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No. 107

## Senate

The Senate was not in session today. Its next meeting will be held on Monday, July 21, 2003, at 1 p.m.

## House of Representatives

FRIDAY, JULY 18, 2003

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God almighty, bless the Members of the House of Representatives today. May their work begin with Your holy inspiration and be brought to completion by Your holy will.

Grant them safe travel to their homes, and may peace await them there that they may be a blessing to all they meet.

And may the Lord's words to Joshua be fulfilled in our day:

"The Lord gave them peace on every side, just as He promised our forbearers. Not one of their enemies could withstand them; the Lord brought all their enemies under their power. Not a single promise that the Lord made to the House of Israel was broken. Every one was fulfilled."

With this assurance we are dedicated to You, Lord, now and forever. Amen.

### THE JOURNAL

The SPEAKER. 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. Pursuant to clause 1 the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from West Virginia (Mrs. CAPITO) come forward and lead the House in the Pledge of Allegiance.

Mrs. Capito led the Pledge of Allegiance as follows:

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

### MESSAGE FROM THE SENATE

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

S. 314. An act to make improvements in the Foundation for the National Institutes of Health.

S. 470. An act to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 490. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

S. 499. An act to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

S. 546. An act to provide for the protection of paleontological resources on Federal lands, and for other purposes.

S. 643. An act to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes.

S. 651. An act to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

S. 677. An act to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Con-

servation Area in the State of Colorado, and for other purposes.

S. 924. An act to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes.

S. 1076. An act to authorize construction of an education center at or near the Vietnam Veterans Memorial.

S. 1399. An act to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the "William J. Scherle Post Office Building".

S. Con. Res. 53. 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 Senate has passed without amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 74. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

H.R. 255. An act to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretive Center in Nebraska City, Nebraska.

H.R. 1577. An act to designate the visitor center in Organ Pipe Cactus National Monument in Arizona as the "Kris Eggle Visitor Center", and for other purposes.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 5 one-minutes on each side.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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# SEA ISLAND G-8 SUMMIT TO SHOWCASE COASTAL GEORGIA

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

Mr. BURNS. Mr. Speaker, I rise today to congratulate my home State of Georgia, which was selected this week as the site for the 2004 meeting of the eight major industrial democracies. This will be the largest single event that Georgia has hosted since its 1996 summer Olympics in Atlanta. The Sea Island summit will be held on June 8 through 10 of next year and provides an excellent opportunity to showcase coastal Georgia to the world. The economic impact alone to the State is estimated to be nearly \$200 million, and the preparations will bring jobs and opportunity to the entire area.

I would like to thank President Bush, Governor Perdue, and all the elected officials who worked hard to bring this event to Georgia. The beautiful cities of Savannah and Brunswick will welcome members of the media and all of the government officials with our special hospitality.

Mr. Speaker, I look forward to welcoming the democratic powers of the world to my home State next year for a memorable Southern summit.

## NATIONAL DEBT INCREASING

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

Mr. STENHOLM. Mr. Speaker, it has been 798 days since President Bush and the Republican Party embarked on their economic plan for our country. During that time, the national debt has increased by \$1,078,466,570,109. According to the Web site for the Bureau of Public Debt at the U.S. Treasury Department, yesterday at 4:30 p.m. Eastern Standard Time the Nation's outstanding debt was \$6,718,791,956,467. Furthermore, in fiscal year 2003, interest on our national debt, or the "debt tax," is \$277,768,492,816 through June 30.

## HONORING THE VALOR OF WALT AND DONYELLE WILKINS

(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, I rise today to honor the courage and bravery of a newlywed couple from Greenville, South Carolina. This past Sunday, Walt and Donyelle Wilkins were flying to their honeymoon destination in the Bahamas when their commuter flight crashed into the Atlantic Ocean off Abaco Island.

Of the nine passengers and pilot aboard, Diane Parker Diaz of Jacksonville, Florida, and her 3-year-old niece, Dante Parker, did not survive. How-

ever, Diaz's two children, Andre Parker Diaz and Elisa Parker Diaz, were saved through the selfless efforts of Walt and Donyelle.

Disregarding immediate personal safety, the Wilkins couple stayed behind and held the children above them in the water as they treaded water for over an hour waiting for rescue.

I ask all of my colleagues to join me in thanking Walt and Donyelle Wilkins for their heroic act, continuing the tradition of the dedicated Wilkins family. Our thoughts and prayers go out to all those who were involved in the tragic event.

In conclusion, God bless our troops.

## OPENING OF THE CLAY CENTER FOR THE ARTS AND SCIENCES

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

Mrs. CAPITO. Mr. Speaker, I rise today in recognition of the recently opened Clay Center for the Arts and Sciences. My hometown of Charleston, West Virginia, has been eagerly awaiting the opening of this magnificent cultural and entertainment center over the course of the past 2 decades.

The center, which began as a far-fetched idea, progressed through arduous fund-raising and construction, finally opened its doors on July 12.

This impressive project would not have been possible without John McClaugherty's vision, as well as generous contributions by Lyell and Buckner Clay, the Clay Foundation and Clay extended family, the Benedum Foundation, the Maier Foundation, the Greater Kanawha Valley Foundation, the City of Charleston, Kanawha County, and the West Virginia State Legislature.

The Clay Center offers the combination of a first-class art museum, a 1,800-seat performing arts center, and state-of-the-art science center, complete with a 180-seat planetarium.

This outstanding center will undoubtedly enhance cultural, educational, and economic opportunities for West Virginians. I am proud to have this new center in my State and in my district, and I look forward to the wonderful opportunities that it will provide for West Virginia's future. I also would like to welcome all of America to visit the Clay Center.

## THANKING TONY BLAIR

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

Mr. SHIMKUS. Mr. Speaker, yesterday we had the opportunity to hear Prime Minister Blair here in this Chamber; and I want to thank him for his straight talk, his compassion, his love of freedom, and the words he imparted to this Chamber.

He spoke from the heart about the dangers to the world and the impor-

tance to meet these dangers head on. He also spoke about the importance of the transatlantic relationship, which is really, I think, the world's next best hope to rid the world of dangerous tyrants and weapons of mass destruction.

The world is blessed by having firm, strong, committed leaders like President Bush and Prime Minister Blair. This country thanks them for their service, and we thank him for visiting this Chamber.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Is there objection to the request of the gentleman from Georgia?

There was no objection.

## GENERAL LEAVE

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2754 and that I may include tabular and extraneous material.

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

There was no objection.

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 17, 2003, 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. 2754).

□ 0912

## 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. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, with Mr. ISAKSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of the legislative day Thursday, July 17, 2003, the bill is considered read for the first time.

The gentleman from Ohio (Mr. HOBSON) and the gentleman from Indiana (Mr. VISCLOSKEY) each will control 30 minutes.

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

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

Mr. Chairman, it is my pleasure to submit to the House for consideration the fiscal year 2004 energy and water development appropriations act.

I want to first thank my ranking member, the gentleman from Indiana (Mr. VISCLOSKEY), for working with me on this bill. I want to thank his staff. I also want to thank my staff, who has worked very hard on this bill. This is the first time I have actually done the full bill on the floor, and I appreciate the tutorial from everybody on this bill.

I also want to thank the gentleman from Wisconsin (Mr. OBEY), the ranking member on the full committee. I also particularly want to thank the gentleman from Florida (Mr. YOUNG), my overall chairman, who has worked with me on this bill.

Mr. Chairman, I have a rather long speech here this morning to give; but I am not going to give it, because I know a lot of Members want to go home, so I am going to submit it for the RECORD.

Mr. Chairman, it is my pleasure to submit to the House for its consideration the fiscal year 2004 Energy and Water Development Appropriations Bill. On Tuesday, July 15th, the Appropriations Committee unanimously approved the bill, and I believe it merits the support of the entire membership of the House. I want to thank all the members of the subcommittee for their help in bringing the bill to the floor today. I particularly want to thank Mr. VISCLOSKEY for his help and cooperation. I also want to thank the Chairman of the Appropriations Committee, Mr. YOUNG, and the ranking minority member, Mr. OBEY for allowing us to move forward in such an expeditious manner.

Mr. Chairman, this bill provides annual funding for a wide variety of programs, which include such diverse matters as maintenance of the Nation's nuclear weapons stockpile, navigation improvements, environmental cleanup, flood control, advanced scientific research, and nuclear waste disposal.

Total spending in the fiscal year 2004 Energy and Water Development Bill is \$27,080,000, the same as the subcommittee's 302b allocation. This is an increase of \$942 million over fiscal year 2003 and \$134 million over the President's budget request. The bill I present to the House today is fiscally responsible, and meets the major needs of the members of the House.

Title I of the bill provides funding for the civil works programs of the United States Army Corps of Engineers and the Formerly Used Sites Remedial Action Program. The Committee has recommended a total of \$4.48 billion for Title I, \$288 million above the budget request, but \$156 million below the amount appropriated last year. The Committee concentrated the limited resources it had for the Corps on ongoing projects and did not include funds for new studies or construction projects.

Mr. Chairman, even though we were able to provide an increase over the budget request for the Corps of Engineers, I am very concerned that we, and that includes the Congress and the Administration, are not spending enough on our water resources infrastructure. This infrastructure supports much of the Nation's commerce and provides a physical safety net against natural disasters for many of our citizens. The Administration's budget request underfunds most of the ongoing Corps of Engineers construction projects. While we have added funds for a number of those projects, those funds are not adequate to keep the

projects on their most efficient schedules. The result is higher costs and a delay in receiving the benefits that the projects will provide. I hope to begin an active dialog with the Administration in an attempt to convince them of the need to increase funding to support the Civil Works program of the Corps of Engineers.

One program of the Corps of Engineers which is of great interest to me is the restoration of the Everglades, which is a partnership between the Federal government and the State of Florida. In very simple terms, the State is charged with cleaning up the water that enters the Everglades, and the Federal government is responsible for fixing the plumbing. We fully funded the Administration's request of \$145 million for activities related to restoration of the Everglades; however, I am concerned that recent actions taken by the State may signify a lessening of its resolve to live up to its part of the bargain. I have written to the Governor and have spoken to him to let him know of my concerns. Because of those concerns, we have included language in the Bill that would deny the use of funds for Everglades restoration if the State does not meet court ordered water quality standards. I intend to monitor this situation very closely.

Funding for Title II of the bill, which includes the Central Utah Project Completion Account and the programs of the Bureau of Reclamation, is \$947.9 million, \$24.3 million below the amount appropriated last year and \$25.7 million above the budget request. The Committee did not provide the \$15 million requested by the Administration for the CALFED Bay-Delta program. The authorization for this program expired in fiscal year 2000 and it has not been reauthorized.

Today funding for Title III, the Department of Energy is \$22 billion, \$1.18 billion above fiscal year 2003 and \$147 million below the budget request.

Mr. Chairman, my top priority within the Department of Energy is Yucca Mountain. It is essential that we have this repository ready to accept spent nuclear fuel as soon as possible for two very important reasons—energy security and homeland security. Nuclear energy currently generates about 20 percent of the Nation's electricity without emitting any greenhouse gases. That percentage could grow, but it will not until there is a place for safe, long-term storage of the waste that is generated. That place is Yucca Mountain. With regard to homeland security, the events of September 11th have taught us that spent nuclear fuel currently stored at reactor sites around the country might not be as secure as we once thought. Therefore, we have included an additional \$174 million above the budget request for the Department of Energy to begin work on a rail line in Nevada that, and this is important, will avoid Las Vegas, on the national transportation system, and on improved containers and early acceptance of spent fuel presently stored at reactor sites. These items have not been addressed in the past because the other body has routinely cut the President's budget, and the Department has had to concentrate all its resources on the license application it is scheduled to submit to the Nuclear Regulatory Commission in December of 2004. For fiscal year 2004, the other body has recommended \$425 million, \$166 million below the budget request. We also provide \$30 million for impact assistance to the affected counties in Nevada so the people there can see the economic advantage that the repository will bring.

Another priority in this Bill is advanced scientific computing. By a number of key measures of computing power, the United States is now in second place behind Japan. For the sake of our scientific leadership, for our national security, and for economic competitiveness, we cannot afford to stay in second place. We have provided an additional \$40 million for DOE's Advanced Scientific Computing Research program to procure additional state-of-the-art computers in the near term and to begin an interagency effort to develop a next-generation computer architecture that will leapfrog ahead of current designs.

Mr. Chairman, another area of concern is the portion of the Department of Energy's budget request that deals with the nuclear weapons complex. The Department continues to ask Congress to fund a Cold War nuclear arsenal, and the infrastructure necessary to maintain that arsenal, even though we no longer face a Cold War adversary. As President Bush said when he announced reductions to the nuclear stockpile on November 13, 2001, "The United States and Russia have overcome the legacy of the Cold War." AT that time, he pledged that the United States would reduce our stockpile to 1,700 to 2,200 operationally deployed warheads over ten years because, as he said, "the current levels of our nuclear forces do not reflect today's strategic realities." I couldn't agree more. We do not need thousands of warheads to deter a nuclear attack anymore, but the Department of Energy and the Department of Defense want Congress to continue to pay for a Cold War stockpile. It is time the DOE and the DOD begin to shrink the footprint of the nuclear weapons infrastructure to reflect the President's decision to reduce our nuclear arsenal. DOD is rethinking the kinds of forces it needs to respond to the threats of the new century, and will go through another round of BRAC to bring down its footprint. The National Nuclear Security Administration should go through a similar process and take a hard look at its workforce and facility needs for a smaller stockpile. Accordingly, we have not approved all of the increase requested for weapons activities in fiscal year 2004.

Mr. Chairman, in this Bill we have also attempted to send a signal to the Department of Energy and the Russian government with regard to the Nuclear Nonproliferation program. At the end of May of this year, the Department had unobligated balances in this program of almost \$600 million. That is money just sitting at DOE headquarters. In addition, by this fiscal year, the Department estimates that it will have uncashed balances of over \$1.1 billion. I view this as poor management. We are fully supportive of the nuclear nonproliferation mission, but we have to question whether we are achieving the program goals when over a billion dollars goes unspent. We need to figure out what is wrong and fix it before this issue endangers support for the program.

Lastly, one of the key changes I want to make in the Department of Energy is to change the culture about contract competition. There are a number of DOE lab contracts that were initially awarded without competition back during World War II and have never been competed since. That has to change. I am firmly convinced of the benefits of competition, and we have included language in the bill effectively requiring the Secretary of Energy to compete all M&O contracts that have not been

competitively awarded within the past 50 years.

Funding for Title IV, Independent Agencies, is \$138.4 million, a decrease of \$68.2 million from last year and \$9.5 million below the budget request. We have funded the Appalachian Regional Commission at the budget request level of \$33,145,000. I realize that a number of members are concerned about this level of funding, which is \$37 million below

last year's level. However, our allocation did not permit us to provide an increase above the budget request. The other body has provided \$ for the ARC and we can address this when the bill is in conference.

Mr. Chairman, before I conclude I would also like to thank the staff for their help in getting me up to speed on the complex issues we have in this bill. The Subcommittee staff includes Bob Schmidt, Kevin Cook, Dennis

Kern, Scott Burnison, Tracy LaTurner, and our detailee from the Corps of Engineers, Robert Pace. I also want to thank Kenny Kraft of my staff.

Mr. Chairman, I know that not everyone is happy with everything we have done in this bill, but I think we have produced a fair and balanced product and I hope the members will unanimously support what we have done.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2754)  
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
General investigations.....	134,141	100,000	117,788	-16,353	+17,788
Construction, general.....	1,744,598	1,350,000	1,642,911	-101,687	+292,911
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.....	342,334	280,000	301,054	-41,280	+21,054
Operation and maintenance, general.....	1,927,556	1,939,000	1,932,575	+5,019	-6,425
Supplemental appropriations (P.L. 108-11).....	39,000	---	---	-39,000	---
Regulatory program.....	138,096	144,000	144,000	+6,904	---
FUSRAP.....	144,057	140,000	140,000	-4,057	---
Flood control and coastal emergencies.....	14,902	70,000	40,000	+25,098	-30,000
General expenses.....	154,143	171,000	164,000	+9,857	-7,000
Total, title I, Department of Defense - Civil...	4,638,827	4,194,000	4,482,328	-156,499	+288,328
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction.....	23,489	27,040	27,040	+3,551	---
Fish, wildlife, and recreation mitigation and conservation.....	11,186	15,423	9,423	-1,763	-6,000
Subtotal.....	34,675	42,463	36,463	+1,788	-6,000
Program oversight and administration.....	1,317	1,728	1,728	+411	---
Total, Central Utah project completion account..	35,992	44,191	38,191	+2,199	-6,000
Bureau of Reclamation					
Water and related resources.....	808,203	771,217	817,913	+9,710	+46,696
Supplemental appropriations (P.L. 108-11).....	25,000	---	---	-25,000	---
Loan program.....	---	200	200	+200	---
Central Valley project restoration fund.....	48,586	39,600	39,600	-8,986	---
California Bay-Delta restoration.....	---	15,000	---	---	-15,000
Working capital fund (rescission).....	---	-4,525	-4,525	-4,525	---
Policy and administration.....	54,513	56,525	56,525	+2,012	---
Total, Bureau of Reclamation.....	936,302	878,017	909,713	-26,589	+31,696
Total, title II, Department of the Interior.....	972,294	922,208	947,904	-24,390	+25,696
TITLE III - DEPARTMENT OF ENERGY					
Energy supply.....	696,858	748,329	691,534	-5,324	-56,795
Non-defense site acceleration completion.....	---	170,875	170,875	+170,875	---
Non-defense environmental management.....	213,624	---	---	-213,624	---
Uranium enrichment decontamination and decommissioning fund.....	---	418,124	392,002	+392,002	-26,122
Non-defense environmental services.....	---	292,121	320,468	+320,468	+28,347
Uranium facilities maintenance and remediation.....	453,409	---	---	-453,409	---
Science.....	3,261,328	3,310,935	3,480,180	+218,852	+169,245
Supplemental appropriations (P.L. 108-11).....	11,000	---	---	-11,000	---
Nuclear Waste Disposal.....	144,058	161,000	335,000	+190,942	+174,000
Departmental administration.....	205,280	326,306	224,329	+19,049	-101,977
Miscellaneous revenues.....	-120,000	-146,668	-123,000	-3,000	+23,668
Net appropriation.....	85,280	179,638	101,329	+16,049	-78,309
Office of the Inspector General.....	37,426	39,462	39,462	+2,036	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2754)  
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>Atomic Energy Defense Activities</b>					
National Nuclear Security Administration:					
Weapons activities.....	5,914,409	6,378,000	6,117,609	+203,200	-260,391
Supplemental appropriations (P.L. 108-11).....	67,000	---	---	-67,000	---
Defense nuclear nonproliferation.....	1,020,860	1,340,195	1,280,195	+259,335	-60,000
Supplemental appropriations (P.L. 108-11).....	148,000	---	---	-148,000	---
Naval reactors.....	702,196	768,400	768,400	+66,204	---
Office of the Administrator.....	325,102	347,980	341,980	+16,878	-6,000
Subtotal, National Nuclear Security Administration.....	8,177,567	8,834,575	8,508,184	+330,617	-326,391
Defense environmental restoration and waste management Supplemental appropriations (P.L. 108-11).....	5,428,806	---	---	-5,428,806	---
Defense facilities closure projects.....	6,000	---	---	-6,000	---
Defense site acceleration completion.....	1,130,915	---	---	-1,130,915	---
Defense environmental management privatization.....	---	5,814,635	5,758,278	+5,758,278	-56,357
Defense environmental services.....	157,369	---	---	-157,369	---
Defense environmental services.....	---	995,179	990,179	+990,179	-5,000
Subtotal, Defense environmental management.....	6,723,090	6,809,814	6,748,457	+25,367	-61,357
Other defense activities.....	511,659	636,154	666,516	+154,857	+30,362
Supplemental appropriations (P.L. 108-11).....	4,000	---	---	-4,000	---
Defense nuclear waste disposal.....	312,952	430,000	430,000	+117,048	---
Cerro Grande fire activities (rescission).....	---	-75,000	-75,000	-75,000	---
Total, Atomic Energy Defense Activities.....	15,729,268	16,635,543	16,278,157	+548,889	-357,386
<b>Power Marketing Administrations</b>					
Operation and maintenance, Southeastern Power Administration.....	4,505	5,100	5,100	+595	---
Operation and maintenance, Southwestern Power Administration.....	27,200	28,600	28,600	+1,400	---
Construction, rehabilitation, operation and maintenance, Western Area Power Administration.....	167,760	171,000	171,000	+3,240	---
Falcon and Amistad operating and maintenance fund.....	2,716	2,640	2,640	-76	---
Total, Power Marketing Administrations.....	202,181	207,340	207,340	+5,159	---
<b>Federal Energy Regulatory Commission</b>					
Salaries and expenses.....	192,000	199,400	192,000	---	-7,400
Revenues applied.....	-192,000	-199,400	-192,000	---	+7,400
Total, title III, Department of Energy.....	20,834,432	22,163,367	22,016,347	+1,181,915	-147,020
<b>TITLE IV - INDEPENDENT AGENCIES</b>					
Appalachian Regional Commission.....	70,827	33,145	33,145	-37,682	---
Defense Nuclear Facilities Safety Board.....	18,876	19,559	19,559	+683	---
Delta Regional Authority.....	7,948	2,000	2,000	-5,948	---
Denali Commission.....	47,688	9,500	---	-47,688	-9,500
Nuclear Regulatory Commission:					
Salaries and expenses.....	577,806	618,800	618,800	+40,994	---
Revenues.....	-520,087	-538,844	-538,844	-18,757	---
Subtotal.....	57,719	79,956	79,956	+22,237	---
Office of Inspector General.....	6,797	7,300	7,300	+503	---
Revenues.....	-6,392	-6,716	-6,716	-324	---
Subtotal.....	405	584	584	+179	---
Total, Nuclear Regulatory Commission.....	58,124	80,540	80,540	+22,416	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003  
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2754)  
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Nuclear Waste Technical Review Board.....	3,179	3,177	3,177	-2	---
	=====	=====	=====	=====	=====
Total, title IV, Independent agencies.....	206,642	147,921	138,421	-68,221	-9,500
	=====	=====	=====	=====	=====
Grand total:					
New budget (obligational) authority.....	26,652,195	27,427,496	27,585,000	+932,805	+157,504
Appropriations.....	(26,652,195)	(27,507,021)	(27,664,525)	(+1,012,330)	(+157,504)
Rescissions.....	---	(-79,525)	(-79,525)	(-79,525)	---
	=====	=====	=====	=====	=====

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

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

Mr. Chairman, I thank my chairman very much. I, too, would begin by thanking individuals; and I do want to thank members of the staff, because we would not be here without this excellent product and their help.

I do want to mention specifically Rob Pace, Leslie Phillips, Tracey La Turner, Kenny Craft, Peder Maarbjerg, Scott Burnison, Dennis Kerns, Kevin Cook, Rob Nabors, and Bob Schmidt. They have all worked very diligently, very hard; and, again, we would not be here without their very diligent and intelligent work.

Secondly, I must thank my chairman, the gentleman from Ohio (Mr. HOBSON). While this is the first time he has brought an energy and water bill to the floor, you would not know it from the work product. I have had the pleasure of serving with a number of very distinguished, wonderful gentlemen who have produced good work products. I must tell you this now is the fifth energy and water bill I have managed for the minority on the floor. It is by far the best bill we have ever brought to the floor, and I would ask my colleagues to support it.

The gentleman from Ohio (Mr. HOBSON) has been eminently fair. He has been trusting of the minority, he has been professional in all of his dealings, he has been decisive in his decisions, and the Department of Energy and other agencies within this bill will be better for his actions. He is a friend, and he has made the last 6 months of working on this bill fun. This is a good bill.

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

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

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

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

Mr. Chairman, I want to take about 5 minutes to make note of a couple of things. As the House certainly knows, I have vigorously opposed a number of appropriations bills that have come to the floor this year. One is the labor-health-education bill, for instance; another will be the transportation bill, which has not yet come to the floor, but which has substantial problems. And there have been several others.

I have opposed them for two reasons. One reason is because the depth of the tax cuts passed by this House has meant that we have starved needed investment in areas like education, health, transportation, et cetera.

The second reason that I have opposed some of those bills has been because I think that they have been drafted as though an ideological agenda was the most important consideration in putting them together.

I support this bill enthusiastically, because I think it departs from the conditions that I have just described on those other bills in two ways.

First of all, I think that the allocation to this subcommittee, while it is certainly, in my view, skinny in several areas, the allocation does not do as much damage to the programs under the jurisdiction of this subcommittee as is done, for instance, when we starve education and health care and worker protection programs, as we did in the labor-health-education bill.

But, secondly, I support this bill because I appreciate the craftsmanship behind it. This bill, in my view, has been put together as a substantive, rather than a political, document. It is not driven, in my view, by ideology. I think the Chair and the ranking member have made decisions based on their individual independent judgments about policy, and that is what we are supposed to do here. We are supposed to be a legislative body, at least as much as we are a political body.

In many of the bills that have come before this House so far, we have had political products. This is a legislative product; and I simply want to congratulate the gentleman from Ohio for bringing it to the floor, because this is the way this House ought to function.

So I believe in strong criticism when criticism is warranted, and I believe in the opposite when the opposite is warranted; and I think this is one such occasion.

As I have said, I do not agree with every judgment in this bill. In fact, I strongly disagree with two. But that is all right, because I think those differences were arrived at honestly on the basis of a different view of policy. So we can have reasonable arguments about that. I do not think the allocation has been crippling to the programs under the jurisdiction of this committee, and I appreciate that it too.

So I, like the gentleman from Indiana, urge my colleagues to vote for the bill. There is one amendment that I may vote for, but that aside, regardless of the outcome of that amendment, I would urge Members to give this bill the support that it deserves.

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee.

Mr. YOUNG of Florida. Mr. Chairman, I rise briefly to compliment the gentleman from Ohio (Chairman HOBSON), along with his ranking member, for doing a really fine job.

This bill could have used more money, but all of our 13 subcommittees have marked up, and each one of them has said they could have used more money. So I think we are probably on the right track. Nobody got too much, and nobody got too little.

The good news is that this is a very good bill, it is very well written and it is very fair. This is the eighth appropriations bill that the House will have concluded its work on prior to the Au-

gust recess. All 13 subcommittees have marked up their bills. All but two of the bills have been marked up in the full committee, and that will happen next week, as well as the second supplemental request that we received from the President.

So, all in all, once we were able to begin our work, the committee has done an excellent job, and I commend all of the Members on both sides of the aisle, the staff on both sides of the aisle, for working in a very professional way.

I want to thank the gentleman from Wisconsin (Mr. OBEY), because he has been a partner. Although we have had disagreements on occasion, he has been exceptional to work with. Our cooperation could not be better.

Mr. Chairman, we have a good product here, and I hope that we can move this bill along. Again, I congratulate the gentleman from Ohio (Chairman HOBSON) and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for doing such a good job.

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

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, would the chairman of the subcommittee engage in a short colloquy with this Member?

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

Mr. ROGERS of Kentucky. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, first I might say this colloquy is a little more structured than the one we had that everybody thought was a dog and pony show in committee. We did not plan it there, but we have decided to do it again.

Mr. ROGERS of Kentucky. Mr. Chairman, reclaiming my time, I thank the gentleman.

First of all, I want to thank the gentleman from Ohio (Chairman HOBSON) for a very good, solid, comprehensive, evenhanded bill to address our energy and infrastructure needs for fiscal year 2004.

Mr. Chairman, as you know, since September 11 the Federal Government has undergone its most comprehensive reshuffling since World War II with the creation of the Department of Homeland Security. As such, we have realized that a terrorist attack, nuclear or otherwise, could come not from a foreign state, but from our own backyard, using unconventional means to disrupt the lives of peaceful citizens.

Mr. Chairman, how many places in this country do we store spent nuclear fuel, and where and how is this nuclear spent fuel being stored?

Mr. HOBSON. Mr. Chairman, if the gentleman will yield further, I believe there are 103 nuclear power stations in



the United States. At those installations, less than half the spent fuel is held within the reactor wall in giant water-cooled pools.

Mr. ROGERS of Kentucky. Over half the material is outside the protection of the main building?

Mr. HOBSON. That is correct. The Federal Government signed an agreement with the utility companies to dispose of this nuclear material by 1998 at the Yucca Mountain repository in Nevada. Unfortunately, Yucca Mountain is not scheduled to open until 2010.

Mr. ROGERS of Kentucky. So, as it stands, probably until 2010 this highly radioactive material is sitting there exposed at most of the power plants in the country, outside the nuclear reactor building, waiting to be transported to Yucca Mountain. Is that correct?

Mr. HOBSON. Yes, that is true. What has happened is some of the material has been transferred to concrete stationary casks after it has been in the pool for the appropriate time, but this radioactive fuel will have to be carefully removed and repackaged for shipment to Yucca Mountain in a manner that is much safer and in a moveable container.

Mr. ROGERS of Kentucky. Given the volume of the material we are dealing with and the volatility of that material and its being subject to being attacked, is there a better way to address the issue of storage between now and 2010 and then proper shipment to Yucca Mountain?

Mr. HOBSON. In my opinion there is. This bill directs the Department of Energy to determine the potential cost savings and threat level reduction by placing spent fuel into a dual-use cask rather than separate storage and transportation casks. By reducing both the handling and exposure periods, we can substantially increase the safety and security levels and prevent a possible or potential future accident at the sites.

Mr. ROGERS of Kentucky. When the gentleman talks about dual-use casks, could the gentleman tell me what he means by that?

Mr. HOBSON. These are casks that, on the site, instead of putting them into the concrete thin-barrier-walled facilities that they are in now, they would go into a much higher, non-penetrable type of facility container that would be manufactured and delivered to the site, and put into that cask. That cask could then be put on a rail car in future years and transferred out to Yucca Mountain and put directly into the mountain, rather than the procedure they are talking about now of taking those casks that they have got there now, which are concrete and a very thin wall, taking those, putting them into another container, then putting them on a rail car, taking them to Yucca Mountain, taking them out again, putting them into another container there, and then putting it in the ground.

This would, in my opinion, be a much more cost-effective way of handling

this waste and a much safer way of handling the waste in the current situation.

Mr. ROGERS of Kentucky. So the cask you are talking about would serve two purposes, be dual use: one, it would safely protect the material while we are waiting around for Yucca to be finished; and, two, you would not need to change it into another container to ship it out there.

Mr. HOBSON. That is correct. You would not have to do it again after you got out there. You would not have to take it out, put it in another container, and then put it underground.

Mr. ROGERS of Kentucky. What I am most concerned about from my perspective is the storage of material at the nuclear power plant pending Yucca Mountain shipment, the years we are having that material laying there exposed to perhaps an attack. By the way, each one of these nuclear plants is within 20 miles of an airport.

Would these dual-use casks that the gentleman refers to, would they be impervious to such an attack?

Mr. HOBSON. Mr. Chairman, if the gentleman will yield further, the word "impervious" is pretty difficult or a pretty high standard. I think we would have to study it a little bit more, but I think they are far more resilient to that type of attack or another type of attack than where we are today, and we would be much safer.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman. From my perspective on the Subcommittee on Homeland Security of the Committee on Appropriations, I strongly support quickly moving toward these dual-use, thick-walled containers which can be used for storage and transportation to Yucca Mountain, and, in the meantime, give us maximum protection from the attack on that material causing great possible harm. This would reduce the potentially catastrophic effects of a terrorist attack on a nuclear power plant.

I look forward to working with the chairman on this issue and congratulate the gentleman on a great bill.

Mr. HOBSON. Mr. Chairman, I thank the gentleman, and I agree with the gentleman's comments.

Mr. RAHALL. Mr. Chairman, I rise to protest the drastic and devastating cuts to the Appalachian Regional Commission ("ARC") in the House of Representatives' Energy and Water Appropriations bill, on which we will vote today.

The ARC provides vital infrastructure investments in a historically distressed area of the country that spans 13 states including all of West Virginia, my home State.

The cuts in the Energy and Water Appropriations will slash the ARC budget by over 50 percent from its fiscal year 2002 levels. The Transportation and Infrastructure Committee, of which I am a senior member, had authorized \$88 million for this vital program, but the bill only provides for \$33 million in ARC funding. Simply put, this bill seeks to gut a worthwhile program upon which so many people across so many states depend.

I understand that Senator ROBERT BYRD, that great West Virginian and one of the most distinguished public servants in American history, has managed to fund the ARC at its current level in the Senate's Energy and Water Appropriations. His efforts are greatly appreciated, and I applaud him both personally and professionally for what he has done for the ARC and therefore for West Virginia. Were it not for Senator BYRD's efforts, I would have to oppose the House Energy and Water Appropriations bill outright.

In the 1960s, President Johnson carried out a promise to help raise the Appalachian region out of its crushing poverty when he formed the Appalachian Regional Commission. For over 30 years, the ARC has provided for development and jobs throughout 410 counties across a 200,000 square mile region. Although the Appalachian region is dramatically improved because of this effort, there remains more work to be done to fulfill the promise made.

Mr. Chairman, some have questioned the value of the ARC. In response, I would like to note a few examples of the good work the ARC has done most recently in southern West Virginia:

The ARC provided the Prichard, WV Public Service District with a \$100,000 grant to construct a wastewater collection and treatment system that will provide water to 225 customers and create 148 jobs in Wayne County, WV.

A \$1 million grant to the Glen White/Trap Hill Public Service District in Raleigh County, WV, will fund construction of a three water storage tanks and replace some existing water lines while extending service to surrounding communities that had to rely on underground wells.

In Boone County, WV, a \$680,000 grant from the ARC is being used to extend waterlines to Julian, WV.

The ARC also has provided the West Virginia Access Center for Higher Education in Bluefield, WV, a \$75,000 grant to help increase the number of high school students who go on to attend college.

Now, I don't think the people who live in Prichard, Glen White, Julian, and Bluefield will claim that the ARC has a questionable track record.

Mr. Chairman, Senator BYRD is the sponsor of a Senate bill to complete construction of the Appalachian Development Highway System. I proudly note that I am the sponsor of the House version of the same bill, H.R. 2381, which is cosponsored by my fellow West Virginian and close friend, Alan Mollohan, and that stalwart ARC supporter from Ohio, my friend Ted Strickland.

I urge my colleagues to remember the ARC as a worthwhile program that has benefited many lives and continues to do so.

Mr. GREEN of Texas. Mr. Chairman, I rise in strong support of the Fiscal Year 2004 Energy and Water Appropriations bill, which brings the Houston Ship Channel project extremely close to completion and provides critical flood relief for residents of the 29th District of Texas.

This bill provides \$33.7 million for the Houston Ship Channel deepening and widening project, which will allow our Nation's second largest port to continue to grow and handle the heavy energy and petrochemical traffic that is necessary for the smooth economic functioning of our nation. The Port of Houston

is home to the single largest petrochemical complex in the country, with a combined capacity to produce nearly 49 percent of the Nation's petrochemical capacity.

By increasing the capability of the Ship Channel to handle newer, larger tankers more safely, Congress will directly increase the energy security of our nation at a time of tumultuous energy markets. If we can obtain an additional \$15 million as this legislation moves forwards, the construction on the Ship Channel can be completed within the fiscal year. The Ship Channel is one of the primary economic engines in my District and throughout Texas, directly providing tens of thousands of jobs in the greater Houston area and many more thousands across the State.

For flood control, this legislation provides \$1 million for flood protection construction work along Hunting Bayou, an urban watershed in East-Central Harris County. During Tropical Storm Allison, the most expensive tropical storm in U.S. history, over 8,000 homes flooded in the Hunting Bayou watershed, which is heavily residential and low to moderate income.

When complete, the \$180 million Hunting Bayou Federal Flood Control Project will reduce the number of structures in the 100-year flood plain in the watershed from 5,500 to 800, and the local sponsor is projected to cover half of the total project cost.

The House Energy and Water Appropriations Act for FY 2004 also provides \$774,000 to complete the General Re-evaluation Review for Greens Bayou, a highly populated, but economically disadvantaged watershed in North Harris County. The lack of flood control protections in this watershed leaves these residents and businesses unprotected and resulted in the flooding of over 15,000 structures during Tropical Storm Allison. The most major channel flooding during the event occurred in the Greens watershed, and we need to get moving and start moving dirt down there as soon as possible.

I offer my deep appreciation to Chairman HOBSON and Ranking Member VISCLOSKEY for their attention and dedication to these critical economic development and flood protection projects for my constituents down in Houston, TX. I hope to work with them as this legislation goes forward, and I urge my colleagues to support the bill.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 2754, the Energy and Water Development Appropriations bill for fiscal year 2004. This bill, which provides important flood protection, water transportation, energy, and irrigation services across the country is consistent with the House-passed budget resolution and complies with the Congressional Budget Act.

H.R. 2754 provides \$27.080 billion in budget authority and \$27.173 billion in outlays—increases over the previous year's funding levels of \$1.224 billion and \$1.697 in BA and outlays respectively. This bill exceeds the President's request by approximately \$279 million. Over the last 4 years, funding for this appropriations bill has increased at an annual rate of 5.9 percent.

As chairman of the House Budget Committee, I am pleased to report that the bill is consistent with the House Concurrent Resolution on the Budget for fiscal year 2004—H. Con. Res. 95. H.R. 2754 also complies with section 302(f) of the Congressional Budget

Act. Section 302(f), prohibits consideration of bills in excess of a subcommittee's 302(b) allocation.

H.R. 2754 does not contain emergency-designated new BA. The bill does include \$80 million in rescissions of previously enacted BA with \$4 million in related outlays.

In conclusion, I express my support for H.R. 2754 and yield back the balance of my time.

Mr. HOLT. Mr. Chairman, today I rise in support of this appropriations bill and also to highlight the need for increased funding for basic science programs at the Department of Energy.

First, I would like to commend the chair and ranking member of the subcommittee for substantial efforts to add funds in nearly every category of basic energy research to the administration's budget requests.

In particular, I commend the committee for committing \$268.1 million to fusion energy research; \$10.8 million above the administration's budget request and an 8 percent increase over fiscal year 2003 appropriated levels—\$246.9 million.

The \$10.8 million increase this committee worked hard to secure is essential for allowing the United States to fulfill the President's directive of reengaging in the international burning plasma experiment (ITER) and to maintain a strong domestic fusion energy program.

The fusion energy program has made impressive—although generally unrecognized—progress in the past years despite being severely under funded. For example, the energy produced in fusion plasmas in large experiments around the world has outpaced the rate of advance in computer speed during the last 30 years. The people of New Jersey are proud of our leadership role in this important field of science through one of our Nation's premier research institutions, the Princeton Plasma Physics Laboratory (PPPL).

