903, then Captain Charles Young was in charge of the 9th U.S. Cavalry and had been assigned the duty of ''Acting Superintendent'' of the Sequoia and General Grant National Parks, he was to be responsible for the supervision of payroll accounts and directing activities of rangers. That early summer Captain Young led his ''Buffalo Soldiers'' out of the cold and fog shrouded Presidio in San Francisco en route to the high sierras of Central California. Captain Young and his troopers arrived 16 days later amongst some of the largest and oldest living things on Earth and they began their historic summer working in the second national park ever created in the United States.

With this assignment, Captain Young not only became the first African-American superintendent in the U.S. Park Service history but also became the driving force in forging what would become today one of the most visited and highly recognized parks in the world.

During his tenure as superintendent, Colonel Young discovered and named a majestic Giant Sequoia after an individual that inspired and influenced his life, Booker T. Washington. After nearly 100 years, this tree has been rediscovered and stands as a monument to both Colonel Charles Young and Booker T. Washington.

Again, I ask you to join with me today in recognizing Colonel Charles Young and the rededication of the Booker T. Washington Tree in the Sequoia/Kings Canyon National Park.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bills (H.R. 2660), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. KENNEDY of Rhode Island. Mr. Chairman, during debate on H.R. 2660, the Departments of Labor, Health and Human Services, and Education Appropriations bill, I strongly supported the Obey/Miller Amendment regarding overtime regulations at the Department of Labor (DOL).

The amendment would block a proposal by the Bush Administration that will eliminate overtime under the federal Fair Labor Standards Act for millions of hard-working Americans who rely on overtime pay to make ends meet.

The DOL proposal would strip overtime rights from more than 8 million workers by allowing easier classification of workers as ''white collar'' employees ineligible for overtime.

Workers such as mid-level office workers in the offices of downtown Providence or the licensed practical nurses in Northern Rhode Island, or the EMTs, paramedics, and physical therapists on Aquidneck Island will lose under this proposal.

It is just another attempt by the Bush Administration to roll back the clock on years of important wage and hour laws.

This Congress should support the Obey/Miller Amendment and oppose the DOL overtime proposal.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. PORTMAN. Mr. Speaker, on July 14, 2003, I was unavoidably detained and missed the vote on rollcall No. 356 on H.R. 2673, the Fiscal Year 2004 Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. GOSS. Mr. Speaker, I was not present on July 10, 2003 due to official travel overseas. As a result, I was not able to be present

for rollcall votes Nos. 346, 347, 348, 349, 350, 351, 352 and, 353. Had I been present, I would have voted ''yea'' on Nos. 346, 352, and 353. I would have voted ''no'' on Nos. 347, 348, 349, 350, and 351.

INTRODUCTION OF LEGISLATION TO REFORM THE OCCUPATIONAL SAFETY AND HEALTH ACT: H.R. 2728, H.R. 2729, H.R. 2730, and H.R. 2731

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. NORWOOD. Mr. Speaker, I rise today to introduce four legislative proposals which were each formerly included in H.R. 1583, the ''Occupational Safety and Health Fairness Act of 2003.''

As was true of H.R. 1583 in its entirety, the goal of each of these individual proposals is to address a unique situation in our law where employers, and especially small employers, are denied fundamental fairness or equitable results in their efforts to defend themselves against citations issued by the Occupational Safety and Health Administration (OSHA) for alleged violations with which, in good faith, they take issue.

Specifically, the ''Occupational Safety and Health Small Business Day in Court Act'' gives the Occupational Safety and Health Review Commission (OSHRC) additional flexibility to make exceptions to the arbitrary 15-day deadline for employers to file responses to OSHA citations when a small business inadvertently misses the deadline by mistake. The ''Occupational Safety and Health Review Commission Efficiency Act'' increases the membership of the OSHRC from three to five members to ensure that cases are reviewed in a timely fashion. The ''Occupational Safety and Health Small Employer Access to Justice Act'' permits the award of attorney's fees and costs to small business owners that prevail in court when contesting OSHA citations to ensure that the agency doesn't waste taxpayer resources on fruitless cases. And, the ''Occupational Safety and Health Independent Review of Citations Act'' restores independent review of citations issued by OSHA by clarifying that the OSHRC is an independent judicial entity that is given deference by courts reviewing OSHA issues.

With this in mind, Mr. Speaker, the Workforce Protections Subcommittee has conducted a hearing on the provisions contained in H.R. 1583, and we firmly believe that a record has been produced that very strongly supports the four individual proposals I introduce today. I have withheld the introduction of several provisions formerly contained in H.R. 1583 because unlike the four proposals I introduce today, I believe further research and discussion would be helpful in determining how to improve these proposals. I invite all Members and especially the Minority Members of this Congress to join in these discussions and help small business achieve the fairness they deserve.

But again, Mr. Speaker, the proposals I introduce today have withstood the inquiry of hearing, and I believe, stand ready for markup in their current form. Each is designed to make what I believe is a narrow, precise, and sensible adjustment for an omission regrettably not caught by Congress at the time of original passage of the Occupational Safety and Health Act of 1970. In my mind, Mr. Speaker, each of these proposals lends itself to bipartisan support, and I ask each of my colleagues on both sides to seriously consider such support.

BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

Mr. KUCINICH. Mr. Speaker, I rise in strong support of this bill.

The 45 million people of Burma have lived in virtual imprisonment for over 40 years, when Burma's military junta first came to power. It has only been in the past 15 years that people around the world have come to learn of this great country, its ruthless and brutal dictators, and its celebrated freedom fighter, Nobel Peace Laureate Daw Aung San Suu Kyi.

The Burmese military regime is notorious for its human rights practices. In 1988, the regime, known then as the State Law and Order Restoration Council (SLORC), brutally killed thousands of activists in a nonviolent cry for freedom and democracy. In 1990, when the people of Burma voted over 82 percent of the parliamentary seats to the National League for Democracy, Aung San Suu Kyi's party, the junta nullified the elections.

Earlier this year, the State Department condemned Burma's military for using rape as a weapon. Human Rights Watch has documented Burma as having the largest number of child soldiers than anywhere else in the world. The International Labor Organization has repeatedly condemned the military for using forced—or slave—labor.

Three years ago, U.N. Special Envoy Razali Ismail initiated negotiations for a power sharing settlement between the military junta and the NLD. These talks have since collapsed. Burma's military junta has instead shown absolute contempt for the NLD, Aung San Suu Kyi, and the negotiations process. On May 30, 2003, the regime staged a violent attack on Aung San Suu Kyi and her supporters as they traveled in Northern Burma. They have shut down NLD offices, detained dozens of activists, closed universities, and once again imprisoned Daw Suu.

The United States should not respond to Burma's military junta with appeasement, engagement, or tolerance. It is time for the United States to respond with action. The people of Burma have continually called for a nonviolent course of action in the form of stronger sanctions, which will directly affect the pockets of the dictators. An import ban, visa ban, and the freezing of assets will not only limit the money propping up the regime, but will also send a message to the people of Burma supporting their hopes for human rights and democracy. In a 1997 speech smuggled out of the country Aung San Suu Kyi said, ''Please use your liberty to promote ours.'' Let us do just that.

OHIO HISTORICAL SOCIETY MARKER TO COMMEMORATE NEW BREMEN AND MIAMI AND ERIE CANAL

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. OXLEY. Mr. Speaker, at noon today in New Bremen, Ohio, an Ohio Historical Society marker was dedicated to commemorate New Bremen and the Miami and Erie Canal. I am proud to send my best wishes to everyone celebrating this event.

One hundred seventy years ago, work commenced on a connector between the Miami Canal in Dayton and the Wabash and Erie Canal in Junction. This connector, dubbed the Miami Extension, was completed in June of 1845. In that month, the packet boat *Banner* became the first vessel to travel the canal from Cincinnati to Toledo, taking three days for the journey.

In 1849, the Ohio General Assembly gave the name ''Miami and Erie Canal'' to the entire system. Even as railroad track was laid throughout western Ohio in the decades to follow, the canal remained an important commercial and military transport route. The Great Flood of 1913, however, washed out many major sections of the Miami and Erie Canal, rendering it impassable and leading to its abandonment.

The Village of New Bremen in my congressional district was founded in 1833, the same year the Miami Extension was started. Many of New Bremen's founders, mostly Hanoverian German Protestants, came to Ohio via the National Road and the Ohio River, landing in Cincinnati. There, they formed the City of Bremen Society and agreed to purchase 80 acres of land in Ohio to found a Protestant community. First called ''Bremen,'' the village's plat was officially recorded on June 11, 1833. New Bremen, the midpoint on the Cincinnati-Toledo segment of the Miami and Erie Canal, is celebrating its 170th birthday this year.

Mr. Speaker, I applaud the New Bremen Historic Association and the New Bremen-New Knoxville Rotary Club for their efforts in securing this historical marker from the State of Ohio. I also thank Doug Harrod and Darrin Klinger for their research on New Bremen's history and the importance of the Miami and Erie in our state's past.

TRIBUTE TO WILLIAM HORNBY

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Ms. DEGETTE. Mr. Speaker, I would like to recognize the notable accomplishments of an extraordinary gentleman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this individual for his exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor William Hornby on the occasion of his 80th birthday.

Bill Hornby has devoted much of his time, skill and energy to making Denver and the West a better place. Born in Kalispell, Montana on July 14, 1923, he attended the public

schools and went on to receive a degree in humanities from Stanford University and a master's degree in journalism. After serving in the United States Army as a language expert in the Signal Corps, he worked in public relations on the Marshall Plan in Europe from 1948 to 1952. Bill Hornby came to Denver in 1957 as a copyreader for the Denver Post and over the past 40 years, has served as managing editor, editor-in-chief and as a columnist on civic affairs and Western regional history. He has been a powerful advocate for a free press and has been placed on the American Society of Newspaper Editors' freedom of information honor role.

His interest in Colorado and our Western heritage led him to the Colorado Historical Society where he has served as a trustee and a board member of the associated Colorado Historical Foundation. He is an emeritus trustee for the Buffalo Bill Historical Association and he has written books concerning the history of the Denver Post and Rotarians International, where he served as District Governor.

Bill continues to live in Denver with his wife, Barbara Sudler Hornby, and their dog, Benji. He is chairman of the Denver Planning Board and Chairman of the Education Foundation for the Colorado Community College and Occupational Education System. He has served on the Western Interstate Commission on Higher Education and on the State Board for Community Colleges and Occupational Education. Bill has also been a director of the Clayton Foundation, which is primarily focused on early childhood education. He is a trustee emeritus of the University of Montana Foundation and is a former President of the American Society of Newspaper Editors.

It comes as no surprise that Mr. Hornby has received several awards and honors during his lengthy career as an editor, journalist and educator. In 1990, the Center for the American West presented him with the Wallace Stenger Award, which is given to persons who have made as sustained contribution to the cultural identity of the West. He received the Dana Crawford Award of Colorado Preservation, Inc., in 2000 for his considerable contribution to historic preservation. And in 2001, he received the Unsung Heroes Award from the City & County of Denver.

Please join me in commending William Hornby, a distinguished citizen. It is the strong leadership he exhibits on a daily basis that continually enhances our lives and builds a better future for all Americans.