However, substantial hurdles still must be addressed before fusion energy will become a viable commercial energy source, and solving these problems will take significant Federal support. It will be worth the effort and expense. Knowing a great deal about the subject, I am optimistic that the hurdles will be overcome and practical fusion energy will become a reality.

Before coming to Congress, I was the associate director of the PPPL. It is worth noting that during my tenure at the lab, the fusion energy budget reached a high of \$352 million. The committee should be commended for taking a small step in reestablishing such funding levels.

Despite these important incremental increases, I must emphasize that our country's current investment in fusion energy science, and in basic energy research in general, is not nearly sufficient to realize the goal of a zero emissions energy economy, as outlined by Energy Secretary Abraham in introducing DOE's budget request.

Achieving energy independence and a significant reduction in greenhouse gas emissions from the energy sector will take a sustained investment in basic sciences that could lead to clean alternative energy sources.

Mr. Chairman, I commend the committee for making the best of an inadequate budget request, and I urge this committee to continue this trend toward increased support for our basic energy research programs in years to come.

I also want to commend Mr. HOBSON and the committee for reducing funding for study of a new generation of nuclear weapons. Nuclear weapons on the battlefield would be a nightmare, and reasonable battlefield commanders say they would never want them. Nuclear "bunker buster" bombs are flawed in concept and we should not be spending money to pursue them.

Mrs. TAUSCHER. Mr. Chairman, I would like to commend Mr. HOBSON and Ranking Member VISCLOSKEY for offering a strong bill that ensures that the United States continues to have a robust nuclear deterrent and the infrastructure to support it.

As the former ranking member of the Armed Services panel to oversee the National Nuclear Security Administration, I am especially pleased that the committee report highlights the need for the NNSA to focus on its primary mission of maintaining the viability of the existing stockpile.

The committee's cuts in funding for new nuclear weapons and for the robust nuclear earth penetrator are vital steps toward restoring U.S. leadership in fighting the proliferation of weapons of mass destruction.

Indeed, not only does the military not have any requirements for these weapons, but developing them would send a strong signal to other countries that the pursuit of nuclear weapons is legitimate and necessary.

At a time when we are facing a changing security environment it would seem prudent to strengthen the core missions of the nuclear establishment such as our science based stockpile stewardship rather than embark on potentially dangerous new missions that would have a destabilizing effect.

In this regard, I am pleased to see full support for the National Ignition Facility, a key Stockpile Stewardship Program facility which is being built in my district.

Recently NIF brought the first four of its 192 beams online and has demonstrated full power and full performance on those beams. Those four beams now constitute the most powerful laser in the world.

NIF will begin to do experiments to provide data to the Stockpile Stewardship Program this year—while it continues to commission additional laser beams on the path to full facility operation in FY2008.

A critical element of the committee's action is the support for growth in the Experimental Support Technologies, which provide the technologies to use NIF.

I also strongly urge the chairman to work with me and other members of the Armed Services Committee to move forward on the work necessary to refurbish the W-80. The W-80 fills a unique niche in our nuclear deterrent.

The work called for in the budget request will lay the groundwork for improving the safety, security and reliability of the W-80.

It is important that the budget request for the NNSA work on the W-80 be supported so that the production plant work can be effectively managed.

Finally, I am concerned about the language in section 301 mandating that the Department of Energy automatically compete labs that have been managed by a particular contract for more than 50 years.

The decision to chose a given contractor to manage a particular laboratory with its specific needs, is an exceedingly complex one, involving all manner of judgments concerning the

relative value of factors such as the ability of a given contractor to attract and retain the strong technical workforce required to focus on issues of supreme national security importance to our country.

These issues deserves in-depth scrutiny and study, not an automatic competition of the contract. Neither the Department of Defense, NSF or NASA treats its contractors this way, and I am concerned that DOE would be asked to do so.

On the water side, I understand the committee's rationale for not including funding for the CALFED program.

The program must be authorized by Congress this year and I am working with my colleagues from California to advance a comprehensive reauthorization bill this year.

The federal government must be an active partner with California to heal the Delta's ecosystem and prepare for the state's growing population.

I appreciate the committee's hard work and urge a "yes" vote on the bill.

Mr. BEREUTER. Mr. Chairman, this Member would like to commend the distinguished gentleman from Ohio (Mr. HOBSON), the chairman of the Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKEY), the ranking member of the subcommittee, for their exceptional work in bringing this bill to the floor.

This Member recognizes that extremely tight budgetary constraints made the job of the subcommittee much more difficult this year. Therefore, the subcommittee is to be commended for its diligence in creating such a fiscally responsible measure. In light of these budgetary pressures, this Member would like to express his appreciation to the subcommittee and formally recognize that the Energy and Water Development appropriations bill for fiscal year 2004 includes funding for several water projects that are of great importance to Nebraska.

This Member greatly appreciates the \$18 million funding level provided for the four-State Missouri River Mitigation Project and hopes that the final funding for FY2004 will be closer to the \$22 million included in the Administration's budget. The funding is needed to restore fish and wildlife habitat lost due to the federally sponsored channelization and stabilization projects of the Pick-Sloan era. The islands, wetlands, and flat floodplains needed to support the wildlife and waterfowl that once lived along the river are gone. An estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri, and Kansas have been lost. Today's fishery resources are estimated to be only one-fifth of those which existed in predevelopment days.

In addition, this measure provides additional funding for flood-related projects of tremendous importance to residents of Nebraska's First Congressional District. Mr. Chairman, flooding in 1993 temporarily closed Interstate 80 and seriously threatened the Lincoln municipal water system which is located along the Platte River near Ashland, Nebraska. Therefore, this Member is extremely pleased that H.R. 2754 continues funding in the amount of \$191,000, the full amount thought necessary, for the Lower Platte River and Tributaries Flood Control Study. This study should help formulate and develop feasible solutions which will alleviate future flood prob-

lems along the Lower Platte River and tributaries.

This Member recognizes that this bill includes \$546,000 for the Sand Creek Watershed project in Saunders County, NE, and \$318,000 for the Western Sarpy-Clear Creek. However, this funding is to be used for preconstruction engineering and design work. This Member believes that it is very important that the final version of the FY2004 Energy and Water Development appropriations legislation include funding for construction of these projects.

Funding for the Sand Creek project is particularly urgent. There is a cooperative effort in Nebraska between the State highway agency and water development agencies which makes this project more cost-effective and feasible. Specifically, the dam for this small reservoir is to be a structure that the Nebraska Department of Roads would construct instead of a bridge as part of the new State expressway in the immediate vicinity of Wahoo, NE. Immediate funding would help ensure that this cost-effective, coordinated effort could continue so that the construction of the expressway will not be further delayed.

Mr. Chairman, this Member very much appreciates the report language which "directs the Secretary of the Army to work closely with the local sponsor on the Sand Creek Environmental Restoration project, accepting advance funds offered by the sponsor, and agreeing to credits and reimbursements, as appropriate, for work done by the sponsor, including work performed in connection with the design and construction of seven upstream detention storage structures."

Another project, the Western-Sarpy-Clear Creek Flood Reduction Project is designed to provide protection to the city of Lincoln's water supply, Interstate 80 and U.S. Highway 6, the Burlington Northern Santa Fe railroad/Amtrak line, telecommunication lines and other public facilities. The project completes and strengthens a levee system, most of which is already in place, to channel water and ice downstream away from the confluence of the Elkhorn and Platte Rivers, which is where major flood problems begin.

On still another important project, this Member is pleased that \$1.5 million in additional construction funding is included for the Antelope Creek project in Lincoln, NE, and also hopes that this funding level will be increased in the final version. The purpose of the project is to implement solutions to multifaceted problems involving the flood control and drainage problems in Antelope Creek as well as existing transportation and safety problems all within the context of broad land use issues. This Member continues to have a strong interest in the project since he was responsible for stimulating the city of Lincoln, the Lower Platte South Natural Resources District, and the University of Nebraska-Lincoln to work jointly and cooperatively with the Army Corps of Engineers to identify an effective flood control system for downtown Lincoln. The Antelope Creek Flood Control Project is a large project and will have a number of phases of right-of-way acquisition and construction.

Finally, this Member notes regrettably that the bill does not include the usual \$260,000 in funding requested for operations and management related to the Missouri National Recreational River Project. This project addresses a serious problem by protecting the river

banks from the extraordinary and excessive erosion rates caused by the sporadic and varying releases from the Gavins Point Dam. These erosion rates are a result of previous work on the river by the Federal Government. This Member believes that the final version of the legislation should include this funding and would appreciate the committee's assistance with the other body on this issue.

Again Mr. Chairman, this Member gratefully commends the distinguished gentleman from Ohio (Mr. HOBSON), the chairman of the Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKEY), the ranking member of the subcommittee, for their support of projects which are important to Nebraska and the First Congressional District, as well as the people living in the Missouri River Basin in the four-state region.

Mr. BARTON of Texas. Mr. Chairman, I strongly object to report language regarding regional transmission organization, RTO, matters in the Federal Energy Regulatory Commission, FERC, section of H.R. 2754, the Energy and Water Development Appropriations Act for Fiscal Year 2004. The Committee's report expresses "concerns" regarding the integration of various companies into a regional transmission organization, RTO, pursuant to a specified FERC order. The language also states that the Committee "expects" that the FERC will "require" certain parties to meet specified conditions "before proceeding" with such integration. The language also warns that the Committee "may address" this issue "in more detail" in the conference, "pending receipt" of a status "report" from FERC on this issue. Matters pertaining to the regulation of electric transmission are exclusively within the jurisdiction of the Committee on Energy and Commerce. The Appropriations Committee has no jurisdiction over such FERC activity and should, therefore, not address this matter in conference. FERC should disregard the report language, which has no legal force or effect.

Ms. BERKLEY. Mr. Chairman, today I urge my colleagues to vote for the Udall-Porter amendment. This amendment would strengthen the Department of Energy's renewable energy research programs, and would work toward decreasing our Nation's dependence of foreign sources for energy.

Renewable energy is vital to America's future. By boosting renewable energy, we are working toward bringing down energy costs, creating a consistent and reliable source of energy, improving other environment and public health, increasing our role in the global renewable energy market, and reducing our vulnerability to terrorism. Nuclear power, by contrast, has left us buried under thousands of tons of radioactive waste. The proposed Yucca Mountain repository, hundreds and thousands of miles from reactor sites, has been marked to house this waste, but transporting and storing nuclear waste creates potential targets for terrorism, leaving our Nation at risk.

We need to invest more funds to help our Nation's renewable power industry grow. This proposal would overcome many of the financial hurdles encountered with renewable energy research. Geothermal energy, a highly accessible form of renewable energy, has shown little growth in the U.S. during the past decade compared to other nations. With more

funding, this could change—we could create a boom in the geothermal energy industry. With the help of financing, just last year the solar power business grew by 60 percent to \$500 million. Wind plants in 27 States produced enough energy to serve more than 1.3 million households.

The State of Nevada has been cited as a “highly favorable” State to develop renewable energy. It is blessed with natural energy resources. The numerous mountain ranges, bordered by underground faults, are sources for geothermal energy. The Department of the Interior has listed 10 sites in Nevada that could produce geothermal energy in the next 2 years. Each of these sites is located near transportation lines, which could transmit energy to other markets. Geothermal power provides the Nation with about 17 percent of the renewable energy, but is less than 0.75 percent of the Nation's total energy supply.

Solar energy generated from the sunlight of Southern Nevada, on a 100-square-mile grid alone, could supply enough electricity to power the rest of the United States. Wind power has the potential to produce twice as much electricity as nuclear energy. Currently, not even counting solar power, Nevada could produce 27 percent more from renewable resources. This energy could be exported to other States, creating more jobs and economic benefit to Nevada.

Instead of investing funds into the Nuclear Waste Disposal Program, we should be endowing the Renewable Energy Program with funding to expand research and development. Money should be invested in cleaner forms of energy, not problem-ridden projects like Yucca Mountain that create potential risks to our communities. We must look ahead into the future of energy. Renewable energy is beneficial for people and the environment. With this I ask you to vote for the Udall-Porter amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding and I ask unanimous consent to review and extend my remarks.

Mr. Chairman, I rise today in support of this year's Energy and Water Appropriation's bill.

Before I run through the many reasons for my strong support of this legislation, I would like to thank and recognize the distinguished Chairman of the Energy and Water Appropriations Subcommittee, Representative DAVID HOBSON, who has provided strong leadership and direction, while putting together a responsible and bipartisan bill.

I would like to also thank ranking member VISCLOSKEY for his bipartisan spirit in helping to put this bill together, and the Energy and Water Subcommittee staff who all put in so much time and effort meeting with each member.

For more than 170 years, the Federal Government has worked in partnership with our States and local communities to provide solutions to critical flooding, dredging, and environmental problems, as well as beach and shore protection. This year is no exception. In fact, the gentleman from Ohio has produced a bill that ensures our Nation's continued commitment to work in partnership with our States and local municipalities to address these vital needs. In my home State of New Jersey, these projects have kept our Port of New York and New Jersey open for business, and prepared us for a future with bigger ships, and

most importantly, keeping President Bush's commitment that our port continue to serve our nation and our national security and economic needs.

I would again like to thank the Chairman for his strong support for dredging the New York/New Jersey Port.

In addition, this bill helps keep the 127 miles of New Jersey Beach open to visitors from all over the country. As a direct result, over 30 billion dollars are infused into New Jersey's economy each summer, and over 800,000 people are employed.

In an effort to protect New Jerseyans, their homes, and their businesses from the destruction and devastation of flooding, this bill also provides the framework and the funding to purchase wetlands for natural storage areas, and to work with the local governments in Morris, Somerset, and Essex Counties to develop long-term solutions to these re-occurring floods.

This bill also funds the Department of Energy, where funding has been focused on core programs, which can truly make a difference. I am quite pleased that Chairman HOBSON has made the Nuclear Waste Program one of his highest energy priorities. The Chairman's mark provides a total of \$765 million for nuclear waste disposal, an increase of \$174 million over the budget request and \$308 million more than fiscal year 2003. These additional funds are provided to enable the Department to open the Yucca Mountain repository on schedule in 2010, which will help communities all around the country where nuclear waste is stored on a “temporary” basis.

I would again like to thank Chairman HOBSON for supporting DOE's Fusion Energy Sciences program with over 268 million dollars, nearly \$11 million over the President's budget. These are critical dollars which will allow America to participate in the International Thermonuclear Experimental Reactor, ITER, while simultaneously allowing the domestic fusion community to prosper at places like New Jersey's Princeton Plasma Physics Laboratory, a Department of Energy laboratory.

Fusion energy is a future source of clean and limitless energy. More importantly, this energy source will make us less dependent on foreign oil and fossil fuels.

Mr. Chairman, for all these reasons, I urge my colleagues to support this bill.

Mr. MATHESON. Mr. Chairman, I strongly oppose the Advance Weapons Concepts funding in this appropriations bill. While I was pleased to see that the Energy and Water Appropriators chose to reduce funding for the “Robust Nuclear Earth Penetrator,” I am still concerned that this bill provides \$5 million for the weapon.

We live in an era when terrorism and national security concerns dominate the political landscape, as well they should. No one is arguing about the need to find new technologies with which our Nation can combat deeply buried targets, particularly those held by terrorists. Supporters of the Robust Nuclear Earth Penetrator, argue that the current funding is strictly limited to weapons research and development in Department of Energy labs.

This claim ignores the obvious end result of such funding—weapons design does not occur in a vacuum. In order for our soldiers to use nuclear weapons in combat, these weapons must first be physically tested, most likely at

the Nevada Test Site. The Federal Government's poor record on weapons testing and containment of fallout is lengthy and disappointing, at best.

I have already seen too many Americans succumb to then-unforeseen consequences of nuclear weapons. The price of new usable nuclear weaponry is too high for this great Nation, once again, and I reiterate my opposition to the advance weapons concepts funding.

Ms. BERKLEY. Mr. Chairman, due to a family emergency, I am unable to be here today for the debate on the Energy and Water Appropriations bill. I want to express my strong opposition to the language in the bill regarding the Nuclear Waste Disposal Account.

The House Appropriations Committee on Energy and Water has allocated a total of \$765 million for FY 2004 for the Yucca Mountain Project and nuclear waste disposal. This represents an increase of 67 percent above current spending levels and \$174 million more than the Energy Department's request for FY 2004. Appropriating such a massive increase in funds for a project that has yet to be licensed by the Nuclear Regulatory Commission is unconscionable.

I would like to bring to your attention several outstanding issues that cloud the future of the problem-ridden Yucca Mountain Project.

Key scientific issues surrounding the Yucca Mountain project remain unresolved. Sound science on the long-term viability of a deep geologic burial site for 77,000 tons of high-level nuclear waste has yet to be produced. The Department of Energy continues to struggle to address the nearly 200 outstanding “key technical issues” concerning the repository. Numerous scientific reports highlight the potential shortcomings of the current plan, including a lack of comprehensive performance tests on the man-made storage casks, the presence of significant seismic activity at the proposed site, and incomplete data on the effects of the waste on the surrounding communities. Additionally, questions regarding the reliability of computer models in evaluating risks posed by long-term waste storage at the Yucca site remain unanswered.

Some have stated that only the people in Nevada have a problem with Yucca Mountain. Proponents of the Yucca Mountain nuclear dump site claim that it's needed to address security concerns at 131 nuclear reactor sites. But this simply is not the case. Even if the Department of Energy receives a license to construct the repository at Yucca Mountain, operating nuclear reactors will always have nuclear waste on-site. As long as a nuclear power plant is in operation, it will produce hot, radioactive, spent nuclear fuel. The fuel must be cooled on-site for 5 to 10 years before it can be moved. Therefore, even as older fuel is shipped to a repository, huge amounts of nuclear waste will remain at those 131 sites.

Shipping nuclear waste to Yucca Mountain will not make these reactors any safer. On the contrary, it will create another potential terrorist target in Nevada. In addition, it will also create thousands of mobile targets traveling through 43 States and as many as 360 congressional districts for more than 30 years. However, if approved, 77,000 tons of high-level nuclear waste would be transported from 131 sites across the United States through 43 states, and perhaps as many as 360 Congressional districts, for the next 30 to 40 years, equaling a total of over 100,000 shipments of

nuclear waste. Nuclear waste shipments will pass within miles of our homes, schools, and hospitals. In fact, one-in-seven Americans, 38 million people, live within one mile of a proposed transportation route. At every stage of transportation, from rail and truck transfers to storage depots, to the actual repository, a devastating terrorist attack could result in massive civilian casualties, severe economic disruption, and long-lasting environmental contamination.

Finally, I would like to address the language in the report that addresses "early acceptance" of nuclear waste at Yucca Mountain. Sound science has not proven that Yucca Mountain is a safe repository for nuclear waste storage. There have been promises made to Nevadans that no waste would be shipped before it was proven to be safe. I would urge the Department of Energy to ensure this is the case before there is any discussion of early acceptance.

Mr. LATHAM. Mr. Chairman, I rise in support of this bill, and urge my colleagues to support it. Given our allocation, the Majority and Minority have worked well together to fashion a workable measure. I also want to compliment the Chairman on a job well-done.

I am particularly interested in this bill because of the funding it provides to the Corps of Engineers for activities on our navigable waterways. In our agriculture communities, the transportation provided by these waterways is extremely important to cost-efficient and timely grain shipments. That said, it is important for my constituents—farmers and consumers alike—to have well-operated and well-maintained waterway systems on the Mississippi and Missouri Rivers.

As part of our efforts to keep our waterways in good working order, we have funded the Upper Mississippi River Navigation Study. This study is a comprehensive review of the needs of the Mississippi transportation system and will provide us reliable data about the efficiencies of this critical waterway.

We have also funded the Mississippi River Comprehensive Plan, an initiative aimed at improving flood protection, mitigating flood damage, and enhancing habitat management and erosion control.

Other Corps funding with respect to navigation that is important to Iowa's farmers and grain shippers pertains to the operation and maintenance of the dams and locks along the Mississippi and Missouri Rivers. These activities are important because without proper operation of these locks and dams, much of our food production system suffers economically because of costly delays in the movement of grains and other agricultural products.

Overall, though the Corps funding is less than I would like to see it, I do believe that we have done a good job in dividing up the monies so the Corps can do the things that it does best. For this reason and others important to my State, I am going to support passage and I urge my colleagues to do likewise.

Mr. PORTER. Mr. Chairman, I rise today to voice my extreme opposition to H.R. 2754, the FY 2004 Energy and Water Appropriations bill that unfairly targets my home State of Nevada, a State with no nuclear reactors, as the final destination for 77,000 tons of high-level nuclear waste produced by the U.S. commercial nuclear utilities, most of which are located in the East.

This bill tramples on decades of environmental policy, ignores public health and safe-

ty, and exposes the American taxpayer to billions of dollars in costs to solve the private industry's waste problem.

H.R. 2754 contains some features that serve the general good of the United States, such as flood control and renewable energy research.

Unfortunately, they are dwarfed by the bill's massive funding for the Yucca Mountain Nuclear storage facility.

This bill increases funding for the site by more than 29 percent, even though it has yet to be licensed by the Nuclear Regulatory Commission.

At a time when our budget must meet the challenges of providing economic growth and security against terror, I urge my colleagues to reject this bill that over funds an unnecessary, unsafe, and unapproved nuclear repository at Yucca Mountain.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of the legislative day of Thursday, July 17, 2003, the bill shall be considered for amendment under the 5-minute rule and the amendment designated in the order of the House of that day is adopted.

□ 0930

During consideration of the bill for further amendment, the Chair may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2754

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for energy and water development, and for other purposes, namely:

#### TITLE I

#### DEPARTMENT OF DEFENSE—CIVIL

#### DEPARTMENT OF THE ARMY

#### CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection, aquatic ecosystem restoration, and related purposes.

#### GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, \$117,788,000, to remain available until expended: *Provided*, That for the Ohio Riverfront, Cincinnati, Ohio, project, the cost of planning and design undertaken by non-Federal interests shall be credited toward the non-Federal share of project design costs.

AMENDMENT NO. 3 OFFERED BY MR. DEFAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. DEFAZIO: Page 2, line 18, after the dollar amount insert "(reduced by \$17,788,000)".

Page 5, line 15, after the dollar amount insert "(increased by \$17,788,000)".

Mr. HOBSON. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. DEFAZIO. Mr. Chairman, I do not rise to offer this amendment because I believe that the General Investigations Account is overfunded. In fact, I believe the entire Corps budget is way underfunded when we look at the real infrastructure needs of the United States. I appreciate the fact that the committee and the House have found \$288 million more than the President proposed, but it is still \$156 million less than last year, and all across the country we have locks and dams and jetties failing.

In particular, in my own district we have a dam at Fern Ridge which is more than 50 years old which is on the verge of catastrophic failure. The Corps has lowered the level of water behind the dam. They say that at any moment they may have to dewater the reservoir. And when the reservoir is dewatered, we lose both the extraordinary recreation benefits of one of the most heavily recreated lakes in Oregon, the revenues that flow from that recreation, but we also lose the flood control. And just a few years ago this dam was vital when we had a wet winter, and they are now predicting that we again are going to have a wet winter. So if the dam just fails a little bit more, we are going to lose all the flood control capability and all of the recreational attributes, and the Corps of my region says they just will not have the money until the year 2006 to fix this dam.

That is not acceptable. We cannot have dams that are failing and say, come back in 3 years and, by the way, if they have a 100-year flood in the interim, they are out of luck. We will have hundreds of millions of downstream damage, and I guess then Federal flood insurance will pay for it out of a different pocket than the pocket out of which we are appropriating this bill.

So my intention in offering this amendment is not to criticize the committee or the Corps or any of these budgets, but to raise the point that the O&M Account, which goes to issues like the failing Fern Ridge Dam, goes to the dredging of the small ports along the southern Oregon coast, is woefully underfunded.

I also understand that a point of order may lie against this amendment.

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

Mr. DEFAZIO. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I very much appreciate the gentleman yielding to me, and I want him to know that I am aware of the needs of his district and many others around the country, frankly. In my prepared remarks, which I did not give today, I list some problems. The Operation and Maintenance backlog is nearly \$1 billion and growing every year, and I talk about that. I also talk about the fact that OMB has got to work with us on a long-term basis because every year we go on, this aging infrastructure, we need to make an investment, and I want to make that investment.

And what I am going to try to do in this bill, and this is my first time doing this, and I have a very able ranking member, when we sit down with the other body in conference, I am going to try to increase the money available for Operation and Maintenance, and I will try very hard to get the OMB to work with us to be more realistic in the future about this, because I do not think it is realistic. We need to help the Corps of Engineers so that we do not make so many hard choices in support of our economic, environmental and recreational infrastructure.

I want to assure the gentleman and everybody else in here we have got a real problem here. This affects our economy. We have to maintain these facilities and make sure they are up to date because it has a detrimental effect on our economy and on our environment. And I would appreciate if the gentleman would withdraw his amendment, but I want him to know I am very sincere about trying to get this account up not only now, but in the future.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for his words, and I thank him for his work on this and also his desire to increase the funding. I share that. I intend to support the bill here today on the floor because it does at least partially fund these needs, and I will certainly support a bill that comes back from conference which does better in these areas.

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

Mr. DEFAZIO. I yield to the gentleman from Indiana.

Mr. VISCLOSKEY. Mr. Chairman, I would to add my remarks to the chairman's, and I pointed out in full committee when we marked this bill up, and, again, it is not a failure of the subcommittee that the high-priority Operation and Maintenance budget for the Corps during the current fiscal year is \$884 million behind. For this coming fiscal year that is going to climb to \$1 billion. Additionally, non-high-priority Operation and Maintenance backlog is \$1.9 billion and more clearly has to be done, and we will do our best in conference.

Mr. DEFAZIO. Mr. Chairman, I thank both the gentleman for their efforts, and I will do all I can to support those enhancements.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, aquatic ecosystem restoration, and related projects authorized by law; and detailed studies, and plans and specifications, of projects authorized or made eligible for selection by law, \$1,642,911,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund; and of which such sums as are necessary to cover one-half of the costs of construction and rehabilitation of inland waterways projects (including rehabilitation costs for the Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota, projects) shall be derived from the Inland Waterways Trust Fund: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the New York and New Jersey Harbor project, 50-foot deepening element, upon execution of the Project Cooperation Agreement: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the construction of the Port Jersey element of the New York and New Jersey Harbor or reimbursement to the Local Sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element: *Provided further*, That funds appropriated in this Act for the preservation and restoration of the Florida Everglades shall be made available for expenditure unless (1) the Secretary of the Army, not later than 30 days after the date of enactment of this Act, transmits to the State of Florida and the Committees on Appropriations of the House of Representatives and the Senate a report containing a finding and supporting materials indicating that the waters entering the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park do not meet the water quality requirements set forth in the Consent Decree entered in *United States v. South Florida Water Management District*, (2) The State fails to submit a satisfactory plan to bring the waters into compliance with the water quality requirements within 45 days of the date of the report, (3) the Secretary transmits to the State and the Committees a follow-up report containing a finding that the State has not submitted such a plan, and (4) either the Committee on Appropriations of the House of Representatives or the Senate issues a written notice disapproving of further expenditure of the funds: *Provided further*, That the Secretary of the Army shall provide the State of Florida with notice and an opportunity to respond to any determination of the Secretary under the preceding proviso before the determination becomes final.

AMENDMENT OFFERED BY MR. ANDREWS

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

The Clerk read as follows:

Amendment offered by Mr. ANDREWS:

Page 3, line 6, after the dollar amount, insert the following: "(reduced by \$7,700,000)".

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 20 minutes with the time to be equally divided between the proponent of the amendment and a Member opposed.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent to control the 10 minutes on the amendment with the permission to yield.

The CHAIRMAN. Is there objection to the gentleman from New Jersey?

There was no objection.

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

I want to thank the chairman and ranking member for agreeing to the time limitation in the interest in getting all the Members home today.

I express my appreciation to the gentleman from Delaware (Mr. CASTLE), the gentleman from Oregon (Mr. BLUMENAUER), the gentleman from Ohio (Mr. CHABOT) and the gentleman from California (Mr. SCHIFF) for their support of this amendment.

I want to talk about why we are here and why I would urge Members to support the amendment. This is a project about deepening the Delaware River from its present 40-foot depth to a 45-foot depth. There has been intense controversy about this issue for a very long time. In June 2002, the General Accounting Office at the request of Members of this House and the other body released a study of this project which concluded that contrary to the legal requirement that there be at least a dollar of benefit for every dollar invested, that, in fact, in this project there are only 49 cents of value for every dollar that is invested. The GAO described the project as unsustainable under the rules that govern the Army Corps of Engineers.

Late in 2002, the Army Corps of Engineers recalculated its assessment of the project and not surprisingly concluded that the benefits did outweigh the costs. We have looked very carefully at that reassessment and commissioned an independent study by Dr. Sterns, who is the former Deputy Assistant Secretary for Civil Works of the Army, and his conclusion I will read as follows: "Considering that the Army Corps has already spent more than \$20 million studying this project and yet many serious concerns remain, it is unlikely that any new deepening project for the Delaware River of similar scope can ever be justified. We recommend that Congress deauthorize the Main Channel Deepening Project for the Delaware River rather than wasting any more taxpayer funds to study an inherently flawed proposal."

Responding to that conclusion, the administration in its budget request



asked for \$300,000 for this project, \$300,000. The committee has increased that amount to \$8 million. The purpose of this amendment is to reduce that appropriation from the \$8 million submitted by the committee to the \$300,000 requested by the administration.

There are four reasons why Members should support this amendment. The first is it is a waste of money. As the GAO concluded, for every dollar that our constituents put into this project, we can expect only 50 cents' worth of return.

The second reason that Members should support this amendment is that it is wholly consistent with the very desirable goal of protecting jobs in the ports and, in fact, growing jobs at the ports. In our region there is strong disagreement about the merits of this project, but there is unanimity over the goal of expanding port development. With the 40-foot channel, the port that is affected by this amendment has experienced considerable growth in the last 10 years. For example, since 1990 container traffic at the port of Philadelphia and Camden has tripled with the 40-foot channel. It is estimated that the main source of growth in global container trade will be the Panamax class ships. That trade is expected to triple by the year 2010. Panamax class ships as a rule require less than a 40-foot draft. So dredging this channel to 45 feet is not necessary for growth of the port, and there is strong feeling throughout the region that we can grow without that.

Third reason are environmental concerns. The Delaware Environmental Department and the New Jersey Environmental Department have not issued the permits that are necessary for this project to go forward. There are substantial reasons for this. There are questions about the stirring up of generations of chemicals and potential toxins that lie in the river. There are questions about lack of compliance with the Clean Air Act. There are questions about the effect of this project on the salt line's progress north in the River and its effect on various plant, aquatic, and obviously human life. Environmentally this project is flawed. This is the reason why American rivers, Environmental Defense, Friends of the Earth, the League of Conservation Voters, the National Wildlife Federation, the Sierra Club, and the U.S. Public Interest Research Group support this amendment.

Fourth, and another important reason, is the lack of local support for this amendment. We are being asked over the course of this project to commit well in excess of \$200 million from the Federal Treasury. There is a requirement that well in excess of \$100 million of local match be generated from local sources. In this project the local source is a port authority called the Delaware River Port Authority. The Delaware River Port Authority is governed in such a way that there must be agreement from the New Jersey commis-

sioners on the one side of the River and the Pennsylvania commissioners on the other side of the river. There must be a majority of both sides before a decision can be made.

I will be entering into the RECORD at an appropriate time a letter from the vice chairman of the Port Authority, the leader of the New Jersey delegation to the Port Authority, which includes the following language: "I will not support the Delaware River Deepening Project as currently proposed. I intend to urge the New Jersey delegation to reject any disbursement of Delaware River Port Authority funds for this project as currently proposed. I believe that the project will pose a serious environmental risk to the communities in South Jersey. Further, critical questions relating to the economic benefit of this project remain unanswered." It is signed by Jeffrey Nash, who is the vice chairman of the Delaware Port Authority.

So, Mr. Chairman, there are four good reasons to vote yes on this amendment. First of all, the project is a waste of money. Read the GAO report. Second, it is not necessary to serve the very viable and broadly held goal of developing jobs at the port. Third, there are serious environmental questions, which is why groups like the League of Conservation Voters support the amendment. And, finally, the local match that is required to make this project go is in serious jeopardy because the New Jersey commissioners who would be required to support the local match have just gone on record as saying they will not.

DELAWARE RIVER PORT AUTHORITY,  
Camden, NJ, July 17, 2003.

Hon. ROBERT ANDREWS,  
U.S. Congress, Rayburn House Office Building,  
Washington, DC.

[Re: Delaware River Deepening Project]

DEAR CONGRESSMAN ANDREWS: As the Vice Chairman of the Delaware River Port Authority, heading the New Jersey State Delegation to that Authority, I write to inform you that I will not support the Delaware River Deepening Project as currently proposed. I intend to urge the New Jersey Delegation to reject any disbursement of Delaware River Port Authority funds for this project as currently proposed. I believe that the project will pose a serious environmental risk to the communities in South Jersey. Further, critical questions relating to the economic benefit of this project remain unanswered.

As you have reported, we have a particular concern over the disparate burden placed upon South Jersey by the Army Corp of Engineers given their plan to dispose the majority of potentially toxic spoils on unidentified sites. In addition to our environmental and economic concerns, we vigorously object to this dredge disposal plan and, therefore, cannot offer our support for this project.

I understand that the Appropriations Committee in the House of Representatives intends to appropriate 8 million dollars toward this project despite President Bush's request to essentially eliminate its funding. I also recognize that any federal funding for this project is contingent upon a propositional match by local governmental entities. I am writing to notify you and fellow members of Congress that Delaware River Port Author-

ity funding is seriously in doubt given New Jersey's concern as set forth herein.

Our goal is to pursue a Port Development Plan that accentuates our assets: location, a superior work force, and excellent intermodal facilities. We are confident that we will protect the many jobs based at the port and add considerably to the economic engine without the environmental risk of the proposed dredging project.

The Delaware River Port Authority is committed to improve the South Jersey and Philadelphia region by engaging in economic development projects that hope to benefit the region by creating new jobs, improving the quality of life of the region, and revitalizing the local economy. Based upon several studies including a report by the General Accounting Office, I have concluded that this project does not meet with our mission. I have based my determination on the fact that this project poses significant environmental risk as well as numerous quality of life issues to the community in our region.

We look forward to working with our colleagues at the Delaware River Port Authority, and in the port communities of New Jersey and Pennsylvania, to develop a viable Port Development Plan.

Sincerely,

JEFFREY L. NASH,  
Vice Chairman.

Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE).

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

I realize there is a very limited time here. I would like to reiterate what the gentleman has stated and then make it plain. The Delaware River basically serves three States in terms of what we would do here in deepening that river, Delaware, New Jersey and Pennsylvania.

□ 0945

New Jersey is adamantly opposed to this. Delaware has serious questions about it. We have just gotten all of our reviews in. We have not even approved this yet. In fact, it is very doubtful if it is going to be approved in the State of Delaware. It is almost certain that this money cannot be spent in the course of this year. Pennsylvania has been adamantly for this.

There are tremendous environmental questions that are being asked, but there are also significant economic questions which are being asked, such as who benefits from this and, in fact, whether there is a cost benefit that is remotely close to what the Army Corps came up with originally.

I think to appropriate this full amount is wrong. We are not asking to close it out all together, but to reduce the amount of money that is involved here so that we can continue the necessary process to see if in another year we should be going forward with it.

But this, frankly, is just a waste of money. This is something Congress should not be doing at this time in terms of putting additional money in it. My judgment is that the amendment makes all the sense in the world, and I strongly endorse it.

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

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

The deepening of the Delaware River is considered by many to be vital to the future of commerce in the northeast. The Corps of Engineers believes that it is an economically viable project. It was authorized in 1992. They have already spent more than \$17 million to date on its study and design.

The ranking member, the gentleman from Indiana (Mr. VISCLOSKY), and I have been contacted by the Governor of Pennsylvania, the Honorable Ed Rendell, who urged us to oppose any amendment to reduce the level of funding for this project. His letter contains a long list of labor and business interests who are in strong support of this project which he calls "essential to maintaining a competitive port."

Therefore, I am opposed to the amendment.

Mr. Chairman, I ask unanimous consent to yield the balance of my time for his control to my ranking member, the gentleman from Indiana (Mr. VISCLOSKY).

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the chairman yielding me his time, and I yield myself such time as I may consume.

I too am opposed to the Andrews amendment. I have a great deal of respect for the gentleman, but I disagree with him on the policy of this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman for yielding.

There is nobody in this House I respect more than the gentleman from New Jersey (Mr. ANDREWS). But I disagree with him completely on his amendment, and I rise in strong opposition.

The gentleman talks about four points. I would like to rebut them. He says that the deepening of the channel for the Port of Philadelphia from 40 feet to 45 feet would be a waste of money. That is not true. The Army Corps of Engineers has studied this matter twice. The first study said there would be \$1.40 of benefit for every dollar of investment to deepen the channel. That was challenged by the GAO, as the gentleman has suggested. The Army Corps reanalyzed and came back with an economic analysis of a benefit of \$1.18 for every dollar of investment. That is the current status. It is not a waste of money; it will help the Port of Philadelphia and the Philadelphia region to deepen the channel to 45 feet.

The second point is the gentleman suggested a 40-foot channel is adequate and that we do not need to lower the channel, and he is simply wrong. Big,

modern ships cannot come to the Delaware River to the Port of Philadelphia if it stays only at a 40-foot depth. It must be deepened to 45 to stay competitive with all of the other ports up and down the Mid-Atlantic. It is necessary to deepen the channel.

Thirdly, the gentleman suggested there is environmental damage by the deepening. Well, that has been debunked and refuted by seven State and Federal agencies that have found no adverse impact on the environment. The Federal Environmental Protection Agency, U.S. Geological Survey, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service have all found no adverse environmental impact; and the environmental agencies of Delaware, New Jersey, and Pennsylvania have found no adverse environmental impact.

The final point that the gentleman made is that there is a lack of local support. Nothing could be further from the truth. As we will hear from the gentleman from Philadelphia, Pennsylvania (Mr. BRADY), there is unanimous support from the governments, from the labor unions, from the businesses. The only, only business opposed to deepening the channel is the littering companies in the area that benefit from a shallow channel so ships come off port, have to unload their material, and smaller ships from the littering companies take it up the river. Those are the people leading the opposition to this.

Philadelphia needs a deeper channel. It is good for the economy. We have to do it to protect jobs. We have to do it to stay competitive. I oppose the amendment.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. BRADY).

Mr. BRADY of Pennsylvania. Mr. Chairman, I thank my ranking member for yielding me this time.

Mr. Chairman, I rise in support of an economically strong Port of Philadelphia. Through the efforts of our former colleague, Bob Borski, Congress authorized the funding for this project in 1992.

Mr. Chairman, the Port of Philadelphia needs to go 45 feet because of a trend towards bigger ships. We talk about waste. Deepening this channel brings 45,000 direct jobs created by port traffic, and it will be severely affected if this amendment goes through. I do not think that that is waste.

Mr. Chairman, the Port of Philadelphia is also a strategic military port. We have two large military transport ships ported in Philadelphia. We have to guarantee clear access to the sea in case of a national emergency. That is why 12,000 labor, business, and community groups support it; and that is why our Governor, who also chairs the Delaware Port Authority, which my colleague mentioned, he is the chairman of that agency, also agrees and also sent a letter supporting it.

Finally, the project is environmentally safe. EPA, U.S. Fish and

Wildlife Service, and the U.S. Geological Survey approved it. Each State environmental protection agency in the region has approved it.

Each State environmental protection agency in the region has approved it. The dredge material is considered safe and will be used for beach, wetlands restoration, and filling abandoned mines in Pennsylvania.

Now, the gentleman in New Jersey (Mr. ANDREWS) is my dear friend and there are two things that separate us, the Delaware River and whether or not to dredge it or not. I do not stand here against the gentleman from New Jersey (Mr. ANDREWS) or the gentleman from Delaware (Mr. CASTLE), but I do stand against their amendment.

Mr. Chairman, Congress rejected this amendment 3 years ago. We should do the same today. I would like my colleagues to reject this amendment.

Mr. VISCLOSKY. Mr. Chairman, I do not have any other requests for time, and I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I yield 90 seconds to the gentleman from Delaware (Mr. CASTLE).

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

Let me just reiterate. We are all friends, we are neighbors; and, in most cases, we are together on these various issues. But I must say that it concerns me a great deal that there are two States out of three which are affected here that are very much concerned about going ahead with this project at this time. New Jersey is in adamant opposition to it, has been from the beginning.

The gentleman from New Jersey (Mr. ANDREWS) has done a wonderful job of requesting additional economic studies. GAO looked at this and found that the cost ratios are not \$1.18, but 49 to 50 cents on the dollar. That is highly inefficient for going ahead with a project such as this.

We in Delaware have still not given approval to this, either for economic or environmental reasons. There is a great deal of opposition in Delaware as well. We do not have anyone other than the port of Wilmington who believes that they may benefit from this. The oil companies who are involved in this, and there are six of them, I believe, along the Delaware River north of Delaware who would benefit from it, have not been willing to show any evidence of expanding their channels. If they do not do that, then it is of no advantage to them. So perhaps the Port of Philadelphia would benefit, and maybe this will go ahead.

All we are asking for, frankly, is time to see if it should go ahead, and they have to work out a lot of problems between now and, say, a year from now before that can happen.

But I would plead to the Members of Congress that the two States are being rather adversely impacted that are raising serious questions about this,



and I think that we should revert to the smaller amount of money which is used to keep the studies going, but not to have the project go ahead.

There is a lot more that could be said. We do not have the time to say it all today, except to say there is a lot of economic speculation about this, and we think it is wrong.

Mr. ANDREWS. Mr. Chairman, I yield myself the remaining time.

We have great respect for our friends, but we have great respect for the facts. The fact is that GAO had the last word. They say the project is a waste of money. The fact is the environmental agencies of New Jersey and Delaware have not permitted this. The fact is with respect to the local match, the New Jersey people will not put up the match. The project should not be funded. We respectfully ask everyone to vote "yes" on the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to Mr. ANDREWS' Amendment.

The Delaware River Main Channel Deepening project is designed to keep the Delaware River Ports competitive with other east coast ports, all of which have dredged or are planning to dredge their channels deeper than 40 feet. Major Shipping lines have informed the ports that their next generation ships will require deeper channels. Unless these ports can go to 45 feet they will be at a competitive disadvantage with their sister ports for the expected growth of international trade.

In addition to the competitive advantage this project will provide the region, it provides much needed jobs. Over 75,000 jobs are attributable to the port industry in the Delaware Valley.

Moreover, the Delaware River Port has been designated as a military strategic port. The Port of Philadelphia has been selected as a Strategic Seaport for the Northeast Corridor of the United States. Philadelphia's selection means the Department of Defense will incorporate the use of the city's port facilities in its planning for the movement of military cargoes in the event of major contingency operations. Selection of the Pennsylvania port was made jointly by the U.S. Maritime Administration, U.S. Army Forces Command, and the Military Traffic Management Command after an assessment of many Northeast Corridor ports. Philadelphia becomes the country's 14th commercial Strategic Seaport. Designation as a Strategic Seaport creates the potential for Department of Defense cargo shipments in support of contingencies.

Mr. Chairman, for all of these reasons, I urge my colleagues to oppose this amendment and support the underlying bill.

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

The CHAIRMAN. The question is on the amendment offered of the gentleman from New Jersey (Mr. ANDREWS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

#### RECORDED VOTE

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gen-

tleman from New Jersey (Mr. ANDREWS) will be postponed.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

#### FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$301,054,000, to remain available until expended.

#### OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects; for providing security for infrastructure owned and operated by, or on behalf of, the U.S. Army Corps of Engineers, including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, \$1,932,575,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662 may be derived from that fund, and of which such sums as become available from the special account for the U.S. Army Corps of Engineers established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104-303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected.

#### REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$144,000,000, to remain available until expended.

#### FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended.

#### FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, response to hurricanes and other natural disasters, and related activities, including the activities that the U.S. Army Corps of Engineers undertakes to ensure its readiness to respond to such emergencies, \$40,000,000 to remain available until expended.

#### GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the U.S. Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the U.S. Army Engineer Research and Development Center, and the U.S. Army Corps of Engineers Finance Center,

\$164,000,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: *Provided further*, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

#### ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed \$5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

#### GENERAL PROVISIONS

##### CORPS OF ENGINEERS—CIVIL

SEC. 101. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64-291; section 11 of the River and Harbor Act of 1925, Public Law 68-585; the Civil Functions Appropriations Act, 1936, Public Law 75-208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90-483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99-662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102-580; section 211 of the Water Resources Development Act of 1996, Public Law 104-303; and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed \$10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed \$50,000,000 in each fiscal year.

SEC. 102. None of the funds appropriated in this or any other Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Ridge Landfill in Tuscarawas County, Ohio.

SEC. 103. None of the funds appropriated in this or any other Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Indian Run Sanitary Landfill in Sandy Township, Stark County, Ohio.

#### NAMING OF LOCK AND DAM 3, ALLEGHENY RIVER, PENNSYLVANIA

SEC. 104. (a) DESIGNATION.—Lock and dam numbered 3 on the Allegheny River, Pennsylvania, shall be known and designated as the "C.W. Bill Young Lock and Dam".

(b) LEGAL REFERENCES.—A reference in any law, regulation, document, record, map, or other paper of the United States to the lock and dam referred to in subsection (a) shall be deemed to be a reference to the "C.W. 'Bill' Young Lock and Dam".

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

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

Mr. BOEHLERT. Mr. Chairman, I will not use the 5 minutes. I just want

to rise in support of this bill and to thank the gentleman from Ohio (Chairman HOBSON) for his efforts, particularly to strengthen the Office of Science in the Department of Energy. This is a good bill. There were some differences of opinion early on. We worked out those differences of opinion in a responsible way.

Mr. Chairman, I rise in support of this bill. I just want to make two points about it.

First, I want to thank Chairman HOBSON for his efforts to strengthen the Office of Science. This critical, but often overlooked Office, is a critical supporter of research in the physical sciences. It also supports crucial work related to genomics and homeland security. And it runs laboratories that provide research tools for a wide range of scientists throughout the country.

In this year's Energy bill, H.R. 6, the House, led by Representative BIGGERT, who chairs our Science Committee's Energy Subcommittee, authorized major increases for the Office of Science. This bill makes a downpayment on those authorizations.

The bill also specifically recognizes the importance of the administration's new, inter-agency supercomputing initiative. Our committee held a hearing on the issue this week, and I look forward to working with Chairman HOBSON in this area that can have a major impact on American competitiveness.

I also want to draw attention to section 301 of the bill, which requires competition of laboratory contracts. While I disagree with some of the details of the provision, I agree that we need to come up with a competition policy that will provide predictability for the labs and accountability from the labs. We must develop the tools to improve laboratory management without causing undue disruption or imposing excessive costs. In this too, I look forward to working with Chairman HOBSON.

Because section 301 constitutes legislation on an appropriation bill, Chairman HOBSON and I have exchanged letters describing our agreement on how we will move forward on this section. I ask that they be placed in the RECORD at this point.

I urge my colleagues to support this bill.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON SCIENCE,  
Washington, DC, July 17, 2003.

Hon. DAVID HOBSON,  
Chairman, Appropriations Subcommittee on Energy and Water Development, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thanks for meeting with me today to discuss Section 301 of the Energy and Water Appropriations bill for fiscal 2004 (H.R. 2754). As you acknowledged, Section 301 constitutes legislation on an appropriations bill and would normally be subject to a point of order.

In today's discussion, however, you agreed that you would consult with the Science Committee throughout your conference negotiations on Section 301 and that you would not make any conference agreement on Section 301 that did not meet with our approval. As a result of those commitments, I will not object to the waiving of points of order against Section 301.

Like you, I believe the management of the Department of Energy (DOE) laboratories is an important issue that requires more attention from the Congress. As you know, the Science Committee has held hearings on this complex issue. We look forward to working with you to fashion a competition policy

that will provide greater accountability and more attentive management without causing needless disruption of the laboratories' scientific research or imposing unnecessary additional costs.

Sincerely,

SHERWOOD BOEHLERT,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON APPROPRIATIONS,  
Washington, DC, July 17, 2003.

Hon. SHERWOOD BOEHLERT,  
Chairman, House Committee on Science, Rayburn Office Building, Washington, DC.

DEAR CHAIRMAN BOEHLERT: Thank you for your letter of July 17, 2003, regarding the provisions of Section 301 of the Energy and Water Development Appropriations Bill, 2004 (H.R. 2754). I understand this provision is legislating on an appropriations bill, and am pleased that you will not object to waiving of points of order against this bill.

I agree that we will consult with the Science Committee throughout our conference negotiations on this particular provision, and will work toward a conference agreement that will satisfy our joint interests on contract competition.

I also agree to find a way to stagger the contract award dates for the Argonne-East and Argonne-West contracts, so that the University of Chicago does not have to compete for both contracts simultaneously.

I look forward to working with you and your staff on this important issue.

Sincerely,

DAVID L. HOBSON,  
Chairman, Subcommittee on Energy and Water Development.

The CHAIRMAN. The Clerk will read.  
The Clerk read as follows:

#### TITLE II

#### DEPARTMENT OF THE INTERIOR

##### CENTRAL UTAH PROJECT

##### CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$36,463,000, to remain available until expended, of which \$9,423,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,728,000, to remain available until expended.

##### BUREAU OF RECLAMATION WATER AND RELATED RESOURCES (INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, \$817,913,000, to remain available until expended, of which \$57,330,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$33,570,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; and of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall ap-

propriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That \$10,000,000 of the funds appropriated herein shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of division B, title I of Public Law 106-554, as amended: *Provided further*, That section 301 of Public Law 102-250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting "2003, and 2004" in lieu of "and 2003".

##### BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For administrative expenses necessary to carry out the program for direct loans and/or grants, \$200,000, to remain available until expended, of which the amount that can be financed by the Reclamation Fund shall be derived from that fund.

##### CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$39,600,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

##### POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$56,525,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

##### WORKING CAPITAL FUND (RESCISSION)

From unobligated balances under this heading, \$4,525,000 are rescinded.

##### ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 12 are for replacement only.

##### GENERAL PROVISIONS

##### DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may

be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106-60.

SEC. 203. Subsection 206(b) of Public Law 101-514 is amended as follows: In paragraph (1), strike " , with annual quantities delivered under these contracts to be determined by the Secretary based upon the quantity of water actually needed within the Sacramento County Water Agency service area and San Juan Suburban Water District after considering reasonable efforts to: (i) promote full utilization of existing water entitlements within Sacramento County, (ii) implement water conservation and metering programs within the areas served by the contract, and (iii) implement programs to maximize to the extent feasible conjunctive use of surface water and groundwater".

SEC. 204. The Secretary of the Interior is authorized and directed to amend the Central Valley Project water supply contracts of the Sacramento County Water Agency and the San Juan Suburban Water District by deleting a provision requiring a determination of annual water needs included pursuant to section 206 of Public Law 101-514.

#### LOWER COLORADO RIVER BASIN DEVELOPMENT

SEC. 205. (a) IN GENERAL.—Notwithstanding section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)), no amount from the Lower Colorado River Basin Development Fund shall be paid to the general fund of the Treasury until each provision of the revised Stipulation Regarding a Stay and for Ultimate Judgment Upon the Satisfaction of Conditions, filed in United States district court, in Central Arizona Water Conservation District v. United States (No. CIV 95-625-TUC-WDB (EHC), No. CIV 95-1720-OHX-EHC (Consolidated Action)), and any amendment or revision thereof, is met.

(b) PAYMENT TO GENERAL FUND.—If any of the provisions of the stipulation referred to in subsection (a) are not met by the date that is ten years after the date of enactment of this Act, payments to the general fund of the Treasury shall resume in accordance with section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)).

(c) AUTHORIZATION.—Amounts in the Lower Colorado River Basin Development Fund

that but for this section would be returned to the general fund of the Treasury shall not be expended until further Act of Congress.

SEC. 206. The second paragraph under the heading "Administrative Provisions" in Public Law 102-377 (43 U.S.C. 377b) is amended by inserting " , not to exceed \$5,000,000 for each causal event giving rise to a claim or claims" after "activities of the Bureau of Reclamation".

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

#### TITLE III

#### DEPARTMENT OF ENERGY

#### ENERGY PROGRAMS

#### ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 12 passenger motor vehicles for replacement only, including two buses; \$691,534,000, to remain available until expended.

Mr. GIBBONS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to engage the chairman of the subcommittee in a colloquy regarding the early acceptance of spent nuclear fuel at Yucca Mountain.

Mr. Chairman, this issue is of the utmost importance to me and, as my colleagues know, each and every year that I have been a Representative of the State of Nevada, for the last 7 years, I have adamantly fought against the storage of nuclear waste at Yucca Mountain. This is a critical issue and vitally important to the rest of the Nevada congressional delegation, as it is to our constituents.

While I could go on and speak for hours on the reasons why the committee's unprecedented level of funding for Yucca Mountain nuclear waste repository is an outrage to Nevadans, I choose rather to focus my attention and my opinion on the most irresponsible and alarming of the committee's report: the \$4 million in taxpayer dollars to study early acceptance or interim storage of high-level nuclear waste at Yucca Mountain.

I clearly remember debating this interim issue of storage during the 105th Congress. I remain strongly opposed to the notion that storing nuclear waste in a temporary facility on-site at Yucca Mountain is a solution to a problem of nuclear waste.

I adamantly oppose the committee's opinion that transporting high-level nuclear waste from over 100 power plants across this Nation through our

neighborhoods and in yet unproven dual-use casks will further secure our Nation against the threat of terrorism.

The Energy Department's resources and taxpayer dollars could be far better utilized in securing our Nation's high-level nuclear waste if they were to spend this \$4 million on bolstering security at the existing storage facilities.

Mr. Chairman, before I go on, I would like to yield to my colleague from the Third Congressional District of Nevada (Mr. PORTER) for his comments as well.

Mr. PORTER. Mr. Chairman, I would like to thank the chairman for engaging in this colloquy today.

For the last 20 years, I have fought against the Yucca Mountain project and believe to this day that the facility is a danger to the people of Nevada and unnecessary for the people of the United States.

While Congress has authorized the Yucca Mountain site, we in Nevada continue to use every avenue available to resist the establishment of this facility. Interim storage of spent nuclear fuel at Yucca Mountain, which has not been approved by Congress, is intolerable to the people of Nevada.

I appreciate the help of the gentleman from Ohio (Mr. HOBSON), and I appreciate the fact that he has agreed that the interim storage of spent nuclear fuel at Yucca Mountain is not the intent of his committee or of this Congress, and that he will oppose any and all efforts to include language recommending interim storage in any conference report presented to this House.

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I would like to thank my colleagues from Nevada. I appreciate the gentleman yielding me time.

Mr. GIBBONS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. HOBSON), the chairman of the subcommittee, for his response to our colloquy.

Mr. HOBSON. Mr. Chairman, I thank the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Nevada (Mr. PORTER).

I understand the concerns of the Members from Nevada. We have tried to do the right thing for Nevada in this bill by directing the Secretary to select rail as the preferred mode of transportation within Nevada and by directing the Secretary to select a rail route that avoids Las Vegas. Further, we have restored the external oversight funding for the State of Nevada and the affected counties, and we have provided \$30 million in impact assistance funding for the affected Nevada counties.

Nevertheless, I understand the sensitivity on the issue of this early acceptance. I commit that we will drop the report dealing with early acceptance when we get to conference, and I will direct the Secretary to apply the \$4 million to improving the security of the containers used to store spent fuel at reactor sites.

Mr. GIBBONS. Mr. Chairman, I thank the subcommittee chairman for

his agreement to strike and remove the interim storage provisions regarding this troubling language that is in the bill. I look forward to working with him as does my colleague, the gentleman from Nevada (Mr. PORTER), on ensuring our constituents of this point as well.

AMENDMENT OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL of Colorado:

Page 17, line 2, after the dollar amount, insert the following: "(increased by \$30,000,000)".

Page 19, line 2, after the dollar amount, insert the following: "(reduced by \$30,000,000)".

Mr. UDALL of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HOBSON. Mr. Chairman, I reserve a point of order against the amendment.

Mr. UDALL of Colorado. Mr. Chairman, I am offering this amendment with my colleague, the gentleman from Nevada (Mr. PORTER). I want to thank the gentleman for working with me. I also want to thank my colleague, the gentlewoman from Nevada (Ms. BERKLEY), who cannot be here today, for her support of this amendment.

The Udall-Porter amendment would add \$30 million to a number of renewable energy programs at the Department of Energy. The programs to be increased, solar energy, wind energy, geothermal technology, biomass and biofuels, Zero Energy Buildings, hydropower, and the Renewable Energy Production Incentive were identified by my friends in the clean energy community as programs particularly in need of additional funding.

When taken together, these programs fall \$33 million below fiscal year 2003 levels. So the \$30 million funding increase we are proposing still falls short of fiscal year 2003 levels, so we consider this amendment to be a modest one.

The \$30 million increase for renewable energy programs would come from funds for Yucca Mountain's nuclear waste disposal account. I want to make clear that my aim in proposing this amendment is to restore funds to critical clean energy programs, not to deprive Yucca Mountain of funds it may need.

Indeed, I know that at least two of Yucca's programs, local impact assistance and external oversight funds, are very important to Nevada's communities. Our amendment does not seek to take funds from these accounts. But the bill we are considering today includes \$335 million for the nuclear waste disposal account. This is fully \$174 million over the President's re-

quest. So the Udall-Porter amendment would still leave the Yucca account at \$144 million over the request.

Given the importance of the clean energy programs, particularly at a time when we are all concerned about our energy security, I believe that our amendment helps strike a greater balance in the bill.

Mr. Chairman, I do not want this to be a negative debate. My goal is to focus on the importance of developing a diverse and balanced long-term energy policy, one that requires us to think beyond today's gasoline prices and beyond next year's election. I want to talk about the real crises that will develop 10 or 20 years from now when oil prices will probably go up permanently as a result of increasing global demand and passing the peak in global petroleum production.

We have not done enough to prepare for this eventuality, but investing in clean energy programs is one way to start. DOE's renewable energy programs are vital to our Nation's interest, helping to provide strategies and tools to address the environmental challenges we will face in the coming decades.

Investments in sustainable energy technologies meet multiple other public policy objectives. Far from decreasing, U.S. dependence on imported oil has increased to record levels over the last 25 years. These programs are helping to reduce our reliance on oil imports, thereby strengthening our national security and also creating hundreds of new domestic businesses, supporting thousands of American jobs, and opening new international markets. While these technologies have become increasingly cost-competitive, the pace of their penetration into the market will be determined largely by government support for future research as well as by assistance in catalyzing public-private partnerships.

Not only economic independence, but also environmental health and lower energy costs are advanced by our investment in renewable energy. But in order for these investments to pay off, we have got to have a sustained commitment over the long term. It is time to recognize the value of clean energy research to our communities and to our world and to commit to sustaining our investment in clean energy for years to come.

Our amendment does not do all that should be done, but it does greatly improve the bill, and I urge its adoption.

Mr. Chairman, I should note finally our intention that funding for these programs be allocated at levels described in tables that I will provide here as a part of the Record. The table is as follows:

# RENEWABLE ENERGY—2004 BUDGET AND APPROPRIATIONS

(In millions of dollars)

Program	FY03 approp	FY04 re- quest	FY04 Com- mittee mark	Udall- Porter Amdt
Solar Energy:				
Concentrating Solar Power .....	5.4	0	5.5	+4.1
Photovoltaics .....	76.5	76.7	71.2	+5.5
Zero Energy Buildings .....	0	4.0	0	+4.0
Wind Energy .....	44.0	41.6	41.6	+2.4
Hydropower .....	5.3	7.5	5.4	+2.0
Geothermal Technology .....	30.0	25.5	25.5	+5.0
Biomass/Biofuels .....	90.0	69.7	69.7	+6.0
REPI .....	5.0	4.0	4.0	+1.0
Total .....	256.2	229.0	222.9	30.0

The CHAIRMAN. Does the gentleman from Ohio (Mr. HOBSON) continue to reserve his point of order?

Mr. HOBSON. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. HOBSON. Mr. Chairman, I rise in opposition to this amendment. I think we provided very generous funding for renewable energy sources, and I strongly object to any reductions in the funding for Yucca Mountain repository.

Let me explain what our bill really does for renewable energy resources. The enacted funding levels for renewable energy resources for fiscal year 2003 was \$419.5 million. The request for fiscal year 2004 was \$444.2 million. However, subsequent to submission of the budget request, the Secretary of Energy proposed transferring \$73.6 million from renewable energy to a new Office for Electricity Transmission and Distribution. The House recommendation for renewables is \$330.1 million, an apparent reduction of \$89.3 million from the current year. I say apparent because \$73.6 million of this apparent reduction represents the transfer to the new electricity office. Therefore, the real reduction for renewable energy is only \$16 million compared to the current fiscal year.

Our fund funds the mainstream renewable programs for solar power, wind power, biomass, and geothermal energy exactly at the requested levels. We fund the International Renewable Energy Program, tribal energy activities, and the Renewable Energy Production Incentives all at the requested levels.

That sounds like renewable energy does pretty well in our bill, and it does. We made a few specific funding reductions and with good reason. The administration wanted to double the funding for hydrogen from \$39.7 million to \$88 million. We cut that increase by \$20 million, partly because the Department has not convinced us that it can spend that large of an increase constructively, and also because we learned that the Department intended to keep much of that funding within the national laboratories, rather than make it available competitively for industry and university research.

We have eliminated the request for \$15 million of the National Climate Change Technology Initiative not because we opposed the research on this important topic, but because we opposed the Department's proposal to

pull funding from our bill and the Interior appropriations bill into a single program. Such pooling is unwise and unnecessary.

The Department presently spends over \$1.6 billion annually on climate change research. Over \$1.1 billion of that is in the energy and water development bill. We do want the Department to seek out good technology ideas from the private sector and universities, but it can certainly accomplish that goal by simply making competitive awards of a greater portion of the \$1.6 billion available for climate change research.

We make several other minor reductions, but we also added \$4.9 million to start construction of a new research facility at the National Renewable Energy Laboratories. I think we treated the renewable energy programs very fairly in the bill.

What I do not think is fair and sound policy is a proposal to cut back funding for the Yucca Mountain repository. The majority of Members of this Chamber voted last year to designate Yucca Mountain as the site for the repository. I am sure the majority of Members of this Chamber believe that the Department of Energy is now moving forward aggressively to get the repository built and operational. I am here to tell you that is not so. This program has been starved for funding practically every year by the actions of the other body. The result of these persistent funding cuts is that the Department has had to defer much of the essential work that will be required to get this repository open by 2010.

Let me tell you, 2010 is a pipe dream at the requested funding level. It simply will not happen unless we provide more funding for these essential tasks. Our bill provides \$174 million for these tasks. In particular, we provide \$70 million so the Department can begin planning for a rail line to Nevada. And we prohibit the Secretary from routing this line close to Las Vegas, which has been used by everybody as a political football.

We restore \$9 million for funding for external oversight by the State and affected counties, and we provide \$30 million of impact assistance to the affected Nevada counties. In total \$129 million of these additional funds are to be spent in Nevada for the citizens of Nevada.

It is hard to argue that this additional funding harms the State of Nevada. It is an economic development tool whether Yucca Mountain opens or never opens. It is a great economic tool for Nevada, and I cannot understand why Nevada Members would stand up here and want to hurt the economy of Nevada.

I also want to remind Members that many of you have operating reactors, closed reactors and DOE clean-up sites in your district. I do not believe you want this spent fuel and high-level waste to stay in your districts indefinitely. Rate-payers in every State that

uses nuclear power have paid over \$16 million into the nuclear waste fund. It is time for the government to fulfill its statutory responsibilities and deliver an operational repository by the end of the decade.

For the sake of our children and grandchildren, we cannot continue to allow the opponents of the repository to continue to delay this vital project. Therefore, I strongly oppose the amendment.

Mr. PORTER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this amendment would restore funding to critical renewable energy research and development programs that have been cut from other programs.

America's energy consumption is at an all-time high, and rising. In order to address the imbalance between consumption and domestic production, one part of the solution is to continue the advances in research and development of renewable energy resources. In my home State of Nevada, the sun shines more than 300 days out of a given year. We are also blessed with an abundance in the amount of other renewable resources, such as geothermal, wind, and biomass.

As a Congressman from Nevada, and representing the mightiest renewable resource in the West, the Hoover Dam, Nevada can also boast that we have one of the top research centers in the country for renewable energy, the Desert Research Institute.

The people of Nevada have chosen not to have nuclear power and rely instead on the natural treasures of our State. Unfortunately, Nevada has been selected to become the country's nuclear waste dumping ground at Yucca Mountain.

This amendment will benefit all Americans and my constituents by moving funds from an unapproved, unnecessary, unsafe facility by re-directing them to renewable energy research. I urge my colleagues to vote in favor of this amendment and restore the funding for renewable energy programs.

I would like to thank my colleagues from Nevada, especially the gentlewoman from Nevada (Ms. BERKLEY), who could not be here today. On many occasions in politics we are on opposite sides of the fence; however, when it comes to Yucca Mountain, we supersede politics, and I commend her for her efforts on her fight against Yucca Mountain.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. I would like to commend the gentleman from Ohio (Chairman HOBSON) for putting an emphasis on this issue. I would also like to thank the gentleman from Indiana (Mr. VISCLOSKEY) for his work on this bill, and also both of their staffs.

Let me say, Congress has been debating this issue for a number of years, this whole issue of a waste repository,

that, frankly, has taken decades to get to this point. As the chairman pointed out, rather than keeping spent nuclear fuel at on-site locations at 103 spots around the country, sound science tells us that a geologic repository at a central, safe and remote location is the way to go.

Now, this Congress has spoken not once, but three times, twice with votes that were over 300. I think that is very telling. It is very compelling that we should move forward, and there are no show-stoppers on this location as being a problem for the safe repository, the safe deposition of this spent fuel.

I commend the committee for the critical funds it put into their bill for Yucca Mountain. This is a national priority. The money will ensure the spent fuel currently kept on site in our Nation's communities, our lake shores and the environment will be removed in a timely fashion.

□ 1015

Some would suggest that a geologic repository at Yucca Mountain is not a good idea and that we would be better off if we just left that spent fuel on site. Such thinking cannot be, could not be more wrong; and Congress has spoken not once but three times overwhelmingly to move forward.

The fact is that the amount of space available for spent fuel storage at these 103 commercial nuclear power plants in America is rapidly shrinking, and when the on-site storage space runs out, it is gone. There is nothing. We cannot build an annex. We cannot build a room, a shack to put it in and it would be safe if we were to.

With all of the uncertainty in today's world, it is critical for us to remove the spent fuel from those facilities and store it in a central, safe, and remote location. As the chairman has said, even leaving this spent fuel on site only escalates the security concerns and, worse, the potential for mischief and terrorism.

Nuclear energy, which represents approximately 20 percent of the Nation's energy supply, provides a viable, cost-efficient, and clean alternative to fossil fuels. Nuclear power is a vital component in the engine that drives the American economy. Funds contained in the program will enable the Department of Energy to initiate repository operations hopefully in the year 2010.

I again want to commend the chairman for making the nuclear waste program a priority in the bill. He recognizes, as does the ranking member, that it is a national priority; and I urge my colleagues to oppose this amendment.

Mr. WAMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise as a member of the Subcommittee on Energy and Water Development of the Committee on Appropriations to applaud the chairman for just an excellent work product in this bill and the ranking member, the gentleman from Indiana

(Mr. VISCLOSKEY). They really have been aggressive, traveling, looking at the problems, restructuring, reforming programs and really have done their homework. So they deserve a lot of credit.

I also rise as the co-chairman of the Renewable Energy and Energy Efficiency Caucus with the gentleman from Colorado (Mr. UDALL) in support of renewables and increased funding for renewables, energy efficiency, and energy conservation. The dilemma we face, though, is that in our attempt to increase the funding, the offset that the gentleman from Colorado (Mr. UDALL) proposed, working with his friends in Nevada, is the wrong way to go; and I say that because I believe that nuclear power is green power, is clean power, and we absolutely must solve the waste stream problem in order to clean up the air in this country with new nuclear production. That is the truth. They know it in Europe. They know it around the world; but in this country, some of our friends in the environmental world believe that nuclear energy is not clean energy and it is, but the waste stream is an issue.

We have got to get on with it. They are exactly right to be saying the top priority in this bill is the Yucca Mountain repository. We cannot cut that budget. I am sorry to our friends in Nevada. It is not in our national interests to do that.

On the renewable front, I want more money. The chairman has pledged to work with us through conference. I know that there are friends in the Senate that will work with us on raising renewables at the conference. I have every intention of advocating through the process as a conferee for increased funding on renewables. I would like to get that \$16 million figure that the chairman referred to up to a level of funding amount, even though, as he points out, we are at the President's request on the key renewables of wind and solar and biomass.

I do believe, though, that we can go further; and I want to do that. We can do that. We could have done that today. We talked through the night last night about ways to find the offset, but this is the wrong way to go because of the offset from Yucca. All that does is hold up our ability to clean up the air and to work out the waste stream with nuclear energy in this country.

I come from the TVA region, and we have five nuclear reactors. They are the most efficient, they are the cleanest, and they are the most productive sources of energy we have in the TVA system. That is 8 million customers, nuclear; and we have worked the bugs out of those reactors where they stay on line. They have a very high efficiency rate, but we have to have a place to store that waste; and Yucca Mountain is that option that has been chosen, and we must move forward.

I will be happy to yield to my friend from Colorado, who is my co-chairman

of the Renewable and Energy Efficiency Caucus, to talk about how we can work together after this amendment is defeated today, because it needs to be; and in the best interests of the bill and moving the process forward, we are going to defeat this amendment, but I would love to yield to my friend and engage in a little conversation about how we can continue to work together this year because he and I both know and believe that we must do more in this renewable front to make our country independent and secure because energy independence in this country is homeland security.

We have got to wean ourselves off of the reliance on Middle Eastern oil, and that means advancing solar and wind and biomass and geothermal and all of our renewable sources, and he is passionate about it and so am I; but we have got to find a way to do it within the context of this bill. We will work together through conference.

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WAMP. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman from Tennessee for yielding, and I think the passion of my good friend from Tennessee is self-evident here today; and I look forward to working with him on this very important, crucial aspect of energy independence and how we can create jobs, protect the environment, make ourselves more secure in the long term.

Mr. WAMP. Mr. Chairman, reclaiming my time, over half of this House are members of the bipartisan caucus, and we want to continue to build support for this most important national security issue of energy independence through the advancement of renewables and energy efficiency, energy conservation programs. I urge a "no" vote on this amendment respectfully.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words.

First of all, I would just like to commend the chairman and the ranking member for just an unbelievable job and to thank the terrific staff that we have in this subcommittee. I am very proud to be a member of this subcommittee and to have the opportunity to work with such great people. It is really an honor.

There is no one in the House who is more concerned about renewable energy than I am, and there are just a couple of points I think that we should make here.

I am going to oppose the amendment for various reasons. I would remind the House, last Monday afternoon when we were doing the Agriculture appropriations bill on the floor here, we accepted an amendment which put an additional \$20 million into renewable energy research. So combined with what the chairman of the Subcommittee on Energy and Water Development has done, we are not starving renewable energy

at all; and, in fact, we will work in a bipartisan way to increase funding when we get to conference for that.

Also, as a Member who serves on the Subcommittee on Homeland Security on the Committee on Appropriations, I cannot emphasize enough to the House how important the funding is that is in this bill that the chairman has put in as far as nuclear energy, as far as the storage issue for our national security. It is extraordinarily important that we do not take money away from what the chairman has placed in this account. It is a matter of national security. It is a matter of our home security; and I would just implore all Members to encourage renewable energy research, but do not take it out of this account. It is absolutely critical that we maintain the level of funding we have, and hopefully increase, because it is a critical issue.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the recognition, and I rise in strong opposition to the Udall-Porter amendment. The chairman, I think, has stated the case very aptly. At the beginning of my remarks, I would like to make three points, however.

I would note, as other speakers have done, the absence of the gentlewoman from Nevada (Ms. BERKLEY) from the First Congressional District of Nevada. Unfortunately, because of an illness in her family, she was not able to be here. Despite my opposition to the Udall-Porter amendment, I would note for the record her strong support of it, her continual lobbying on behalf of the people of Nevada on this particular issue.

I would like to make three points. The first is this is a matter of consensus. The House has spoken on this issue. The House passed a Yucca Mountain approval resolution in May of 2002 by a vote of 306 to 117. The Senate passed the resolution by voice vote, and the President signed it into law in July of last year.

Secondly, this is a matter of time, and time is of the essence. The 2010 target for opening a permanent repository is now 12 years later than the deadline set on January 31, 1998, for DOE to begin taking waste from nuclear plant sites.

Finally, this is a national security issue. There are over 100 operating reactors, 103, with closed sites that need to have their waste removed. This is a national security issue. We need to have this waste in one place, under guard and contained. I am strongly opposed to the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me add my appreciation to both the chairman and the ranking member for a bill that really encompasses many of the interests of Americans from all of our regions, and I respect the disagreement of both the



chairman and the ranking member on this particular amendment; but I rise to support the amendment. I do want to also acknowledge the gentlewoman from Nevada (Ms. BERKLEY), who traveled a long journey through the process of dealing with the Yucca Mountain issue, but I think we should balance this amendment for its impact on Yucca Mountain as much as its value to renewable energy.

I refer my colleagues back to the energy legislation, both the legislation that was debated in 2001 and then the subsequent legislation, where there was a great emphasis on renewable energy. It is well known that I come from an oil-producing and gas-producing area. That is Texas. I am a supporter of environmentally safe development of our oil and gas reserves. In fact, I offered an amendment that was accepted to provide for the enhanced development of energy resources in the gulf as it has been done in an environmentally safe manner. There are enormous resources there. The coastal areas are supportive of that exploration, and we need more work by both the large corporations in oil- and gas-producing and the domestic producers.

In this instance, I believe it is important for America to invest in its renewable energy, and this amendment has that component to it; and I think we should be focused on the value of solar energy and other aspects of renewable energy. In fact, Texas Southern University, a Historically Black College in my congressional district, is one of the forerunners, if you will, of research into solar energy. This is a viable, comparable, important aspect of our energy policy and our energy resources for the future.

So this should not be only a pointed, if you will, emphasis on the Yucca Mountain issue, though I would argue that those of us who made arguments in opposition to it still maintain that we should find some alternatives to the approach being utilized in the Yucca Mountain effort; but this amendment, I believe, is an important amendment.

Let me simply say this with respect to the energy and water bill. I am gratified that included in the bill there is a great emphasis, if you will, on the Department of Energy resources and science programs. As a member of the House Committee on Science, I support the \$3.48 billion in those programs. Let me also say that I support the \$4.48 billion for the Army Corps of Engineers and raise the issue that is of serious note in my region and that is flooding.

I have worked to provide dollars for the SIMS Bioproject in the 18th Congressional District and the White Oak Bioproject in the 18th Congressional District and obviously need more assistance from the Army Corps of Engineers, and I would recommend to this body that the Army Corps of Engineers works more closely with the local officials to the extent that when they are involved in projects, that when the local officials or local entities are not

involved in matching funds or not involved in being as cooperative as they should be, that the Congress should be made aware, the agency should make that known because then our projects are delayed when they are funded through this bill because of the lack of local cooperation.

So I am hoping to work more extensively with the Army Corps of Engineers on local projects, particularly with flooding in the region I come from in Houston, and particularly in the 18th Congressional District.

Those narrow issues do not in any way undermine the importance of this amendment that I rise to support, and hopefully my colleagues will see the value in our investment in renewable energy resources; and as well I will applaud my own constituents, Texas Southern University, that has done great work under the leadership of our deceased professor who had done such great work for this.

□ 1030

I would argue this is a good amendment, a strong amendment, and I ask my colleagues to support it.

Mr. INSLEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we all recognize the difficulties in dealing with appropriations bills. The committee, under noble leadership, has done an admirable job in dealing with priorities, but I think we ought to support this amendment because it is a statement of intent by the U.S. House of Representatives to, in fact, embrace the type of visionary leadership that came from this podium right behind me on May 9, 1961.

As we all know, on May 9, 1961, President John F. Kennedy stood at this well and challenged America to go to the moon and bring a man safely back within the decade. And that is the type of visionary leadership and over-the-horizon thinking that we now need in our energy policy in the United States.

Many of us have been talking about the need for us to embrace a new Apollo energy project to, in fact, establish very high bar goals for us that, to date, we have not done; that we need to embrace a goal of eliminating our addiction to Middle Eastern oil; that we need to embrace a goal of significantly reducing our global climate change gas emissions; and, most importantly, we need to embrace a goal of building these new technologies here of hybrid cars and solar power and wind power rather than giving those jobs to Denmark, Germany and Japan.