INTRODUCTION OF THE INDIAN CHILD WELFARE ACT AMENDMENTS OF 2003

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce legislation with my colleagues, Congressman J.D. HAYWORTH of Arizona, Congressman DALE KILDEE of Michigan, and Congressman NEIL ABERCROMBIE of Hawaii to amend the Indian Child Welfare Act (ICWA) of 1978. It is now a quarter century since enactment of the ICWA. The Act has been vital to the existence of Indian tribes and their families. Yet, because certain ICWA provisions have not been adequately implemented Congress's promise to protect the integrity of Indian families and tribes remains partially unfulfilled. This bill clarifies Congress's intent with regard to the ICWA in a way that would achieve full compliance with this intent.

Many of this bill's provisions are included in direct response to tribal comments on H.R. 4733, an ICWA bill I introduced last year in response to tribal concerns. This bill was drafted with the input of the Association of American Indian Affairs, Tanana Chiefs Conference, National Indian Child Welfare Association, National Congress of American Indians, various tribes and other concerned organizations. The changes that the present bill make to H.R. 4733 also reflect input from each of these named organizations. The primary goal in drafting these amendments was to improve permanency outcomes for Indian children who are placed in substitute care at a rate higher than any other group of children in America.

It has been my policy to have all affected parties participate in the legislative process to help finalize a bill for passage. With this in mind, it is my intent to later include in the legislative process other groups that are working to improve permanency outcomes for Indian children. In 2003, we still have numbers of American Indian and Alaska Native children being adopted out of their families, tribal communities and States even when qualified members of their families are available for placement. We continue to have this problem in Alaska and I have been asked to introduce amendments to further clarify the ICWA. The amendments include, among others, provisions that would:

Clarify that the ICWA applies to all Indian children involved in ''child custody proceedings'' (as defined in the ICWA) and define the minimum efforts that must be undertaken to prevent the breakup of an Indian child's family through involuntary out-of-home placement.

Require detailed notice to Indian tribes in all voluntary child custody proceedings, to parents in voluntary adoption proceedings, and to parents and tribes in all involuntary proceedings.

Clarify the right of Indian tribes to intervene in all voluntary State court child custody proceedings, provided that the tribes file a notice of intent to intervene or a written objection within 45 days of receiving notice of a voluntary termination of parental rights or within 100 days of receiving notice of a particular adoptive placement, and certifies that a child is a member, eligible for membership, or is the child of a member.

Require notice to extended family members and recognize their right to intervene in State child custody proceedings.

Require attorneys, public and private agencies to provide detailed information to Indian parents of their rights under ICWA.

Limit parents' rights to withdraw consent to an adoption to 6 months after relinquishment of the child or 30 days after the filing of an adoption petition, whichever is later.

Clarify tribal jurisdiction in Alaska.

Facilitate the ability of tribes without reservations, including tribes in Alaska and Oklahoma, or with disestablished reservations, to assume jurisdiction over child custody proceedings.

Narrow the grounds upon which State courts can refuse to transfer cases to tribal courts.

Clarify tribal court authority over children transferred to tribal court jurisdiction.

Define the circumstances under which State ICWA violations may be reviewed by Federal courts and provide for Federal review of State ICWA compliance.

Provides for criminal sanctions for anyone who assists a person to lie about their Indian ancestry for the purpose of avoiding application of the ICWA.

Allow State courts to enter enforceable orders providing for visitation or contact between tribes, natural parents, extended family and an adopted child.

Extend ICWA (in some cases) to cover children of State-recognized and Canadian Indian tribes and children who reside or are domiciled on a reservation and are the child of a member, but who are not eligible for tribal membership.

Make it easier for Indian adoptees to gain access to their birth records.

Establish that foster and adoptive homes licensed or approved by Indian tribes in compliance with the Indian Child Protection and Family Violence Prevention Act shall satisfy the requirements for foster and adoptive home licensing under any other Federal law.

Clarifies that the terms of tribal-State agreements regarding the care and custody of and jurisdiction over Indian children shall be controlling even when another Federal law may have different requirements.

I think it is appropriate that Congress further clarifies the ICWA to ensure that American Indian and Alaska Native children are not snatched from their families or tribal communities without cause. In July 2001, the Child Welfare League of America offered American Indians something they have longed to hear for more than three decades: an apology for taking American Indian children.

''It was genuinely believed that Indian children were better off in white homes,'' said Terry Cross, Executive Director of the National Indian Child Welfare Association. (San Antonio Express News, Sunday, July 1, 2001 Article.)

That changed in 1978 when Congress passed the Indian Child Welfare Act. Even now, Cross cites problems. ''Sometimes social workers are not properly trained to identify children as Indian. Or agencies fail to notify tribes of adoptions.'' (San Antonio Express News, Sunday, July 1, 2001 Article.)

I believe these FY 2003 ICWA amendments to be acceptable legislation which will protect the interests of prospective adoptive parents, American Indian and Alaska Natives extended families, and most importantly, American Indian and Alaska Native children.

We will seek additional input from the Department of Justice, the Department of the Interior and the Department of Health and Human Services. I am hopeful that these agencies will again embrace this legislation so that we can affirm this country's commitment to protect Native American families and promote the best interest of Native children.

I urge and welcome support from my colleagues in further clarifying the ICWA to ensure no more American Indian or Alaska Native children are lost.

HONORING ERIC LEE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Eric Lee, a fine young man and outstanding student from my congressional district in Safety Harbor, Florida.

Eric recently learned that he has been selected to receive the prestigious Fulbright award to study, lecture, or conduct research abroad during the next academic year. Eric received this award because of his academic achievement and leadership in the field in which he has chosen to study.

Congress created the Fulbright program in 1946 to ''increase mutual understanding between the people of the United States and the people of other countries.'' I strongly support this goal and agree with the program's namesake, former Senator J. William Fulbright, that we should ''aim to bring a little more knowledge, a little more reason, and a little more compassion into world affairs and thereby increase the chance that nations will learn at last to live in peace and friendship.''

Mr. Speaker, there are more than 250,000 Fulbright alumni worldwide. I am confident that Eric Lee will exemplify the excellence and achievement that they have established throughout the program's history. I congratulate him, and his parents, on this outstanding achievement, and I wish him well in his studies and his future endeavors.

RECOGNITION OF GEORGE E. SHIPLEY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the life and achievements of Congressman George Edward Shipley.

A Representative from Olney, Illinois, he served the United States Congress from January 3, 1959–Jauary 3, 1979. Congressman Shipley was a member of the Eighty-sixth Congress and served as a Democrat for the succeeding 9 Congresses. His diligent efforts as chairman of the Legislative Subcommittee of the House Appropriations Committee and as a member of the committee's Public Works Subcommittee were of great value to the citizens of this Nation.

Mr. Shipley helped secure a $1.2 million grant to help in the building of East Fork Lake in Richland County and he was known as a true representative of the people and a family man. It wasn't uncommon for him to bring his children out to Washington and let them see the political process up close. When he couldn't bring them out to Washington he seemed to always get home, even though the allowance for trips home wasn't as great as it is today. He realized that his first duty was to be a good father and he wanted to make sure he was there for his family.

Congressman Shipley was born in Richland County near Olney, Illinois on April 21, 1927. He served as a private in the United States Marine Corps from 1944 through 1947, with service in the South Pacific. He went on to attend East Richland High School and graduated in 1950.

Shipley then went on to become the chief deputy sheriff of Richland County, Illinois from 1950–1954 and then the sheriff from 1954–1958. He died on June 28, 2003 in Olney, IL. He is survived by his wife, Gloria Ann Shipley, their children, Lucinda Jane Lewis, George Edward ''Buddy'' Shipley Jr., Mimi Fehrenbacher, Shawn Marie Dwyer, and Robb Edward Allen Shipley, and his seventeen grandchildren. His first great grandchild will be born in September. He was a great man who served his community, his state and his nation in many capacities and he will be truly missed.

A SPECIAL TRIBUTE TO IVAN DANGLER FOR HIS DEDICATED SERVICE TO THE STATE OF OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman, Mr. Ivan Dangler, from Ohio. After 42 years of service, Mr. Dangler has decided to retire as Principal at Green Springs Elementary School. He had a distinguished career in education, serving as teacher, principal, and superintendent. After finishing his doctorate at the University of Toledo, he served as interim principal at the junior high school in Clyde. He has helped make the schools friendly, caring places for teachers and students. He has been known to recognize teachers' accomplishments during morning announcements and give students hugs or words of encouragement when they were feeling down.

Mr. Dangler is planning to move to Columbus, Ohio to work as a mentor with the Ohio Principals Association. He will help new principals ''get the kinks out before they get in trouble.''

Mr. Dangler also plans to spend more time on woodworking. He made bookcases, storage units, and picture frames for the teachers, in addition to the check-out unit in the library.

Ivan will leave big shoes to fill in the arena of education. His wisdom, honesty and forthrightness are attributes to which all people should aspire. He has set an example for everyone on how to live a life of service, putting the greater interests of the community before one's own.

Mr. Speaker, I would like to ask my colleagues to join me in paying tribute to Mr. Ivan Dangler, a wonderful gentleman who for 42 years has dedicated himself to serving the students and teachers of Ohio. We all congratulate Mr. Dangler and wish him, his family, and his friends all the best as we pay tribute to one of our finest citizens.

HONORING CLARENCE DOYLE McGINLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. McINNIS. Mr. Speaker, I stand before this body of Congress today to pay tribute to a lifelong journalist and journeyman. Clarence McGinley, known to friends and family as Doyle, dedicated his life to a career in journalism. His profession took him on adventures across the country, finally settling down in Glenwood Springs, Colorado. As we reflect on his passing, I would like to recognize Doyle for his journalistic accomplishments and the impact that he had on his community.

When Doyle's skills as a plate maker for newspaper presses became outdated, the paper presented him with an opportunity to work as a reporter. Doyle's career flourished, winning a Pulitzer Prize for his reporting on Vietnam protests only two years later. While Doyle did not have traditional schooling as a reporter, he was widely known for his ability to track down a story. He continued his career in journalism and began a new career in the bail bond business when he moved to Glenwood Springs in the 1980s to care for his aging parents. Doyle's son, Wayne, noted that Doyle will be remembered by the community as a friend to everyone and by his children as a loving father.

Mr. Speaker, I am proud to stand before this body of Congress today to recognize the positive impact that Doyle had on my district and the State of Colorado. Individuals like Doyle provide the spirit and strength of character that make this nation great. I extend my deepest sympathies to Doyle's family and friends during this difficult time.

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Ms. BERKLEY. Mr. Speaker, due to a family emergency, I was unable to vote on Monday, June 14, 2003. Had I been present, I would have voted ''yea'' on rollcall No. 354. I would have voted ''yea'' on rollcall No. 355. I would have voted ''nay'' on rollcall No. 356. I would have voted ''yea'' on rollcall No. 357. I would have voted ''yea'' on rollcall No. 358. I would have voted ''yea'' on rollcall No. 359.

CONGRATULATIONS ON THE BIRTH OF CATHERINE ANNE PAYNE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. WILSON of South Carolina. Mr. Speaker, congratulations to Mr. Thomas ''Chip'' Payne and Shannon Payne, on the birth of their daughter, Catherine Anne Payne, on Thursday, July 10th, 2003 at 6:23 a.m. Catherine was born at Columbia's Richland Memorial Hospital weighing 7 pounds and being 19½ inches in length. I extend my warmest wishes for a successful and happy life who is blessed to have devoted parents.

HONORING GREYSON FREDETTE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to an inspiring young man in Durango, Colorado. Despite facing extraordinary physical adversity, Greyson Fredette has shown perseverance in overcoming the odds and flourishing despite being challenged by a rare disease. I rise today to recognize Greyson for his inspirational efforts and remarkable accomplishments.