So I think we ought to pass this amendment as a statement of congressional intent to move in that direction. And just to make a suggestion to my colleagues as to why this is not pie in the sky, I just want to share a picture of a home in Virginia. This is a picture of the home of Alden and Carol Hathaway. They live in Hillsboro, Virginia. It is a nice home. I have seen it. They built it for \$360,000, just a little more than a conventional home.

This is a comfortable home. It is nice looking, and it has net zero energy usage off the grid. These folks, using existing technologies, have a net zero use of energy that is not produced in their home. This is technology that is on the very cusp of being market-based if we do a little more work on solar, wind, and things like they have, which is an in-ground heat pump. I just point this out because we are at a very exciting moment in time where we can push these technologies over the top because the prices are coming down so radically.

I want to mention the Yucca Mountain situation. I have been a supporter of the effort to move forward in Yucca Mountain, and I understand it is important to continue that funding stream, but I want to confirm my understanding is the amount proposed by the Udall amendment actually moves us a little closer to the number proposed by the administration, which I would give some credence to in this assessment.

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Colorado to elaborate on that.

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding, and I would just say to him that that is the case. The President's proposal is about \$174 million below what is proposed in this legislation.

And I, too, do not want to interfere with the work that is going on in Nevada when it comes to Yucca Mountain, but this would direct \$30 million from the \$174 million, more than the President recommended, into this account, which would help us hurry the future, bend the curve, and get us to the point where these technologies are available to all Americans, thereby creating jobs, protecting the environment, and, frankly, making us more secure on the international front.

Mr. INSLEE. Reclaiming my time, Mr. Chairman, I want to thank the gentleman for his explanation, and I appreciate his leadership on that.

Mr. Chairman, I would note that we do have a problem with nuclear waste, but we have a problem in not having a visionary energy policy. I hope we can support the Udall amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to Mr. UDALL's Amendment.

Last year I voted to endorse the Department of Energy and the President's finding that Yucca Mountain is the best choice for a national nuclear waste depository. Science and safety illustrate that Yucca Mountain is in our Nation's interest. National security further illustrates that Yucca Mountain is in our Nation's interest.

As such, Chairman HOBSON has rightly made funding the Nuclear Waste Program one of his highest energy priorities. The Chairman's mark provides a total of \$765 million for nuclear waste disposal, an increase of \$174 million over the budget request and \$308 million more than fiscal year 2003. These additional funds are provided to enable the Department to open the Yucca Mountain repository

on schedule in 2010, with particular emphasis in developing a rail line in Nevada that avoids the Las Vegas metropolitan area.

From a New Jersey perspective this site is long over due. We live in the most densely populated state in the nation, with 49 percent of our power generated by nuclear energy and for many years now, those wastes have been stored on the grounds of our two nuclear reactor sites.

The time has come for the waste to be sent to a single national repository as was promised in the Nuclear Waste Policy Act of 1982 and for which New Jersey taxpayers have contributed millions of dollars in their energy bills into the nuclear waste fund, specifically set up to pay for the costs of characterizing and developing the Yucca Mountain Site.

Mr. Chairman, for all of these reasons, I urge my colleagues to oppose this amendment and support the underlying bill.

Mr. MATHESON. Mr. Chairman, last year I spoke in opposition to the approval of Yucca Mountain as a site for the Nation's nuclear waste and I rise again to urge support for the Porter-Udall amendment to reduce funding for Yucca.

My home state, Utah, produces no nuclear waste. However, we are engaged in our own battle against storing out of state nuclear waste at a site called Skull Valley.

Our neighbor, the State of Nevada also produces no nuclear waste. Yet, this Congress insists that Nevada should bear the responsibility for housing thousands of tons of spent fuel. Not only is Nevada expected to house this waste, but states like Utah are expected to allow the transportation of these hazardous, life-threatening fuel rods through our neighborhoods.

This great Nation depends on the concept of shared responsibility. The transportation of this waste throughout the Nation is a huge risk that has not been properly considered. In the event of an accident, either at Yucca or on the way to Yucca, all of our fellow Americans will be forced to live with the consequences. I urge my colleagues to join me in opposing funding for Yucca Mountain and in supporting the Porter-Udall amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL).

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

Mr. UDALL of Colorado. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. UDALL) will be postponed.

The Clerk will read.

The Clerk read as follows:

#### NON-DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management site acceleration activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$170,875,000, to remain available until expended.

Mr. POMEROY. Mr. Chairman, I move to strike the last word, and I would like to engage the distinguished gentleman from Ohio (Mr. HOBSON) in a colloquy.

Mr. Chairman, water is a treasured resource everywhere in this Nation. For my constituents, degraded water quality in the Sacramento-San Joaquin Delta stemming from increased salinity is a growing problem. The fiscal year 2003 omnibus appropriation bill recognized this growing problem by dedicating \$2 million for planning studies to enlarge the Los Vaqueros Reservoir. The omnibus bill also dedicated Central Valley Project storage feasibility funding towards Sites Reservoir, the Upper San Joaquin River and Shasta Dam in California.

All of this funding was the result of many years of debate and compromise and serves as one strong step towards fixing California's water supply problems, and I appreciate the help in this effort of the gentleman from Ohio.

Today's appropriation bill thankfully continues this step, but a very large piece of the puzzle is missing: Los Vaqueros funding. With the fact that the Senate version of this bill contains \$1 million in funding for this important water quality mechanism, I would like to ask the gentleman for his commitment in funding this important project in the conference report.

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

Mr. POMBO. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I am pleased to enter into a discussion with the chairman of the Committee on Resources, and would tell him that I understand the need for this important project, and I will commit to my friend from California to do the best I can to secure funding for this project in the conference.

Mr. POMEROY. Reclaiming my time, Mr. Chairman, I appreciate the Chairman's hard work in helping to resolve California's water problems, and I thank him for his tireless effort and his help on this issue.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that the remainder of the bill, to page 39 line 23, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the bill from page 17, line 15, through page 39, line 23, is as follows:

#### NON-DEFENSE ENVIRONMENTAL SERVICES

For Department of Energy expenses necessary for non-defense environmental services activities conducted as a result of nuclear energy research and development activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, as well as new work scope transferred to the Environmental Management program, including the purchase, construction, and acquisition of plant and capital equipment and other necessary

expenses, \$320,468,000, to remain available until expended.

#### URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A, of the Energy Policy Act of 1992, \$392,002,000, to be derived from the Fund, to remain available until expended, of which \$51,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

#### SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 15 passenger motor vehicles for replacement only, including not to exceed one ambulance, \$3,480,180,000, to remain available until expended.

#### NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$335,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act, \$70,000,000 shall be used to initiate development of a rail line in the State of Nevada, connecting the existing national rail network with the repository site on the Nevada Test Site: *Provided further*, That none of the funds provided in this or any other appropriations Act may be used for the planning, design, or development of the rail corridors that pass near the Las Vegas Metropolitan Area, specifically the Valley Modified Corridor and the Jean Corridor, and variations thereof, as these corridors are delineated in the Final Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada, dated February 2002: *Provided further*, That \$65,000,000 of the \$70,000,000 made available in this Act for Nevada rail transportation shall be available only if the Secretary designates rail as the preferred mode of transportation within Nevada and selects a Nevada rail corridor within 60 days of enactment of this Act and commences the necessary environmental and engineering analysis to develop and issue a Record of Decision for a specific rail alignment within the selected rail corridor by June 30, 2005: *Provided further*, That not to exceed \$2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Nuclear Waste Policy Act of 1982 (Public Law 97-425), as amended: *Provided further*, That not to exceed \$6,500,000 shall be provided to affected units of local governments, as defined in Public Law 97-425, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of funds to the State of Nevada and affected units of local government shall be solely for activities approved in advance by the Department of Energy: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and to affected



units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management, the Governor of the State of Nevada, and each affected unit of local government receiving payments under this section shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97-425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from receiving any further Federal funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982, as amended, including but not limited to, any proceeds from the sale of assets shall be available without further appropriation and shall remain available until expended.

#### DEPARTMENTAL ADMINISTRATION (INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$224,329,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$123,000,000 in fiscal year 2004 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2004, and any related unappropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2004 appropriation from the General Fund estimated at not more than \$101,329,000.

#### OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$39,462,000, to remain available until expended.

#### ATOMIC ENERGY DEFENSE ACTIVITIES NATIONAL NUCLEAR SECURITY ADMINISTRATION WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or

for plant or facility acquisition, construction, or expansion; one fixed wing aircraft for replacement only; and the purchase of not to exceed six passenger motor vehicles, of which four shall be for replacement only, including not to exceed two buses; \$8,117,609,000, to remain available until September 30, 2006.

#### DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear non-proliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,280,195,000, to remain available until September 30, 2006.

#### NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, and the purchase of not to exceed one bus; \$768,400,000, to remain available until expended.

#### OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses (not to exceed \$12,000), \$341,980,000, to remain available until September 30, 2006.

#### ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

##### DEFENSE SITE ACCELERATION COMPLETION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense site acceleration completion activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; \$5,758,278,000, to remain available until expended.

##### DEFENSE ENVIRONMENTAL SERVICES

For Department of Energy expenses necessary for defense-related environmental services activities that indirectly support the accelerated cleanup and closure mission at environmental management sites, including the purchase, construction, and acquisition of plant and capital equipment and other necessary expenses, and the purchase of not to exceed one ambulance for replacement only, \$990,179,000, to remain available until expended.

##### OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$666,516,000, to remain available until expended.

##### DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real

property or facility construction or expansion, \$430,000,000, to remain available until expended.

#### CERRO GRANDE FIRE ACTIVITIES (RESCISSION)

From unobligated balances under this heading, \$75,000,000 are cancelled.

#### POWER MARKETING ADMINISTRATIONS BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed \$1,500. During fiscal year 2004, no new direct loan obligations may be made.

#### OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$5,100,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to \$19,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

#### OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$28,600,000, to remain available until expended: *Provided*, That, notwithstanding the provisions of 31 U.S.C. 3302, up to \$1,512,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures; in addition, notwithstanding 31 U.S.C. 3302, beginning in fiscal year 2004 and thereafter, such funds as are received by the Southwestern Power Administration from any State, municipality, corporation, association, firm, district, or individual as advance payment for work that is associated with Southwestern's transmission facilities, consistent with that authorized in section 5 of the Flood Control Act, shall be credited to this account and be available until expended.

#### CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$171,000,000, to remain available until expended, of which \$167,236,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That up to \$166,000,000 collected by the Western Area

Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND  
MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,640,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed \$3,000), \$192,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$192,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2004 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation from the General Fund estimated at not more than \$0.

GENERAL PROVISIONS  
DEPARTMENT OF ENERGY

SEC. 301. (a) Notwithstanding any other provision of law, including section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)), none of the funds in this or any other appropriations Act for fiscal year 2004 or any previous fiscal year may be used to make payments for any management and operating contract of the Department of Energy unless that contract was awarded using competitive procedures within the past fifty fiscal years or unless the Secretary of Energy, not later than sixty days after the date of enactment of this Act, publishes in the Federal Register and submits to the Committees on Appropriations of the House of Representatives and the Senate a notification of intent to use competitive procedures for the procurement of each management and operating contract when the current term of each such contract expires.

(b) The Secretary may not impose any conditions on the competition of a management and operating contract that is funded under this or any other appropriations Act that may have the effect of biasing the competition in favor of the incumbent contractor or otherwise providing for anything less than full and open competition of such contracts.

(c) For purposes of this section, the term "management and operating contract" means a contract for the management and operation of a Department of Energy laboratory, facility, site, or plant as used in subpart 17.601 of the Federal Acquisition Regulation.

(d) For purposes of this section, the terms "competitive procedures" and "full and open competition" have the meanings provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(e) The provisions of subsection (a) in this section apply to contracts awarded for a term of one year or more, not to interim extensions of less than one year used to extend contract performance until a long-term contract is placed or to provide continuity of service between contracts.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the \$15,000,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities and other potential users, or seeks input from universities and other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manu-

facturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: *Provided*, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further*, That for purposes of this section, the term "covered nuclear weapons facility" means the following:

- (1) the Kansas City Plant, Kansas City, Missouri;
- (2) the Y-12 Plant, Oak Ridge, Tennessee;
- (3) the Pantex Plant, Amarillo, Texas;
- (4) the Savannah River Plant, South Carolina; and
- (5) the Nevada Test Site.

SEC. 309. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2004 until the enactment of the Intelligence Authorization Act for fiscal year 2004.

SEC. 310. Notwithstanding the provisions of any other law, using funds appropriated in this title, the Secretary of Energy shall proceed with planning and analyses for external regulation of the Department's laboratories under the Office of Science as directed in the report accompanying this bill.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$33,145,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD  
SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$19,559,000, to remain available until expended.

DELTA REGIONAL AUTHORITY  
SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, \$2,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$15,000), and purchase of promotional items for use in the recruitment of individuals for employment, \$618,800,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$33,100,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$538,844,000 in fiscal year 2004 shall be retained and used for necessary salaries and

expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation estimated at not more than \$79,956,000.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$7,300,000, to remain available until September 30, 2005: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$6,716,000 in fiscal year 2004 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2004 so as to result in a final fiscal year 2004 appropriation estimated at not more than \$584,000.

#### NUCLEAR WASTE TECHNICAL REVIEW BOARD SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,177,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

#### TITLE V GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 503. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

The CHAIRMAN. Are there any points of order?

#### POINT OF ORDER

Mr. SHIMKUS. Mr. Chairman, I make a point of order that section 310 of the bill violates clause 2 of rule XXI of the

rules of the House of Representatives prohibiting legislation on appropriation bills.

Section 310 extends requirements on the DOE that are inconsistent with its authority to self-regulate its facilities and contractors for nuclear safety and worker health and safety provided for in its organic statutes. Section 310 requires the Secretary of Energy to fund infrastructure improvements at non-defense science facilities to comply with the Nuclear Regulatory Commission and Occupational Safety and Health Administration regulations. This requires the Secretary to implement infrastructure improvements not currently required by law.

The language in section 310 clearly constitutes legislation on an appropriation bill in violation of clause 2 of rule XXI of the Rules of the House. I therefore insist on my point of order.

The CHAIRMAN. Does any Member wish to be heard on the gentleman's point of order?

If not, the Chair is prepared to rule.

The Chair finds that the section proposes explicitly to supersede existing law. As such, it constitutes legislation in violation of clause 2(b) of rule XXI.

The point of order is sustained and the provision is stricken.

Are there any amendments?

Mr. TAUZIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me take this time to first thank and express my appreciation on behalf of the Committee on Energy and Commerce to the chairman of the subcommittee who brings this bill before us today and to the ranking member from Indiana for the extraordinary cooperative spirit in which this subcommittee of the Committee on Appropriations has worked with our authorizing committee, the Committee on Energy and Commerce, on so many issues of importance when it comes to funding the energy programs of our country that are under our committee's jurisdiction.

This is a great example of how the appropriators can and should work with authorizing committees. We just saw a point of order that was ruled by the chairman on behalf of our committee to strike language that would have legislated on this appropriation bill. We have had many discussions with the chairman and ranking member and our staffs over the past few days, and have worked through the bill to both approve those changes our committee agrees with the appropriators that should be included in this appropriation bill, and to find the language, such as the one we just objected to and might have been proposed authorizing language on an appropriation bill. The spirit by which that has been accomplished has been, I hope, an example for all the authorizing committees and the appropriators.

I want to thank the chairman again personally for the way in which he has approached us and asked us for these discussions and, in fact, worked with

the ranking member for us to reach these agreements and these conclusions. I wish it was true of all the subcommittees of the Committee on Appropriations. What occurred this week in another appropriations matter, where legislation was added that was strictly objected by the Committee on Energy and Commerce, and which has now produced a bill which will have very great difficulty moving through this House, is a bad example of that kind of relationship.

All of the authorizing chairmen that I work with on the committees of jurisdiction, who work very hard with the staffs, who are extraordinarily competent in these areas, and the Members who spend all their waking hours working in these committees in these specific authorizing areas are offended when legislation comes on an appropriation bill changing the policies or in some way affecting the policies that we so carefully try to work out for the benefit of this body, both on the Democratic and Republican side of the aisle. And when we find we do not have the cooperation of an appropriating committee, it really is disturbing.

This is a good example of how the process should work. I wanted to come to the floor to thank the chairman and the ranking member for showing, I hope, the other subcommittees of the Committee on Appropriations how it should be done, how it ought to be done, and how the relationship between authorizing and appropriating committees should, in fact, be a strong and cooperative and workable one.

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

Mr. TAUZIN. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I would like to also say thank you to the gentleman from Louisiana for his courtesies that he extended to us in working out a couple of things we had. And I did not get a chance to, but I also want to thank the gentleman from New York (Mr. BOEHLERT), the gentleman from Alaska (Mr. YOUNG) of Committee on Transportation and Infrastructure, the gentleman from Virginia (Mr. TOM DAVIS), and all the other chairmen we worked with to get this bill to the floor today.

I think everybody has been very reasonable in working together, because there were some jurisdictional things, but we all understood what we were trying to do, and I very much appreciate the gentleman's comments and the cooperation not only of the gentleman himself, but the staffs of each of the Members I mentioned in working with our staff to work this out.

Mr. TAUZIN. Reclaiming my time, Mr. Chairman, I thank the gentleman, and he makes a good point. I should also say that I speak for the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from Alaska (Mr. YOUNG), and the gentleman from New York (Mr. BOEHLERT), all of whom were invited

into this process as authorizing chairmen to work with this Committee on Appropriations.

And, again, all of us want to thank the gentleman for the way in which he has approached the serious duties we have in authorizing the programs that the gentleman so diligently worked to correctly appropriate for. I thank the gentleman for that.

AMENDMENT OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TOM DAVIS of Virginia:

On page 38, line 20, strike all after "502." through "(c)" on page 39, line 7.

Mr. TOM DAVIS of Virginia (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, first of all, I want to associate myself with the remarks of the gentleman from Louisiana.

Mr. Chairman, I ask the amendment be adopted.

The Buy American Act applies to supplies costing more than \$2,500 and establishes a preference for domestic supplies that are manufactured in the U.S. Generally, it applies to acquisitions below the \$177,000 Trade Agreements Act of 1979, TAA threshold.

Commercial firms are required to certify compliance with the Buy American Act, potentially exposing them to civil false claims and other sanctions, even if they have made a good faith effort to comply with the Government-unique requirements. This creates significant financial and legal burdens for industry, given that more and more information technology and goods so critical for the Government's needs being sourced in our global economy from around the world.

Some companies have responded to Buy American Act restrictions by establishing costly, labor-intensive product tracking systems that are not needed in their commercial business, to ensure that products being sold to the Government meet the government-unique requirements. In a few cases, companies have simply stopped selling certain products in the federal marketplace, denying access to some of the latest, more cost-effective products.

The Buy American Act imposes financial and legal burdens on the taxpayers and the commercial companies that sell to the Government. This restriction on the Government's ability to obtain needed technology goods from the World market is a cold war anachronism. Given our growing reliance on information technology and other advanced products—and the current global nature of industry, the Government's ability to get the goods it needs at reasonable prices will be crippled by this restrictive provision.

Therefore, I ask support of my amendment.

Mr. HOBSON. Mr. Chairman, I rise in support of the amendment, and advise the gentleman that we accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. WILSON OF NEW MEXICO

Mrs. WILSON of New Mexico. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. WILSON of New Mexico:

At the end of the bill (preceding the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to release water from the San Juan Chama Project or Middle Rio Grande Project for the purpose of complying with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

Mrs. WILSON of New Mexico (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

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

Mrs. WILSON of New Mexico. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, we have no objection to gentleman's amendment. If she wishes to explain it briefly, that is fine.

Mrs. WILSON of New Mexico. Reclaiming my time, Mr. Chairman, I thank the chairman for his acceptance of my amendment, but I would like to briefly explain it.

Back in 1962, this Congress approved a water project in northern New Mexico and southern Colorado that builds 26 miles of tunnels to take water from the Colorado River system down for the city of Albuquerque, which is south of this map, and it goes through these tunnels to Herron Reservoir. Those water works started within the last month, and Albuquerque has started taking that water out of the Rio Grande River under multiple contracts with Federal agencies to get that water there.

Unfortunately, two judges in Denver, Colorado, recently came out with an opinion that threatens to undo water all throughout the West, and will mean that citizens in cities and counties throughout the country can no longer plan for their water future. This \$42 million project now is threatened. It provides a third of the water for the city of Santa Fe, almost all of the future water for the city of Albuquerque, and it is not native water. This is not Rio Grande water. It is from Colorado, and it was purchased by the people of New Mexico and brought here.

What this judge has decided is that they can order Federal agents who run these dams to pour the water into the river and require it stay there because there is a fish down at the bottom end of the river that might need it.

□ 1045

These are man-made structures. It is not water native to the Rio Grande,

and all this amendment says is that no funds can be used for these Federal agents running these dams to take water that is not theirs for the purpose of enforcing the Endangered Species Act.

We should not be ordering agencies to breach contracts on water delivery that have existed for 40 years. These agencies have no water rights. They did not buy this water. If the courts can order this, they can order anybody who has bought a bottle of water at the Circle K or at Sam's Club to walk down to any river in this country and pour it in because that is exactly what this ruling in Denver has done.

We are supporting the restoration of the fish downstream, with restoration of the channel, with breeding projects at the zoo, with leasing of rights, but we cannot allow Federal judges to seize water and overturn water law in the entire West.

This is an interim fix with bipartisan support. It is supported by Bill Richardson, the Governor of New Mexico, by Senator BINGAMAN and Senator DOMENICI, by New Mexico's Attorney General Patsy Madrid, by Mayor Marty Chavez, Mayor Larry Delgado, both Democrats, mayors of the city of Santa Fe and of Albuquerque, and broadly supported throughout our community.

We have to protect water rights and protect the law that allows these projects to be built in the first place.

Mr. UDALL of New Mexico. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment sponsor has good intentions. She wants to protect the cities and protect the water supply for the cities of Albuquerque and Santa Fe. I also share her concerns and wish it was just as easy as offering an amendment to protect the water supply for our cities. I am sad to say that this amendment does not solve the problems we face in New Mexico and across the West on water. It is a Band-Aid.

Representatives for the six tribes in the Middle Rio Grande have told me this amendment will force them into a lawsuit. If the San Juan Chama and Middle Rio Grande water is off the table, then tribal water is some of the only water left in the river. The Department of Interior has said they will take tribal waters to satisfy the ESA. Is the gentleman prepared to settle the tribe's lawsuit in her amendment?

Settling one's lawsuit and creating another lawsuit does not seem to me to be much of a solution. Legislatively distinguishing one lawsuit, but creating another one does not seem like it is getting us to the point we want to be at.

This amendment does not deal with the realities we face in the West in terms of water. Our water resources are overallocated. The amendment does not deal with that. We have an exploding population growth in New Mexico, 20 percent over the last 10 years. Population is stretching our water resources to the limits. We are in the

midst of a serious drought. Our water infrastructure is outmoded for current needs. This amendment fails to deal with these realities and many other crucial issues.

I am working on legislation which addresses these realities, and I hope that the gentlewoman and other members of the New Mexico House delegation will join me in this effort. We need legislation that sets up incentives to conserve our water resources and develop collaborative solutions at the local level. We need legislation which restores and protects the Rio Grande River and the surrounding Bosque. We need to encourage technological solutions for new sources of water, and we need to harness technology to increase water efficiency.

This amendment accomplishes none of these important objectives, nor does this amendment move us toward sustainable water practices.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HEFLEY:  
At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by \$272,110,000.

Mr. HEFLEY. Mr. Chairman, once again I rise to offer an amendment to cut the level of funding in this appropriations bill, to cut by it approximately \$272.1 million, or approximately 1 percent of the total outlays of the bill. The reason it is structured a little differently this time instead of 1 percent across-the-board cut, I do not want there to be any mistake about it, that we mean that 1 percent has to come out of every single program in this bill.

There are some wonderful programs in this bill the gentleman from Ohio (Mr. HOBSON) has put together and funded. There are probably some programs that the gentleman would agree need more money, and there may be some programs that the gentleman would agree probably should go out of existence because they are not working very well, so they should be eliminated.

The way this is structured is if we cut these funds, it would be up to the administration to decide where these cuts should go. I suppose we will once again hear about the impact these cuts would have on certain programs, but this amendment is particularly designed not to bring that into play. It is possible that a 1 percent cut could impact some of the small programs. That is why it is left up to the administration to decide where it is to come from.

But let us look at what a 1 percent cut would mean to some of the programs. In the \$33.1 million line item for the Appalachian Regional Commission, this would mean a cut, \$331,000. I said thousand. That is something we do not understand up here because we do not use that term. We talk in millions and billions. It would be \$331,000.

One businessman has said that a businessman who could not find a way to save a penny out of a dollar should not be in business, and that is what we are talking about with this amendment. We are talking about a penny out of a dollar.

My reasons are simple. They are telling us this very week that next year our deficit will be \$475 billion. That is 4.2 percent of the entire budget, and viewed in that light, the 1 percent cut that I am talking about is probably not adequate.

As I said yesterday on a similar amendment, when I came to Congress, we had a \$200 billion deficit, and all of us, most of us, many of us, were convinced that is something we absolutely had to come to erase, we had to come to grips with. I am offering this amendment to say this needs to be a priority again. We need to balance our budget. Good things may fall by the wayside because a better value, that of balancing the budget, comes into play.

We are looking at doubling the amount from when I came here, and we do not seem to be worried about it at all. Given that context, I do not think asking the administration to find a savings of 1 cent on a dollar is too much to ask. Mr. Chairman, I urge adoption of the amendment.

Mr. HOBSON. Mr. Chairman, I rise in strong opposition to the gentleman's amendment.

I was the Speaker's delegate to the budget when we balanced the budget. I am very aware of budget priorities. I am also an appropriator.

I have great difficulty with everybody saying the administration's decisions are right. We had a discussion earlier which I agreed with that we have great infrastructure problems in this country that are not being taken care of and will cost more money if we do not fix them in the future.

It is very interesting to me that the gentleman picked the Appalachian Regional Commission to mention, because if I had my way, I would have zeroed it all out, but I cannot tell the Chairman how many Members of Congress have come to me and complained to me about the fact that I went with, not my wish, but I went with what the President and the OMB, what their provision was in the bill. I cannot tell how many Members have come and said, this is death. This is the end of the world.

So \$331,000 may not sound like much, but I can tell the Chairman that to the Members that have all come to me, they want it increased dramatically. They want me to double the money; and the Senate is at about \$71 million,

which shows what I am up against when I go to conference on this bill. Frankly, they are \$220 million above this bill when we go to deal with them, so I think we have been pretty good with our 302(b) allocation.

I strongly oppose the gentleman's amendment.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to indicate my strong opposition to the amendment offered. I think of all of the discrete decisions that have been made on individual projects that were carefully considered, an across-the-board cut is certainly not the way to approach the legislative process, and I am strongly opposed to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MR. KUCINICH

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

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Page 39, after line 24, insert the following:

SEC. 504. The Nuclear Regulatory Commission shall revoke the license to the Davis Besse nuclear power plant, in accordance with the petition filed with the Nuclear Regulatory Commission under section 2.206 of title 10, Code of Federal Regulations on February 3, 2003, March 27, 2003, and July 7, 2003, (Accession No. ML030370067).

Mr. HOBSON. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. HOBSON) reserves a point of order.

Mr. KUCINICH. Mr. Chairman, I rise to offer an amendment to revoke the operating license of the Davis Besse nuclear power plant. I do so because of the substantial safety issues at this reactor and the poor response by the plant owner and the Nuclear Regulatory Commission.

I offer this amendment to ensure the safety of the residents of the 10th Congressional District of Ohio who live less than 100 miles from the Davis Besse Nuclear Power Station. Due to its proximity to the plant and the prevailing wind conditions, people and property within the 10th Congressional District would be detrimentally affected if a nuclear accident were to occur at the Davis Besse facility.

This amendment is not a permanent shutdown. It would merely require the Davis Besse owners to reapply for a new license. This would force a vastly improved assessment of the nuclear plant before it restarts. The basic fact

is that Davis Besse came far too close to a serious loss of coolant accident. The reactor core, the heart at the reactor, at the Davis Besse nuclear plant, sits within a metal pot designed to withstand pressures of up to 2,500 pounds per square inch.

The pot, called the reactor vessel, has carbon steel walls nearly 6 inches thick to provide the necessary strength. Because the water cooling the reactor contains boric acid, which is highly corrosive to carbon steel, the entire inner surface of the reactor vessel is covered with 3/16-inch stainless steel protection. This is the first line of defense to protect us from radiation.

I want to point to this picture here. Water routinely leaked onto the reactor vessel's outer surface, and because the outer surface lacked a protective steel coating, boric acid ate its way through the carbon steel wall until it reached the back side of the inner liner. The cavity was 7 inches long, 6 inches wide and 6 inches deep. High pressure from the reactor vessel pushed the stainless steel outward into the cavity formed by the boric acid.

□ 1100

An engineering analysis by First Energy revealed that the bulging stainless steel was beginning to crack. These cracks certainly suggest that given enough time, the reactor wall would have ruptured. Any tear or rupture in this wall would drain the reactor and require the emergency backup safety systems to work properly to avoid a major accident.

Experts have concluded that if the hole was not discovered, the reactor would have ruptured in the next year of operation. In short, a small leak in a critical area that began around 1996 came far too close to creating a serious nuclear accident.

I want to point to another card here that illustrates what happened when the NRC asked for information about what was going on at Davis-Besse. First Energy, the company running this plant, removed the photograph of the reactor head that was taken during April of 2000. This is the photograph. This company removed this photograph from a packet of information that was given to the NRC. Damage from the corrosion is clearly indicated in the photograph. There is an evident red river of boric acid flowing from the top of the reactor head. This company removed this photograph from a file in order to cover up the kind and extent of damage that was occurring.

A recent report by the Union of Concerned Scientists entitled, "Davis-Besse: The Reactor With a Hole in Its Head," documented the potential failures of the safety systems that would have been necessary if the steel liner had ruptured. The report concludes that the nuclear industry backup safety systems fail all too often for the nuclear industry to depend on them.

Last week, First Energy made public that an essential safety system was in-

operable since the plant began its operation in 1977. A valve that needed to be open to supply cooling water to measure explosive hydrogen in a loss-of-cooling accident has been closed for 25 years and is now rusted shut. According to First Energy, a crack developed in a control nozzle in 1990. By 1995, the crack grew all the way through the nozzle. Boric acid from the water leaking through the crack began attacking the reactor vessel head. By 1999, the reactor vessel head corrosion was bad enough that iron oxide, rust particles, were being detected in the containment atmosphere. Once it opened, the hole widened by nearly 2 inches per year.

It is clear that First Energy and the NRC have failed my constituents. Of course, complacency on the part of the plant's owner and the NRC really caused the hole in the reactor head.

The following are examples of this complacency:

Workers did not discover the damage during visual inspections of the reactor vessel head in 1998 and again in 2000. Boric acid crystals coated the reactor vessel head masking the metal surface.

When problems with leaking CRDM flanges surfaced years ago, workers at Davis-Besse proposed a modification that would enable better inspections of the reactor vessel head. Management approved this modification, but then deferred its implementation.

When boric acid crystals were repeatedly found coating the outer surface of the reactor vessel head, workers at Davis-Besse merely tried cleaning them away. The plant's design required all components coming into contact with reactor water to be made of corrosion-resistant materials or to be clad with a protective layer of stainless steel. The outer surface of the reactor vessel head was neither corrosion-resistant nor coated with stainless steel. Management tolerated a degraded condition prohibited by the plant's design.

Armed with knowledge about leaking CRDM flanges at Davis-Besse causing the outer surface of the reactor vessel to be coated with boric acid crystals, about the high likelihood that one or more CRDM nozzles would be cracked, and about elevated iron oxide levels within the containment building, management lobbied the NRC in fall 2001 to allow it to skip the reactor vessel head inspection mandated by the end of the year.

There is also evidence of complacency by the NRC.

The NRC's Inspector General recently concluded:

During the review of the potentially hazardous condition at Davis-Besse, the NRC staff considered the financial impact to the licensee of an unscheduled plant shut down. The fact that FENOC sought and staff allowed Davis-Besse to operate past December 31, 2001, without performing inspections was driven in large part by a desire to lessen the financial impact on FENOC that would result from an early shutdown.

NRC appears to have informally established an unreasonably high burden of requiring absolute proof of a safety problem, versus lack of reasonable assurance of maintaining public health and safety, before it will act to shut down a power plant. The staff articulated this standard to OIG as a rationale for allowing

Davis-Besse to operate until February 16, 2002.

There is significant evidence that FirstEnergy falsely represented the condition of the pressure vessel and associated piping in order to avoid an NRC-ordered shutdown, and knowingly and recklessly exposed the people of Ohio to a grave and preventable safety risk.

Unfortunately, the NRC has recently issued a draft decision to deny my petition. They just don't get it. The NRC must place the safety of people before the profits of the nuclear industry.

Mr. HOBSON. Mr. Chairman, does the gentleman withdraw this amendment? I insist upon my point of order.

Mr. KUCINICH. The gentleman insisting upon the point of order, I will withdraw the amendment using this opportunity to call this to the attention of the public.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. MANZULLO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. MANZULLO:

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—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting "at least 65 percent" for "substantially all"; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting "at least 65 percent" for "substantially all".

Mr. TOM DAVIS of Virginia. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The point of order is reserved.

Mr. MANZULLO. Mr. Chairman, the purpose of this amendment is to make the Army Corps of Engineers and parts of the Department of Energy and Department of the Interior increase the American content of the parts that they buy from 50 percent to 65 percent. These types of materials are to be used in construction projects that are supplied right here in America and there is no hardship in applying that higher standard. The bulldozers, tractors, dredging equipment, pumps, drills, these items are all made right here in America and, it helps out the struggling manufacturing base.

The congressional district that I represent, the biggest city, Rockford, is between 10.5 and 11 percent unemployment. We lost two factories just this past week. It continues over and over again, the erosion of our manufacturing base. Nationwide we are down to about 14.5 million manufacturing jobs. We are losing 57,000 manufacturing jobs each month for the past 34 months.



What we are saying here is very simple. When using taxpayers' dollars, use that money to buy products that are made in America, at least up to the 65 percent, to help stabilize our manufacturing base plus also to provide the jobs so people can pay the taxes in order to keep those government agencies going.

Mr. Chairman, because of the rules, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. TANCREDI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to engage in a colloquy with the chairman. In 1999, the Army Corps of Engineers declared that the Cherry Creek Reservoir was in need of a \$100 million expansion. The need for the expansion was based on whether projections forecasting not just one but two 1,000-year storms hitting the arid front range of Colorado in a 2-week period.

Not only would the expansion be expensive, it would also inundate several neighborhoods and a high school. Given the questionable assumptions that the proposal was based on, the gentleman from Colorado (Mr. HEFLEY) and I have asked for and received limitation language in the annual energy and water appropriations bill over the last two cycles blocking the Corps of Engineers from moving forward until an independent review of the dam's safety is completed.

Over the past year or so, a State and local task force has been working with the National Weather Service and the Corps of Engineers toward completion of an independent review of the underlying weather models used by the corps and the long-term safety needs in the Cherry Creek Basin. My understanding is that the group believes it will be able to complete its work later this year. It is my sincere hope that they will do so.

I understand that the bill does not specifically include any money for the corps to move forward with a dam safety study at this time, and I would ask the chairman and ranking member of the subcommittee to work with the gentleman from Colorado (Mr. HEFLEY) and me to ensure that the study will not move forward until such time as this independent peer review panel has completed its work.

Mr. HOBSON. Mr. Chairman, if the gentleman will yield, I agree with the gentleman's comments and will try to work with him.

AMENDMENT OFFERED BY MR. INSLEE

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

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_ None of the funds made available in this Act may, after December 31, 2003, be used by the Department of Energy to dispose of any low-level radioactive waste in a land-

fill that does not meet all requirements and standards applicable to landfills containing hazardous waste under Federal law, or under a State regulatory program authorized by section 3006 of the Solid Waste Disposal Act (42 U.S.C. 6926), with respect to landfill lining, leachate collection systems, and groundwater and soil column monitoring systems.

Mr. HOBSON. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The point of order is reserved.

Mr. INSLEE. Mr. Chairman, I bring this amendment to the House's attention really to deal with a weakness in our existing laws regarding the disposal of low-level nuclear waste. In the State of Washington, the Department of Energy has plans to ship into the Hanford site tons and tons of what is characterized as low-level nuclear waste for disposal in unlined trenches. Unfortunately, because of existing law, they may at the moment under RCRA statutes be allowed to do that. But this is clearly something we need to resolve because current RCRA law would not allow us to dispose of levels of Drano and paint cans, but does allow us to dispose of low-level nuclear waste in unlined trenches.

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

Mr. INSLEE. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I understand the concerns of the gentleman from Washington, and I agree that we should not be placing low-level radioactive waste into unlined trenches; and it should not take the Department of Energy several years to figure that out. I will work with the gentleman and with the Assistant Secretary, Jesse Roberson, at DOE to resolve this expeditiously. If we cannot get satisfaction from DOE, then we will address this in conference, and our conference is a little while off; but I do not disagree with the gentleman.

Mr. INSLEE. I thank the gentleman. I am very appreciative of his interest in this. I do think we need to light a fire under this process. I look forward to working with the gentleman in the conference committee.

Mr. HOBSON. Make sure you keep poking at us as we get towards conference.

Mr. INSLEE. I thank the gentleman.

Mr. Chairman, based on the statement of the gentleman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. MARKEY

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

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

Page 39, after line 24, insert the following: SEC. 504. None of the funds made available by this Act may be used to issue any license, approval, or authorization for the export or reexport, or the transfer or retransfer, either directly or indirectly, the Democratic Peoples' Republic of North Korea of—

(1) any special nuclear material or byproduct material;

(2) any nuclear production or utilization facilities; or

(3) any components, technologies, substances, technical information, or related goods or services used (or which could be used) in a nuclear production or utilization facility; except that, this restriction shall not apply to exports, reexports, transfers, or retransfers of radiation monitoring technologies.

Mr. MARKEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, this is a very simple amendment, and it is based upon a very complex, controversial, but ultimately ineffective, set of agreements which we reached with the North Korean Government making a promise to that government that we in conjunction with our allies would transfer two nuclear power plants to the Government of North Korea if they agreed in turn to put their full nuclear program under full scope safeguards. It has become clear through the Clinton administration and through the Bush administration that Kim Jong-Il is pathologically incapable of handling nuclear materials in a responsible way, and retrospectively it is now quite clear that the nature of the bargain that we made with Kim Jong-Il was fundamentally flawed.