Greyson is a rising senior at Durango High School who battles an extremely rare disease known as ataxia-telangiectasia, or ''A–T.'' A–T is a progressive, degenerative condition that results in decreased muscle control, including everything from an individual's legs to his eyes. While Greyson's condition does not allow him to walk, it does not preclude him from exercising his muscles through weightlifting. In fact, while he enjoys pottery and Spanish, Greyson cites weightlifting as his favorite class. Furthermore, even though his condition makes reading difficult, Greyson excels academically and has qualified for the honor roll.

Mr. Speaker, I am honored to pay tribute to Greyson Fredette today for his bravery and the example he has set within his community. He embodies the courage and strength of spirit that have made our nation strong. I commend Greyson for his hard work and determination and wish him all the best with his future endeavors.

IN MEMORY OF FORMER MICHIGAN STATE REPRESENTATIVE PETER KOK

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. EHLERS. Mr. Speaker, today I want to honor someone whom I consider to be the ideal public servant and one of the finest legislators I ever met—Peter Kok of Grand Rapids, Michigan, who died Sunday, June 22, 2003 at the age of 83.

Peter Kok's obituary appeared in papers around the world in the week following his death, and with good reason. It was his refusal to bomb a defenseless and innocent village in northern Italy while a captain in the Army Air Force during World War II that became the basis for Joseph Heller's famous 1961 novel, Catch 22, and the subsequent 1968 movie of the same name. Rather than bomb the village, he dropped his B–25's payload on an open field outside the village and the rest of the bombers in his command followed suit.

For his heroism in completing 67 bombing missions over Italy and southern France as a member of the 488th Bomb Squad of the 340th Bomb Group, Peter received the Silver Star, the Distinguished Flying Cross, the Airmen's Medal and a Purple Heart.

After the war, Peter returned to Grand Rapids and established a real estate brokerage firm. Later, he decided to jump into the political fray by running for the Michigan State House of Representatives in 1964, defeating two incumbents in a primary; he was then re-elected to a total of seven terms before retiring from public office in 1978.

Peter Kok became a champion for open housing legislation that prohibited so-called ''redlining.'' Other pet causes included mental health services, special education and environmental legislation—all before these causes became popular issues.

As I said before, Mr. Speaker, Peter Kok was the ideal public servant. He was decent, honest and a truly superb legislator. I had the pleasure of working with him when I was a member of the Kent County Board of Commissioners and later had the honor of holding his former seat in the Michigan House a few years after his retirement.

For those who remember Peter Kok as a pilot, as a real estate agent or as a legislator, we all mourn his loss, and we offer our condolences to his family.

HONORING CHIEF LOUIS E. KELLY ON HIS RETIREMENT FROM THE ELIZABETH FIRE DEPARTMENT AFTER 33 YEARS OF SERVICE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Chief Louis E. Kelly on his retirement from the Elizabeth, New Jersey Fire Department, and to congratulate him for 33 years of dedicated and courageous service to his community.

Chief Kelly's impressive career began in November, 1969, as a Probationary Firefighter in Ladder Company 3 of the Elizabeth Fire Department. In 1977, he became Fire Captain of Rescue Ladder 1, and in 1986, Battalion Chief. After being promoted to Deputy Fire Chief in 1993, he served as Acting Chief from 1995–1996, and was appointed to Chief of the Department in April, 1999. For the last nine years, Chief Kelly has also served as a Deputy Mutual Aid Coordinator for Union County.

Over the years, the Elizabeth Fire Department and Chief Kelly have been the recipients of many commendations, recognitions, and awards. Chief Kelly is a three-time recipient of the Valor Award from the 200 Club of Union County, and has received two Heroism and Community Service Awards from Firehouse Magazine for his heroism and dedication. The Elizabeth Fire Department has awarded him three Class 1 awards, four Class 2 awards, and four Unit Citations. He is the twelfth chief of the Elizabeth Fire Department, which began officially in 1902 and replaced the volunteer fire department.

Under the leadership of Chief Kelly, the Elizabeth Fire Department gave its all in the recovery efforts after September 11, 2001, an event which Chief Kelly noted, ''proved no entity can handle every situation on its own.'' The tragic events of that day demonstrated the Department's commitment and courage, which will never be forgotten.

Chief Kelly will be remembered for his love for and dedication to his community, both as a coach for Elmora Youth League and for the Saint Genevieve's Parish, and his many other community activities.

Today, I ask my colleagues to join me in honoring Chief Louis E. Kelly for his years of service to the Elizabeth Fire Department and the City of Elizabeth.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004; and for other purposes.

Ms. McCOLLUM. Mr. Chairman, today we are voting to fund the U.S. military to meet its future needs. Our duty to our servicemen and women is to provide them with the tools and the means to protect and defend our nation as well as protect them when in conflict. An issue that has persisted to be unsatisfactorily addressed by Congress is the endangerment of our soldiers and civilians—especially children—from the unexploded remnants of cluster munitions. These munitions disperse thousands of small grenades into areas of conflict that include battlefields but too often also include urban and rural areas inhabited by civilians.

Cluster weapons have been used by U.S. military forces in conflict areas including Laos, the Persian Gulf, Kosovo, Afghanistan, and most recently during Operation Iraqi Freedom. Unlike other military weapons, cluster bombs have a failure rate that can reach as high as 40 percent, leaving a trail of thousands of unexploded ordinance that cause death and destruction for our soldiers and civilian populations alike. This unexploded ordinance creates an extremely hazardous environment for soldiers patrolling the areas, future peacekeepers and civilians who unwittingly pick these weapons up or step on them—most frequently children.

In Kosovo in 1999, five children playing with the colorful unexploded sub-munitions were killed. In Iraq, a child's eyes were blown out when a grenade he was playing with near his Baghdad home exploded in his face. Another young Iraqi man brought a grenade into his home, where it exploded, injuring the man severely and killing his 8-month old sister, who had been resting on the living-room floor.

U.S. soldiers are in similar danger. As our troops in Iraq canvass the region, they encounter thousands of unexploded cluster grenades on the roads, in the homes and in the hands of the Iraqi people. It has made their job much more difficult, and in the case of Army Sergeant Troy Jenkins, has cost them their lives. Sergeant Jenkins was killed in Iraq when, after encountering a child who was handling a cluster weapon, the weapon exploded.

The Department of Defense has correctly identified the problem of unexploded cluster bombs and is taking steps to ensure these weapons are safe. In 2001, then Defense Secretary William Cohen issued a Pentagon-wide memorandum calling on the Department to

achieve a 1-percent failure rate by 2005. I ask unanimous consent to insert a copy of Secretary Cohen's memo into the record at this time.

Achieving a 1-percent failure rate requires the simple addition of a secondary fuse to blow up the cluster grenade or neutralize it should it fail to explode on impact. The technology to reach this goal is available, and the Army has already begun developing these new munitions. Yet, little funding has been allocated to expand this technology to all branches of military service. The bill before us today continues to shortchange this commitment. As a result, dangerous cluster bombs with high failure rates remain in use, with thousands more in military stockpiles. This leaves future families, soldiers and innocent children vulnerable to these hazards. Congress can and must do more.

Today, I am calling on Congress to strengthen our commitment to our soldiers and civilians around the world from the danger of cluster bombs deployed by the U.S. military. It is our responsibility to support the Pentagon and our allies around the world who have sought to address this danger by ensuring cluster weapons are not deadly for years after their use. Reaching a 1-percent failure rate for cluster bombs is possible right now, but not without the full commitment of Congress. We have the will to enforce this goal—now we must have the way.

I look forward to working with both Chairman LEWIS and Ranking Member MURTHA in the weeks and months ahead in addressing this critically important issue. I also ask unanimous consent to insert into the record at this time a recent article from Newday.com on cluster munitions.

THE SECRETARY OF DEFENSE,
Washington, DC, January 10, 2001.

Memorandum for the Secretaries of the Military Departments.

Subject: DoD policy on submunition reliability (U).

Submunition weapons employment in Southwest Asia and Kosovo, and major theater war modeling, have revealed a significant unexploded ordnance (UXO) concern. The following establishes the Department's policy regarding submunition weapons acquisition. The policy applies to systems delivered by aircraft, cruise missiles, artillery, mortars, missiles, tanks, rocket launchers, or naval guns that are designed to attack landbased targets and that deploy payloads of submunitions that detonate via target acquisition, impact, or altitude, or self-destruct (or a combination thereof). It is the policy of the DoD to reduce overall UXO through a process of improvement in submunition system reliability-the desire is to field future submunitions with a 99% or higher functioning rate. Submunition functioning rates may be lower under operational conditions due to environmental factors such as terrain and weather.

Program Managers shall include the nonrecurring cost of increasing the overall functioning rate; the operational use costs, including the cost of clearing UXO on test and training ranges in accordance with DoD policy and operational requirements; and disposal costs, as part of the life-cycle costs of all future submunition weapons. The Program Manager should establish submunition functioning thresholds and objectives that advance the process of improvement in system reliability, and that take into consideration the benefits from reduced UXO (i.e., a cost-benefit analysis of increasing the functioning rate (cost) and the resulting reduction in UXO (benefit)).

The Services may retain ''legacy'' submunitions until employed or superseded by replacement systems in accordance with the above policy. The designation ''legacy'' would apply to submunition weapon acquisition programs reaching Milestone III prior to the Fast Quarter of Fiscal Year 2005.

The Services shall evaluate ''legacy'' submunition weapons undergoing reprocurement, product improvement, or block upgrades to determine whether modifications should be made to bring them into compliance with the above policy.

The Services shall design and procure all future submunition weapons in compliance with the above policy. A ''future'' submunition weapon is one that will reach Milestone III in FY 2005 and beyond. Waivers to this policy for future ACAT I and II submunition weapons programs, shall require approval by the JROC.

Thus policy applies to all acquisition category submunition weapons programs. Compliance with this policy shall be assessed by the Component or Defense Acquisition Executive, as appropriate.

WILLIAM COHEN.

[From Newsday.com, June 23, 2003]

OFFICIALS: HUNDREDS OF IRAQIS KILLED BY FAULTY GRENADES

(By Thomas Frank)

WASHINGTON.—Hundreds and possibly thousands of Iraqi civilians have been killed or maimed by outdated, defective U.S. cluster weapons that lack a safety feature other countries have added, according to observers, news reports and officials.

U.S. cluster weapons fired during the war in March and April dispersed thousands of small grenades on battlefields and in civilian neighborhoods to destroy Iraqi troops and weapons systems.

But some types of the grenades fail to explode on impact as much as 16 percent of the time, according to official military figures. Battlefield commanders have reported failure rates as high as 40 percent.

Unexploded grenades remain potentially lethal for weeks and months after landing on the ground, where civilians can unwittingly pick them up or step on them. Many victims are children such as Ali Mustafa, 4, whose eyes were blown out when a grenade he played with near his Baghdad home in April exploded in his face.

The ''dud rate'' for cluster grenades can be reduced to less than 1 percent by installing secondary fuses that blow up or neutralize grenades that fail to explode on impact, according to defense contractors. In early 2001, the Pentagon said it would achieve that goal, but not until 2005. In the meantime, the military continues to use a vast arsenal of cluster grenades that fail to meet the new standard.

Former military officials and defense experts say the effort to improve the grenades was given a low priority and little funding.

''The Army is behind, and the Army is moving very slowly,'' said retired Army Lt. Gen. Michael Davison, now president of the U.S. division of Israel Military Industries, which has made 60 million grenades with secondary fuses. ''It's a sorry situation that we didn't have secondary fuses on the artillery submunitions [grenades] that were fired in the last several wars.''