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

Mr. MARKEY. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I know the gentleman wants to explain his amendment, but I am advised that the Committee on Energy and Commerce has passed similar language to this about three times. If that is correct, then I am willing to accept the amendment on its face. If there is a problem, we will have to work it out in conference at some point; but in an effort to expedite the process here on the floor, I am willing to accept the amendment at this point if the ranking member has no objection.

Mr. VISCLOSKEY. I would have no objection.

Mr. MARKEY. I thank the gentleman very much for his acceptance of the amendment. And just so it is clear what it was that was just accepted, it is basically saying that the United States writ large should not and will not transfer any nuclear power plants or material or personnel that could help them with nuclear power plants as part of any deal in the future; that if they want electricity, that we will build coal-fired plants for them, we will build natural-gas-fired plants for them, but we are not going to transfer materials that could be used for a nuclear weapons program to Kim Jong-Il in North Korea.

That is the essence of the amendment. It has passed the House floor 435-

0 during the Clinton administration and during the Bush administration, but there are personnel inside of both administrations that continue to believe that there is a way in which we can transfer nuclear materials to the North Korean Government, and the Congress has said over and over again it is not a good idea. I appreciate the gentleman from Ohio accepting the amendment. I do want to work with him, as does the gentleman from California (Mr. COX), towards the goal of removing any obstacles that might be created in the future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

#### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from New Jersey (Mr. ANDREWS), the amendment offered by the gentleman from Colorado (Mr. UDALL), and the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### □ 1115

##### AMENDMENT OFFERED BY MR. ANDREWS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

##### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 213, not voting 27, as follows:

##### [Roll No. 391]

##### AYES—194

Akin	Brown (OH)	Davis (AL)
Andrews	Brown (SC)	Davis (CA)
Bachus	Burns	Davis (FL)
Baker	Burton (IN)	Davis (IL)
Baldwin	Cannon	Davis, Jo Ann
Ballenger	Capito	Delahunt
Barrett (SC)	Capps	DeMint
Bartlett (MD)	Cardin	Deutsch
Bass	Cardoza	Diaz-Balart, L.
Beauprez	Carson (IN)	Dingell
Bell	Case	Doggett
Bereuter	Castle	Ehlers
Biggart	Chabot	Engel
Bilirakis	Chocola	Eshoo
Bishop (NY)	Cole	Evans
Bishop (UT)	Collins	Everett
Blumenauer	Conyers	Feeney
Boehlert	Cooper	Flake
Boehner	Crane	Fletcher
Bradley (NH)	Culberson	Forbes
Brady (TX)	Cunningham	Fossella

Franks (AZ)	Leach
Garrett (NJ)	Lewis (GA)
Gilchrist	Lewis (KY)
Goss	Linder
Graves	LoBiondo
Green (WI)	Lofgren
Grijalva	Lucas (KY)
Gutierrez	Maloney
Hall	Markey
Harman	Matheson
Hayworth	McCarthy (MO)
Hefley	McCollum
Hensarling	McCrery
Herger	McDermott
Hinchee	McGovern
Hinojosa	McHugh
Hoekstra	McInnis
Holden	McNulty
Holt	Meehan
Honda	Miller (FL)
Hooley (OR)	Miller (NC)
Hostettler	Moore
Houghton	Moran (KS)
Hunter	Moran (VA)
Inslee	Musgrave
Israel	Myrick
Issa	Neal (MA)
Jackson (IL)	Neugebauer
Jackson-Lee	Northup
(TX)	Norwood
Johnson (CT)	Oliver
Johnson (IL)	Otter
Johnson, E. B.	Owens
Keller	Pallone
Kelly	Payne
Kennedy (MN)	Pearce
Kildee	Pence
Kind	Petri
King (IA)	Pomeroy
Kirk	Portman
Klecicka	Ramstad
Kline	Rangel
Kucinich	Rohrabacher
Langevin	Ross
Larsen (WA)	Rothman

#### NOES—213

Abercrombie	Emanuel	Latham
Ackerman	Emerson	LaTourette
Aderholt	English	Lee
Alexander	Etheridge	Levin
Allen	Farr	Lewis (CA)
Baca	Fattah	Lipinski
Baird	Filner	Lowe
Ballance	Foley	Lucas (OK)
Becerra	Ford	Lynch
Berry	Frank (MA)	Majette
Bishop (GA)	Frelinghuysen	Manzullo
Blackburn	Frost	Marshall
Blunt	Gerlach	Matsui
Bonner	Gibbons	McCarthy (NY)
Bono	Gillmor	McCotter
Boozman	Gingrey	McIntyre
Boswell	Gonzalez	McKeon
Boucher	Goode	Meek (FL)
Boyd	Goodlatte	Meeks (NY)
Brady (PA)	Gordon	Menendez
Brown, Corrine	Green (TX)	Mica
Brown-Waite,	Greenwood	Michaud
Ginny	Gutknecht	Miller (MI)
Burr	Harris	Miller, Gary
Buyer	Hart	Miller, George
Calvert	Hastings (FL)	Mollohan
Camp	Hastings (WA)	Murphy
Cantor	Hayes	Murtha
Capuano	Hill	Nadler
Carson (OK)	Hobson	Napolitano
Clay	Hoeffel	Nethercutt
Clyburn	Hoyer	Ney
Coble	Hulshof	Nunes
Costello	Hyde	Nussle
Cramer	Isakson	Oberstar
Crenshaw	Istook	Obey
Crowley	Jenkins	Ortiz
Cubin	John	Osborne
Cummings	Jones (NC)	Ose
Davis, Tom	Jones (OH)	Oxley
Deal (GA)	Kanjorski	Pascarell
DeFazio	Kaptur	Pastor
DeGette	Kennedy (RI)	Pelosi
DeLauro	Kilpatrick	Peterson (MN)
Diaz-Balart, M.	King (NY)	Peterson (PA)
Dicks	Kingston	Pickering
Dooley (CA)	Knollenberg	Pitts
Doolittle	Kolbe	Platts
Doyle	LaHood	Pombo
Duncan	Lampson	Porter
Dunn	Lantos	Price (NC)
Edwards	Larson (CT)	Pryce (OH)

Putnam	Sherwood	Turner (OH)
Radanovich	Shuster	Visclosky
Rahall	Simpson	Vitter
Regula	Smith (TX)	Walden (OR)
Rehberg	Snyder	Wamp
Renzi	Souder	Waters
Reyes	Spratt	Watson
Rodriguez	Stark	Weiner
Rogers (AL)	Strickland	Weldon (PA)
Rogers (KY)	Stupak	Weller
Rogers (MI)	Sullivan	Whitfield
Roybal-Allard	Tanner	Wicker
Ruppersberger	Tauzin	Wilson (NM)
Ryun (KS)	Taylor (MS)	Wilson (SC)
Sabo	Thompson (CA)	Wolf
Schrock	Thompson (MS)	Wu
Scott (GA)	Tiahrt	Wynn
Serrano	Tierney	Young (FL)
Sessions	Toomey	
Shaw	Towns	

#### NOT VOTING—27

Barton (TX)	Ferguson	Quinn
Berkley	Gallegly	Reynolds
Berman	Gephardt	Ros-Lehtinen
Bonilla	Granger	Taylor (NC)
Burgess	Janklow	Walsh
Carter	Jefferson	Waxman
Cox	Johnson, Sam	Weldon (FL)
Davis (TN)	Millender	Young (AK)
DeLay	McDonald	
Dreier	Paul	

#### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining in this vote.

#### □ 1137

Messrs. CROWLEY, McKEON, BALLANCE, Ms. LEE, and Messrs. PITTS, ACKERMAN, JONES of North Carolina, Mrs. NAPOLITANO, Mr. TOWNS, and Mr. MEEKS of New York changed their vote from "aye" to "no."

Messrs. BARRETT of South Carolina, MILLER of Florida, HERGER, BRADY of Texas, ISRAEL, HUNTER, MARKEY, PAYNE, NEAL of Massachusetts, FORBES, and CANNON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

#### AMENDMENT OFFERED BY MR. UDALL OF COLORADO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

##### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 251, not voting 30, as follows:

##### [Roll No. 392]

##### AYES—153

Ackerman	Bell	Capps
Andrews	Bishop (NY)	Capuano
Baca	Blumenauer	Carson (IN)
Baird	Boehlt	Clay
Baldwin	Boswell	Conyers
Ballance	Bradley (NH)	Crowley
Bartlett (MD)	Brown (OH)	Davis (AL)
Becerra	Brown, Corrine	Davis (CA)



Davis (IL) Kleczka  
 Davis, Jo Ann Kucinich  
 DeFazio Langevin  
 DeGette Lantos  
 Delahunt Larsen (WA)  
 DeLauro Larson (CT)  
 Deutsch Leach  
 Doggett Lee  
 Ehlers Roybal-Allard  
 Emanuel Levin  
 Eshoo Lewis (GA)  
 Evans Lofgren  
 Farr Lowey  
 Filner Lynch  
 Foley Majette  
 Ford Maloney  
 Frank (MA) Markey  
 Gerlach Matheson  
 Gibbons Matsui  
 Gonzalez McCarthy (MO)  
 Green (WI) McCollum  
 Grijalva McDermott  
 Gutierrez McGovern  
 Hastings (FL) McKeon  
 Hensarling McNulty  
 Hinchey Meehan  
 Hinojosa Meek (FL)  
 Hoeffel Meeks (NY)  
 Holden Menendez  
 Holt Miller (NC)  
 Honda Miller, George  
 Hooley (OR) Moore  
 Inlee Moran (VA)  
 Israel Nadler  
 Jackson (IL) Napolitano  
 Jackson-Lee Neal (MA)  
 (TX) Oberstar  
 Johnson (CT) Obey  
 Johnson (IL) Oliver  
 Johnson, E. B. Owens  
 Jones (OH) Pallone  
 Kaptur Pascarell  
 Kelly Payne  
 Kennedy (RI) Pellos  
 Platts

## NOES—251

Abercrombie Crane  
 Aderholt Crenshaw  
 Akin Cubin  
 Alexander Culberson  
 Allen Cummings  
 Bachus Cunningham  
 Baker Davis (FL)  
 Barrett (SC) Davis, Tom  
 Bass Deal (GA)  
 Beauprez DeMint  
 Bereuter Diaz-Balart, L.  
 Berry Diaz-Balart, M.  
 Biggert Dicks  
 Bilirakis Dingell  
 Bishop (GA) Dooley (CA)  
 Bishop (UT) Doolittle  
 Blackburn Doyle  
 Blunt Duncan  
 Boehner Dunn  
 Bonner Edwards  
 Bono Emerson  
 Boozman Engel  
 Boucher English  
 Boyd Etheridge  
 Brady (PA) Everett  
 Brady (TX) Fattah  
 Brown (SC) Feeney  
 Brown-Waite, Flake  
 Ginny Fletcher  
 Burns Forbes  
 Burr Fossella  
 Burton (IN) Franks (AZ)  
 Buyer Frelinghuysen  
 Calvert Frost  
 Camp Garrett (NJ)  
 Cannon Gilchrist  
 Cantor Gillmor  
 Capito Gingrey  
 Cardin Goode  
 Cardoza Goodlatte  
 Carson (OK) Gordon  
 Case Goss  
 Castle Graves  
 Chabot Green (TX)  
 Chocola Greenwood  
 Clyburn Gutknecht  
 Coble Hall  
 Cole Harris  
 Collins Hart  
 Cooper Hastings (WA)  
 Costello Hayes  
 Cox Hayworth  
 Cramer Hefley

Pomeroy  
 Porter  
 Rahall  
 Rangel  
 Renzi  
 Rodriguez  
 Rothman  
 Roybal-Allard  
 Ruppersberger  
 Ryan (OH)  
 Ryan (WI)  
 Sabo  
 Sanchez, Linda T.  
 Sanchez, Loretta  
 Sanders  
 Sandlin  
 Schakowsky  
 Schiff  
 Serrano  
 Shays  
 Sherman  
 Skelton  
 Slaughter  
 Smith (WA)  
 Solis  
 Stark  
 Tauscher  
 Thompson (CA)  
 Tierney  
 Towns  
 Udall (CO)  
 Udall (NM)  
 Van Hollen  
 Velazquez  
 Waters  
 Watson  
 Watt  
 Weiner  
 Weldon (PA)  
 Wexler  
 Woolsey  
 Wu

Moran (KS) Murphy  
 Murtha  
 Musgrave  
 Myrick  
 Nethercutt  
 Neugebauer  
 Ney  
 Northup  
 Norwood  
 Nunes  
 Nussle  
 Ortiz  
 Osborne  
 Ose  
 Otter  
 Oxley  
 Pastor  
 Pearce  
 Pence  
 Peterson (MN)  
 Peterson (PA)  
 Petri  
 Pickering  
 Pitts  
 Pombo  
 Portman  
 Price (NC)  
 Pryce (OH)  
 Putnam  
 Radanovich  
 Ballenger  
 Barton (TX)  
 Berkley  
 Berman  
 Bonilla  
 Burgess  
 Carter  
 Davis (TN)  
 DeLay  
 Dreier  
 Ferguson

Ramstad  
 Regula  
 Rehberg  
 Reyes  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Ross  
 Royce  
 Rush  
 Ryun (KS)  
 Saxton  
 Schrock  
 Scott (GA)  
 Scott (VA)  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shaw  
 Sherwood  
 Shimkus  
 Shuster  
 Simmons  
 Simpson  
 Smith (MI)  
 Smith (NJ)  
 Smith (TX)  
 Snyder  
 Souder  
 Spratt

## NOT VOTING—30

Gallegly  
 Gephardt  
 Granger  
 Harman  
 Janklow  
 Jefferson  
 Johnson, Sam  
 Lipinski  
 Millender-McDonald  
 Paul

Stearns  
 Stenholm  
 Strickland  
 Stupak  
 Sullivan  
 Sweeney  
 Tancredo  
 Tanner  
 Tauzin  
 Taylor (MS)  
 Terry  
 Thompson (MS)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Toomey  
 Turner (OH)  
 Turner (TX)  
 Upton  
 Visclosky  
 Vitter  
 Walden (OR)  
 Wamp  
 Weller  
 Whitfield  
 Wicker  
 Wilson (NM)  
 Wilson (SC)  
 Wolf  
 Wynn  
 Young (FL)

The vote was taken by electronic device, and there were—ayes 82, noes 327, not voting 25, as follows:

[Roll No. 393]

## AYES—82

Akin  
 Bachus  
 Barrett (SC)  
 Bartlett (MD)  
 Bass  
 Beauprez  
 Bilirakis  
 Blackburn  
 Brady (TX)  
 Brown-Waite, Ginny  
 Burton (IN)  
 Buyer  
 Cannon  
 Capuano  
 Chabot  
 Chocola  
 Coble  
 Collins  
 Cox  
 Crane  
 Cunningham  
 Davis, Jo Ann  
 Davis, Tom  
 Deal (GA)  
 DeMint  
 Diaz-Balart, M.  
 Doggett

## NOES—327

Davis (FL)  
 Davis (IL)  
 DeFazio  
 DeGette  
 Delahunt  
 DeLauro  
 Deutsch  
 Diaz-Balart, L.  
 Dicks  
 Dingell  
 Dooley (CA)  
 Doolittle  
 Doyle  
 Dunn  
 Edwards  
 Ehlers  
 Emanuel  
 Emerson  
 Engel  
 English  
 Eshoo  
 Etheridge  
 Evans  
 Farr  
 Fattah  
 Filner  
 Fletcher  
 Foley  
 Forbes  
 Ford  
 Frank (MA)  
 Frelinghuysen  
 Frost  
 Gerlach  
 Gilchrist  
 Gillmor  
 Gingrey  
 Gonzalez  
 Goode  
 Goodlatte  
 Gordon  
 Goss  
 Green (TX)  
 Greenwood  
 Grijalva  
 Gutierrez  
 Hall  
 Harman  
 Harris  
 Hart  
 Hastings (FL)  
 Hastings (WA)  
 Hayes  
 Hayworth  
 Hill  
 Hinchey  
 Hinojosa  
 Hobson  
 Hoeffel  
 Hoekstra  
 Holden  
 Holt

Norwood  
 Otter  
 Pence  
 Petri  
 Pitts  
 Porter  
 Radanovich  
 Ramstad  
 Rogers (MI)  
 Rohrabacher  
 Royce  
 Ryan (WI)  
 Ryan (KS)  
 Schrock  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shimkus  
 Smith (MI)  
 Smith (WA)  
 Stearns  
 Tancredo  
 Tanner  
 Taylor (MS)  
 Terry  
 Toomey  
 Wilson (SC)

## ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1146

Mr. CLYBURN changed his vote from “aye” to “no.”  
 Messrs. SANDLIN, DOGGETT, and McDERMOTT changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. WELDON of Florida. Mr. Chairman, I was unavoidably detained during rollcall vote Nos. 392 and 391. I would ask that the RECORD reflect that had I been present I would have voted “no” on rollcall vote No. 392 (Udall amendment) and “no” on rollcall vote No. 391 (Andrews amendment).

□ 1145

## AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Colorado (Mr. HEFLEY) 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. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

McCarthy (NY)	Peterson (MN)	Snyder
McCollum	Peterson (PA)	Solis
McCrery	Pickering	Souder
McDermott	Platts	Spratt
McGovern	Pombo	Stark
McHugh	Pomeroy	Stenholm
McInnis	Portman	Strickland
McIntyre	Price (NC)	Stupak
McKeon	Pryce (OH)	Sullivan
McNulty	Putnam	Sweeney
Meehan	Rahall	Tauscher
Meek (FL)	Rangel	Tauzin
Meeks (NY)	Regula	Thomas
Menendez	Rehberg	Thompson (CA)
Mica	Renzi	Thompson (MS)
Michaud	Reyes	Thornberry
Miller (MI)	Rodriguez	Tiahrt
Miller (NC)	Rogers (AL)	Tiberi
Miller, George	Rogers (KY)	Tierney
Mollohan	Ross	Towns
Moore	Rothman	Turner (OH)
Moran (KS)	Roybal-Allard	Turner (TX)
Moran (VA)	Ruppersberger	Udall (CO)
Murphy	Rush	Udall (NM)
Murtha	Ryan (OH)	Upton
Nadler	Sabo	Van Hollen
Napolitano	Sanchez, Linda	Velazquez
Neal (MA)	T.	Visclosky
Nethercutt	Sanchez, Loretta	Vitter
Neugebauer	Sanders	Walden (OR)
Ney	Sandlin	Wamp
Northup	Saxton	Waters
Nunes	Schakowsky	Watson
Nussle	Schiff	Watt
Oberstar	Scott (GA)	Weiner
Obey	Scott (VA)	Weldon (FL)
Olver	Serrano	Weldon (PA)
Ortiz	Shaw	Weller
Osborne	Shays	Whitfield
Ose	Sherman	Wicker
Owens	Sherwood	Wilson (NM)
Oxley	Shuster	Wolf
Pallone	Simmons	Woolsey
Pascarell	Simpson	Wu
Pastor	Skelton	Wynn
Payne	Slaughter	Young (FL)
Pearce	Smith (NJ)	
Pelosi	Smith (TX)	

## NOT VOTING—25

Barton (TX)	Ferguson	Paul
Berkley	Galleghy	Quinn
Berman	Gephardt	Reynolds
Bonilla	Granger	Ros-Lehtinen
Burgess	Janklow	Taylor (NC)
Carter	Jefferson	Walsh
Davis (TN)	Johnson, Sam	Waxman
DeLay	Millender	Young (AK)
Dreier	McDonald	

## ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1206

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

This Act may be cited as the "Energy and Water Development Appropriations Act, 2004".

The CHAIRMAN. There being no further amendments, under the order, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. ISAKSON, Chairman 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. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, pursuant to the previous order of the House of the legislative day of July 17, 2003, he reported the bill, as amended pursuant to that

order, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOYER. I am at this time, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOYER moves to recommit the bill, H.R. 2754, to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

## RECORDED VOTE

Mr. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The vote on final passage will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 99, noes 310, not voting 25, as follows:

[Roll No. 394]

## AYES—99

Abercrombie	Farr	McGovern
Ackerman	Filner	McNulty
Alexander	Frank (MA)	Meehan
Allen	Gibbons	Miller, George
Andrews	Gonzalez	Nadler
Baca	Grijalva	Napolitano
Baldwin	Gutierrez	Neal (MA)
Ballance	Harman	Oberstar
Bishop (NY)	Hastings (FL)	Olver
Blumenauer	Hill	Owens
Boswell	Hoeffel	Pastor
Brown (OH)	Inslee	Pelosi
Brown, Corrine	Israel	Porter
Capuano	Jackson (IL)	Rangel
Carson (IN)	Jones (OH)	Rodriguez
Carson (OK)	Kaptur	Rothman
Clyburn	Kildee	Rush
Conyers	Kilpatrick	Ryan (OH)
Cooper	Klecza	Sanchez, Linda
Cummings	Kucinich	T.
Davis (AL)	Lampson	Schakowsky
Davis (IL)	Larsen (WA)	Sherman
DeGette	Larson (CT)	Slaughter
Delahunt	Lee	Smith (WA)
Deutsch	Levin	Solis
Dingell	Lewis (GA)	Stark
Doggett	Markey	Strickland
Emanuel	Matheson	Stupak
Engel	McCarthy (MO)	Tauscher
Eshoo	McCarthy (NY)	Tierney
Evans	McDermott	Towns

Udall (CO)  
Van Hollen  
Velazquez

Watson  
Watt  
Weiner

Wexler

## NOES—310

Aderholt	Frost	Michaud
Akin	Garrett (NJ)	Miller (FL)
Bachus	Gerlach	Miller (MI)
Baird	Gilchrest	Miller (NC)
Baker	Gillmor	Miller, Gary
Ballenger	Gingrey	Mollohan
Barrett (SC)	Goode	Moore
Bartlett (MD)	Goodlatte	Moran (KS)
Bass	Gordon	Moran (VA)
Beauprez	Goss	Murphy
Becerra	Graves	Murtha
Bell	Green (TX)	Musgrave
Bereuter	Green (WI)	Myrick
Berry	Greenwood	Nethercutt
Biggart	Gutknecht	Neugebauer
Billirakis	Hall	Ney
Bishop (GA)	Harris	Northup
Bishop (UT)	Hart	Norwood
Blackburn	Hastings (WA)	Nunes
Blunt	Hayes	Nussle
Boehlert	Hayworth	Obey
Boehner	Hefley	Ortiz
Bonner	Hensarling	Osborne
Bono	Herger	Ose
Boozman	Hinchey	Otter
Boucher	Hinojosa	Oxley
Boyd	Hobson	Pallone
Bradley (NH)	Hoekstra	Pascarell
Brady (PA)	Holden	Payne
Brady (TX)	Holt	Pearce
Brown (SC)	Honda	Pence
Brown-Waite,	Hooley (OR)	Peterson (MN)
Ginny	Hostettler	Peterson (PA)
Burns	Houghton	Petri
Burr	Hoyer	Pickering
Burton (IN)	Hulshof	Pitts
Buyer	Hunter	Platts
Calvert	Hyde	Pombo
Camp	Isakson	Pomeroy
Cannon	Issa	Portman
Cantor	Istook	Price (NC)
Capito	Jackson-Lee	Pryce (OH)
Capps	(TX)	Putnam
Cardin	Jenkins	Radanovich
Cardoza	John	Rahall
Case	Johnson (CT)	Ramstad
Castle	Johnson (IL)	Regula
Chabot	Johnson, E. B.	Rehberg
Chocola	Jones (NC)	Renzi
Clay	Kanjorski	Reyes
Coble	Keller	Rogers (AL)
Cole	Kelly	Rogers (KY)
Collins	Kennedy (MN)	Rogers (MI)
Costello	Kennedy (RI)	Rohrabacher
Cox	Kind	Ross
Cramer	King (IA)	Roybal-Allard
Crane	King (NY)	Royce
Crenshaw	Kingston	Ruppersberger
Crowley	Kirk	Ryan (WI)
Cubin	Kline	Ryan (KS)
Culberson	Knollenberg	Sabo
Cunningham	Kolbe	Sanchez, Loretta
Davis (CA)	LaHood	Sanders
Davis (FL)	Langevin	Sandlin
Davis, Jo Ann	Lantos	Saxton
Davis, Tom	Latham	Schiff
Deal (GA)	LaTourette	Schrock
DeFazio	Leach	Scott (GA)
DeLauro	Lewis (CA)	Scott (VA)
DeMint	Lewis (KY)	Sensenbrenner
Diaz-Balart, L.	Linder	Serrano
Diaz-Balart, M.	Lipinski	Sessions
Dicks	LoBiondo	Shadegg
Dooley (CA)	Lofgren	Shaw
Doolittle	Lowey	Shays
Doyle	Lucas (KY)	Sherwood
Duncan	Lucas (OK)	Shimkus
Dunn	Lynch	Shuster
Edwards	Majette	Simmons
Ehlers	Maloney	Simpson
Emerson	Manzullo	Skelton
English	Marshall	Smith (MI)
Etheridge	Matsui	Smith (NJ)
Everett	McCollum	Smith (TX)
Fattah	McCotter	Snyder
Feeney	McCrery	Souder
Flake	McHugh	Spratt
Fletcher	McInnis	Stearns
Foley	McIntyre	Stenholm
Forbes	McKeon	Sullivan
Ford	Meek (FL)	Sweeney
Fossella	Meeks (NY)	Tancredio
Franks (AZ)	Menendez	Tanner
Frelinghuysen	Mica	Tauzin

Taylor (MS)      Turner (TX)      Weller  
Terry      Udall (NM)      Whitfield  
Thomas      Upton      Wicker  
Thompson (CA)      Visclosky      Wilson (NM)  
Thompson (MS)      Vitter      Wilson (SC)  
Thornberry      Walden (OR)      Wolf  
Tiahrt      Wamp      Woolsey  
Tiberi      Waters      Wu  
Toomey      Weldon (FL)      Wynn  
Turner (OH)      Weldon (PA)      Young (FL)

## NOT VOTING—25

Barton (TX)      Ferguson      Paul  
Berkley      Gallegly      Quinn  
Berman      Gephardt      Reynolds  
Bonilla      Granger      Ros-Lehtinen  
Burgess      Janklow      Taylor (NC)  
Carter      Jefferson      Walsh  
Davis (TN)      Johnson, Sam      Waxman  
DeLay      Millender-      Young (AK)  
Dreier      McDonald

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

## □ 1248

Ms. ROYBAL-ALLARD, Messrs. BELL, HINCHEY, GREEN of Texas, REYES, ORTIZ, Ms. JACKSON-LEE of Texas and Mr. HONDA changed their vote from “aye” to “no.”

Mr. DEUTSCH and Mr. ABERCROMBIE changed their vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

This vote may be followed by a 5-minute vote on the motion to instruct on H.R. 1308.

The vote was taken by electronic device, and there were—yeas 377, nays 26, not voting 32, as follows:

[Roll No. 395]

## YEAS—377

Abercrombie      Brady (PA)      Crenshaw  
Ackerman      Brady (TX)      Crowley  
Aderholt      Brown (OH)      Cubin  
Alexander      Brown (SC)      Culberson  
Allen      Brown, Corrine      Cummings  
Baca      Brown-Waite,      Cunningham  
Bachus      Ginny      Davis (AL)  
Baird      Burns      Davis (CA)  
Baker      Burr      Davis (FL)  
Baldwin      Burton (IN)      Davis (IL)  
Ballance      Buyer      Davis, Jo Ann  
Ballenger      Calvert      Davis, Tom  
Barrett (SC)      Camp      DeFazio  
Bartlett (MD)      Cannon      DeGette  
Bass      Cantor      Delahunt  
Beauprez      Capito      DeLauro  
Becerra      Capps      DeMint  
Bell      Cardin      Deutsch  
Bereuter      Cardoza      Diaz-Balart, L.  
Berry      Carson (IN)      Diaz-Balart, M.  
Biggett      Carson (OK)      Dicks  
Billirakis      Case      Dingell  
Bishop (GA)      Castle      Dooley (CA)  
Bishop (NY)      Chabot      Doolittle  
Bishop (UT)      Chocola      Doyle  
Blackburn      Clay      Duncan  
Blumenauer      Clyburn      Dunn  
Blunt      Coble      Edwards  
Boehlert      Cole      Ehlers  
Bonner      Collins      Emanuel  
Bono      Conyers      Emerson  
Boozman      Cooper      Engel  
Boswell      Costello      English  
Boucher      Cox      Eshoo  
Boyd      Cramer      Etheridge  
Bradley (NH)      Crane      Evans

Farr      Fattah  
Filtner      Filner  
Foley      Forbes  
Ford      Frost  
Fossella      Frank (MA)  
Frank (MA)      Frelinghuysen  
Frost      Garrett (NJ)  
Garrett (NJ)      Gerlach  
Gilchrest      Gillmor  
Gillmor      Gingrey  
Gingrey      Gonzalez  
Gonzalez      Goode  
Goode      Goodlatte  
Goodlatte      Gordon  
Gordon      Goss  
Goss      Graves  
Green (TX)      Green (WI)  
Green (WI)      Greenwood  
Greenwood      Grijalva  
Grijalva      Gutierrez  
Gutierrez      Gutmacht  
Gutmacht      Hall  
Hall      Harman  
Harman      Harris  
Harris      Hart  
Hart      Hastert  
Hastert      Hastings (FL)  
Hastings (FL)      Hastings (WA)  
Hastings (WA)      Hayes  
Hayes      Hayworth  
Hayworth      Herger  
Herger      Hill  
Hill      Hinchey  
Hinchey      Hinojosa  
Hinojosa      Hobson  
Hobson      Hoeftel  
Hoeftel      Hoekstra  
Hoekstra      Holden  
Holden      Holt  
Holt      Honda  
Honda      Hooley (OR)  
Hooley (OR)      Houghton  
Houghton      Hoyer  
Hoyer      Hulshof  
Hulshof      Hunter  
Hunter      Hyde  
Hyde      Inslee  
Inslee      Isakson  
Isakson      Israel  
Israel      Issa  
Issa      Istook  
Istook      Jackson (IL)  
Jackson (IL)      Jenkins  
Jenkins      John  
John      Johnson (CT)  
Johnson (CT)      Johnson (IL)  
Johnson (IL)      Johnson, E. B.  
Johnson, E. B.      Jones (NC)  
Jones (NC)      Jones (OH)  
Jones (OH)      Kanjorski  
Kanjorski      Kaptur  
Kaptur      Keller  
Keller      Kelly  
Kelly      Kennedy (MN)  
Kennedy (MN)      Kennedy (RI)  
Kennedy (RI)      Kildeer  
Kildeer      Kilpatrick  
Kilpatrick      King (IA)  
King (IA)      King (NY)  
King (NY)      Kingston  
Kingston      Kirk  
Kirk      Kleczka  
Kleczka      Kline  
Kline      Knollenberg  
Knollenberg      Kolbe  
Kolbe      LaHood  
LaHood      Lampson  
Lampson      Langevin  
Langevin      Lantos  
Lantos      Larsen (WA)  
Larsen (WA)      Larson (CT)  
Larson (CT)      Latham  
Latham      LaTourette  
LaTourette      Leach  
Leach      Lee  
Lee

## NAYS—26

Akin  
Andrews  
Capuano  
Doggett  
Feeney  
Flake

Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Lynch  
Majette  
Maloney  
Manzullo  
Markey  
Marshall  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCotter  
McCrery  
McDermott  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McNulty  
Meek (FL)  
Meeks (NY)  
Menendez  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Murphy  
Murphy  
Murtha  
Musgrave  
Myrick  
Nadler  
Napolitano  
Neal (MA)  
Nethercutt  
Neugebauer  
Ney  
Norwood  
Nunes  
Nussle  
Oberstar  
Obey  
Oliver  
Ortiz  
Osborne  
Ose  
Otter  
Owens  
Oxley  
Pallone  
Pascarella  
Pastor  
Payne  
Pearce  
Pelosi  
Pence  
Peterson (MN)  
Peterson (PA)  
Pickering  
Pitts  
Platts  
Pomboy  
Portman  
Price (NC)  
Pryce (OH)  
Putnam  
Radanovich  
Rahall  
Rangel  
Regula  
Rehberg  
Renzi  
Reyes  
Rodriguez

Franks (AZ)  
Gibbons  
Hefley  
Hensarling  
Hostettler  
Kind

Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Ryun (KS)  
Sabo  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Saxton  
Schakowsky  
Schiff  
Schrock  
Scott (GA)  
Scott (VA)  
Serrano  
Sessions  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shuster  
Simmons  
Mica  
Simpson  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Spratt  
Stark  
Stenholm  
Nadler  
Stupak  
Sullivan  
Sweeney  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Towns  
Turner (OH)  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Visclosky  
Vitter  
Walden (OR)  
Wamp  
Waters  
Watson  
Watt  
Weiner  
Weldon (FL)  
Weldon (PA)  
Wolfe  
Wolfe  
Woolsey  
Wu  
Wynn  
Young (FL)

Kucinich  
Matheson  
Meehan  
Miller (FL)  
Petri  
Porter

Ramstad  
Royce  
Sensenbrenner

Shadegg  
Stearns  
Strickland

## NOT VOTING—32

Barton (TX)      Ferguson  
Berkley      Fletcher  
Berman      Gallegly  
Boehner      Gephardt  
Bonilla      Granger  
Burgess      Jackson-Lee  
Carter      (TX)  
Davis (TN)      Janklow  
Deal (GA)      Jefferson  
DeLay      Johnson, Sam  
Dreier      Millender-  
Everett      McDonald

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

## □ 1258

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. BELL) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 188, nays 201, not voting 46, as follows:

[Roll No. 396]

## YEAS—188

Abercrombie      Davis (IL)  
Ackerman      DeFazio  
Alexander      Delahunt  
Allen      DeLauro  
Andrews      Deutsch  
Baca      Dicks  
Baldwin      Dingell  
Ballance      Doggett  
Becerra      Doyle  
Bell      Edwards  
Berry      Emanuel  
Bishop (GA)      Engel  
Bishop (NY)      Eshoo  
Blumenauer      Etheridge  
Boswell      Evans  
Boyd      Farr  
Brady (PA)      Fattah  
Brown (OH)      Filner  
Brown, Corrine      Ford  
Capps      Frank (MA)  
Cardin      Frost  
Cardoza      Gonzalez  
Carson (IN)      Gordon  
Carson (OK)      Green (TX)  
Case      Grijalva  
Castle      Hall  
Clay      Hastings (FL)  
Clyburn      Hill  
Conyers      Hinchey  
Cooper      Hinojosa  
Costello      Hoeftel  
Cramer      Holden  
Crowley      Holt  
Cummings      Honda  
Davis (AL)      Hooley (OR)  
Davis (CA)      Hoyer  
Davis (FL)      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)  
Leach  
Lee  
Levin  
Lewis (GA)  
Lofgren  
Lowey  
Lucas (KY)  
Lynch  
Majette  
Maloney  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum

McDermott	Rahall	Stark
McGovern	Rangel	Stenholm
McIntyre	Reyes	Strickland
Meek (FL)	Rodriguez	Stupak
Meeks (NY)	Ross	Tanner
Menendez	Rothman	Tauscher
Michaud	Roybal-Allard	Taylor (MS)
Miller (NC)	Ruppersberger	Thompson (CA)
Miller, George	Rush	Thompson (MS)
Mollohan	Ryan (OH)	Tierney
Moore	Sabo	Towns
Moran (VA)	Sanchez, Linda	Turner (TX)
Murtha	T.	Udall (CO)
Nadler	Sanchez, Loretta	Udall (NM)
Napolitano	Sanders	Upton
Neal (MA)	Sandlin	Van Hollen
Oberstar	Schakowsky	Visclosky
Obey	Schiff	Waters
Olver	Scott (GA)	Watson
Owens	Scott (VA)	Watt
Pallone	Serrano	Weiner
Pastor	Sherman	Wexler
Payne	Skelton	Woolsey
Pelosi	Slaughter	Wu
Peterson (MN)	Snyder	Wynn
Pomeroy	Solis	
Price (NC)	Spratt	

## NAYS—201

Aderholt	Goss	Ose
Akin	Graves	Otter
Bachus	Green (WI)	Oxley
Baker	Greenwood	Pearce
Ballenger	Gutknecht	Pence
Barrett (SC)	Harris	Peterson (PA)
Bartlett (MD)	Hart	Petri
Bass	Hastert	Pickering
Beauprez	Hastings (WA)	Pitts
Bereuter	Hayes	Platts
Biggart	Hayworth	Pombo
Bilirakis	Hefley	Porter
Bishop (UT)	Hensarling	Portman
Blackburn	Herger	Pryce (OH)
Blunt	Hobson	Putnam
Boehrlert	Hoekstra	Radanovich
Bonner	Hostettler	Ramstad
Boozman	Houghton	Regula
Bradley (NH)	Hulshof	Rehberg
Brady (TX)	Hunter	Renzi
Brown (SC)	Hyde	Rogers (AL)
Brown-Waite,	Isakson	Rogers (KY)
Ginny	Issa	Rogers (MI)
Burns	Istook	Rohrabacher
Burr	Jenkins	Royce
Burton (IN)	Johnson (CT)	Ryan (WI)
Buyer	Johnson (IL)	Ryun (KS)
Calvert	Jones (NC)	Saxton
Camp	Keller	Schrock
Cannon	Kelly	Sensenbrenner
Cantor	Kennedy (MN)	Sessions
Capito	King (IA)	Shadegg
Chabot	King (NY)	Shaw
Chocola	Kingston	Sherwood
Coble	Kirk	Shimkus
Cole	Kline	Shuster
Collins	Knollenberg	Simmons
Crane	Kolbe	Simpson
Crenshaw	LaHood	Smith (MI)
Cubin	Latham	Smith (NJ)
Culberson	LaTourette	Smith (TX)
Cunningham	Lewis (CA)	Souder
Davis, Jo Ann	Lewis (KY)	Stearns
Davis, Tom	Lipinski	Sullivan
DeMint	LoBiondo	Sweeney
Diaz-Balart, L.	Lucas (OK)	Tancredo
Diaz-Balart, M.	Manzullo	Tauzin
Doolittle	McCotter	Terry
Duncan	McCrery	Thomas
Dunn	McHugh	Thornberry
Ehlers	McInnis	Tiahrt
Emerson	McKeon	Tiberi
English	Mica	Toomey
Feeney	Miller (FL)	Turner (OH)
Flake	Miller (MI)	Vitter
Foley	Miller, Gary	Walden (OR)
Forbes	Moran (KS)	Wamp
Fossella	Murphy	Weldon (FL)
Franks (AZ)	Musgrave	Weldon (PA)
Frelinghuysen	Myrick	Weller
Garrett (NJ)	Nethercutt	Whitfield
Gerlach	Neugebauer	Wicker
Gibbons	Ney	Wilson (NM)
Gilchrest	Northup	Wilson (SC)
Gillmor	Norwood	Wolf
Gingrey	Nunes	Nussle
Goode	Nussle	Young (FL)
Goodlatte	Osborne	

## NOT VOTING—46

Baird	Dooley (CA)	Millender-
Barton (TX)	Dreier	McDonald
Berkley	Everett	Ortiz
Berman	Ferguson	Pascrell
Boehner	Fletcher	Paul
Bonilla	Gallely	Quinn
Bono	Gephardt	Reynolds
Boucher	Granger	Ros-Lehtinen
Burgess	Gutierrez	Shays
Capuano	Harman	Smith (WA)
Carter	Janklow	Taylor (NC)
Cox	Jefferson	Velazquez
Davis (TN)	Johnson, Sam	Walsh
Deal (GA)	Linder	Waxman
DeGette	McNulty	Young (AK)
DeLay	Meehan	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). The Chair reminds Members there are 2 minutes remaining in this vote.

□ 1322

Ms. HARRIS changed her vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PRIVILEGES OF THE HOUSE—MAN- NER OF CONDUCTING MARKUP OF LEGISLATION IN COMMITTEE ON WAYS AND MEANS

Ms. PELOSI. Mr. Speaker, under rule IX, I rise to a question of the privileges of the House, and I offer a resolution (H. Res. 324) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 324

Whereas during a meeting of the Committee on Ways and Means on July 18, 2003, for the consideration of the bill H.R. 1776, the chairman of the Committee on Ways and Means offered an amendment in the nature of a substitute;

Whereas during the reading of that amendment the chairman of the Ways and Means Committee directed majority staff of the committee to ask the United States Capitol Police to remove minority-party members of the committee from a room of the committee during the meeting, causing the United States Capitol Police thereupon to confront the minority-party members of the committee;

Whereas pending a unanimous-consent request to dispense with the reading of that amendment the chairman deliberately and improperly refused to recognize a legitimate and timely objection by a member of the committee: Now, therefore, be it

*Resolved*, That the House of Representatives disapproves of the manner in which Representative Thomas conducted the markup of legislation in the Committee on Ways and Means on July 18, 2003, and finds that the bill considered at that markup was not validly ordered reported to the House.

The SPEAKER pro tempore. In the opinion of the Chair, the resolution constitutes a question of the privileges of the House.

The minority leader, the gentleman from California (Ms. PELOSI), will be recognized for 30 minutes; and

the gentleman from Louisiana (Mr. MCCRERY) will be recognized for 30 minutes as the designee of the Speaker.

The Chair recognizes the gentleman from California (Ms. PELOSI).

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

Mr. Speaker, it is my duty as the House Democratic leader to offer this resolution. Earlier today the Committee on Ways and Means Democrats were subjected to an indignity, an indignity that no Member should have to endure.

Mr. MCCRERY. Mr. Speaker, parliamentary inquiry.

Ms. PELOSI. I do not yield, Mr. Speaker. I do not yield, Mr. Speaker.

The SPEAKER pro tempore. The House will be in order.

Mr. HOYER. The minority leader is speaking, Mr. Speaker.

## POINT OF ORDER

Mr. MCCRERY. Point of order, Mr. Speaker.

The SPEAKER pro tempore. Does the gentlewoman yield for the parliamentary inquiry?

Ms. PELOSI. I do not yield, Mr. Speaker.

The SPEAKER pro tempore. For the parliamentary inquiry?

Ms. PELOSI. I do not yield. There is half an hour on the other side. They have plenty of time to make their point.

The SPEAKER pro tempore. The gentlewoman will suspend.

The gentleman will state his point of order.

Mr. MCCRERY. The majority has not been supplied with a copy of the resolution, Mr. Speaker; and it is hard for us to proceed without a copy of the resolution.

The SPEAKER pro tempore. The Clerk will supply copies, but the gentleman has not stated a point of order. The resolution has been read.

Mr. MCCRERY. I thank the Speaker.

The SPEAKER pro tempore. The gentlewoman from California (Ms. PELOSI), the minority leader, will proceed.

Ms. PELOSI. I will proceed, Mr. Speaker, but not before saying that I do not appreciate the gentleman trivializing a rare occasion of this House when a leader of a party stands up for a point of privilege on the House floor. If the gentleman wanted a copy of the resolution, he knew he could go right to the well and get it at the desk.

Now I would like to proceed. Earlier today, the Committee on Ways and Means Democrats were subjected to an indignity, an indignity that no Member should have to endure; but it appears that indignity is the order of the day on the majority side.

As the Democratic Members of the Ways and Means Committee were caucusing in a committee room while a bill was being read for amendment, the chairman of the Committee on Ways and Means summoned the Capitol Police to remove them from that room. Make no mistake about this: the police were summoned to remove these Democratic Members because the chairman

did not want them in the room, not for any other reason. The facts could not be clearer.

As the Democratic Members of the Committee on Ways and Means were leaving the rostrum to caucus prior to other events, the chairman told his staff to call the police. How outrageous.

I will not even go into how the mark-up was conducted; I will leave that to the members of the Committee on Ways and Means. I will not talk about the fashion in which the Chair rammed through the reporting of the legislation; the members of the Committee on Ways and Means will do that. I want to focus on how the chairman can call upon the Capitol Police to evict Members at his whim from the committee space. We cannot let this stand. We cannot let this go unchallenged. Mr. Speaker, this resolution recites the facts, and my colleagues have heard them.

Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from New York (Mr. RANGEL), the very distinguished ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I would hope that this discussion at the end of the day would tend to bring more civility to the relationship between the minority and the majority Members. We can continue the animosity. We can continue the ill feelings. But this would not serve our Nation well, and it certainly should not make Democrats or Republicans more proud to be a Member of this august body. We should be proud when we differ when we debate; but once we start eroding and abusing the powers of the majority, we do not do it for this Congress, but we do it for the Congress that follows. We do not have that right. No one person has the right to take away the rights that have been given to us by the Constitution in this great Nation.

□ 1330

Last night, just before midnight, a substitute pension bill was filed. After midnight, its description was filed. The underlying bill was a \$230 billion bill of 207 pages. The substitute was a \$50 billion bill and 90 pages. Members of our committee, Democratic members and I would suspect Republicans as well, had no clue as to the fact that this was coming up on a Friday; and when it did come up, we did not have time to read to see what were the major differences between the substitute and the underlying bill.

When the chairman of the committee asked for unanimous consent to waive the reading of the substitute, I objected and there was some discussion, but I maintained the objection because the Chair really had made up his mind that he was going to move forward with that legislation.

After talking with some of the senior members of the minority, we decided that we had go to the library. This library has been used historically since I

have been on that committee for discussions with majority, minority, collectively. It has been used by the Trade Caucus, Republicans and Democrats. It is a beautiful place right behind our beautiful hearing room.

We went back there just to discuss what was in the substitute and how we would handle it. We were not there, I want to emphasize that all of these things are recorded because the time factor is so essential. I was not in that room 2 minutes when I was approached by the chairman's chief of staff who asked me and the Democrats to leave the library. I asked why. She told me because the chairman wanted to use the library for the Republican members. I asked her to advise the Chair that we were not leaving.

It was less than 3 minutes that a House Capitol policeman came and said that a disturbance has been reported. All of the Democrats were in the library at this time with the exception of the gentleman from California (Mr. STARK) who was outside to make certain that if there was an attempt to waive the rules, the reading of the substitute, that he could object.

The police officer asked us to leave because he was reported that there was a disturbance. I asked what did he intend to do because we were not leaving. He said he would report to his superior.

In less than 3 minutes a lieutenant came of the Capitol policemen. I asked him why was he there, and he stated because the patrolman had received this message, and he had received notice that he was to remove us. I told him what I told the police officer, that we had decided collectively that we would not be moved, and I asked what they intended to do. He said that he had to get a better reading of this from the Sergeant of Arms.

The Sergeant of Arms came and said he was advised by the Capitol Police that the chairman of the Committee on Ways and Means asked that we be removed from the room. I said we would not be removed, and the Sergeant of Arms said that he thought that was an issue to be resolved by Members of Congress and members of the committee.

I suggest to you that once we start taking away the privacy of Members, the privacy of members of the committee the privilege to use space that is there for the sole purpose of us to deliberate, then it is a situation that effects not me, not the Democrats on the Committee on Ways and Means, not the Democrats and Republicans in this House of Representatives, but it effects this institution.

We should not allow the abuse of power or personalities to interfere with the responsibilities we have. We have a responsibility to pass this Congress, certainly, if not in better shape, than in no worse shape than the great institution that we inherit it.

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

Mr. Speaker, I should begin by apologizing to the gentlewoman from Cali-

fornia (Ms. PELOSI), the minority leader. I probably should not have interrupted her. She, due her to her long service in this House and certainly as a minority leader, deserves the respect of all Members on both sides and I certainly did not mean to show disrespect. I was merely trying to get a copy of the resolution. Perhaps I should have known to go down to the well and request one rather than interrupting the gentlewoman, and I apologize.

With respect to the matter at hand, it is unfortunate that we are here this afternoon debating this motion. The events which led to the introduction of this proposal are indeed unfortunate. Our view, and certainly my view, of the events as they were seen and understood by me differ substantially from those presented by the minority.

First of all, with respect to the rules being followed by the committee, by the majority, by the chairman, it is clear that no rules were violated in terms of our presenting to the minority the underlying bill which was introduced in April of this year, nor was it a violation of the rules in terms of the timing with which we gave the minority a copy of the chairman's substitute to the underlying bill. In fact, that chairman's substitute was delivered to the minority the night before the mark-up. There is no requirement in the rules that the chairman's substitute be given to the minority at any certain time prior to the mark-up. So the majority and the chairman lived up to the rules of the House in getting to the mark-up today.

Now, what transpired at the mark-up is, again, unfortunate. The minority chose for whatever reason to object to a unanimous consent request that the bill be considered as read so that the committee might undertake an explanation of the bill and proceed to questions on the bill. That is an extraordinary objection. It has never been made in my time that I can recall on the committee. And, in fact, when we were in the minority on that committee, we did not even have legislative language at the Committee on Ways and Means. We marked up by concept. So I did not really understand the reason, the rationale for the objection of the minority member to waive the reading of the bill.

And as all of you know, had the minority insisted and had the bill been read in its entirety, we would have wasted a lot of time in committee today. In fact, when the bill began to be read line by line by the head of the Joint Committee on Taxation, the entire membership on the minority party stood up and walked out of the mark-up except for the gentleman from California (Mr. STARK).

So if the intent of the minority had been to gain an understanding of the bill through a reading of the bill, it would make sense that they would at least remain and hear the reading of the bill. So I think one can conclude that their intent was not really to gain

an understanding of the bill but to cause disruption in the mark-up of the committee.

After the Democratic members left the room, the hearing room, left one of their members at the dias, there transpired more than one exchange between the minority member and majority members of the committee, culminating in a manner exhibited by the minority member which in my view warranted the chairman of the committee calling the Sergeant at Arms to preserve order in the committee; and I believe that is the reason the Sergeant at Arms was called and rightly so.

After the Sergeant at Arms and the police arrived at the committee to preserve order, it is true they did go back to an ante-room of the hearing room we call the library and discussed with the minority a request that they move to another office. I do not know exactly what got the Capitol Police and the Sergeant at Arms to go back there, because I was not privy to that. However, I was privy to the chairman only minutes after the police and the Sergeant at Arms had gone to the library, instructing the staff to go back to the library and tell the police, the Sergeant at Arms that it was all right if the minority remained in the library, and I believe that instruction was given.

Bottom line, Mr. Speaker, I do not believe there is any basis for the resolution that is before us, certainly no basis on which a Member of this House would vote to approve this resolution.

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

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, we are not going to have much of a dispute here. First of all, we were not saying that the majority violated any rules by giving us the substitute 2 minutes before midnight and the description right after midnight. That is your prerogative to do. We think it is wrong. We are not charging you with violating rules. And the time fact as to when we got up to leave, yes, we did. We had to decide what we were going to do, and we did get up and leave the gentleman from California (Mr. STARK) behind.

The question is, did the chief of staff come as soon as we got up and say that the Chair told us to leave the room? And even though you may not know who directed the sergeant, the police to take us out of the room, the record will show they received a call and they know who they received it from. It was from the chief of staff from the Committee on Ways and Means or someone saying they were speaking for the chief, and it was after that that the police came.

I do not know whether the chairman rescinded the direction to kick us out of the room, but what we are saying today is that that never should have happened. That room belongs to us just as much as it belongs to the Repub-

licans. So we are not arguing with you about violating the rules, but when we objected, that is the only thing that we have. We used the tools that we have. We did not give you unanimous consent to have the substitute to be considered. You may call it a waste of time. We have call it our constitutional prerogative.

Mr. MCCRERY. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. SHAW), a member of the committee.

Mr. SHAW. Mr. Speaker, so what? I mean, so far, we have had a discussion of he said, who said, cops came, Sergeant of Arms was called, these types of things, but let us look at the resolution.

The resolution says that the House of Representatives disapproves the manner in which the gentleman from California (Mr. THOMAS) conducted the mark-up of legislation in the Committee on Ways and Means on July 18, 2003, and find that the bill considered at that mark-up was not validly ordered reported to the House. Well, I think it is important that we talk about what happened.

□ 1345

The only thing that was in dispute is, and that I can see here is, to whether a timely objection was made to dispense with the reading of the bill itself, and the Democrats or the minority party were all back in the library with the exception of one; and he was engaged in a conversation with the staff when the motion was made, and at that time, the chairman said, Hearing no objection, it is considered as read and open for amendment at any time.

With that, the lone minority Member in the room got up and left. At that time, the chairman yielded the floor to the main sponsor of the bill, the gentleman from Ohio (Mr. PORTMAN), on the majority side. The gentleman from Ohio (Mr. PORTMAN) then proceeded to describe the bill and talk about the bill for a number of minutes, for a long period of time, at which time the minority party had plenty of time to come back into the room, but they had all left.

Now, if you were to say that this was an improperly crafted, improperly passed bill, then all the minority has to do at any time is to get up and leave the room. There was clearly a quorum in the room. The bill was called up and it was voted upon. That is what we are here to decide.

Now, if we are to decide personalities, then this is not the place for it. As a matter of fact, our rules of the House decorum says that we are not supposed to get involved in that, but we could get involved in it for a long time, for a lot of Members; and we cannot do that because of the decorum of this House of Representatives.

My friend, the gentleman from New York (Mr. RANGEL), and he is my friend, he objected that the minority has the right to use any of the rooms,

just as the majority does. I am sorry, that is not the way the rules of the House are written. The gentleman from California (Mr. THOMAS) controls those rooms, but that is not what is complained about here.

What is complained about here and what we are here to debate today is whether or not there was a proper handling of the rules with regard to the legislation itself, the legislation itself. There is a lot of blame to go around.

I quite frankly, prior to the start of this hearing, I tried to get the Speaker or somebody to try to work this out so this thing could be defused over the weekend. It desperately needs defusing.

The Committee on Ways and Means is one of the premier, if not the premier, committees within this House of Representatives. We do need to work on some decorum within the committee; we know that. It is the premier committee in the House of Representatives.

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

Mr. SHAW. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Speaker, would the gentleman from Florida (Mr. SHAW) care to share with the House your view on a Member of the Committee on Ways and Means calling the Capitol Police on other duly elected Members of Congress? That is one of the—

Mr. SHAW. Mr. Speaker, reclaiming my time, I would say to the gentleman, I was sitting there right next to the chairman. The minority Member that was sitting there alone, the only one in there, physically threatened a majority Member.

Ms. PELOSI. Mr. Speaker, now to speak to this resolution, the objection of which is that the office of the chairman of the Committee on Ways and Means called the police on the Democratic Members who were assembling in a room, I am pleased to yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me, if I might, first correct, I think, a couple of the factual issues.

I can assure you that the Democratic Members wanted to participate in the debate on the pension legislation. In fact, when the gentleman from Ohio (Mr. PORTMAN) was debating the issue, we were confronting the Capitol Police, and that was the reason why we are not back in the room. By the time we finished with the Capitol Police, the markup was over.

Let me also point out that the police were called before the gentleman from California's (Mr. STARK) episode began. We were confronted with the Capitol Police before the unanimous consent request was brought forward.

Mr. Speaker, I started this day looking forward to the committee markup on H.R. 1776. That is a bill that I have worked on with the gentleman from Ohio (Mr. PORTMAN) for many months. We have worked with the chairman of the Committee on Ways and Means. We

have worked with Members on both sides of the aisle on that legislation. It is important legislation to working people of this country, and there are different views among Democrats on provisions in that legislation.

Mr. Speaker, I could defend that bill on its merit, and I look forward to doing just that, but I cannot defend the manner in which our committee acted this morning.

I have devoted much of my public career to process issues. I have served on the ethics committee for over 6 years, and I have served as a cochair of our ethics task force. I am a former speaker of the Maryland legislature. Process is important in what happened in the Committee on Ways and Means this morning. Mistakes were made, and it reflects badly on each one of us. We need to move forward, but to move forward we must acknowledge our mistakes.

H.R. 1776 desperately needs to be considered in a fair manner before the Committee on Ways and Means for its integrity and integrity of the process.

It is the committee's responsibility to guarantee to the public that a fair process is used, order is maintained, and each Member's right is protected. That is our collective responsibility.

Mr. Speaker, since this morning I have talked to Members on both sides of the aisle, and I am pleased that the Speaker's on the floor listening to this debate. I think it is absolutely essential, and I know I am supported by both Democrats and Republicans, that H.R. 1776 be returned to the Committee on Ways and Means for a full markup, with opportunity of all Members to participate. As one of the principal sponsors, I hope that will be accomplished and we will be able to have a full markup on that legislation.

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

Before I yield to the gentleman from Colorado, I would point out that the chairman of the Committee on Ways and Means, as the chairman of any standing committee, has the prerogative to call the Sergeant at Arms to maintain order in his committee, and that was the basis of the chairman's call for the Sergeant at Arms.

Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. MCINNIS), a member of the committee.

Mr. MCINNIS. Mr. Speaker, I would like to begin by saying, with all due respect to my colleague, whose comments we have just heard, a lot of those comments I happen to agree with; but with due respect, you were not in the room at the time that an incident occurred not dealing with process but dealing with order in the committee; and with all due respect to your fellow colleagues, with the exception of one, the rest of you were all out of the room in another room. That particular individual was not arguing process. In fact, that particular individual threatened me with physical harm.

Now, fellow colleagues of mine realize that I like engagement, but it was clear there was going to be fairly prompt disorder beyond the magnitude that was probably originally anticipated when a member of the minority committee made his first comments. I think it was entirely appropriate, entirely appropriate, with considering my own actions, I think it was entirely appropriate for the chairman of that committee to call the Sergeant at Arms and the Capitol Police so that order in the committee could be maintained.

I think this discussion about process at midnight or process of when the police were in the library is all, and I am not saying this in a derogatory fashion, but is all diversionary from the fact that we were within moments, frankly myself and another Member on your side of the aisle, were within moments of, I would guess, a physical engagement; and I considered that threat serious. I considered the bodily threat not just to the order of the committee but to me, and I fully intended to defend myself.

So to calm this down, I know that is the purpose of why the chairman had done that, and I think any one of you in the same exact position that that chairman was in would have done exactly the same thing.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Michigan (Mr. LEVIN), a member of the Committee on Ways and Means, one of the people who was evicted from the room.

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

Mr. LEVIN. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, it is my sincere belief that at the end of the day we will all be reading from the same page.

In order for us to really resolve this issue, truth has to prevail. I suggest to the majority that we will be referring to the timing of the telephone calls, which is recorded. No one is going to dispute in this House that the police were called and they arrived in the library prior to the time that the gentleman from California (Mr. STARK) and members of the majority had any problem. I repeat, the police were called and arrived, and I am referring to the time clock and the record. So that is all I have to say about this. Whether they should have been called and they were not called to stop any disturbance, they were called to get us out of that room.

Mr. LEVIN. Mr. Speaker, indeed, the gentleman from California's (Mr. THOMAS) chief of staff stood nearby where we were meeting with a member of the Capitol Police and said this to the police and at least one member of the staff, that the chairman has asked me to get the police to remove Democrats from this room.

This is the United States of America. This is not a police state. This is sup-

posed to be the people's House, and you call members of the police to evict us from having a discussion. We were discussing that bill that we had only seen a few minutes before, because it was delivered at midnight, delivered at midnight and maybe the gentleman from California (Mr. THOMAS) and the rest of you did not like our insisting that the bill be read; but the rules say that we have the right to have a bill read word for word, and you have no right to trample, once again, on the rights of the minority of the United States House of Representatives.

That is what is at stake here, and you can try to change the subject. You can try to gloss over it. You can try to make excuses. You can try to say the gentleman from California (Mr. STARK) said such and such to so and so. No, the issue, this is not a partisan squabble. This is not a matter of personality. This is a matter of our basic rights as representatives of the people of the United States; and darn it all, we are going to stand here and stand here to defend not only our rights but the rights of the people of the United States of America.

Mr. MCCRERY. Mr. Speaker, I yield myself so much time as I may consume.

Unfortunately, Mr. Speaker, none of us, at least who have spoken here on the floor, knows who told who what when; but I do know, I do know that I was told by a member of the staff, the majority staff of the Committee on Ways and Means, that that staff person went back to the library, which is the room in question, it is not the hearing room, that the Democrats were asked to move from. It was the library and prior to the Sergeant at Arms and the police getting there, the staff person went back and notified the minority that that room was to be used during the markup, it was reserved, and they would have to move to 1129, which is another Ways and Means room just down the hall.

□ 1400

So I want everyone to know that that transpired before the Sergeant at Arms and the police got to the library to ask the minority to move out of that room.

So I think what we have here, in total, to support this proposal, this resolution, is a very short period of time, minutes, during which the Sergeant at Arms, the Capitol police were told by someone to remove the Democrats from the library to another room, to another Ways and Means room; and very shortly after the Capitol police, Sergeant at Arms arrived in the library, the chairman of the committee, in my presence, directed the staff to go back and tell the police and the Sergeant at Arms that it was all right for the minority to use the library.

So even if it was the chairman who directed, ordered the police and the Sergeant at Arms to the library specifically to tell the Democrats to move out of that room, it would have been a



mistake that was corrected almost immediately by the chairman. And for that you bring a resolution to the floor of the House? I think that those who would do this might have a bad memory with respect to their own actions at times during their lives and wish that their actions would not be judged so harshly for so short a period of time.

So, insofar as any other basis for this resolution, as I have pointed out, there is no basis for determining that the committee was out of order or acted contrary to the rules of the House.

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

Ms. PELOSI. Mr. Speaker, I will make an inquiry about the remaining time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from California (Ms. PELOSI) has 14 minutes remaining, and the gentleman from Louisiana (Mr. MCCRERY) has 13 minutes remaining.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume to just make note of the fact that the gentleman from Louisiana has just stipulated to the facts that the police were called to go to the library to evict the Democratic Members from that room.

Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, we are getting closer to the truth. And if what the majority is saying is that somehow the chairman recognized that what he did was wrong and rescinded that, we in that room had no idea that it was rescinded. The police had us in that room. They sent for their superior, and they sent for the Sergeant of Arms. The same person who came to tell us that the chairman wanted us to leave could have very easily come into that room and said that the chairman had changed his mind. That did not happen.

Mr. MCCRERY. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH), a member of the committee.

Mr. HAYWORTH. Mr. Speaker, I rise in opposition to the resolution and I do so understanding that people of goodwill can and often do disagree. I realize also that frustrations abound, indeed, as a private citizen reading of certain machinations that went on in this House when roles were reversed.

But that is not the subject here today. The subject here today is, was the chairman within his rights when order was threatened in the committee to call the Sergeant at Arms? In other words, a test of what is reasonable.

Mr. Speaker, were I in the Chair at the time when order was disrupted, when a physical threat was issued by a member of the minority party, and parliamentary rules preclude me from naming that Member, although I can say it was a very stark picture of a confrontation, you better believe, Mr. Speaker, I would have called the Sergeant at Arms to restore order.

Reject the resolution. It is dead wrong and a disservice to the House.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume to note that, unfortunately, the gentleman did not hear the stipulation to the fact that the police were called before any conversations took place between those individuals, and they were called to evict the Democratic members from the hearing room.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, I thank the Democratic leader for yielding me this time.

It is really unfortunate what is going on here. My colleague on the Democratic side of the aisle, his reputation is being besmirched in order to avoid the real issue, and I think it is really outrageous that the gentleman from Louisiana is doing this.

This is not about the gentleman from California (Mr. STARK), because the Capitol police came to visit us, and I was in that room in the library behind the Committee on Ways and Means hearing room, before the completion of the reading of the bill was going on. That was before the gentleman from California (Mr. STARK) and the gentleman from Colorado (Mr. MCINNIS) had even their discussion; and, as a result of that, the Capitol police were called before the gentleman from California (Mr. STARK) had even said anything.

As a result of that, what the gentleman is doing to the gentleman from California (Mr. STARK) is doing major damage to his credibility at the same time when the real fault is the chairman of the Committee on Ways and Means. He called the Capitol police. And, frankly, when later on the Sergeant of Arms came in himself, he said, he said to all of us, he said I was called, we were called because there was a disturbance. There was a disturbance back here in this room, and we were asked to remove all of you.

This was not about the gentleman from California (Mr. STARK). This was about removing Members on the Democratic side of the aisle on the Committee on Ways and Means from a room that was not being used because the chairman of the Committee on Ways and Means just decided to lose his temper on the situation. I think it is really outrageous. We ought to debate the issues. We ought not to try to point the finger at somebody who was innocent in this discussion.

I really think it is really outrageous. I think the gentleman from Louisiana owes the gentleman from California (Mr. STARK) an apology by trying to make the issue about him rather than about the chairman of the committee.

Mr. MCCRERY. Mr. Speaker, I yield myself such time as I may consume, and I would tell my friend from California (Mr. MATSUI) that he was not in the hearing room and, therefore, he cannot speak with any authority about

the time line within which events transpired. I was in the hearing room. I know that the behavior of the minority prior to the completion of the reading of the bill warranted the Sergeant at Arms being called. So I would caution the gentleman not to make absolute statements which he cannot back up with any certainty.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, I want to reiterate what the gentleman from Louisiana just stated. I think it is very important, since we are at the point of considering such a resolution on the floor of the House, for us to look at this situation as one in which there are two ships passing in the night.

My Democratic colleagues seem to be referring to activities that happened in the library, with which we are all familiar. We are talking about the reason that the Sergeant at Arms was called to the committee in the first place. It is a situation that is not unknown to my colleagues on the Committee on Ways and Means. The gentleman in question has created this sort of situation before, so it is not anything new. We all understand that. There have been letters written in the past, signed by members of the minority caucus, castigating the behavior of the gentleman in question. That is why the Sergeant at Arms was called to our committee. I just have to say that if I had been sitting in the Chair at that moment I would have felt constrained to call the Sergeant at Arms.

And I am sorry that the members of our wonderful committee that does most of its work with great dignity, who were missing all but one of its minority members because they were having a caucus in the library, but we who were sitting in the hearing room and all the people who were in the audience saw exactly what was going on; not the first time, not the second time, but it happened many, many times. This was a time when I believe it was entirely appropriate for the chairman to use his authority to regain order in the hearing room by calling the Sergeant at Arms.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I rise to speak in support of the resolution. As many of you know, I am a man of peace. During the 1960s, many of us involved in the Civil Rights movement were threatened with arrest for sitting in at lunch counters, standing in at segregated theaters, or marching for the right to vote; and sometimes we were arrested and jailed. We were charged with disturbing the peace or disorderly conduct, and we were very peaceful and we were orderly.

I never thought that as a Member of Congress I would be threatened with arrest by sitting in the library of the Committee on Ways and Means. As a Member of Congress and as a member



of the Committee on Ways and Means, I thought, I really believed that it was a safe place to meet and to discuss the business of the committee.

It is unreal, it is unthinkable that another Member of Congress would threaten to have another arrested for carrying out his or her congressional duties. In another period of time, a few short years ago, some of us stood up to Bull Conner in Birmingham, Alabama, and we stood up to Sheriff Clark in Selma, Alabama. And I must say to the chairman of this committee, we will not be intimidated. We will not be immobilized. We live in a democracy and not a police state.

What happened today in the Committee on Ways and Means should cause a sense of righteous indignation among all of us. As Democrats, as Members of this House, the People's House, we will not get lost in a sea of despair. We will continue to stand up and fight for what is right and for what is fair.

Mr. MCCRERY. Mr. Speaker, may I request the time remaining on each side?

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. MCCRERY) has 9½ minutes remaining, and the gentlewoman from California (Ms. PELOSI) has 9¼ minutes remaining.

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

Ms. PELOSI. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Speaker, the gentleman from Colorado (Mr. MCINNIS) took the floor to relate what happened. And although I was not in the room, I did speak to the Democrat that was in the room. The comments of the gentleman from California (Mr. STARK) were preceded by the words, "shut up." And that was by the gentleman from Colorado (Mr. MCINNIS), inciting the gentleman from California (Mr. STARK) to respond. Now, that sort of slipped his memory when he talked to us before.

So, now, here is the scenario. Here is a man in excess of 70 years old threatening a man 30 years his junior, and the chairman was afraid that the 30-year-old junior was going to get beat up. Hello.

Mr. Speaker, since your election, you have conducted this House with total honor. You have made all of us proud to be Members of Congress. But it is one thing to defend one of your own, but it is surely another to do so less than honorably, in fact, dishonorably and dishonestly.

The fact of the matter is the police, who have a lot of things to do around here protecting the Americans, were called because of a disturbance against Democrats. I was in the room when the police came. Two officers came to clear us out because we were causing a disturbance.

So do not go lying about what happened. It is an embarrassment enough,

and this could be resolved by the chairman in question apologizing to all of us, and the issue would be done with.

□ 1415

Mr. MCCRERY. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF), a member of the Committee on Ways and Means.

Mr. HULSHOF. Mr. Speaker, hopefully to further clarify some of the questions that have been asked, and I see the gentleman from New York (Mr. RANGEL) has been provided a transcript from this morning's Committee on Ways and Means markup, what I would like to do is read the relevant portions, I think, which then necessitated the calling of the Sergeant at Arms.

This would be at page 15, line 331, the chairman stated, "If the gentleman will suspend. If the gentleman from California would understand he is reading the table of contents, which is at the beginning of the bill."

The remaining minority Member said, "Oh, that."

Line 335, "Chairman Thomas. He will then move to the body of the bill. That is how these things work." To which the sole Member of the minority party that was left in the room said this at line 337, "Its eloquence overwhelms me, Mr. Chairman, just like your intellect does. It is—oh, you think you are big enough to make me, you little wimp? Come on. Come over here and make me. I dare you."

The transcript indicates in brackets "laughter," to which the minority member then said, "You little fruitcake. You little fruitcake. I said you are a fruitcake."

Now, what the transcript does not indicate, and I would have to stay with the transcript, and just as many of us who have had previous experience in criminal courtrooms or civil courtrooms, the transcript is, of course, the cold recitation of words that are spoken.

If Members will permit me to characterize just a bit, I was sitting next to the gentleman from Colorado, and I would tell the Speaker that the words specifically regarding, "Are you big enough to make me, you little wimp? Come on. Come over here and make me. I dare you," I happened to turn around in my chair because I am on the lower dais and looked up, and it was the sole Democratic member who was remaining who was directing those words directly at the gentleman from Colorado.

If Members would permit me to characterize a little bit more, even though laughter erupted, as someone who was witnessing this event, Mr. Speaker, the words were uttered in a very serious tone, dare I say in a threatening tone. I do not think I am mischaracterizing the import of these words.

This, of course, was done during the reading of the bill. Ultimately, the chairman was able to get a unanimous consent request. That is later reflected. Then we were able to move and con-

sider the bill, but this was done before the Capitol Police were called; and were I the chairman in the same situation, I, too, would have contacted the Sergeant at Arms to return decorum to our committee room.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES), the newest member of the Committee on Ways and Means.

Mrs. JONES of Ohio. Mr. Speaker, I was not in the room when the interaction occurred between the gentleman from California (Mr. STARK) and other Members of Congress, but I was in the library when the police came in and said that Democrats were causing a disturbance, and the police were required to come.

This is the second time I have been on the floor of the House and been required to do something that is distasteful for me as a Member of Congress. The first was with the Committee on Standards of Conduct, and the second is with the chairman of my committee.

Members know I have been a judge. When a judge hosts a courtroom, he or she sets the standard. The chairman must set the standard in a committee room. We are talking about an interaction that went on this day, but I came from the Committee on Financial Services where I had a chairman who allowed members of the committee to speak and did not cause members to react to his response.

If Members check the transcript of our hearings, every time someone says something, the chairman has a response for whatever witness it is.

Mr. Speaker, I have respect for the chairman. I find it hard to stand here today, but the reality is that he called the police on his colleagues, and no one can take a thing away from that.

Mr. MCCRERY. Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I would say to the gentlewoman, a respected member of the Committee on Ways and Means who was a judge, I would say that I also was a judge, and if anyone had conducted themselves like that in my courtroom, they would have been held in contempt of court.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT), a former judge of the Supreme Court of Texas and a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, there is no small amount of irony that the bill in question before the committee today was H.R. 1776. The democracy that our forebears brought to being in this land requires our continual vigilance. We are reminded of the words of James Madison that there are more instances of abridgement by gradual encroachments of those in power than by violent and sudden usurpation.

Mr. Speaker, a committee chairman today ordered the police to evict Members of this Congress from a committee room on the edge of the markup. When Officer Spriggs arrived in that room,

the committee library, he was not looking for the gentleman from California (Mr. STARK). He was there, as he said, to clear the room on the instructions of the chief of staff of the committee chairman of the Committee on Ways and Means.

My friends, this is how tyranny begins. It is our responsibility to stand against a police state, to stand in favor of open dialogue rather than to permit a bill to pass with only the votes of one party and move toward a one-party state.

Mr. MCCRERY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), a member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, this is simple, serious, and sad. Significant errors of utterance and judgment were made by members of the Committee on Ways and Means of both parties this morning. The chairman responded to what were fast-paced comments and actions. There were good reasons for the chairman's judgments and actions and good reasons why he altered those judgments and actions as circumstances changed. For that he is to be commended. To elevate an incident of which no Member on either side of the aisle is proud is destructive to this body.

I regret the minority party's decision to enshrine in a resolution some facts while omitting others crucial to the flow of events. That does this House no good, and I urge opposition to this resolution.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER), a member of the Committee on Ways and Means.

Mr. TANNER. Mr. Speaker, I thank the gentlewoman.

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

Mr. TANNER. I yield to the gentleman from New York.

Mr. ACKERMAN. Mr. Speaker, I have a question on behalf of all of those Members who were not in any of those rooms: If it was the gentleman from California (Mr. STARK) in the hearing room with the fruitcake, why did you sic the cops on the Democrats in the library?

Mr. TANNER. Mr. Speaker, I was not going to speak, but I must say to the gentleman from Louisiana (Mr. MCCRERY), you know if you are using whatever confrontation took place between the gentleman from California (Mr. STARK) and the gentleman from Louisiana (Mr. MCCRERY), that is absolutely not true. The policeman came to the library, one, before that happened; and, second, if the problem was in the hearing room between the gentleman from California (Mr. STARK) and the gentleman from Colorado (Mr. MCINNIS), why would the policemen come to the library to begin with? They came in there, and the gentleman may not know it, but we asked, Why are you here?

They said, we have been given orders to remove you from the library. It had

nothing, nothing whatsoever to do with what went on in the hearing room. That is the truth.

Mr. MCCRERY. Mr. Speaker, the previous speaker says that is the truth, but the fact is he was not there. He has no independent knowledge of who called the Sergeant at Arms or the reason for it. I resent the gentleman's tone. It is erroneous. His statement is erroneous.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BRADY), a member of the Committee on Ways and Means.

Mr. BRADY of Texas. Mr. Speaker, I was present during this confrontation, not just present but the physically closest member to the incident. I saw it firsthand. I was not in the library or out of the room; I was there.

First, I think the official transcript puts a lie to this resolution. Furthermore, being the person sitting in front of the lone minority member, who in my opinion, in fact, my knowledge, instigated this confrontation, what I witnessed was a profanity-laced, angry, degrading, physical confrontation that was growing in volume, not lessening. It was a tirade completely inappropriate to this Congress and to that committee.

What I did, my action was to turn to the audience, looking for young people, hoping that there was no young person in that committee room who would witness the behavior of the gentleman who instigated this incident. Had it been me, I, too, would have made a phone call \* \* \*

Mr. ACKERMAN. Mr. Speaker, I demand that the gentleman's words be taken down.

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

□ 1430

Mr. BRADY of Texas. Mr. Speaker, it has come to my attention, rightly so, that at the conclusion of my remarks, I need to clarify the words that I spoke in this House in order to also set an example for decorum and civility. At the end of my remarks, I made reference to an emotional state and bodily functions when, in fact, what I really was referencing was potential bodily conduct.

To clarify and also because I really do hold our colleagues in deference, I would ask unanimous consent to withdraw that portion of my remarks.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Texas?

Mr. ACKERMAN. Mr. Speaker, reserving the right to object, and I do not intend to object, I thank the gentleman very much for trying to bring civility back to the House which is very important. In consultation with the gentleman from California (Mr. STARK), who was the only Democrat on the committee who the police were not called to throw out of the library because he was not in the library, he was

in the committee room, the gentleman from California (Mr. STARK) has accepted your apology.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the words are withdrawn.

There was no objection.

Ms. PELOSI. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the very distinguished Chair of the Democratic Caucus.

Mr. MENENDEZ. Mr. Speaker, we can hear all the spin and diversion that the majority wants to lay there, but this is the point: this morning in the People's House, the heart of our great American democracy, the Republican chairman of the Committee on Ways and Means called the police, the police, in an attempt to break up a meeting of House Democrats.