Britain, which joined the United States in the fight to oust Saddam Hussein, fired 2,000 artillery cluster weapons in the war. All were equipped with Israeli-made grenades with secondary fuses and a 2 percent dud rate, the British Defense Ministry said.

The United States fired cluster weapons as bombs, rockets and artillery shells, which open like a clam to scatter hundreds of grenades over an area as large as several city blocks. Almost all of the U.S. grenades had one standard fuse, according to military records and officials. A notable exception was a type of cluster bomb carrying newly designed—and expensive—grenades with infrared sensors that seek armored vehicles and self-destruct if none is found.

As small as medicine bottles and often draped with short ribbons, unexploded grenades attract children who mistake them for toys. On the April day when Ali Mustafa lost his eyes—an explosion that injured his brother and friend—the three were taken to a Baghdad hospital where two other youths were being treated for cluster grenade wounds.

Ali Harried, 10, of Baghdad, had his stomach ripped open and bowel perforated when a grenade that he and friends were playing with blew up.

Shrapnel ripped into the buttocks of Saef Sulaiman, 17, after his younger brother brought a live grenade into their Baghdad home. Sulaiman said his 8-month-old sister, who had been resting on the living-room floor, was killed in the explosion.

Ali Hamed's mother said two friends of her son's were killed when Ali was hurt.

Another Iraqi child who picked up a grenade survived when Army Sgt. Troy Jenkins took it from her. The grenade then exploded. Jenkins was killed.

The military has not said how many troops have been killed or injured by unexploded grenades. But the 1991 Gulf War revealed their danger.

A congressional report found that grenade duds killed 22 U.S. troops—6 percent of the total American fatalities—and injured 58 as forces swept the Iraqi military out of areas in Kuwait's desert that the Americans had just shelled.

The Army said in a post-war report that ''the large number of dud U.S. submunitions . . . significantly impeded operations.''

A U.S. mine-clearance company found 118,000 unexploded cluster grenades in just one of the seven Kuwaiti battlefield sectors, according to the General Accounting Office, Congress' investigative agency. Military documents and officials estimated the dud rate at 8 percent to 40 percent.

The total number of unexploded grenades in the region was estimated at 1.2 million by Human Rights Watch, which opposes cluster weapons. It estimated fatalities at 1,220 Kuwaitis and 400 Iraqi civilians.

Forced to confront the problem of unexploded cluster grenades, the military focused on training U.S. troops to clear them and avoid them in the battlefield instead of making improvements to reduce their number, defense experts said.

''We didn't do a whole lot that cost a whole lot of money,'' said Richard Johnson, a defense consultant and retired Army colonel who spent 30 years working in ammunition acquisition programs.

The Pentagon acknowledged in a 2000 report on cluster weapons that ''a significant percentage of these submunitions [grenades] may not detonate reliably.'' The report said ''corrective measures are under way'' but said the Pentagon would not retrofit the cluster grenade inventory, which an earlier report said numbered 1 billion.

Retrofitting the entire grenade stockpile was deemed too costly, at $11 billion to $12 billion, according to a 1996 Army report. But the report also noted that cleaning up dud grenades was so costly that in certain limited conflicts ''costs for retrofit of our ammunition might be recovered from the elimination of future cleanup costs.''

The military has been trying to improve grenade reliability, but technological problems and the complexity of cluster weapons

have caused delays. ''I don't think anybody is happy with the current fusing,'' one Army official said.

Two people close to the Navy said recently that reports of civilian casualties have reignited what they called a stalled Navy effort to modify one type of grenade considered notoriously unreliable by experts. A military report indicates 36,179 such grenades were used in Iraq.

Lt. Col. Stephen Lee, who manages an Army program to upgrade cluster-weapon safety, said, ''There have been major improvements; it's just that they're not fielded yet.''

Speaking about a type of grenade used widely in Iraq, Lee said, ''There really is no difference in terms of the dud rate between the first Gulf War and the most recent conflict in Iraq.''

Experts say the military has focused on building new precision weapons systems. ''Safety and collateral damage are not as high a priority as mission effectiveness,'' said David Ochmanek, a RAND Corp. defense analyst who was a deputy assistant defense secretary in the Clinton administration.

The Defense Department defended its recent use of cluster weapons in Iraq. Gen. Richard Myers, chairman of the Joint Chiefs of Staff, blamed the civilian casualties on Hussein for deliberately placing Iraqi weapons in populated areas where they would draw return fire. ''War is not a tidy affair. It's a very ugly affair,'' Myers said in April. ''And this enemy had no second thoughts about putting its own people at risk.''

The U.S. military has known about the dangers of the unexploded grenades for decades, since the Vietnam War, when Viet Cong fighters used unexploded grenades as land mines against the U.S. forces that fired them by the millions.

In the three decades since, the duds have killed thousands in Laos, says the International Committee of the Red Cross. The Red Cross, human rights groups and the European Parliament have campaigned to ban cluster-weapon use until nations agree to improve grenade reliability, avoid firing them in populated areas and regulate their cleanup.

The United States did little in the 1970s and 1980s to improve the reliability of the grenades, said Darold Griffin, former deputy director for research and development in the Army Material Command. ''Some felt duds were an asset on the battlefield. You fire them into an area where an enemy is, and having some duds decreases his freedom of movement,'' he said.

Countries that have fought wars on their own soil, most notably Israel, have made improvements, out of fear that duds would harm their own civilians and under public pressure. Israeli-made grenades now have a dud rate of less than 1 percent, said Davison, the Israeli Military Industries official. The company has sold tens of millions of grenades to Britain, Germany, Denmark and Finland, and to Switzerland, which has proposed international standards to improve grenade reliability.

Sweden also requires its cluster grenades to have secondary fuses, said Lt. Col. Olof Carelius of the Swedish Armed Forces.

Grenades fail to detonate mostly when their landing impact is lessened, because they fall on a soft surface or sloped terrain, or they collide in midair and lose speed. The Pentagon says many grenades fail only 2 percent of the time but acknowledges dud rates are difficult to ascertain and vary widely depending on conditions. It says the weapons are ideal for hitting spread-out targets like troop formations and tank columns.

But the consequences of failure rates are magnified by the numbers of grenades used: To destroy one air-defense system covering 100 square yards requires 75 rockets, each carrying 644 grenades—a total of 48,300. The 16 percent failure rate listed by the Pentagon produces 7,728 unexploded grenades, scattering them over 600 square yards.

Bonnie Docherty, part of a Human Rights Watch team that recently spent a month surveying battle damage throughout Iraq, said she ''saw evidence of thousands of submunitions in or near populated areas.''

Cluster-weapon use was ''significantly more extensive than in Afghanistan,'' where the United States dropped 1,228 cluster bombs containing 248,056 grenades in a six-month span, according to Human Rights Watch.

A report by the Air Force in late April said U.S. aircraft over Iraq dropped 1,714 cluster bombs containing about 275,000 grenades. No report is available on the number of ground-fired cluster weapons, but throughout the war launchers could be seen firing grenade-carrying rockets.

Efforts to improve grenades stalled when an Army contractor, KDI Precision Products Inc. of Cincinnati, proved unable to mass-produce a secondary fuse for new grenades. A contract signed in 1987 was canceled in 2000.

''It's not an easy technical problem to solve,'' KDI president Eric Guerrazzi said. He and others say the program might have succeeded with more funding, perhaps to pay a competing firm to work as well on developing the fuses.

Spending on munitions research and procurement dropped from $18 billion a year during the 1980s to about $6 billion a year after the Cold War.

''The funding for R and D [research and development] in the Army was minimal, and fusing was the last on the list,'' said Bruce Mueller, a former Army lieutenant colonel who managed the fuse program for defense contractor Raytheon. ''They develop weapons, then they develop munitions, and after they develop munitions, the last thing they worry about is how to fuse them.''

A Lingering Threat

The war in Iraq is over, but the danger from the bombing remains. Cluster bombs used by coalition forces showered wide areas and their unexploded remnants pose a threat to Iraqi citizens and U.S. forces.

How They Work

Most cluster munitions consist of four components:

A dispenser, fins, internal fuses and bomblets.

Dispenser is dropped from a warplane like a conventional bomb.

Dispenser is stabilized in flight by fin assemblies.

Internal fuses trigger dispenser to open at a predetermined height above the target.

Dispenser spins and disperses bomblets to target.

Bomblets float to target and detonate.

However . . .

Mechanical and fuse failures can leave some bomblets unexploded. Their toy-like appearance can attract children, with tragic results.

What They're Used For

Cluster bombs are designed to kill troops moving in the open. The smaller explosions spread over acres can take out large numbers of the enemy.

The Bomblets

The bomblets, or submunitions, can be designed for anti-personnel, anti-materiel, anti-tank or dual purposes. They can be finguided or parachute-aided.

Cluster bombs can be carried by bombers such as the Air Force's B-52 Stratofortress.

Some, shaped like tennis balls, can be 1.7 inches or 3.9 inches in diameter. Others are cylindrical.

RECOGNIZING DR. KRISHNA REDDY

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Ms. SOLIS. Mr. Speaker, I rise today to recognize a great community leader and President of the Indian American Friendship Council, Dr. Krishna Reddy, for his commitment to the advancement of the U.S.-India relationship and the Indian-American community.

Dr. Reddy has a remarkable record of advocating on behalf of the Indian-American community. As Founder and President of the Indian American Friendship Council, Dr. Reddy has demonstrated his tremendous dedication to improving U.S.-India relations. His expertise and service have undoubtedly led to increased dialogue and solidarity between these two democracies.

Dr. Reddy's commitment to engaging the Indian-American community in the political process and ensuring that Indian-Americans have a voice in our government is also commendable. His organized efforts have helped educate Congress about issues important to India and the Indian-American community and fostered relationships between Members of Congress and Indian-Americans nationwide.

It is a great honor to pay tribute to Dr. Krishna Reddy and the Indian American Friendship Council.

NATIONAL SECURITY AND WARTIME LEADERSHIP

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. DELAY. Mr. Speaker, despite our success in Afghanistan and Iraq, despite our many allies around the world, and despite our unquestionable leadership here at home, the wolves of terrorism are still on the lurk.

Wherever they threaten, we must gird ourselves for battle.

This war presents many foes on many fronts, but we fight it for one purpose: the security of American people.

This week, the House considered one of the tools that will help us win this war: President Bush's ''Project Bioshield'' initiative. Project Bioshield, as you know, is a comprehensive program to research, develop, and acquire vaccines, drugs, and countermeasures to protect Americans from terrorism.

It will streamline government-sponsored research of biological, chemical, nuclear, and radiological weapons and medicines to combat their effects. And it will authorize a special reserve fund to purchase enough of those countermeasures to respond to catastrophic terrorist attacks.

Project Bioshield is another way to protect America, and further evidence that there is no difference between national security and homeland security. Both agendas are designed to win the war on terror and protect the American people from future attack. Thus, we will implement Project BioShield for the same reason we defeated the Taliban and liberated Iraq: Security.

Without security, peace and prosperity will be difficult to find and impossible to preserve.

Without victory in the War on Terror, no fiscal, domestic, or social policy will even survive.

Those are the stakes, Mr. Speaker: the preservation of civilization and hope for peace in the world.

One man who understands those stakes is British Prime Minister Tony Blair, one of the heroes of Operation Iraqi Freedom and the War on Terror.

To show our appreciation for his courage and his friendship, we will welcome Prime Minister Blair to speak to a joint meeting of the House and Senate Thursday.

The American people are safer today because of the support he gave us—and continues to give us—in Iraq . . .