Why did he call the police? Because he did not like what Democrats were meeting about and that Democrats as the minority availed themselves of what little protection they have under the rules. This is what Republicans have come to in the running of this House. If they do not like what we say, even in a private meeting, they will try to have us arrested. If we object, and they do not like it, they will try to have us arrested. Does that sound like America to you? Or does that sound like some sort of police state? Our distinguished Speaker should be in the chair and alarmed that this happened under your watch. Power corrupts and absolute power corrupts absolutely. An example of that is the gentleman from Texas (Mr. DELAY) calling the Department of Homeland Security to track down Texas legislators. Where does this end? This institution cannot and must not tolerate this sort of abusive and intimidating behavior. And this one will not be swept under the rug until justice is done.

Some of us come from families that fled this kind of persecution. I never thought that I would see that persecution take place right here in the people's House, the very place where people are sent to the greatest democracy in the world.

Some claim that the gentleman from California (Mr. THOMAS) had the police called in response to a disturbance, but why was the majority chief of staff escorting the police back to the library where the Democrats were meeting? The answer is obvious. The chairman was annoyed and wanted to break up that meeting of Democrats, and he was willing to use the police to do it. As the chairman of the Democratic Caucus, I want you to know that our Members will not be silenced on behalf of the 136 million Americans we represent in this House.

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

Hyperbole is something that is used often for effect, even in fictional writing. On the floor of the House debating something this serious, I think it has

no place. And to claim that the police were there to arrest Democrats is indeed hyperbole. No one ever suggested that anyone was to be arrested. There is no evidence to that. Not even any hearsay to that. The fact is they were being asked to move from that room to another Ways and Means hearing room.

Mr. Speaker, I yield 1¼ minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I look around this room today and I see friends on both sides of the aisle. On my committee I have friends that are Democrats and friends that are Republicans, and I think no one wishes we were going through this exercise today. But as one of those who was in the room, and I think those who were in the room are the best witnesses to be speaking today, not those who were not at the room and heard what might have occurred, but those who actually witnessed it.

I often think, what would I have done if I was the chairman? I think all of us, Republicans and Democrats, a lot of us would like to be a chairman someday, what would we do if we were in the same situation? And going back to that room this morning, going to the official transcript of this morning's markup of H.R. 1776, again let me refer to the record, the official record, line 337, beginning with the sole remaining minority party Member in the committee room at that time:

"Its eloquence overwhelms me, Mr. Chairman, just like your intellect does."

Clearly the question would be, what would you do if you were the chairman and you had a member there that was using invective, innuendo, name-calling, physically threatening another colleague? Would you have worked to restore order? I am one of those who stands and believes that if I was the chairman today, I would have summoned the Sergeant at Arms to ask for order as well.

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

Mr. MCCRERY. Mr. Speaker, I yield 20 seconds to the gentleman from Wisconsin (Mr. RYAN), a member of the committee.

Mr. RYAN of Wisconsin. Mr. Speaker, I, too, was sitting closest to the lone minority member in the Chamber. I was there in the Chamber next to the gentleman from Texas (Mr. BRADY). I heard the comments. It was very, very clear that a physical threat was made, that a situation was getting out of control, that we had a physical situation on our hands; and if I were in the position that the chairman was, I believe that the Capitol Police or the Sergeant at Arms should have been called to restore order.

Mr. MCCRERY. Mr. Speaker, I yield 20 seconds to the gentleman from Kentucky (Mr. LEWIS), a member of the committee.

Mr. LEWIS of Kentucky. Mr. Speaker, I also was seated in front of the mi-

nority member. I can validate everything that has been said here on the majority side. It was a situation that seemed to be getting out of control. It was getting out of control. Again, if I would have been the chairman, I would have done exactly what Chairman Thomas did.

Mr. MCCRERY. Mr. Speaker, I yield 20 seconds to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the committee.

Mr. ENGLISH. Mr. Speaker, unlike any of the speakers on the other side, I was also in the room. I saw what was said. I saw what was implied. And I saw the behavior of the chairman close up. May I say what is embarrassing the House today is not the behavior of the chairman. I think he did what in his judgment was right to proceed with what became a very contentious hearing. What I am very unhappy about is the fact that this resolution has even been brought to the floor. It is an embarrassment to this institution.

□ 1445

Ms. PELOSI. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland (Mr. HOYER), the distinguished whip for the Democrats.

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

Mr. HOYER. Mr. Speaker, we are a Nation of laws. This House was established to make those laws. We have a manual. It is called Jefferson's Manual. It has in it the Constitution of the United States of America. It has as well the rules that Jefferson put forward.

At page 123 it says, "the weaker party can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities."

Mr. Speaker, I have great respect for you, and you run this House fairly. But this is another instance, not an isolated incidence, not a unique incidence of the arbitrary use of power. The Committee on Rules shuts us down. It does not give us amendments. It does not give us time to debate. It does not adequately give us substitutes. It shuts down the majority. It shuts down the minority. This is not what Jefferson had in mind nor, I suggest to you, our Founding Fathers.

This is indeed not an isolated incident. The police were called. There is a dispute of facts as to why the police were called. But there seems to be no dispute that they did not go to the committee room. They went to the library, presumably because that is where they were told to go. They know the difference, believe me, to the gentleman from Louisiana (Mr. MCCRERY), they know the difference.

This is not an isolated or unique incidence. The police were called by the Speaker of the Texas House to go arrest 55 members of the Texas House be-

cause they would not go along with the majority.

Let me read from page 18 of the transcript of the proceedings.

"Mr. Yin, as you go through, would you periodically indicate which page you are on." They are reading the bill. "We are going to be going through the titles, and if it lengthens out, it gets more complicated." Mr. THOMAS is speaking. "I know you have just begun on page 3 in doing that." Under the rules, the reading of the bill, what is the next thing that is said? "And, without objection, it is considered as read."

"Mr. STARK: I object."

"Mr. THOMAS: The gentleman was too late."

Absent was a request for objection. That, my friends, is the gravamen of this case. You are trampling on the rights of the minority. You are trampling on the rules of this institution. This is America. This is not American.

Mr. MCCRERY. Mr. Speaker, assuming that the gentlewoman from California has only one remaining speaker and that is to close, I yield 20 seconds to the gentleman from Missouri (Mr. HULSHOF), a member of the committee.

Mr. HULSHOF. Mr. Speaker, what I would say to the previous speaker is the transcript is in fact true. What was not included was that in the transcript at the conclusion, again on page 18, line 24, "And, without objection, it is considered as read." At that point, the chairman struck the gavel.

Mr. HOYER. \* \* \*

Mr. MCCRERY. Mr. Speaker, I yield 20 seconds to the gentleman from California (Mr. HERGER), a member of the committee.

Mr. HERGER. Mr. Speaker, it is an incredible privilege and honor to serve in this body.

This is not a happy or a proud day for any one of us. We were all here late last night until midnight. Those of us who serve on the Committee on Ways and Means, as I do, were here early this morning. I was sitting throughout the entire meeting. I was sitting up on the dias. I personally looked down and was able to see what took place, and I support our chairman in his calling for support at that time.

□ 1530

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Louisiana (Mr. MCCRERY) has 1 minute and 10 seconds remaining.

Mr. MCCRERY. Mr. Speaker, I yield myself the remaining time.

It is time for the House to bring to a close this resolution. I would say that in no way has the minority, which brought this resolution to the floor, proved any facts which would substantiate a rationale for passage of this resolution, and I would urge all Members on both sides of the aisle to reject this resolution and vote "no."

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

Ms. PELOSI. Mr. Speaker, I yield myself the remaining time.

First, I want to congratulate the Chair on the dignified manner in which he has conducted the proceedings today.

It is clear from the debate today that the Republicans have a major problem with the democratic process. It is clear that the Republicans are in denial about their behavior, and it is clear that the Democrats must draw a line in the sand on the repression of our rights in this Congress.

My resolution does just that. It says to the Republican majority that our constituents have a right to be heard. Every day that right is abused; but today, the Republicans went over the edge.

The facts are these: the police came to the library behind the committee, while the bill was still being read. There is no confusion as to why the police went to the library, and the police did not go to the library once or twice. They went to the library three times to evict the Democratic Members. First came the policeman and then came their superior and then came a representative of the Sergeant at Arms office to clear the room, to evict the Members from that room.

That is why, and if there is any challenge to these facts, we can take up this discussion under oath under the auspices of the Committee of Standards of Official Conduct.

We must insist on this House supporting the resolve that it is wrong for the Chair to conduct his committee meetings and have part of that be by calling the police, and we must insist that the markup that took place is not validly ordered reported to the House.

There is no confusion. The question before the House is this: Is it right for the chairman of the Committee on Ways and Means to call the police to evict Democratic Members from their meeting place? Again, the police came not once, not twice, but three times.

A vote for my resolution is a vote to reject that kind of behavior. It is wrong for the committee Chair to call the police, and my Republican colleagues just do not know that; and the country should know that about them. Why is it not clear to you that it is not right to call the police to evict your colleagues from a room?

What should be a stunning fact to the American people is that the Republicans in the House of Representatives need to be convinced that it is wrong to call the police to evict their Democratic colleagues from their meeting. I say that over and over again.

We talk about the power of ideas. We heard the brilliant speech yesterday of the Prime Minister of Great Britain, talking about liberty and the pride we should take in our contribution to it throughout the world and about the power of ideas; but the power of our example speaks louder than all of that. And what is the example that we show to the rest of the world when we have a chairman of the committee calling the police to evict his colleagues from a room?

The Greeks had a word for it, "hubris." It was about power, abuse of power, arrogance; and it is a tragic flaw. We cannot allow your tragic flaw to shut down the voices of the American people. We will fight you every step of the way, every day in this House of Representatives.

I want to thank my Democratic colleagues for staying, for their thoughtful presentations during this difficult debate, and for their love of this institution; and I urge my colleagues to support this very important resolution, important to the integrity of this House of Representatives.

Ms. KILPATRICK. Mr. Speaker, I rise today to protest the outrageous display of discourtesy and disrespect shown to Democratic members of the House and Minority Leader PELOSI. In a brazen display of disregard for Democratic members of the House, the Capitol Police were dispatched on three occasions to disrupt the reading of legislative text by Democratic members who serve on the Ways and Means Committee. The Members were attempting to ascertain the text of the legislation that was drafted without their consultation and for which their dissent would not be heard or heeded.

The actions of the Republican Chairman and the Members of the committee was indeed egregious and beyond the pale of House decorum. Indeed, the actions and attitudes witnessed, and the rhetoric and rationale put forward by the majority dishonors the foundation of civility and respect of the House of Representatives. It is clear that a political fissure exists between the majority and the minority. I call upon my majority colleagues to embrace the age-old methodology and attitude of, "... do unto others as you would have them do unto you."

Today was a sad day in the annals of House deliberations. I hope that the American public does not have to ever witness this type of behavior again. I also hope that my esteemed colleagues will re-embrace the spirit and method of appropriate House decorum.

MOTION TO TABLE OFFERED BY MR. MCCRERY

Mr. MCCRERY. Mr. Speaker, I have a privileged motion at the desk.

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

The Clerk read as follows:

Mr. McCrery moves to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Louisiana (Mr. MCCRERY).

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

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 143, not voting 122, as follows:

[Roll No. 397]

AYES—170

Akin  
Bachus  
Baker  
Ballenger

Barrett (SC)  
Bartlett (MD)  
Bass  
Beauprez

Bereuter  
Biggert  
Bishop (UT)  
Blackburn

Blunt  
Bonner  
Bono  
Boozman  
Bradley (NH)  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burns  
Calvert  
Cannon  
Cantor  
Capito  
Castle  
Chabot  
Chocola  
Coble  
Cole  
Collins  
Crane  
Crenshaw  
Culberson  
Cunningham  
Davis, Jo Ann  
Davis, Tom  
DeMint  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Dunn  
Ehlers  
Emerson  
English  
Feeney  
Flake  
Foley  
Forbes  
Fossella  
Franks (AZ)  
Frelinghuysen  
Garrett (NJ)  
Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Goode  
Goodlatte  
Goss  
Graves  
Green (WI)  
Greenwood

Gutknecht  
Harris  
Hart  
Hastert  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hobson  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hyde  
Isakson  
Johnson (CT)  
Johnson (IL)  
Keller  
Kelly  
Kennedy (MN)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg  
Kolbe  
LaHood  
Latham  
LaTourette  
Leach  
Lewis (CA)  
Lewis (KY)  
LoBiondo  
Lucas (OK)  
Manzullo  
McCotter  
McCrery  
McInnis  
McKeon  
Miller (FL)  
Miller, Gary  
Murphy  
Musgrave  
Myrick  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Ose

Pearce  
Petri  
Pickering  
Platts  
Pombo  
Porter  
Portman  
Pryce (OH)  
Putnam  
Regula  
Rehberg  
Renzi  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Royce  
Ryan (WI)  
Ryun (KS)  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Simmons  
Simpson  
Smith (NJ)  
Souders  
Stearns  
Sullivan  
Sweeney  
Tauzin  
Terry  
Thomas  
Tiahrt  
Tiberi  
Turner (OH)  
Upton  
Vitter  
Walden (OR)  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

NOES—143

Hill  
Hoeffel  
Holt  
Honda  
Hooley (OR)  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
John  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kennedy (RI)  
Kildee  
Klecza  
Kucinich  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lofgren  
Lowey  
Lucas (KY)  
Lynch  
Majette  
Maloney  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McIntyre  
Meek (FL)  
Meeks (NY)  
Menendez  
Michaud

Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Olver  
Pallone  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Pomeroy  
Rahall  
Rangel  
Reyes  
Ross  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Schakowsky  
Schiff  
Scott (GA)  
Scott (VA)  
Serrano  
Sherman  
Spratt  
Stark  
Strickland  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)

Tierney	Visclosky	Wexler
Towns	Waters	Woolsey
Turner (TX)	Watson	Wu
Udall (NM)	Watt	
Van Hollen	Weiner	

## NOT VOTING—122

Abercrombie	Everett	Ortiz
Aderholt	Fattah	Osborne
Allen	Ferguson	Otter
Baca	Fletcher	Owens
Barton (TX)	Gallegly	Oxley
Berkley	Gephardt	Pascrell
Berman	Gonzalez	Paul
Billirakis	Gordon	Pence
Bishop (NY)	Granger	Peterson (PA)
Boehlert	Green (TX)	Pitts
Boehner	Gutierrez	Price (NC)
Bonilla	Harman	Quinn
Boucher	Hensarling	Radanovich
Burgess	Hinchey	Ramstad
Burr	Hinojosa	Reynolds
Burton (IN)	Hoekstra	Rodriguez
Buyer	Holden	Ros-Lehtinen
Camp	Issa	Rothman
Capps	Istook	Sabo
Capuano	Janklow	Sandlin
Carter	Jefferson	Saxton
Case	Jenkins	Shuster
Costello	Johnson, Sam	Skelton
Cox	Jones (NC)	Slaughter
Cubin	Kaptur	Smith (MI)
Davis (FL)	Kilpatrick	Smith (TX)
Davis (IL)	Kind	Smith (WA)
Davis (TN)	Lampson	Snyder
Deal (GA)	Linder	Solis
DeFazio	Lipinski	Stenholm
DeGette	McDermott	Stupak
Delahunt	McGovern	Tancredo
DeLay	McHugh	Taylor (NC)
Dingell	McNulty	Thornberry
Dooley (CA)	Meehan	Toomey
Doyle	Mica	Udall (CO)
Dreier	Millender-	Velazquez
Duncan	McDonald	Walsh
Edwards	Miller (MI)	Wamp
Emanuel	Moran (KS)	Waxman
Etheridge	Nethercutt	Wynn

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1600

Ms. MCCARTHY of Missouri and Mr. PAYNE changed their vote from "aye" to "no."

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MICA. Mr. Speaker, I was unavoidably detained and was unable to vote on rollcall No. 397. Had I been present, I would have voted "aye".

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 397 on the motion to table H. Res. 324, I was unavoidably detained. Had I been present, I would have voted "no."

Mr. HINOJOSA. Mr. Speaker, I regret that I had an event in my congressional district. Had I been present, I would have voted "no" on rollcall No. 397.

Mr. EMANUEL. Mr. Speaker, I was unavoidably detained on Friday, July 18, 2003, and missed rollcall No. 397. Had I been present, I would have voted "no."

## PERSONAL EXPLANATION

Ms. KILPATRICK. I was unable to cast a vote on the following rollcall votes, Nos. 396 and 397. I was forced to return to my congressional district on official business after rollcall

vote No. 395. Had I been in attendance, I would have voted "yes" on rollcall vote No. 396 and "no" on No. 397.

## REPORT ON HOUSE RESOLUTION 288, REQUEST FOR DEPARTMENT OF TRANSPORTATION RECORDS ON USE OF AGENCY RESOURCES RELATING TO MEMBERS OF TEXAS LEGISLATURE

Mr. KIRK, from the Committee on Transportation and Infrastructure, submitted a privileged report (Rept. No. 108-220) on the resolution (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 interest of the United States, which was referred to the House Calendar and ordered to be printed.

## LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I would be glad to yield for the purpose of inquiring of the majority regarding the schedule for the week to come.

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

Mr. HOYER. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding.

The House will convene on Monday at 12:30 p.m. for morning hour debates and 2 p.m. for legislative business, and will consider several measures under suspension of the rules. A final list of those measures will be sent to Members' offices by the end of the day. Any votes called on those measures will be rolled until 6:30 p.m.

On Tuesday, we plan to consider the fiscal year 2004 Foreign Operations Appropriations Act. Next week we also expect to consider H.R. 2210, which is the School Readiness Act; H.R. 2738 and H.R. 2739, which is the U.S.-Chile and the U.S.-Singapore Free Trade Agreement Implementation Acts; the fiscal year 2004 Commerce, Justice, State, Judiciary and Related Agencies Appropriations Act; H.R. 2427, which is the Pharmaceutical Market Access Act; and H.R. 2765, the District of Columbia Appropriations Act.

In addition to these bills, we also may consider the fiscal year 2004 VA-HUD Appropriations Act.

Finally, I would like to note that we are expecting a busy week leading into this August recess. We are likely to work late some nights, including Fri-

day evening, as we work to resolve these important pieces of legislation.

I thank the gentleman for yielding and would be happy to answer any questions.

Mr. HOYER. Mr. Speaker, I understand the School Readiness Act or the Head Start Reauthorization bill will be on the floor. Let me ask if you expect to have an open rule on that bill? Specifically, while you are getting information, we want to be assured hopefully that we will be allowed to offer such amendments as we deem to be appropriate and that we will be allowed to have a substitute for the majority's bill.

Mr. PORTMAN. Mr. Speaker, if the gentleman would continue to yield, I do not know if a decision has been made on that yet. Apparently, there are over a dozen amendments, and the Committee on Rules has not made a decision yet with regard to the substitute or the rule.

Mr. HOYER. Mr. Speaker, I thank the gentleman, and I would urge the gentleman, and I know he may not have control over this, but urge him to urge his leadership, of which he is a member, as well as the Committee on Rules, to give us an open rule so that this bill, which is an extraordinarily important bill to our country, be fully debated and the alternatives that Members would like to offer can be considered. I would hope that he can work in that vein.

The Medicare prescription drug legislation, when does the gentleman expect the conferees will have a substantive meeting to seriously start resolving their differences, and might we see a conference report prior to the August recess?

Mr. PORTMAN. Mr. Speaker, if the gentleman will continue to yield, our intent was to a conference report before this House before the August recess. It is a very complicated bill, a very important issue, and perhaps the most important one that Congress will tackle this year.

The conferees have met, and the staff is working. It looks as though it would be difficult to have legislation before us before the August recess. We do not want to rush this important bill or set arbitrary deadlines, but the conferees will continue to work and the staff will continue to work hard to reach agreement on as many issues as possible before the August recess.

Mr. HOYER. Mr. Speaker, we think taking the time to do this right is better than doing it immediately or quickly. It is, obviously, of great importance to our seniors but as well to our families in America. We appreciate the fact that it is going to be given some time. We hope that there will be full participation in that conference.

On the child tax credit, and there was discussion about this on the floor just a few days ago. We are very concerned about the fact that checks will be going to people on July 25. The individuals who were included in the Senate

bill but were dropped in conference will not be receiving a check. That is largely because we have yet to pass a bill. It is now almost 37 days since we appointed conferees, and the checks for those who will get the credit go out next Friday. What is the status of that piece of legislation?

Mr. PORTMAN. Mr. Speaker, we did have a good debate on the floor the last night, the night before that, and I understand we may have another this afternoon. Some of the points made in those debates would reflect some of the difficulties of coming together with regard to this conference.

The House bill, we believe, is more appropriate because it covers more families and more children, and we think it is fairer than the Senate bill. The Senate has a different point of view. We are still working out those differences. I cannot tell the gentleman when the conference will resolve those differences, but, as with Medicare, we are certainly hoping for a resolution as soon as possible, perhaps before the recess, but it is certainly not guaranteed.

Mr. HOYER. Mr. Speaker, I would say to my friend, I know the differences that the chairman pointed to and you have pointed to in terms of making this either permanent or at least 10 years in authorization. I do not, frankly, think there would be opposition to making this permanent on our side. However, we are concerned that in the effort to make it permanent we will fail to make it at least temporary, which we could then follow up by making it permanent. I appreciate the gentleman's comments.

Drug reimportation is an issue. Which day does the gentleman expect to have the drug reimportation bill on the floor? Do you know when it will be on the floor?

Mr. PORTMAN. Mr. Speaker, it would appear because of the appropriations schedule we are going to have to play that by ear. We expect to bring the drug reimportation legislation to the floor next week, probably late next week, given the appropriations schedule. We are hoping to have as many as four appropriations bills on the floor next week, and so the timing of the drug reimportation bill will depend on the progress we make in the first few days in regard to the appropriations bills.

Mr. HOYER. Mr. Speaker, lastly, the gentleman indicated that we may be meeting Friday night. Is the gentleman pretty confident that our Members need to make definite plans to be here on Friday, or is there an expectation that we could get our work done on Thursday? Is Friday a contingency or is the majority sure that we are going to be meeting on Friday?

Mr. PORTMAN. Mr. Speaker, it looks now as though it would be very difficult to avoid a Friday session. Looking at the legislation laid out, even if we are in late, it looks like Friday is more likely. It is likely that we will be here, and they should make travel plans accordingly.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his information.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. VAN HOLLEN. Mr. Speaker, I offer a privileged motion.

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

The Clerk read as follows:

Mr. VAN HOLLEN 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 benefit 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.

□ 1615

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Maryland (Mr. VAN HOLLEN) and the gentleman from New York (Mr. HOUGHTON) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. VAN HOLLEN).

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

Mr. Speaker, this motion instructs the House conferees to adopt the child tax credit bill that was passed by the Senate more than a month ago, a bill that the President said he is eager to have on his desk and to sign. This motion before the House is identical to the motion passed by this House June 12, a motion offered by the gentleman from Connecticut (Ms. DELAURO) at the time. It is 36 days later, more than a month. Yet we have seen no action. The time has come for the House Republicans to stop playing

politics with the child tax credit. The people who are going to suffer are the 12 million children from 6.5 million low-income working families, families who earn an annual income of between \$10,500 and \$26,600 a year, families out there working very hard day in and day out to make ends meet.

What happened? How did they get cut out? Let us just go back a little over a month just to review a little history here. During the recent conference on the tax bill, that was the tax bill passed out of this House, \$350 billion-plus, a package that disproportionately benefits the very wealthiest in our country, during the House-Senate conference on that tax bill, a provision was removed. It was a provision that was originally offered by a Democratic Senator in the United States Senate. It was a provision for basic fairness and basic decency. Indeed, it was one of the only provisions in that tax cut bill that benefits low-income, working families.

While that bill accelerated tax cuts that had been previously passed by this Congress, while that bill accelerated the cut in the tax rates for the very wealthiest Americans, and while we accelerated the child tax credit for millions of other Americans, the Republican conferees on the House and the Senate side decided to remove that one provision in the bill that helped those low-income working families, that provided a child tax credit to those families with under \$26,000 in income.

It was a shameful moment. But at least the Senate recognized the problem and Democrats and Republicans on the Senate side passed a bill very quickly to fix that particular problem, to make sure that we restored the child tax credit for those low-income Americans who had been taken out of the bill. The President, who originally through the Vice President, DICK CHENEY, had agreed with the plan to remove that provision that helped low-income families with a child tax credit, reversed position as well and the President said, I want to sign that tax bill, the child tax credit fix that was passed by the Senate. And then the bill came over to this body. We actually had, as I said, a motion to instruct conferees 36 days ago where we told the House conferees, let us go with the Senate bill. Yet the House leadership has prevented that from happening.

Next Friday, as the Democratic whip indicated, next Friday, July 25, many Americans are going to go to their mailboxes, and they are going to find a tax rebate check there. Because of the nature of this bill, the wealthiest in our country are going to find some very big checks. In fact, the wealthiest 1 percent will receive on average \$100,000 in tax cuts. Many other Americans will receive much smaller checks. But there is one group of Americans that is going to go to their mailboxes and find nothing at all and that is the low-income working families who were cut out of the bill and for whom the

Republican leadership in the House refuses to provide relief right now, families whom we know are struggling each day as hard as every American.

There is also another group that was left out. It was a group of Americans who have been fighting for our country overseas, 200,000 men and women who served in Iraq and Afghanistan in combat operations and in other combat around the world. The House bill left them out, the Senate bill provided a fix, and yet this House Republican leadership will not allow us to provide that fix now. The House bill contains bad news for the children of those 200,000 men and women. It leaves in place current law and under current law many families will have tax increases because combat pay for their services is not counted for the purposes of the child tax credit. So under current law, an E-5 or an E-6 sergeant with 6 years of service and two children is paid \$29,000 a year. If he did not serve in combat, both of his children would be entitled to the full \$1,000 child tax credit. But if he goes to combat for 6 months, his credit would be dropped to approximately \$450 under the House bill. The Senate bill, which the President says he wants to sign, is designed to fix it. Let us get on with it.

Let me just quote from the former White House press secretary, Ari Fleischer, back in the week of June 12. Mr. Fleischer said he, the President, "wants to sign that legislation, 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."

Let us get on with the business. Let us make sure that we treat those families, those hardworking families fairly. There is no reason at a time when the very wealthiest in our country are getting huge tax breaks that we should not provide the child tax credit for those low-income working Americans. It is the right thing to do. It is the decent thing to do. Let us adopt this resolution.

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

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

Mr. Speaker, I respect the gentleman from Maryland as an individual, I hear what he has to say; but I must say I disagree with some of these points that he has made. We have passed our own bill. Why should we go and pass the Senate bill? Our own bill is our own bill. That is what we want.

This is not a new issue or a new motion from our colleagues in the House. I once again urge my associates and my Members here to reject the motion to instruct conferees. We have debated this issue for several days now. I will not prolong the debate, particularly with the lateness of this hour and the discussion, the turmoil we had earlier for those who are seeking to return to their districts.

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

Mr. VAN HOLLEN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong support of this motion, and I wanted just to say thank you to my colleague from Maryland for his outstanding leadership on the issue and for offering this motion today.

Our colleague on the other side of the aisle asked a question: We passed our bill over here, why would we want to deal with the Senate bill? I think that therein lies the issue. It is probably very cynical what the thoughts on the other side of the aisle have expressed about the child tax credit; and keeping that in mind, the child tax credit to working families who work hard, pay their taxes and they are not going to get the benefit of this tax break where the millionaires, about 184,000 of them, are going to get \$93,000 in a tax break come next week. The cynicism lies here, that, in fact, the majority leader on the Republican side of the aisle said about this child tax credit, that ain't nothing going to happen. As a matter of fact, the editorial page in the Wall Street Journal just a couple of weeks ago commended the majority leader for his action which in fact would be that the bill that passed here in the House would never be accepted by the United States Senate, the other body, and, therefore, nothing would happen, it would die. So what they did here was a political ploy to do nothing. That is what is so sad about this.

Further, the majority leader here, the majority leader in the Senate said, We don't have time to do this. We don't have time to do this and it's not that important. And then the other night when we debated this motion on the floor and it was because this motion, as my colleague from Maryland pointed out passed, this very motion passed on June 12 with a bipartisan majority, 205-201, that meant that Democrats and Republicans together voted to do what the other body had done. And the chairman of the House Committee on Ways and Means said, Well, that's not a binding resolution. We don't have to do anything about that, so that the will of the majority is thwarted once again. That is what is so sad about this.

Let me just say, it has been 7 weeks. We have discussed how the extension of the child tax credit was stolen from 6.5 million families, 12 million children, a million of whom are in military and veterans families. We have discussed how these low-wage-earning families pay more in taxes than Enron, a multi-billion dollar company who paid no taxes in the last 4 or 5 years. It is incredible.

But this injustice has affected women disproportionately. Two-thirds of the parents who will not be receiving this tax cut are women. Fifty-six percent of single parents will receive no tax assistance from the tax cut passed in May, including almost 4 million single mothers representing 54 percent of all

families that have been left out. Stay-at-home moms fare little better. More than a million married couples with a stay-at-home mom, 55 percent of all married-couple families, were left out. They have been left out by this Republican majority. On average, the families of these women would have received \$276 in this year alone had the tax credit been extended to them.

As I said the other night when we were discussing how families in the military and Head Start and teaching in Head Start were left out of this tax cut, that might not sound like a lot of money to some, particularly those millionaires who are going to get \$93,000, what do they care about \$276, but it can be a difference between a child going to school with or without school supplies, it helps the families of the 9 million children in this country without health insurance pay for the health care services that they need.

Assisting these families, these 12 million children, is a moral issue. It is a matter of values. The President said a month ago that he wants this House to act on this, to accept the other body's bill, bring justice to 6.5 million families. Let us give them that. I would just say, I call on the President, because his leadership here in the House has seen it and left the field. They do not want to do anything about this. So I call on the President, use your moral authority, do something about those 6.5 million working families. Yes, they pay taxes, sales taxes, property taxes, payroll taxes. They deserve to get that child tax credit as well as those millions of others who next Friday are going to get their check. And why is it because they make \$10,500 a year up to \$26,000 a year that they are not deserving? It is wrong. We should pass this motion to instruct.

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

Mr. VAN HOLLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I rise today in support of the gentleman from Maryland's thoughtful motion to instruct conferees. I thank him for his vigilance in standing up for hard-working, lower-income families.

□ 1630

This instruction tells the conferees to ignore the bogus Republican child tax credit fix passed in this House and urges them to follow the Senate provisions that would extend the child tax credit to lower-income families to make sure they receive a rebate check when they start going out on July 25, 2003.

Mr. Speaker, the Senate has already passed a bill that would make sure that our working families, those earning between \$10,500 and \$26,000, would receive their share of one of the largest tax cuts in this Nation's history. That bill costs \$9.7 billion; and, unlike the huge \$80 billion Republican tax credit rammed through the House, the Senate bill is paid for.



Mr. Speaker, what I find truly astounding by this entire process is what it says about our values in this House. We should be trying to help all Americans, those with means and those without.

The Office of Management and Budget recently announced that this year's Federal deficit will hit \$455 billion. I do not think it is any secret that this record deficit is a direct result of tax cuts that primarily benefit the wealthiest 1 percent of Americans. And yet I ask my colleagues can we not spend \$3.5 billion of money, money that is offset in the Senate bill to let the men and women of our Armed Forces who fight bravely for our country and the men and women who serve our food, who provide day care for our kids, who drive our buses, collect our garbage, to tell them that they matter?

Because, Mr. Speaker, \$3.5 billion is all it would take of the trillion dollar-plus tax cut to help 6.5 million working families, including families of the brave men and women who served our country so heroically in Iraq, Afghanistan, and around the world. Is it too much to give these families their minuscule piece of a tax cut to let them know they matter as much as a millionaire and that their children matter as much as the children of big political donors? Are these questions we should really have to answer?

Instead of helping, the Republican leadership designed a child tax credit that was overpriced and not paid for. They loaded it up with extra goodies so that it cost a whopping \$82 billion. Without Senate support they knew it would be nearly impossible to pass out of conference and may fail altogether.

Mr. Speaker, the Republicans did not vote to expand the tax credit. They voted to kill it. But I urge my compassionate conservative friends to put the money where their rhetoric is.

Mr. Speaker, I rise today in support of Mr. VAN HOLLEN of Maryland's thoughtful Motion to Instruct Conferees. This instruction tells the conferees to ignore the bogus Republican Child Tax Credit "fix" passed in this House and urges them to follow the Senate provisions that will extend the child tax credit to lower-income families to make sure they receive a rebate check when they start going out on July 25, 2003.

Mr. Speaker, the Senate has already passed a bill that would make sure that our working families, those earning between \$10,500 and \$26,000 will receive their share of one of the largest tax cuts in history. That bill costs \$9.7 billion and unlike the gargantuan \$80 billion Republican tax credit rammed through the House—the Senate bill is paid for.

Mr. Speaker, what I find truly astounding about this entire process is what it says about our values in this House. We should be trying to help all Americans—those with means and those without.

The Office of Management and Budget recently announced that this year's federal deficit will hit \$455 billion. I don't think it's any secret that this record deficit is a direct result of tax cuts that primarily benefit the wealthiest one percent of Americans.

And yet, I ask my colleagues, can we not spend \$3.5 billion—money that is offset in the Senate bill—to let the men and women of our Armed Forces, who fight bravely for our country—and the men and women who serve our food, who provide day care help for our kids, who drive our buses, collect our garbage—to tell them that they matter.

Because, Mr. Speaker, \$3.5 billion is all it would take of the trillion-plus dollar tax cut to help 6.5 million working families—including families of the brave men and women who served our country so heroically in Iraq, in Afghanistan and around the globe.

Is it too much to give these families their minuscule piece of the tax cut—to let them know they matter as much as a millionaire and that their children matter as much as the children of big political donors. Are these questions we should really have to answer?

Instead of Helping the Republican leadership designed a child tax credit that was overpriced and not paid for—they loaded it up with extra goodies to that it costs a whopping \$82 billion. Without Senate support they knew it would be nearly impossible to pass out of conference and may fail altogether.

Mr. Speaker, the Republicans did not vote to expand the child tax credit, they voted to kill it.

But, I urge my compassionate conservative friends to put the money where your rhetoric is. Correct your intentional mistake. Pass the Senate provisions. These families need the help now.

Mr. Speaker, that is money well spent.

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

Mr. VAN HOLLEN. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, this important motion to instruct conferees must be considered in context of what has happened here today and what has happened here this year. Today we have seen arrogance boil over with the order from the Committee on Ways and Means chairman to have the Capitol Police remove some of our colleagues and me from a committee room where we were attempting to develop our alternatives to pension protection for every worker in the United States. It is that same committee from which this child tax credit arose.

The gentleman from Maryland (Mr. VAN HOLLEN) has made clear that one of the groups that will be most significantly impacted by the decision on this motion to instruct are the children of our military families. In fact, it is a very significant amount. According to the Children's Defense Fund, a quarter of a million children are in active-duty military families who will not qualify for this child tax credit unless the gentleman from Maryland's (Mr. VAN HOLLEN) motion is not only approved today but followed by the conference committee.

But this is not the first time that the Committee on Ways and Means, the same committee whose chairman sent the police out after Democratic colleagues on the committee today, has shown disinterest in the plight of our military families. Indeed, there is a bill

that has been sitting on this desk since March 27 of this year called the "Armed Forces Tax Fairness Act." That bill passed the United States Senate unanimously, 97 to nothing. That bill would ensure that there would be no taxes applied to the small \$6,000 death benefit payable to the families of those who are killed in conflict such as in Iraq, and it would provide certain other benefits to military families.

When that measure came before the House Committee on Ways and Means, proceeded to do things like stick on an amendment to help foreign gamblers who bet off track at American race tracks, to help companies that make tackle boxes, to help a variety of other special interests, and they loaded it up. And to add the final indignity, they added to that bill called the "Armed Forces Tax Fairness Act" a provision to grant amnesty to those corporations that renounced their American citizenship and posted their mailbox in Bermuda to dodge their fairshare taxes to pay for what is happening in Iraq and what is happening in America.

That bill, that disinterest Republicans show here against the instant bill we now consider, the child tax credit, and the fact that children in 200,000 military families have been left out by this Republican majority, by their refusal to accept the thinking in the gentleman from Maryland's (Mr. VAN HOLLEN) motion, it is somewhat ironic that this very week when the gentleman from Maryland (Mr. VAN HOLLEN) makes his motion, I understand that the United States Government has decided that it will expend money to pay about 200,000 to 250,000 Iraqi military officers. The Members heard that right. Iraqi military officers, to pay them 200,000 of 250,000 a stipend, with either our tax dollars or money they find over in Iraq, I guess.

Why not do something for the children of 200,000 of our military families who have been left out by the same Republican majority that showed the callous indifference to let the Armed Forces Tax Fairness Act sit up here since March 27? Because they want to use legislation like this to advance another agenda. And what is that agenda? It is an agenda that says if we sap the strength of the Federal Treasury enough, we can totally dismantle our Government.

We know this week that America has, even according to the White House, the largest deficit in the history of the United States, that we are headed toward a debt ceiling that keeps going up, \$10 trillion of debt, and instead of targeting the relief to these military families and to these civilian families that are out there working in our hospitals, in our nursing homes, picking up the garbage, doing the dirty work of our society but working, trying to advance themselves and provide for their children, many single-mother households trying to provide for their children and work at the same time, why do those people get left out?

What the Republicans propose at this time is to add to the largest deficit in the history of the United States about another \$80 billion to address the child tax credit because they say if we cannot provide most of this relief to the people that make well over \$100,000, we are not going to do anything for those thousands of military children. We are not going to do anything for the person who is out working in the nursing home. They do not deserve this benefit.

The truth of the matter is it has become very clear listening to the gentleman from California (Mr. THOMAS), the same person who called out the police today, that he is not really concerned whether this bill passes or not. He made it clear when he talked to the Wall Street Journal stating that "there are worse things than the [child tax credit bill] not happening." There may be worse things than in a single week deciding to pay Iraqi military officers, 250,000 of them, at the same time we deny relief to children in 200,000 military families, but it is hard to conceive what he has in mind.

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

Mr. VAN HOLLEN. Mr. Speaker, I yield 3½ minutes 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. Mr. Speaker, let me thank the gentleman from Maryland (Mr. VAN HOLLEN) for a very sensitive motion to instruct, recognition that my good friends on the other side of the aisle, many of whom really want to support this motion to instruct, many of whom find great credibility in our arguments; and I appreciate that, having great respect for the gentleman from New York (Mr. HOUGHTON), the manager of the motion on the other side of the aisle.