. . . just as they will be made safer by Project BioShield and other security initiatives here at home.

And President Bush and this Congress will work to ensure we stay that way.

Thanks to President Bush, vulnerabilities have been identified and addressed.

Our nation is safer, stronger, and better prepared to meet the next threat, wherever it may emerge.

Wartime leadership, Mr. Speaker, could not be better defined.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. KING of Iowa. Mr. Speaker, on July 14, 2003, I was unavoidably detained due to a delayed flight. Unfortunately, I missed the following Rollcall votes. If I would have been present, I would have voted:

''Yea'' for Rollcall 108–354, the Rehberg Amendment.

''Nay'' for Rollcall 108–355, the Blumenauer Amendment.

''Nay'' for Rollcall 108–356, the Hefley Amendment.

''Nay'' for Rollcall 108–357, the Ackerman Amendment.

RECOGNIZING TENSAS REUNION, INCORPORATED

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. VITTER. Mr. speaker, I rise today to recognize the hard work and accomplishments achieved by Tensas Reunion, Incorporated, located in my home state of Louisiana.

Tensas Reunion, Incorporated, is a nonprofit organization whose mission is to develop and implement comprehensive and sustainable programs that improve the quality of life for residents of Tensas Parish and meet the educational needs of the Parish's underserved communities. As we strive to provide our children with brighter futures, organizations like Tensas Reunion are a shining example of how we can improve our educational system through community work.

I would like to commend Tensas Reunion, Incorporated, and I am confident that they will continue their outstanding service that has helped so many children in Louisiana.

Thanks to their tireless dedication Northern Louisiana has grown and continues to grow into stronger community.

REGARDING H.R. 2673 AND THE REIMPORTATION PROVISIONS

SPEECH OF

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill, H.R. 2673:

Mr. SULLIVAN. Mr. Chairman, H.R. 1, the Medicare Prescription Drug bill, which I supported, contains a provision which allowed for the importation of foreign medicines. However, it also included important safeguards that are not present in the importation provision included in this legislation. These new safeguards include: (1) Limiting reimportation to drugs being reimported from Canada; (2) requiring drugs reimported under its provisions to bear a statement designed to inform the patient that the drug was reimported by someone other than the manufacturer; (3) requiring the use of packaging that is reasonably certain to be tamper-resistant and not capable of counterfeiting; (4) preventing ''transshipment'' through third world countries by permitting the reimportation only of drugs that have not left the possession of the first Canadian recipient after receipt from the manufacturer; and (5) allowing the Secretary to designate one port of entry in the U.S.

The provision included in the legislation before us allows reimportation from any country. Importing medicines from foreign countries weakens the U.S. pharmaceuticals distribution system by allowing the entry of pharmaceuticals from all over the world—even from countries with demonstrated counterfeiting problems. For example, this proposal would allow importation from South Africa, a country where ''Up to 20% of the medicines . . . are fakes or stolen and are almost impossible to distinguish from the real thing.''

The provision included in H.R. 1 also requires imported drugs to say they are imported, the provision in this bill does not. Without proper labeling, patients won't know what drugs they are getting. Those of us who are not willing to take the risk with our health will have no way of knowing if they have purchased an imported prescription drug that is contaminated from their neighborhood pharmacy. Proper labeling gives Americans who choose not to use import prescription drugs the means to do so.

This provision would also allow the transshipment of drugs, the provision included in Medicare Prescription Drug bill would not. Transshipment of prescription drugs from country to country provides no pedigree or record of where a particular prescription has been. Without a record of shipment, there is no guarantee of safety. H.R. 1 requires documentation, such as the origin, destination, and lot number assigned to the prescription drug that provides this safety.

It also requires tamper resistant packaging, the provision in this bill does not. H.R. 1 requires prescription drugs from Canada be contained in packaging which the Secretary of Health and Human Services has ''determine[d] to be reasonably certain to be tamper-resistant and not capable of counterfeiting.'' Tamper-resistant packaging provides an extra layer of security to prescription drugs.

Most importantly, the importation provision included in the Medicare Prescription Drug legislation contains language that allows the Health and Human Services Secretary to ensure the safety of the American drug supply and those drugs being imported, the provision included in the Agriculture Appropriations bill does not. The Medicare bill contains language that requires the Secretary of HHS to certify to the Congress that the new imports will (1) pose no additional health and safety risks, and (2) result in significant savings to consumers. This is important, since the safety and cost-savings provision was signed into law by Congress and President Clinton, as part of the ''Medicine Equity and Drug Safety Act of 2000,'' to ensure consumers are protected and that they save money. Since that time, two HHS Secretaries, one Democrat and one Republican, could not demonstrate cost-savings or safety from importation.

The importation provision in the bill before us does not include any safeguards to ensure that the medicines patients receive are safe. I do not support taking this type of risk with the health of patients in my district. While I am voting in favor of H.R. 2673 because of numerous other provisions in the bill, I believe reimportation is poor policy and a serious safety concern to Americans.

REMARKS IN HONOR OF TECKLA HALL

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. CROWLEY. Mr. Speaker, it is with great shock and even deeper sadness that I come before the United States House of Representatives to announce and mourn the untimely passing of my friend Teckla Hall, of Co-Op City, the Bronx, New York.

Teckla Hall was a driven, passionate advocate for the causes she felt were important—her community, her family, her ancestral roots.

She worked tirelessly on every project she undertook, whether serving on the board of the Riverbay Corporation, where she continually strived to improve the quality of life for all residents; to her service as President of the Eleanor Roosevelt Democratic Club working to advance her political beliefs; to her leadership in the National Council of Negro Women. Teckla had a quiet yet powerful voice. She was heard. She was listened to. She was respected and admired.

While I only knew Teckla a short time, the brief 6 months she worked as my Office Director in Co-Op City, I admired and respected her.

When visiting Co-Op City looking for a community representative for my Co-Op City office, I continually heard one name—Teckla Hall.

But she was more than a résumé—more than a community leader. She was a beloved

daughter, caring for her mother at her home in Co-Op City; a cherished sister, an adored aunt and a good and faithful friend.

Just recently I was on the House floor discussing her niece and her stunning accomplishments. I never thought I would be here again, so soon, discussing something so sad.

When I heard of her death on July 4, I was shocked. She was only 44, in the prime of her life and more accomplished than her years.

All who knew her will feel her loss. She touched many lives—her family's, my staff's, constituents' and people throughout New York's Seventh District.

I will do all that can be done to help ease the pain of Teckla's family during this tragic time. My thoughts and prayers are with them.

Today, she was laid to rest but she will always be a part of the fabric of Co-Op City.

PRESCRIPTION DRUG COSTS ARE ''OUT OF BOUNDS'' FOR SENIORS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2003

Mr. DAVIS of Illinois. Mr. Speaker, on June 27, 2003, this House of Representatives passed a poor excuse for a solution to the Medicare prescription drug crisis. The Medicare Prescription Drug and Modernization Act of 2003 provides minimal benefits to our Nation's disabled and senior citizens and fails to address the underlying problem of skyrocketing prescription drug costs.

On July 9, Families USA released a report appropriately called ''Out of Bounds: Rising Prescription Drug Prices for Seniors.'' Between January 2002 and January 2003, the price of the 50 drugs most commonly used by seniors rose at three-and-a-half times the rate of inflation. With the Republican prescription drug plan, these rising prescription drug costs will continue to restrict patient access to much needed medications.

What is the solution to these skyrocketing drug prices? We must hold the pharmaceutical companies accountable! The cost disparity between identical prescription drugs sold in the United States, Canada, and Mexico must be eliminated. Generic drugs, whose prices grow far more slowly than brand name drugs, must be allowed to quickly enter the market. Drug companies must begin to hold the welfare of patients above the richness of their own pocketbooks.

Until we convince pharmaceutical companies to treat our senior citizens justly, Congress must take action. A fall-back prescription drug benefit must be offered through Medicare, which would have the power to negotiate drug prices. We must allow drugs to be re-imported from Canada. Members of Congress must be held accountable for the prescription drug benefits we give to seniors. We must urge the conferees to maintain in the final bill Senator MARK DAYTON's amendment which calls for Members of Congress to receive comparable prescription drug benefits to those of Medicare beneficiaries.

Members of Congress, I urge you, do not allow the well-being of our Nation's seniors to be controlled by the greedy hands of the pharmaceutical industry. Take a stand and fight for our Nation's disabled and seniors.

Daily Digest

HIGHLIGHTS

House Committee ordered reported the following appropriations for fiscal year 2004: Energy and Water Development; and District of Columbia.

Chamber Action

Routine Proceedings, pages S9357–S9432

Measures Introduced: Thirteen bills were introduced, as follows: S. 1403–1415. **Page S9414**

Measures Passed:

Bulletproof Vest Partnership Grant Act: Senate passed S. 764, to extend the authorization of the Bulletproof Vest Partnership Grant Program. **Page S9431**

National Health Center Week: Senate agreed to S. Res. 140, designating the week of August 10, 2003, as "National Health Center Week". **Pages S9431–32**

Defense Appropriations: Senate continued consideration of H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, taking action on the following amendments proposed thereto: **Pages S9360–66, S9369–99**

Adopted:

Stevens Amendment No. 1232, to provide funds for 12 additional Weapons of Mass Destruction Civil Support Teams. **Page S9361**

Stevens (for Roberts) Amendment No. 1233, to make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, $2,000,000 for the development of integrated systems analysis capabilities for bioterrorism response exercises. **Page S9366**

Stevens (for Lott) Amendment No. 1234, to set aside Marine Corps procurement funds for use for the procurement of nitrile rubber collapsible storage units. **Page S9366**

Stevens (for Graham (SC)/Hollings) Amendment No. 1235, to make available from amounts available for Research, Development, Test, and Evaluation, Navy, $6,000,000 for Marine Corps Communications Systems (PE#0206313M) for the Critical Infrastructure Protection Center. **Page S9366**

Stevens (for Lott) Amendment No. 1236, to set aside Other Procurement, Army funds for the procurement of TSC–750 computer systems. **Page S9366**

Inouye (for Miller) Amendment No. 1237, to make available from amounts available for Research, Development, Test, and Evaluation for the Navy, $1,000,000 for the Trouble Reports Information Data Warehouse. **Page S9366**

Inouye (for Graham (FL)/Nelson (FL)) Amendment No. 1238, to make available from amounts available for Operation and Maintenance, Navy, $2,000,000 for night vision goggles in advanced helicopter training. **Page S9366**

Stevens (for Voinovich/DeWine) Amendment No. 1257, to make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, $3,000,000 for the Long Range Biometric Target Identification System. **Page S9391**

Stevens (for Roberts) Amendment No. 1258, to make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, up to $2,500,000 for the study of geospatial visualization technologies. **Page S9391**

Stevens (for Allen) Amendment No. 1259, to make available from amounts available for Research, Development, Test, and Evaluation, Navy $4,000,000 for High Speed Anti-Radiation Demonstration Airframe/Propulsion Section. **Page S9391**

Inouye (for Bingaman/Domenici) Amendment No.1260, to make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, up to $3,500,000 may be used for National Consortia on MASINT Research. **Pages S9391–92**

Inouye (for Conrad) Amendment No. 1261, to make available from amounts available for Research, Development, Test, and Evaluation for the Army $3,500,000 for the Medical Vanguard Project to expand the clinical trial of the Internet-based diabetes management system under that project. **Pages S9391–92**

Inouye (for Breaux/Landrieu) Amendment No. 1262, to make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, $800,000 for the Tulane Center for Missile Defense, Louisiana. **Pages S9391–92**

Inouye (for Reed) Amendment No. 1263, to make available from amounts available for Defense Production Act Purchases, $3,000,000 for a Flexible Aerogel Material Supplier Initiative to develop affordable methods and a domestic supplier of military and commercial aerogels. **Pages S9391–92**

Rejected:

Byrd Amendment No. 1244, to prohibit excessive deployments overseas of members of the Guard and Reserves. (By 64 yeas to 31 nays (Vote No. 277), Senate tabled the amendment.) **Pages S9371–91**

During consideration of this measure today, Senate also took the following action:

Subsequently, Stevens Amendment No. 1255 (to Amendment No. 1244), to establish a commission to study overseas deployments, fell when Byrd Amendment No. 1244 (listed above) was tabled. **Pages S9378–91**

Pending:

Dorgan Amendment No. 1264, to require from the President a budget amendment for the budget for fiscal year 2004 on the amounts requested for military operations in Iraq in fiscal year 2004. **Pages S9392–99**

A unanimous-consent agreement was reached providing that when the Senate resumes consideration of Dorgan Amendment No. 1264 (listed above), on Wednesday, July 16, 2003, there be 30 minutes of debate equally divided in relation to the amendment; that Senator Bingaman then be recognized to offer an amendment regarding detainees; that there then be 40 minutes equally divided; and the Senate then proceed to vote on or in relation to Dorgan Amendment No. 1264, to be followed by a vote on or in relation to the Bingaman Amendment, with no amendments in order to the amendments prior to the votes. **Page S9392**

Burma Freedom and Democracy Act Agreement: A unanimous-consent agreement was reached providing that at 10 a.m., on Wednesday, July 16, 2003, Senate proceed to 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; that there be one hour of debate equally divided and the bill be read for a third time, and the Senate then proceed to a vote, with no amendments in order to the bill, at a time determined by the Majority Leader, after consultation with the Democratic Leader. **Pages S9392, S9432**

Check Truncation Act: Senate insisted on its amendment to H.R. 1474, to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, agreed to request a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Shelby, Bennett, Allard, Sarbanes, and Johnson. **Page S9431**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, the legislation and supporting documents to implement the United States-Singapore Free Trade Agreement; to the Committee on Finance. (PM–44) **Pages S9402–03**

Transmitting, pursuant to law, the legislation and supporting documents to implement the United States-Chile Free Trade Agreement; to the Committee on Finance. (PM–45) **Page S9403**

Nominations Confirmed: Senate confirmed the following nomination:

By unanimous vote of 94 yeas (Vote No. EX. 276), Lonny R. Suko, of Washington, to be United States District Judge for the Eastern District of Washington. **Pages S9368–69, S9432**

Nominations Received: Senate received the following nominations:

Kristin J. Forbes, of Massachusetts, to be a Member of the Council of Economic Advisers.

Harvey S. Rosen, of New Jersey, to be a Member of the Council of Economic Advisers.

Robert B. Charles, of Maryland, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs).

Thomasina V. Rogers, of Maryland, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2009. (Reappointment) **Page S9432**

Nominations Withdrawn: Senate received notification of withdrawal of the following nomination:

William Preston Graves, of Kansas, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for the remainder of the term expiring December 10, 2005, which was sent to the Senate on January 9, 2003. **Page S9432**

Nominations: Discharged: The following nomination was discharged from further committee consideration and placed on the Executive Calendar:

Michael J. Garcia, of New York, to be an Assistant Secretary of Homeland Security. (New Position),

which was sent to the Senate on March 26, 2003, from the Senate Committee on the Judiciary.

Messages From the House: Pages S9403–04

Measures Referred: Page S9404

Petitions and Memorials: Pages S9404–14

Additional Cosponsors: Pages S9414–16

Statements on Introduced Bills/Resolutions: Pages S9416–27

Additional Statements: Pages S9400–02

Amendments Submitted: Pages S9427–30

Notices of Hearings/Meetings: Page S9430

Authority for Committees to Meet: Page S9430

Privilege of the Floor: Page S9431

Record Votes: Two record votes were taken today. (Total—277) Pages S9369, S9391

Adjournment: Senate met at 9:30 a..m., and adjourned at 7:19 p.m., until 9:30 a.m., on Wednesday, July 16, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9432.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: AGRICULTURE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies approved for full Committee consideration an original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004.

COMPACT OF FREE ASSOCIATION

Committee on Energy and Natural Resources: Committee concluded hearings to examine the Compact of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands, including related measure S.J. Res. 16, to approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia'', and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands'', and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023, after receiving testimony from Susan S. Westin, Managing Director, International Affairs and Trade, General Accounting Office; David Cohen, Deputy Assistant Secretary of the Interior for Insular Affairs; Albert Short, Director, Office of Compact Negotiations, Department of State; Gerald M. Zackios, Minister of Foreign Affairs, Republic of the Marshall Islands; and Sebastian Anefal, Secretary of Economic Affairs, Federated States of Micronesia.

U.S. TAX POLICY

Committee on Finance: Committee concluded hearings on U.S. international tax rules on the competitiveness of U.S. businesses abroad, after receiving testimony from Senators Allen, Boxer, and Ensign; Pamela Olson, Assistant Secretary of the Treasury for Tax Policy; H. David Rosenbloom, Caplin and Drysdale, Washington, D.C.; James R. Hines, Jr., University of Michigan Business School, Ann Arbor; Daniel Kostenbauder, Hewlett-Packard Company, Palo Alto, California; Charles J. Hahn, Dow Chemical Company, Midland, Michigan; Michael Gaffney, Merrill Lynch and Co., New York, New York, on behalf of the Securities Industry Association; and Stephen E. Shay, Ropes and Gray, LLP, Boston, Massachusetts.

HAITI

Committee on Foreign Relations: Committee concluded hearings to examine successes and challenges for U.S. policy relative to promoting economic development in Haiti, including related measures S. 489, to expand certain preferential trade treatment for Haiti and Public Law 105–277, the Haitian Refugee Immigration Fairness Act, after receiving testimony from Marc Grossman, Under Secretary of State for Political Affairs; John B. Taylor, Under Secretary of the Treasury for International Affairs; Paul Farmer, Harvard Medical School Department of Social Medicine, Boston, Massachusetts; Steven David Forester, Haitian Women of Miami, and Rudolph Moise, Haitian Broadcasting Network, both of Miami, Florida.

MENTAL HEALTH SERVICES FOR CHILDREN

Committee on Governmental Affairs: Committee held hearings to examine certain situations where parents must relinquish custody in order to secure mental health services for their children, receiving testimony from Representatives Stark and Patrick Kennedy; Trina W. Osher, Federation of Families for Children's Mental Health, Alexandria, Virginia; Tammy Seltzer, Judge David L. Bazelon Center for Mental Health Law, Washington, D.C.; Jane Adams, Keys for Networking, Topeka, Kansas; Theresa Brown, Westbrook, Maine; Cynthia Yonan, Glendale Heights, Illinois; and Patricia Cooper, Fayetteville, Arkansas.

Hearings continue on Thursday, July 17, 2003.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES AUTHORIZATION

Committee on Health, Education, Labor, and Pensions: Subcommittee on Public Health concluded hearings to examine proposed legislation authorizing funds for the Substance Abuse and Mental Health Services Administration, focusing on the importance of substance abuse prevention, after receiving testimony from Charles G. Curie, Administrator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services; Martha B. Knisley, District of Columbia Department of Mental Health, Washington, D.C.; First Lady of Ohio Hope Taft, Columbus; Lewis E. Gallant, National Association of State Alcohol and Drug Abuse Directors, Inc., Washington, D.C.; and Gloria Walker, National Alliance for the Mentally Ill, Arlington, Virginia.

VISA ISSUANCE PROCESS

Committee on the Judiciary: Subcommittee on Immigration, Border Security and Citizenship concluded hearings to examine how the Departments of State, Homeland Security, and Justice could more effectively manage the visa process with clear and comprehensive policies and procedures and increased agency coordination and information sharing, after receiving testimony from Jess T. Ford, Director, International Affairs and Trade, General Accounting Office; Janice L. Jacobs, Deputy Assistant Secretary of State for Visa Services; and Michael T. Dougherty, Director of Operations, Bureau of Immigration and Customs Enforcement, and Jayson P. Ahern, Assistant Commissioner, Office of Field Operations, Bureau of Customs and Border Protection, both of the Department of Homeland Security.

VA HOSPITALS

Committee on Veterans' Affairs: Committee concluded hearings to examine the current status of VA hospitals, focusing on funding for VA medical care, enactment of Medicare reimbursements for non-service connected care, and the Capital Asset Realignment for Enhanced Services program (CARES), after receiving testimony from Ronald F. Conley, American Legion, Indianapolis, Indiana, who was accompanied by several of his associates.

House of Representatives

Chamber Action

Measures Introduced: 26 public bills, H.R. 2725–2750; and 4 resolutions, H. Con. Res. 243–244, and H. Res. 317–318, were introduced.

Pages H6867–69

Additional Cosponsors: **Page H6869**

Reports Filed: Reports were filed as follows:

H.R. 2473, to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, amended (H. Rept. 108–178, Pt. 2);

H. Res. 317, dismissing the election contest relating to the office of Representative from the Second Congressional District of Hawaii (H. Rept. 108–207);

H. Res. 318, dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee (H. Rept. 108–208);

H. Res. 319, providing for consideration of H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004 (H. Rept. 108–209);

H.R. 1720, to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating patient care facilities at Department of Veterans Affairs medical centers, amended (H. Rept. 108–210); and

H.R. 2297, to amend title 38, United States Code, to modify and improve certain benefits for veterans, amended (H. Rept. 108–211). **Page H6867**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Chocola to act as Speaker Pro Tempore for today.

Page H6709

Guest Chaplain: The prayer was offered by the guest Chaplain, Dr. Barry C. Black, Chaplain, United States Senate. **Page H6709**

Recess: The House recessed at 9:04 a.m. and reconvened at 10 a.m. **Page H6709**

Dismissing Second Congressional District of Hawaii Election Contest: The House agreed to H. Res. 317, dismissing the election contest relating to the office of Representative from the Second Congressional District of Hawaii. **Pages H6710–11**

Dismissing Sixth Congressional District of Tennessee Election Contest: The House agreed to H. Res. 318, dismissing the election contest relating to the office of Representative from the Sixth Congressional District of Tennessee. **Page H6711**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Unveiling of the Statue of Sacagawea for Display in Statuary Hall: H. Con. Res. 236, permitting the use of the rotunda of the Capitol for a ceremony to commemorate the unveiling of the statue of Sacagawea provided by the State of North Dakota for display in Statuary Hall; **Pages H6711–13**

Smithsonian Facilities Authorization Act: H.R. 2195, to provide for additional space and resources for national collections held by the Smithsonian Institution; and **Pages H6713–15**

Burmese Freedom and Democracy Act: Debated on July 14, H.R. 2330, amended, 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 (agreed by yea-and-nay vote of 418 yeas to 2 nays with 1 voting "present", Roll No. 361. **Pages H6724–25**

Foreign Relations Authorization Act: The House completed general debate and considered amendments to H.R. 1950, to authorize appropriations for the Department of State for the fiscal years 2004 and 2005 and to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005. Consideration will resume on Wednesday, July 16. **Pages H6725–H6824**

Smith of New Jersey amendment No. 1 printed in H. Rept. 108–206 that sought to strike funding for the United Nations Population Fund (to by recorded vote of 216 ayes to 211 noes, Roll No. 362); **Pages H6766–72, H6789**

Kolbe amendment No. 5 printed in H. Rept. 108–206 that amends Hyde amendment No. 2 and clarifies the responsibility of the United States Agency for International Development and the State Department to the Millennium Challenge Corporation; **Pages H6788–89**

Hyde amendment No. 2 printed in H. Rept. 108–206, as amended, that establishes the Millennium Challenge Corporation to assist eligible countries achieve lasting economic growth and poverty reduction and expands the Peace Corps by doubling the number of volunteers to 14,000 by 2007; **Pages H6772–85, H6790**

Menendez amendment No. 10 printed in H. Rept. 108–206 that limit assistance to Tamil Nadu, India; **Pages H6795–96**

Hyde en bloc amendment, as modified, consisting of amendments printed in H. Rept. 108–206 and No. 12, special rules for applying Buy American Act; No. 13, preference for United States contractors; No. 14, Sense of Congress concerning Visas for Russian Weapons Scientists; No. 15, Resources for Embassies and Consulates; No. 16, Designation of Foreign Terrorist Organizations; No. 18, as modified, International Child Abduction; No. 19, Protection of Foreign Missions and Officials; **Pages H6797–99**

No. 20, Interference With Law Enforcement Protective Functions; No. 21, Sense of Congress Regarding Security for Taiwan; No. 22, Sense of Congress in Appreciation of the Armed Forces and Restoring Stability and Security in Iraq; No. 23, Treatment of Territories and Possessions as Part of the Geographic United States for Transfer Allowances; No. 24, Report on Observer Status for Taiwan at the Summit of the World Health Assembly; No. 25, as modified, Attacks on United States Citizens by Palestinian Terrorists; No. 26, Sense of Congress and Report Concerning Wastewater Treatment and the International Boundary and Water Commission, United States, and Mexico; No. 27, Transfer of Naval Vessels to Foreign Countries; No. 28, Security Capital Cost-Sharing Program; No. 29, Technical Corrections; No. 30, Democratic Policing Exemption; No. 31, Afghan Women's fund; **Pages H6799–H6803**

No. 34, Conditions on Non-Humanitarian Assistance to Vietnam; No. 35, Architectural Integrity of United States Embassies, Consulates and Other Diplomatic Buildings; No. 36, Sense of Congress Concerning the State Department's Authority on Intercountry Adoption; No. 38, as modified, Sense of Congress Regarding Migration Issues Between the United States and Mexico; No. 39, Irish Peace Cultural and Training Program Extension; No. 40, Transfer of Aircraft to Army Aviation Heritage Foundation; and No. 42, Condition of the Provision of International Military Education and Training funds to Indonesia. **Pages H6803–15**

Hostettler amendment No. 17 printed in H. Rept. 108–206 that directs the Secretary of State to issue regulations with respect to the issuance by foreign missions in the United States of consular identification cards to foreign nationals residing in the United States (agreed to by recorded vote of 226 ayes to 198 noes, Roll No. 367); **Pages H6815–18, H6820–21**

Rangel amendment No. 32 printed in H. Rept. 108–206 that expands assistance to combat HIV/AIDS to certain countries of the Caribbean region; **Pages H6821–22**

Sherman amendment No. 33 printed in H. Rept. 108–206 that states United States policy concerning the democracy in Iran and the condemning the brutal treatment and torture of Iranian civilians expressing political dissent; **Pages H6822–23**

McKeon amendment No. 37 printed in H. Rept. 108–206 that expresses the Sense of Congress regarding the extradition of violent criminals from Mexico to the United States; **Page H6823**

Waters amendment No. 41 printed in H. Rept. 108–206 that requires a report on the progress made in modifying the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative. **Pages H6823–24**

Rejected:

Kolbe amendment No. 4 printed in H. Rept. 108–206, as modified, to the Hyde amendment that sought to accelerate the eligibility for lower middle income countries in fiscal year 2005 through 2006 (rejected by recorded vote of 110 ayes to 313 noes, Roll No. 363); **Pages H6785–88, H6790**

Paul amendment No. 6 printed in H. Rept. 108–206 that sought to prohibit funding for any United States contribution to the United Nations or any affiliated agency of the United Nations (rejected by recorded vote of 74 ayes to 350 noes, Roll No. 364); **Pages H6790–92, H6818**

King amendment No. 7 printed in H. Rept. 108–206 that sought to limit United States share of United Nations assessments to that of the largest assessed contribution of any other permanent member country of the United States Security Council (rejected by recorded vote of 187 ayes to 237 noes, Roll No. 365); **Pages H6792–94, H6819**

Tauscher amendment No. 8 printed in H. Rept. 108–206 that sought to allow exporters of commercial communications satellites to transfer marketing information to a member country of the North Atlantic Treaty Organization (NATO) or to Australia, Japan, or New Zealand (rejected by recorded vote of 207 ayes to 219 noes, Roll No. 366); **Pages H6794–95, H6819–20**

Withdrawn:

Kennedy of Minnesota amendment No. 3 printed in H. Rept. 108–206 was offered but subsequently withdrawn that sought to clarify that public and private sector expenditures should be included when considering eligibility; **Page H6785**

Weldon of Pennsylvania amendment No. 11 printed in H. Rept. 108–206 was offered but subsequently withdrawn that sought to prohibit assistance to the Republic of Moldova; **Pages H6796–97**

The House agreed to H. Res. 316, the rule that is providing for consideration of the bill by yea-and-nay vote of 222 yeas to 201 nays, Roll No. 360. **Pages H6715–24**

Motion to Instruct Conferees—All American Tax Relief Act: Representative Michaud announced his intention to offer a motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act to include in the conference report (1) the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; (2) the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; (3) all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions; (4) other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster. And, House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion. **Pages H6824–25**

Aviation Investment and Revitalization Vision Act: The House disagreed with the Senate amendment to H.R. 2115, to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and agreed to a conference. **Pages H6825–26**

Appointed as conferees: From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Chairman Young of Alaska and Representatives Mica, Ehlers, Hayes, Rehberg, Isakson, Oberstar, DeFazio, Boswell, and Holden. From the Committee on Energy and Commerce for consideration of section 521 of the House bill and section 508 of the Senate amendment, and modifications committee to conference: Chairman Tauzin and Barton of Texas and Dingell. From the Committee on Government Reform for consideration of sections 404 and 438 of the House bill and section 108 of the Senate amendment, and modifications committed to conference: Chairman Tom Davis of Virginia and Representatives Shays

and Waxman. From the Committee on the Judiciary, for consideration of sections 106, 301, 405, 505, and 507 of the Senate amendment, and modifications committed to conference: Chairman Sensenbrenner and Representatives Coble and Conyers. Page H6826

From the Committee on Resources, for consideration of sections 204 and 409 of the House bill and section 201 of the Senate amendment, and modifications committed to conference: Chairman Pombo and Representatives Gibbons and Rahall. Provided that Representative Renzi is appointed in lieu of Chairman Pombo for consideration of section 409 of the House bill, and modifications committed to conference. From the Committee on Science, for consideration of section 102 of the House bill and sections 102, 104, 621, 622, 641, 642, 661, 662, 663, 667, and 669 of the Senate amendment, and modifications committed to conference: Chairman Boehlert and Representatives Rohrabacher and Costello. From the Committee on Ways and Means, for consideration of title VI of the House bill and title VII of the Senate amendment, and modifications committed to conference: Chairman Thomas and Representatives Camp and Rangel. Page H6826

Agreed to the DeFazio motion to instruct conferees to insist upon a total level of funding of not less that $59 billion for programs authorized pursuant to sections 101 through 103 of the bill including not less than (1) 14.8 billion for Federal Aviation Administration operations; (2) $12.294 billion for air navigation facilities and equipment; and (3) $31.276 billion for airport planning and development and noise compatibility planning and programs. Pages H6825–26

Project BioShield Act—Order of Business: Agreed that it be in order at any time without intervention of any point of order to consider in the House, H.R. 2122, to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security; that the bill be considered as read; that in lieu of the amendments recommended by the Committee on Government Reform and the Select Committee on Homeland Security now printed in the bill, an amendment in the nature of a substitute placed at the desk be considered as adopted; that all points of order against the bill, as amended, be waived; that the bill be debatable for 90 minutes, equally divided and controlled; that the previous question be considered as ordered on the bill as amended, to final passage without intervening motion except one motion to recommit with or without instructions. Pages H6834–41

Motion to Instruct Conferees—All American Tax Relief Act: The House completed debate on the DeLauro motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act to include in the conference report (1) The provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003; (2) the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone; (3) all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions; (4) other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster. And, House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than Friday, July 18, 2003. Further proceedings on the motion were postponed. Pages H6826–34

Presidential Messages: Read the following messages from the President:

United States-Singapore Free Trade Agreement: Message wherein he transmitted legislation and supporting documents to implement the United States-Singapore Free Trade Agreement—referred to the Committees on Ways and Means and the Judiciary and ordered printed (H. Doc. 108–100); and

Page H6834

United States-Chile Trade Agreement: Message wherein he transmitted legislation and supporting documents to implement the United States-Chile Free Trade Agreement—referred to the Committees on Ways and Means and the Judiciary and ordered printed (H. Doc. 108–101). Pages H6841–42

Senate Messages: Message received from the Senate today appears on page H6709.

Referral: S. 1233 was referred to the Committees on Resources and the Judiciary. S. 1289 was referred to the Committee on the Judiciary. Page H6865

Amendments: Amendments ordered printed pursuant to the rule appear on pages H6869–70.

Quorum Calls—Votes: Two yea-and-nay votes and six recorded votes developed during the proceedings of the House today and appear on pages H6724, H6724–25, H6789, H6790, H6818, H6819,

H6819–20, and H6820–21. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 11:13 p.m.

Committee Meetings

ENERGY AND WATER DEVELOPMENT AND DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Ordered reported the following appropriations for fiscal year 2004: Energy and Water Development; and District of Columbia.

LEGISLATIVE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative held a hearing on Capitol Visitor Center. Testimony was heard from David M. Walker, Comptroller General, GAO; and Alan M. Hantman, Architect of the Capitol.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies approved for full Committee action the VA, HUD and Independent Agencies appropriations for fiscal year 2004.

AMERICAN—EXPANDING ACCESS TO COLLEGE

Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness held a hearing on ''Expanding Access to College in America: How the Higher Education Act Can Put College Within Reach.'' Testimony was heard from Teri Flack, Deputy Commissioner, Higher Education Coordinating Board, State of Texas; and public witnesses.

ADMINISTRATION'S PROPOSAL TO REPLACE—30-YEAR TREASURY RATE

Committee on Education and the Workplace: Subcommittee on Employer-Employee Relations and the Subcommittee on Select Revenue Measures of the Committee on Ways and Means held a joint hearing on Examining Pension Security and Defined Benefit Plans: the Administration's Proposal to Replace the 30-year Treasury Rate. Testimony was heard from Ann Combs, Assistant Secretary, Employee Benefits Security, Department of Labor; Peter Fisher, Under Secretary, Domestic Finance, Department of the Treasury; and public witnesses.

MONETARY POLICY AND THE STATE OF THE ECONOMY

Committee on Financial Services: Held a hearing on monetary policy and the state of the economy. Testimony was heard from Alan Greenspan, Chairman,. Board of Governors, Federal Reserve System.

FEDERAL INFORMATION SYSTEMS INTEGRATION AND CONSOLIDATION

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held an oversight hearing on ''Federal Information Systems Integration and Consolidation: Maximizing Technology Investment Across Agency Boundaries.'' Testimony was heard from Mark A. Forman, Administrator, E-Government and Information Technology, OMB; and public witnesses.

UNBORN VICTIMS OF VIOLENCE ACT OR LACI AND CONNER'S LAW

Committee on the Judiciary: Subcommittee on the Constitution approved for full Committee action H.R. 1997, Unborn Victims of Violence Act of 2003 or Laci and Conner's Law.

EXTEND SPECIAL IMMIGRANT RELIGIOUS WORKER PROGRAM

Committee on the Judiciary: Subcommittee on Immigration, Border Security and Claims approved for full Committee action H.R. 2151, to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H. R. 1006, amended, Captive Wildlife Safety Act; H.R. 1409, Eastern Band of Cherokee Indians Land Exchange Act; and S. 111, to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 1289, National Parks Institute Act; H.R. 532, Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act; and H.R. 408, to provide for expansion of Sleeping Bear Dunes National Lakeshore. Testimony was heard from Representatives Camp and Lantos; Dan Smith, Special Assistant to the Director, National Park Service, Department of the Interior; and public witnesses.

INTERIOR APPROPRIATIONS

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of general debate on H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004. The rule waives all points of order against consideration of the bill. Under the rules of the House the bill shall be read for amendment by paragraph. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill), except as specified in the resolution. The rule waives points of order against amendments for failure to comply with clause 2(e) of rule XXI (prohibiting designated emergencies in reported appropriation bills). The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions.

SCHOOL READINESS ACT

Committee on Rules: Heard testimony from Chairman Boehner and Representatives Castle, Murphy, George Miller of California, Woolsey, Hinojosa, Tierney, Kind, Grijalva, Majette, Van Hollen, Frank of Massachusetts, Edwards, Waters, Scott of Virginia, Kennedy of Rhode Island, Jackson-Lee of Texas and Schiff, but action was deferred on H.R. 2210, School Readiness Act of 2003.

NOAA SATELLITES

Committee on Science: Subcommittee on Environment, Technology and Standards held a hearing on NOAA Satellites: Will Weather Forecasting Be Put at Risk? Testimony was heard from Gregory Withee, Assistant Administrator, National Environmental Satellite Data and Information Service, NOAA, Department of Commerce; Peter Teets, Under Secretary, Air Force and Executive Agent for Space, Department of Defense; David Powner, Acting Director, Information Technology Management Issues, GAO; and public witnesses.

CONTRACT BUNDLING AND SMALL BUSINESS PROCUREMENT

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing on Contract Bundling and Small Business Procurement. Testimony was heard from Jo Baylor, Director, Office of Small and Disadvantaged Business Utilization, Department of Housing and Urban Development; Ralph C. Thomas III, Assistant Administrator, Office of Small and Disadvantaged Business Utilization, NASA; Sean M. Moss, Director, Office of Small and Disadvantaged Business Utilization, Department of Transportation; Theresa A. Speake, Director, Office of Small and Disadvantaged Business Utilization, Department of Energy; Linda Oliver, Deputy Director, Office of Small and Disadvantaged Business Utilization, Department of Defense; and public witnesses.

TRANSFER PHYSICAL AND ELECTRONIC RECORDS TO THE HOUSE REGARDING USE OF FEDERAL AGENCY RECORDS—INVOLVING TEXAS LEGISLATURE MEMBERS

Committee on Transportation and Infrastructure: Ordered unfavorably reported H. Res. 288, directing the Secretary of Transportation to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States.

Prior to this action, the Committee held a hearing on this resolution. Testimony was heard from Representative Green of Texas; and Kenneth M. Mead, Inspector General, Department of Transportation.

RESEARCH COMPLIANCE OFFICE

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on H.R. 1585, to establish an office to oversee research compliance and assurance within the Veterans Health Administration of the Department of Veterans Affairs. Testimony was heard from Robert H. Roswell, M.D., Under Secretary, Health, Department of Veterans Affairs; and a public witness.

COMMITTEE BUSINESS

Permanent Select Committee on Intelligence: Met in executive session to consider pending business.

INDUSTRY SPEAKS ON CYBERSECURITY

Select Committee on Homeland Security: Subcommittee on Cybersecurity, Science, and Research and Development held a hearing entitled "Industry Speaks on Cybersecurity." Testimony was heard from public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D773)*

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''. Signed on July 14, 2003. (Public Law 108–46)

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''. Signed on July 14, 2003. (Public Law 108–47)

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''. Signed on July 14, 2003. (Public Law 108–48)

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''. Signed on July 14, 2003. (Public Law 108–49)

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''. Signed on July 14, 2003. (Public Law 108–50)

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''. Signed on July 14, 2003. (Public Law 108–51)

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''. Signed on July 14, 2003. (Public Law 108–52)

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''. Signed on July 14, 2003. (Public Law 108–53)

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''. Signed on July 14, 2003. (Public Law 108–54)

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''. Signed on July 14, 2003. (Public Law 108–55)

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''. Signed on July 14, 2003. (Public Law 108–56)

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''. Signed on July 14, 2003. (Public Law 108–57)

H.R. 2474, to authorize the Congressional Hunger Center to award Bill Emerson and Mickey Leland Hunger Fellowships for fiscal years 2003 and 2004. Signed on July 14, 2003. (Public Law 108–58)

S. 858, to extend the Abraham Lincoln Bicentennial Commission. Signed on July 14, 2003. (Public Law 108–59)

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 16, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Energy and Water Development, business meeting to mark up proposed legislation making appropriations for energy and water development programs for the fiscal year ending September 30, 2004, 11 a.m., SD–138.

Committee on Armed Services: business meeting to consider the nominations of Thomas W. O'Connell, of Virginia, to be an Assistant Secretary of Defense, and Paul Morgan Longsworth, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration, Time to be announced, Room to be announced.

Committee on Banking, Housing, and Urban Affairs: to hold oversight hearings to examine the semi-annual monetary policy report of the Federal Reserve System, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine proposed legislation to make permanent the moratorium on taxes on Internet access, 9:30 a.m., SR–253.

Subcommittee on Oceans, Fisheries and Coast Guard, to hold hearings to examine the Marine Mammal Protection Act, 9:30 a.m., SR–428A.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the recent General Accounting Office report entitled: ''An Overall Strategy and Indicators for Measuring Progress Are Needed to Better Achieve Restoration Goals'', focusing on the ramifications of an uncoordinated Great Lakes restoration strategy, current management of various environmental programs, and possible next steps to improve the management of Great Lakes programs, 10 a.m., SD–342.

Committee on Indian Affairs: business meeting, to consider pending calendar business; to be followed by joint hearings with the House Committee on Resources to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act, 10 a.m., SD–106.

Committee on the Judiciary: Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine competition in the marketplace in relation to hospital group purchasing, 11 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, to consider the following appropriations for fiscal year 2004: Commerce, Justice, State, Judiciary and Related Agencies; and Foreign Operations, Export Financing and Related Programs, 10 a.m., 2359 Rayburn.

Committee on the Budget, hearing on Mid-Session Review Budget of the United States Government, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on Education Reform, hearing on "Food for Thought: How to Improve Child Nutrition Programs," 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled "Legislative Efforts to Reform the U.S. Olympic Committee," 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, to consider the following bills: H.R. 2043, United States Financial Policy Committee For Fair Capital Standards Act; and H.R. 2622, Fair and Accurate Credit Transactions Act of 2003, 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled "Cutting Out Waste, Fraud, Mismanagement, Overlap and Duplication: Exploring Ideas for Improving Federal Reorganization, Management and Spending," 10 a.m., 2154 Rayburn.

Subcommittee on Civil Service and Agency Organization, hearing on "GAO Human Capital Reform: Leading By Example." followed by consideration of the following bills: H.R. 1231, to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; and H.R. 1151, to provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, 2 p.m., 2154 Rayburn.

Committee on International Relations, hearing on Intellectual Property Crimes: Are Proceeds From Counterfeited Goods Funding Terrorism? 9:30 a.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following: the U.S.—Chile Free Trade Agreement Implementation Act; the U.S.—Singapore Free Trade Agreement Implementation Act; H.R. 49, Internet Tax Nondiscrimination Act; H.R. 1829, Federal Prison Industries Competition in Contracting Act of 2003; and H.R. 1303, to amend the E-Government Act of 2002 with respect to rule-making authority of the Judicial Conference, 10 a.m., 2141 Rayburn.

Committee on Rules, Subcommittee on Technology and the House, oversight hearing on the 1996 Unfunded Mandates Reform Act—"An Overview of Effectiveness and Opportunities for Enhancement," 10:30 a.m., H–313 Capitol.

Committee on Science, hearing on Supercomputing: Is the U.S. on the Right Path? 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, to mark up the following: General Services Administration's Fiscal Year 2004 Capital Investment and Leasing Program resolutions; and other pending business, 10:30 a.m., 2253 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, hearing on the Department of Veterans Affairs' Fiduciary and Field Examination Activity, 10:30 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, Subcommittee on Intelligence Policy and National Security, executive, briefing on Hunt for al-Qaeda, 2 p.m., H–405 Capitol.

Select Committee on Homeland Security, to mark up H. Res. 286, directing the Secretary of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States, 1 p.m., 2118 Rayburn.

Joint Meetings

Joint Meetings: Senate Committee on Indian Affairs, business meeting, to consider pending Calendar business; to be followed by joint hearings with the House Committee on Resources to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act, 10 a.m., SD–106.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, July 16

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will proceed to consideration of H.R. 2330, Burma Freedom and Democracy Act, with one hour of debate; following which, Senate will continue consideration of H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, with 30 minutes of debate equally divided in relation to the Dorgan Amendment; that Senator Bingaman then be recognized to offer an amendment regarding detainees; that there then be 40 minutes equally divided; and the Senate then proceed to vote on or in relation to Dorgan Amendment No. 1264, to be followed by a vote on or in relation to the Bingaman Amendment, to be followed by a vote on final passage of H.R. 2330 (listed above); following which, Senate will continue consideration of H.R. 2658, Defense Appropriations.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, July 16

House Chamber

Program for Wednesday: Consideration of Suspensions:

1. H.R. 74, Washoe Indian Tribe Land Conveyance Act;
2. H.R. 272, Lander and Eureka Counties Land Conveyances;
3. S. 246, Trust Land for Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico;
4. Senate amendments to H.R. 733, McLoughlin House National Historic Site Act;
5. H. Res. 303, Honoring the Late Former Mayor of Atlanta, Maynard Holbrook Jackson, Jr.;
6. H. Con. Res. 208, Supporting National Men's Health Week;
7. H. Con. Res. 6, Supporting Chronic Obstructive Pulmonary Disease Awareness Month;
8. H. Res. 194, Importance of International Efforts to Abolish Slavery in Sudan; and
9. H. Con. Res. 80, Supporting the Peace Parks Foundation in the Republic of South Africa;

Continued Consideration of H.R. 1950, Foreign Relations Authorization Act (continue consideration, structured rule);

Complete consideration on DeLauro Motion to Instruct Conferees on H.R. 1308, All-American Tax Relief Act of 2003 (postponed vote);

Consideration of a motion to go to Conference on H.R. 1588, National Defense Authorization for Fiscal Year 2004;

Consideration of H.R. 2122, Project BioShield Act (unanimous consent, 90 minutes of general debate);

Consideration of H.R. 2691, Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 2004 (open rule, one hour of general debate); and

Consideration of Michaud Motion to Instruct Conferees on H.R. 1308, All-American Tax Relief Act of 2003.

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