But what I would say is wanting to do so and not doing is a travesty. Frankly, we heard this week that our deficit is almost \$500 billion, created by the Republicans. The tax plan that they have put forward, instead of the child tax credit, costs \$80 billion. The tax credit to take care of 6.5 million families, some 200,000 to 300,000 children, costs only \$3.5 billion. I know we can add. I realize that Members in this body can add, and they can also subtract. A \$450 billion plus, \$500 billion deficit, the Republicans put a plan on the floor of the House costing \$80 billion, leaving out 4 million children from a child tax credit when all they have to do is turn and go to this well and take up the Senate bill that costs only \$3.5 billion. It will take care of 6.5 million families, including our men and women who are in Afghanistan and Iraq. And yet we find a travesty that is occurring when our Republican friends refuse to address these concerns.

I could give all the arguments of who pays taxes and who does not. Just take out a calculator. Families that make between \$10,000 and \$26,000 a year pay

sales tax and payroll tax. How dare you say they pay no tax. More importantly, they are the lowest-paid workers. Our men and women in the military get \$1,000 a month. The war in Iraq is costing \$4 billion a month. What a difference. And this Republican leadership, when their own Members would like to vote for a straight-up vote on the child tax credit, refuses to allow them to vote, casting then a pall over this particular House.

On July 25, next Friday, checks will go out to only 2 million families. Four million families will go longing for a refund that could help energize this economy. It is well-known that the \$90,000 that has been given to the richest of Americans will not infuse energy into the economy. They are not consumers. In essence, they are hoarders of money. And they will put it in all kinds of investments, that they will buy nothing. But those who have to get school children supplies and clothing will make a difference.

For all of you who think you are rich and can turn a head and smile and look one way or the other as if this does not impact you, I am glad that I am standing for the least of those, and I would hope that most Americans would be concerned because you are sitting in great comfort. You are allowed to come, freedom of movement, freedom of rights because men and women are on the front lines fighting for your rights. And it is an insult, an absolute insult that we do not have Americans that can embrace the concept we do care about the least of those.

I would argue that my colleagues join together and vote for a stand-alone child tax credit. I ask them to support the motion to instruct.

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

Mr. VAN HOLLEN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I think we are going to have to come here almost every night to make the point of how outraged we are on the Democratic side that the House has not resolved this issue and that once again 12 million children are being excluded from the child tax credit. I do not know how many times the Democrats are going to have to get up here and tell the Republicans that they are not doing anything about this issue.

It is amazing to me, because times are tough. And I said last night, and I will say again, in my own family I have young children and I am not worried about being able to provide for them.

□ 1645

But I know that in my district there are a lot of families, parents who have difficult times. When we tell them that they are going to be excluded from this child tax credit and the checks are going to go out next Friday to people who are a little higher income but not to them because they happen to be a lower income, it just does not seem

fair. It is tough for them to get along. Times are tough. There is a high unemployment rate.

The Republicans keep saying that their tax cuts and their tax policies are going to turn the economy around, but they are not. Certainly not in my State, in my district. And for the Republican leadership to keep talking about how they are going to give all of these tax breaks to wealthy individuals, even millionaires, but, at the same time, do not want to give tax breaks to the parents of these 12 million children who are earning between \$10,000 and \$26,000 a year is really heartless. I feel for the families, that they are not able to take advantage of this and somehow help out. We should be making an effort to help them out.

The worst part of it, too, is when we hear about the fact that some of these parents are people that may be in combat or in Iraq and facing the potential every day of being killed or seriously injured and yet, for some reason, this other piece of legislation that might help them out, even if this does not, even if the Republicans do not want to give the child tax credit to them, this other piece of legislation that would help them out, I guess, is now in conference; but the conference has never met.

The Republicans do not want to address this issue. They just want to go home. We are not going to let them go home until they give this tax credit to these 12 million children.

Mr. HOUGHTON. How much time remains, Mr. Speaker?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New York (Mr. HOUGHTON) has 29 minutes remaining, and the gentleman from Maryland (Mr. VAN HOLLEN) has 3 minutes remaining.

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

Mr. VAN HOLLEN. Mr. Speaker, if I may inquire of my friend, the gentleman from New York, and I have great respect for the gentleman, whether he intends to use any of his time. We are obviously getting near the end.

Mr. HOUGHTON. No, I do not, Mr. Speaker.

Mr. VAN HOLLEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, do my colleagues know that my district is one of the most affluent districts in this Nation? In fact, they are the people who benefit the most from the Republican tax cuts. But do my colleagues know what they are asking me, Mr. Speaker? They are saying, why in the world are the 12 million children that belong to the hardest-working families and the most struggling families in this Nation not benefiting from the child tax credit? They do not understand how these low-income families, those who work hard to make ends meet, why they cannot get a little bit so they can buy something extra for

their children, so they can possibly take a vacation, so that they can have enough money to buy shoes when the school year begins.

Mr. Speaker, I was a single mom on welfare 35 years ago, and I had three very small children, 1, 3, and 5 years old. I was working. When my kids would outgrow their shoes, two boys and a girl, and those boys grew like weeds, I am telling you, my heart would stop, because I was scared to death I might not have the money to buy them decent shoes. The people I work for who elected me, women who had been on welfare and who have walked my walk, they know, they know the difference between having it all and having enough and making sure that other people have what they need to survive also.

My constituents support the child tax credit. They want to hear just why the Republicans refuse to bring it to the floor, and they want it debated; and so do I, Mr. Speaker.

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

Mr. VAN HOLLEN. Mr. Speaker, may I ask how much time is left.

The SPEAKER pro tempore. The gentleman from Maryland has 1 minute remaining.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself the remaining time. This is a question of basic fairness. It is a question of priorities.

This House recently passed a \$350 billion tax bill, weighted disproportionately to the very wealthiest in this country. And in the conference on that bill, we cut out the child tax credit for 12 million low-income working families.

The Senate solution is to take \$3.5 billion and address that issue to make sure that we treat those children with decency. The House Republican leadership has said no. They said, we will only accept that \$3.5 billion addition if you pass an additional \$83 billion tax cut package. So they are holding those kids hostage to this other package at the same time that we have a record \$450 billion deficit in this country. As a result of those deficits which have been fueled by the tax cuts to the wealthiest, this past week we were \$8 billion short on the No Child Left Behind bill.

Mr. Speaker, we are being unfair to the basic priorities of the people of the country. We should adopt this motion to instruct.

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

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maryland (Mr. VAN HOLLEN).

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

Mr. VAN HOLLEN. 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.

ADJOURNMENT TO MONDAY, JULY 21, 2003

Mr. NORWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. NORWOOD. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### THE CLEAR ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I am afraid to say that it has happened and happened again. A week ago, I rose to tell my colleagues the case of a brutal crime committed by criminal illegal aliens in New York. This time it happened near a small town in southern Illinois.

Mr. Speaker, near Cobden, Illinois, in the congressional district of my colleague, the gentleman from Illinois (Mr. COSTELLO), three men, two of them illegal aliens, sexually assaulted a 13-year-old girl and a 15-year-old girl.

Now, Mr. Speaker, there are 400,000 individuals who have received their final deportation orders; 400,000. That means they have been apprehended, they have been told to depart, and they have been released and are somewhere in America. They cannot be found within our borders. Of those 400,000, 20 percent, 80,000, of them have criminal convictions; and I am not talking about running a stop sign. They have been in the hands of our law enforcement and have slipped away. Mr. Speaker, I only pray that I am not reporting one of their crimes standing here next week.

Mr. Speaker, not only are the residents of this country continually falling victim to these brutal crimes of criminal illegal aliens, we are also paying for them out of our own pockets. Criminal aliens put an incredible strain on America's law enforcement

and criminal justice resources every day. Taxpayers are footing the bill for the imprisonment of Mazimiliano Silerio Esparza, a 33-year-old criminal alien who brutally raped two nuns, killing one in Oregon. He copped a plea agreement to avoid execution and taxpayers in Oregon now will be paying for his life imprisonment.

Mr. Speaker, that is why we introduced the CLEAR Act, the Clear Law Enforcement for Criminal Alien Removal Act, last Wednesday, to give our local police the authority that they need to detain criminal illegal aliens. I would like to review quickly just a few of the highlights tonight, and we will do it night after night until this becomes clear.

First and foremost, we are going to make it very clear in our law in what it says in regards to the 700,000 local law enforcement officials around the country. They have the inherent authority to enforce immigration laws, period. But it is confusing. We are going to straighten that out so no one will be confused. This is the only major set of Federal laws that local law enforcement are not actively helping to enforce. That is only the first page of a 22-page bill. The rest of the bill provides resources and tools for our local law enforcement people to actually get the job done.

Mr. Speaker, the CLEAR Act will add a new category to the National Crime and Information Center database so that police across the Nation can access the information simply from their patrol cars. Also, Mr. Speaker, once and for all, we are going to make sure that these violent criminal aliens are in the hands of law enforcement and will be deported from this country the day they complete their jail time. We are going to do this by mandating the expansion of the Institutional Removal Program, and one night next week we will talk about that.

But, Mr. Speaker, in the meantime, I encourage my colleagues to take a really close look at this landmark legislation and let us help each other put an end to these tragic events that have plagued our country. We cannot do it with 2,000 INS agents. That simply is not in the ability or within the realm of possibility to get these criminals. Some of them who have crossed this border may well be terrorists; 2,000 Federal agents cannot do it. We have to call on the 700,000 local law enforcement agencies to come together and help the Federal Government lock up and then deport these 80,000 violent criminal illegal aliens. I am not sure, and neither is this government, exactly how many of those 400,000 that have slipped across our border, how many of those may be terrorists. Do we not want to know? Is that not what part of homeland security is all about? And my colleagues are telling me we are going to protect this homeland from people who slip across our border with 2,000 Federal agents? It cannot be done, Mr. Speaker.

We have to get serious if we want to protect this Nation's infrastructure.

#### SUPPORT FOR INDEPENDENT COMMISSION ON WAR WITH IRAQ

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 have come to the floor, once again tonight, to discuss the groundswell of support for an independent commission to discuss the administration's plans regarding Iraq's weapons of mass destruction. After hearing the administration's case for war, many Americans felt they were led to believe that Iraq had weapons of mass destruction ready to use against America and were on the verge of developing nuclear weapons. Mr. Speaker, we may yet find weapons of mass destruction in Iraq, but it is now clear to many Americans that the administration overstated and misrepresented the threat that Iraq posed to the United States. Those Americans can say it better than I can.

Fred, from Ventura, California writes, "I recently read an article that summarized the comments made by the President and members of his administration. I am deeply troubled by how incongruent these statements are with the realities after President Bush declared an end to hostilities."

□ 1700

Susan from Solana Beach, California, compares the administration's untruths with recent corporate scandals, "Enough is enough. Whatever deceptions corporate America perpetrated in the last few years, no one died and we continue to investigate. Washington must be held to a far higher standard because American lives were risked and lost on the word of the Bush administration. Without an investigation to answer these important questions about potential distortion of intelligence reports, all the tax cuts in the world will not buy my vote in future elections."

Steve from Bakersfield was more understanding: "If we launch a preemptive war by mistake, God help America."

This is not God's responsibility, Mr. Speaker. It is the Congress's responsibility.

Beatrice from Redondo Beach is upset with those of us here in Congress: "I am angry at the lack of action by our representatives against this Bush administration on their manipulation of facts in order to take our country to war."

J. Lawrence of California seconds that and I will quote him: "Of all things that a government does, the decision to go to war must be made openly and without manipulations. I urge you to support an independent commission to investigate the circumstances surrounding what we, the public, were told about the justification for our re-

cent incursion into Iraq. We spent millions on a sexual dalliance but appear to have been ignoring what may have been a mass deception and manipulation of truth that in the end put U.S. citizens and soldiers in harm's way."

Stan and Sue from Sierra Madre support an investigation also. They say: "Never should we harm another country nor put our own sons and daughters in harm's way under false pretenses. An inquiry is one of the tools to make sure this does not happen in the future."

Mr. Speaker, other Americans want to remind us, in the Congress, that they do not care about partisanship. They only care about getting to the truth.

Steve from Moorpark writes: "In the interest of preserving the freedoms and liberties inherent to our Constitution, I ask you to support an independent investigation of the Bush administration's distortion of evidence of Iraq's weapons of mass destruction program. No matter which political party affiliation any American favors, it is detrimental to our country, our Constitution, and our democracy to have our leaders mislead all Americans for reasons yet unknown."

It is time to get the facts. I urge all of my colleagues to support H.R. 2625, the gentleman from California's (Mr. WAXMAN) bill to create an independent commission to uncover all of the facts about the administration's claims and Iraq's weapons. It is time for Congress to stop beating around the bush and take action. Support fact finding. Support an independent commission.

#### HONORING REED LARSON

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from Colorado (Mrs. MUSGRAVE) is recognized for 5 minutes.

Mrs. MUSGRAVE. Mr. Speaker, it was nearly 5 decades ago in the spring of 1954 that Reed Larson went on what he believed to be a temporary leave from his job as an engineer for the Coleman Company in Wichita, Kansas, in order to lead a new grass-roots advocacy group called Kansans For Right to Work. Larson and his group members were determined to pass a State right-to-work law protecting employees from being forced to join or pay dues to a labor union in order to get or keep a job.

Because they first had to deal with a hostile Governor, the job took longer than originally expected. By the time Kansas's right-to-work law was finally passed in November of 1958, Larson had been on temporary leave from the Coleman Company for 4½ years. After the Kansas victory, Larson was quickly recruited to lead the then 4-year-old national Right to Work Committee from its headquarters right here in our Nation's Capital and his temporary leave from the Coleman Company became permanent.

For the next 44 years Larson stood at the helm of this organization, which has aptly been hailed as the Nation's preeminent defender of workers' freedom. I rise today to pay tribute to Reed Larson because of his long, selfless commitment to the right-to-work cause and because late last month at Mr. Larson's own recommendation, the board of directors of National Right to Work Committee appointed then executive vice president Mark Mix as the new Right to Work president and Larson as executive committee chairman.

Reed Larson is still fighting for the right-to-work cause, but his role in the coming years will be in a different capacity than during the last 5 decades, marking the end of an era for the National Right to Work Committee and for opponents of forced unionism nationwide.

Mr. Speaker, I have the utmost respect for Mr. Larson's continued involvement with the right-to-work cause. Almost anyone else who had accomplished what Reed Larson has over the past 49 years would be content to rest on his laurels. During the 1950s, roughly 30 percent of private sector employees nationwide were forced to join and remain in a union. If they refused, they would be fired. Today it is 7 percent of private sector employees who are compelled to pay union dues or fees in order to keep their jobs. One major reason it is now possible to envision the day when every American private sector employee enjoys the personal freedom to decide whether or not to affiliate with the union is the invaluable assistance Reed Larson and the National Right to Work Committee has given to State right-to-work efforts.

Thanks largely to the sound advice of Reed Larson and the committee, the number of State right-to-work laws has grown to 22, with the most recent law being approved less than 2 years ago in the State of Oklahoma. Furthermore, not a single right-to-work law that was in effect when Mr. Larson took over the committee in January of 1959 has been repealed or rendered inoperative through court action, although Big Labor has spent countless millions of dollars on bids to destroy such laws.

The most notorious of these schemes was union officials' Capitol Hill campaign to eviscerate all State right-to-work laws through repeal of Taft-Hartley section 14(b) in 1965 and 1966. Under Reed Larson's leadership the committee saved State right-to-work protections by convincing Senate minority leader Everett Dirksen of Illinois to lead a filibuster against 14(b) repeal.

Mr. Speaker, I proudly salute my good friend Reed Larson and the National Right to Work Committee's 2.2 million members. I applaud their unwavering dedication and tireless action on what should be every American's birthright, not to be forced to pay tribute to a labor union in order to get or keep a job.

May God bless you, Mr. Larson and his wife. He is a true American hero and many Americans owe him a debt of gratitude.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MENENDEZ) is recognized for 5 minutes.

(Mr. MENENDEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### BHOPAL TRAGEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to discuss the tragedy of the Bhopal disaster in India. This is an event that the Congress and the world remember vividly. Unfortunately, we have forgotten that many of the victims and their families that remain in Bhopal still remain without much reparation.

On that horrible December day in 1984 when a Union Carbide plant leaked 40 tons of lethal gas in Bhopal, India, about 4,000 people died within hours, more than 20,000 were injured. And since then the death count has risen to over 14,000 as a result of exposure to the gas. According to victims rights groups, over 150,000 people are suffering from the after-effects such as reproduction complications, loss of ability to perform physical labor, rare cancers, severe respiratory problems, and the list goes on.

Not only are there countless trials and tribulations regarding health status, but in addition there are tremendous environmental injustices such as polluted groundwater, toxic waste, and contaminated soil that have largely remained unaddressed.

Mr. Speaker, Union Carbide is the company responsible for the Bhopal disaster. But when Union Carbide and Dow Chemical merged in 2001, there was no doubt that Dow Chemical as a successor company was also responsible for the disaster. Dow Chemical has the resources to deal with the health problems and to provide reparations for the people of Bhopal that were devastated by the tragedy.

To date, Mr. Speaker, there are four basic outstanding demands that the victims and their advocates are tirelessly working toward. Dow Chemical has the responsibility to meet each of these demands, and I would like to express my commitment to seeing that these basic demands of justice come to fruition.

First, Mr. Speaker, there must be acknowledgment that Dow inherited criminal liabilities and accordingly should face a criminal trial for poisoning people, animals, and the environment. At the time, Union Carbide blamed the disaster on a disgruntled worker. But whatever happened to him?

At the time, Warren Anderson was the CEO of Union Carbide. Whatever happened to him? And more importantly, where is he now?

Second, Mr. Speaker, the health of survivors must be monitored and medical care must be provided to them as well as the second and third generations that have already and undoubtedly will continue to inherit health complications due to their family members' exposure to gas in 1984.

Third, there must be adequate funding and some type of safe, workable design and infrastructure for removing 5,000 tons of waste and chemicals in the soil and water. There are over 20,000 people drinking contaminated water thoroughly diffused with mercury. And this example of endless environmental atrocities is simply unacceptable.

Fourth, Mr. Speaker, compensation for injuries must be addressed. Any victim reparations thus far have been woefully insufficient; and in fact, over half the death claims have been rejected. People have no choice but to rely on financial retribution and that is because there have been minimal numbers of jobs since the disaster, and those sickened from exposure have lost the ability to perform simple tasks. In addition, care for the overwhelming number of orphans is necessary.

Mr. Speaker, the struggle of the people of Bhopal has been long and has reduced most to living without dignity. Americans deal with environmental injustices as well. However, we have public health laws that protect our citizens' Federal right-to-know legislation that, in fact, came about in the aftermath of Bhopal.

In an effort to restore basic human rights to the people of Bhopal, my colleague, the gentleman from Ohio (Mr. KUCINICH), and I are circulating a letter to the CEO of Dow Chemical asking that Dow take responsibility for the disaster inherited in 1984 and that it cooperate in meeting the demands of its victims. I encourage all of my colleagues to sign on to this important letter.

In addition, I plan on circulating an amicus brief on behalf of the Bhopal victims who have year after year tried their cases in the U.S. court system and who have been subjected to unfair treatment due to corporate favoritism.

At that time, I will also ask my colleagues to join me in sending a message that the injustice cannot continue and that there is support in Congress for holding accountable those that are liable for this horrific tragedy.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### AMERICANS NEED THE TRUTH

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 160-or-so years ago, Congress passed a rule prohibiting Members of Congress from debating the issue of slavery. The issue of slavery, the greatest blemish on our Nation's history, was actually not debated in Congress for many years because conservative leaders of this body simply said it could not be, and passed a rule prohibiting it.

John Quincy Adams, former President and later Member of Congress in the 1830s and 1840s came to this Chamber of the House of Representatives and collected letters from his constituents. He called them petitions from mostly women's group in Massachusetts. Women in those days were not allowed to voted, as most of us know. He brought these petitions from women who were opposed to slavery and read them on the House floor.

While the rules said he could not debate slavery, he was simply a mouthpiece, a conduit, was a megaphone for the concerns of the people in his district about a great national problem.

Fast forward the clock to 2003. We now have a legislative leadership which is again saying no to debating issues of what really happened with the Bush administration's distortion of evidence of Iraq's weapons of mass destruction program. While the President may have made, perhaps we are not really sure quite what happened, but we want to investigate. We want to know more. There has been no avenue to do that in this body.

So as a result a group called Moveon.org has gathered online hundreds of thousands of petitions and tens of thousands of American citizens including dozens, dozens, dozens in my district, thousands in the State of Ohio, tens of thousands around the country, speaking out about what they think.

So I am going to share in the next 3½ minutes or so, Mr. Speaker, what people in my district are saying when they sign this petition saying that Congress should support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction program.

□ 1715

John Ciraldo of Akron, Ohio, in my District, "It seems to me that the evidence of deceit led by the Bush administration is becoming more and more prevalent."

"I feel that it is becoming more of an issue to the American people. As part of a democracy, we believe that we have a right to know."

"Please take a stand," Mr. Ciraldo writes, "for what I believe you know to be right. Be fair to our Nation and show a true patriotism, investigate. All of America has the right to know." Mr. Ciraldo from Akron.

Thomas Spalding, also from Akron, Ohio, shorter letter, "Please pursue an

open investigation of the rationale for war that was used by the Bush administration to assuage public doubts about preemptive, unilateral action against Iraq." Mr. Spalding from Akron, Ohio.

From Elyria, Ohio, Linda Mitchell writes, "As an American and one of your constituents, I want to know the truth behind what led up to the grossly unjust 'war' in Iraq. It is time for Congress to shed light upon what I believe we all know was the administration's misuse of the tragedy of September 11 to meet their own greedy need for oil." Ms. Mitchell from Elyria, Ohio.

From Strongsville, Ohio, John Regetz, Junior, "I strongly urge you to vote for the establishment of the commission to investigate the validity of the evidence that the present administration used to start the Iraq war. It appears to me that, for the first time in our history," for the first time in our history Mr. Regetz writes, "we unjustly started a war without first being truly provoked. I think the American people need to know the true facts about this whole mess we now find ourselves in."

Elizabeth from Akron, Ohio, "There is little argument that the past three years have been the saddest in our Nation's history. A nonelected President and his staff callously made critical decisions that deeply affect us all today and for generations to come. One such decision," she writes, "was to end the weapons inspection program and preemptively strike Iraq, supposedly before we were struck by weapons of mass destruction."

"Now, countless civilian and soldier deaths later, yet still no evidence of weapons of mass destruction, the administration is willing to admit that the intelligence leading to this mess was flawed. At the same time, they are talking about sending even more of our military personnel into the chaos that they have created."

Susan Clements, also from Akron, Ohio. Ms. Clements writes, "It really is of crucial importance that we find out the truth in the matter. Lying to the American people about anything is troubling, but to lie about something like this is outrageous. Support for this war was lukewarm at best. Even that was a result of that argument. To date, thousands of people have died, a country has been devastated, a region thrown into turmoil simply to allow Bush's cronies to make a fortune by cleaning up the mess that he made. This is unconscionable. Please support the American people and hold them accountable. Thank you."

The last letter I will share with my colleagues as my time runs out is from Ron Collins of Barberton, Ohio. Mr. Collins writes, "I am certain that you, like many of us here were frightened by the statements made in public back in the State of the Union and earlier by the Bush administration. If those statements were false, we must know of this Mr. Collins writes. Please show

America that you are not afraid to stand up for the rights of the people who put you in office. Despite any pressures you may have been placed under to ignore these issues, those of us in your district implore you to live up to the oath of office you took when you were sworn in."

I thank those people in Ohio that have shared their concerns with me and, most importantly, with the members of this body and with the American people because their concerns do indeed, Mr. Speaker, need to be heard.

#### IN MEMORY OF SPECIALIST JEFFREY MATTISON WERSHOW

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE of Florida) is recognized for 5 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in memory of Specialist Jeffrey Mattison Wershow. A member of the Florida National Guard, Specialist Wershow served admirably before his life was tragically ended by an assailant in Baghdad a little over a week ago.

Jeffrey was the son of Jonathon Wershow and Ann Marie Mattison. At 22 years old, this young man managed to create a long list of accomplishments. After graduating from High School, Jeffrey enlisted in the Army and served for three years in the 82nd Airborne at Ft. Bragg. Upon fulfilling his obligation as an active duty soldier, Jeffrey received an honorable discharge from the Army and returned to Gainesville, Florida where he began pursuing his degree at Santa Fe Community College.

Everyone who knew Jeffrey recalls his vast knowledge of history and his lifelong desire to be a soldier. One of the most impressive things about this young man is that he had enough wisdom at such a young age to pursue both of his dreams. While continuing his education at Santa Fe and becoming actively and successfully involved in local politics, he also passionately served in the Florida National Guard.

Specialist Jeffrey Wershow was a soldier, a son, a brother, and a friend. He was also a proud American who we can all remember as an example of why this country is so great. I would like to offer my most sincere condolences to his family and friends.

#### EXCHANGE OF SPECIAL ORDER TIME

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent to take that time.

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

There was no objection.

#### MISUSE OF FEDERAL LAW ENFORCEMENT RESOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, it is an old truism that the best defense is a

good offense. We have seen that here this afternoon in a quite effective way because Republicans, unable to defend their misuse of the United States Capitol Police against Democrats meeting in the Ways and Means library, have taken the offense in what I consider a very offensive way against our colleague, the gentleman from California (Mr. STARK).

After the gentleman from California (Mr. STARK) was told to "shut up" by another member of the committee, he responded with an insult, perhaps not appropriate, but certainly after significant provocation. To suggest that the gentleman from California (Mr. STARK), a man of 72, surrounded by 20-plus Republican colleagues of lesser age, posed any threat to anyone is ludicrous on its face, and though it is not ordinarily done, since it has been done and incompletely by my colleague, the transcript uncorrected though it is, of the Committee on Ways and Means reflects that after the gentleman from California (Mr. STARK) was told to shut up and he insulted his colleague who made that comment, that he then proceeded to say, come on, come on over here and make me, I dare you.

The transcript then reflects that laughter occurred and that thereafter, after additional comments by the gentleman from California (Mr. STARK) that the gentleman from California (Mr. THOMAS) declared recess is over, the classroom has been resumed.

Now some Americans and undoubtedly some commentators will be inclined to trivialize this entire incident as being mere childish behavior, with wrongs on both sides. There were no wrongs on both sides today.

The Capitol Police were not called out, as the transcript indicates, as the gentleman from California's (Mr. THOMAS) silence indicates, because of anything that the gentleman from California (Mr. STARK) did, said, or implied. To suggest otherwise, indeed the suggestion of my colleague from Texas (Mr. BRADY) that the gentleman from California (Mr. STARK) instigated this incident is an outrageous slur on the gentleman from California (Mr. STARK) who is a person of integrity, even though sometimes of sharply worded comments.

The Capitol Police were targeted not on the gentleman from California (Mr. STARK), but Officer Spriggs, who came into the library, indicated they were asked to clear the library where the gentleman from California (Mr. STARK) was not even present.

We cannot allow our Federal law enforcement resources to be diverted for partisan political purposes such as occurred today. Even at this very moment, the Inspector General to the Department of Justice is investigating the misuse of the U.S. Attorney's Office, the Federal Bureau of Investigation and the United States Marshal's involvement in tracking down courageous Texas State legislators who

made a stand against a similar partisan power grab. Just as the gentleman from Texas (Mr. DELAY) called the Federal Aviation Administration to track down those Democrats, just as the Department of Homeland Security went after a cotton farmer from Texas to find out about his airplane, the gentleman from California (Mr. THOMAS) today diverted the Capitol Police from their important work in preserving public safety here in the Nation's capital for partisan political purposes.

This attempt to break up a meeting of Ways and Means Democrats is unprecedented for either party I believe in the history of this Congress. We did not walk out as our Texas State legislative colleagues so justly did. We attempted to walk into the process, having been handed moments before a bill that affects the pensions and the retirement security of millions of Americans, Republicans and Democrats, across this country, but yet as we attempted to walk into that process and develop and present our alternatives, the police were called here in the Capitol to stop us from doing that job.

Americans who share the concern of the abuse, indeed of the extremism, of the majority need to be concerned about what happened here. It was not some fight among Members of Congress acting childish was a serious infringement on our democracy. Americans who are worried about us becoming a Nation of citizens who are supposed to choose between saying "me too" and shutting up, these Americans cannot afford to be silent. No party, no person has a monopoly on the truth.

Dissent is not some inconvenience in this Congress or in this country, and it certainly does not warrant calling out the Feds, whether it is the gentleman from Texas (Mr. DELAY) calling out for the G-men in Texas or the gentleman from California (Mr. THOMAS) calling out for the Capitol Police in Washington.

It is the cornerstone of our democracy that we have dissent and differences of opinion in this country, and yet it is the strength of our democracy. We will not be intimidated. We will not back down. Too many Americans, working families who need our help, also need our voice.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Texas (Mr. SANDLIN) is recognized for 5 minutes.

(Mr. SANDLIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### ANTI-AMERICANISM ACCORDING TO NEWT GINGRICH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. VAN HOLLEN. Mr. Speaker, on Wednesday this House of Representatives passed legislation to authorize funding for the Department of State, for the conduct of U.S. foreign policy, and to provide direction and guidance in the area of foreign policy. We are fortunate indeed to have hundreds of men and women working for the State Department here and around the world who have dedicated their lives to public service and are committed to serving our country at home and abroad.

These public servants had been recently subjected to outrageous and unwarranted attacks by the former Speaker of this House, Newt Gingrich. In a scurrilous article in the current issue of Foreign Policy, entitled *Rogue State Department*, and in an earlier speech he gave before the American Enterprise Institute, Mr. Gingrich accuses the men and women of the State Department of nothing less than undermining the status and respect of the United States around the world.

In his article, Mr. Gingrich asserts that the cause of rising anti-American sentiment around the world is that the men and women of the State Department have "abdicated values and principles in favor of accommodation and passivity." He accuses them of propping up dictators, coddling the corrupt and ignoring secret police abuse around the world. This from the man who was Speaker of this House, led this body in a three to one vote against President Clinton's Bosnia policy, a policy that started the process leading to the overthrow of the war criminal Mr. Milosevic.

Mr. Gingrich's article piggybacks on an earlier speech he gave before the American Enterprise Institute here in Washington in which he claimed the State Department was engaging in a quote "deliberate and systematic effort to undermine President Bush's foreign policy." These are extremely serious charges. Before making such serious charges, one would think that a person who wanted to be taken seriously would provide some credible evidence. He does not.

Let us start with the fact that it is the President of the United States, not the foreign service or any other career civil servants, who selects the top policy-makers at the Department of State, beginning with the Secretary of State. Indeed, the top jobs in State Department are awarded to political ap-

pointees of the President, starting with Secretary of State Colin Powell. They are the captains of the ship. They set the vision, they establish the policies and they give the orders.

If Mr. Gingrich believes what he writes, that the State Department is a culture that props up dictators, coddles the corrupt and ignores secret police, then his complaint is with President Bush who appointed the political team at the Department and who are charged with ensuring that the policies of the President are carried out.

The fact of the matter is Mr. Gingrich provides not one single example in his article of where the career foreign service or other civil servants of the Department of State have refused to carry out the policies established by the Secretary of State and the President.

What does he refer to as exhibit A in his capital case against the men and women of our State Department? He points to an internal analysis done by the Bureau of Intelligence and Research. That is the bureau within the Department of State responsible for analyzing intelligence information we collect and analyzing that information, and he suggests that the Bureau of Intelligence and Research and that that information, that some of the information collected, that our post-war challenges in Iraq are more daunting than President Bush's sunny rhetoric suggests.

Specifically, in a portion of his article entitled *Out of Sync*, he contrasts statements made in a speech given by President Bush to statements made in an internal, confidential assessment by the Bureau of Intelligence and Research. In a speech in Dearborn, Michigan, the President stated, "I have confidence in the future of a free Iraq. The Iraqi people are fully capable of self-government." The internal State Department analysis reportedly stated that "Liberal democracy would be difficult to achieve in Iraq," and that "electoral democracy were to emerge, could well be subject to exploitation by anti-American elements."

One does not have to be a rocket scientist to understand that the statements made in the INR memo are reasonable conclusions. The facts on the ground in Iraq have demonstrated clearly that liberal democracy would be difficult to achieve in Iraq, not impossible, but certainly difficult. It is a challenge ahead.

It is also obvious that elections in Iraq could be exploited by anti-American Islamic fundamentalist forces.

□ 1730

That does not mean we should not support elections. Of course we should. But we should be clear-eyed about the possible consequences.

The important point here is not so much that Mr. Gingrich is blind to the obvious accuracy of these assessments that were made in the Bureau of Intelligence and Research. The issue is



whether we want our policymakers to receive objective and independent analysis about the situation in Iraq, or anywhere else in the world, or do we want our nonpartisan experts to tailor, to fit their analyses to the political and ideological platform of the President, whether that President be a Republican or whether that President be a Democrat.

Mr. Gingrich would like the professional analysts to manipulate the facts to fit the policy, rather than have a policy informed by the facts. He would have the taxpayers support a cadre of professional yes men and women to make sure that their internal and confidential analyses of the facts were in sync with the President's policy. Anyone else, any other conclusions, he apparently considers a traitor to the cause.

What is amazing, what is amazing is that Mr. Gingrich would choose this moment to make this criticism. We are now learning more each day about how intelligence officials felt pressured to manipulate their assessments about the alleged links between al Qaeda and Saddam Hussein and how their refutation of the claim that Iraq was seeking nuclear material from Niger was ignored by the White House. Indeed, the State Department's analysts in the Bureau of Intelligence and Research, the very officials that Mr. Gingrich condemns in his article, determined last year that the report about Iraq importing nuclear material from Niger was not credible.

The President admitted recently that claims about Iraq seeking nuclear material from Africa should never have been included in his State of the Union speech this year. However, by Newt Gingrich's logic, the fact that the Bureau of Intelligence and Research reached a contrary finding that conflicted with the President's statement in the State of the Union address would be evidence that the State Department seeks to undermine Bush foreign policy.

It is a sad, sad day for our country when Mr. Gingrich would attack accurate and truthful statements made by career State Department officials as part of a systematic effort to undermine foreign policy. We should be working hard to create a bigger, a better firewall between intelligence analysts and the policymakers rather than weaken that wall, as proposed by Mr. Gingrich.

Let us consider another example: In a speech in Cincinnati last October, the President stated, and I quote, "Iraq has attempted to purchase high-strength aluminum tubes and other equipment needed for gas centrifuges, which are used to enrich uranium for nuclear weapons."

We now know that intelligence analysts in the State Department, as well as experts at the Department of Energy, concluded that the tubes' characteristics made it much more likely they were suited for artillery rockets.

British intelligence and subsequently a team of American, British, and German experts convened by the International Atomic Energy Agency, with 120 years of cumulative experience, agreed that the thickness of the aluminum tube walls made them unsuitable for uranium enrichment purposes. And yet again, by Mr. Gingrich's logic, the experts at the State Department would be viewed as undermining U.S. foreign policy for reaching any conclusions at odds with what the President says.

The fact that certain intelligence assessments from INR, or any other government agency for that matter, may be out of sync with the President's policy does not mean, does not mean that those intelligence analysts are engaged in some kind of deliberate and systematic effort to undermine our foreign policy. The President may always choose to ignore or disagree with the independent assessments of experts, but it is folly and shortsighted to suggest that he should not have the benefit of those independent assessments.

The intelligence analysts at INR and elsewhere in the government have a duty to provide the Secretary of State and ultimately the President with their best assessment and their best judgment. It would be irresponsible for them to do otherwise when the lives of American men and women are at stake; and it is outrageous that Mr. Gingrich would have nonpartisan public servants betray their mission, violate their integrity and pander to the politicians.

Mr. Gingrich titles his article the "Rogue State Department." I suggest he focus his gaze across the Potomac. There at the Pentagon certain political appointees of President Bush have systematically undermined the independence and professionalism of our intelligence services. There, in the lead-up to the war in Iraq, they created a so-called Office of Special Plans, a rump group set up to manipulate the intelligence to fit the policy. This truly was a rogue operation, and apparently Mr. Gingrich, who sits on the Defense Advisory Board, believes that operation should become the model for the State Department and other intelligence agencies.

Another remarkable part about the Gingrich foreign policy article is the extent to which he believes that anti-American sentiment abroad is the result of inadequate PR, inadequate public relations, and inadequate spin control, rather than the substance of the policies themselves. He states, and I quote, "One can hardly overstate how poorly the United States communicates its message and values to the world. Large majorities in France, Germany, and South Korea oppose the United States' perspective on Iraq, not to mention the 95 percent disapproval rate in Turkey."

In other words, he sees these disapproval ratings as the result of our failure to explain our actions, rather than stemming from the actions themselves. Yes, says Mr. Gingrich, if only

we had a better PR machine to explain to France, to Germany, South Korea, Turkey and others around the world our theory of preemptive wars, our theory of the nuclear first-use doctrine, and our claims that Iraq's WMD posed an imminent threat, then they would be enthusiastic supporters of our Iraq policy.

And how would he do this? How would he put together this transformation? What is his solution?

Bring in "professional help." I kid you not. It is on page 46 of this article. To address the anti-American sentiments around the world, we need not, according to Mr. Gingrich, reconsider any of our policies. We need not consider working in partnership with other nations to resolve international challenges. Rather, we should "bring in business advisory groups drawn from internationally sophisticated corporations to advise the State Department on how to improve U.S. communication strategies."

Apparently, the world, according to Newt, is just one big game of spin control. Yes, bring in the big boys from Madison Avenue and the executives from multi-national corporations to explain our foreign policy and the world will love us.

Just as amazing is whom Mr. Gingrich chooses to blame for what he perceives as a failed public relations game. It is not Secretary of Defense Donald Rumsfeld, whose incendiary remarks unnecessarily inflamed European sentiment against us. It is not the President and his White House spokesmen who command the bully pulpit and wield the megaphone. No, according to Mr. Gingrich, the culprits are the men and women in the bowels of the State Department. Yes, they, according to Mr. Gingrich, are the ones who are responsible for the raging anti-American sentiment around the world.

You know, these outrageous accusations leveled by Mr. Gingrich might be dismissed as the wild rantings of a former Member of Congress who, as a private citizen, is free to express his views without being held accountable to anybody but himself. But he has not surrendered all his public responsibilities. He currently serves on the Defense Policy Advisory Board, which is chartered to provide the Secretary of Defense, the Deputy Secretary of Defense with advice on a range of national security matters.

The caption accompanying Mr. Gingrich's article on foreign policy references his position on the board, and it is in light of the responsibilities of that position that we should judge his statements. The President, the Secretary of Defense, and the Secretary of State cannot allow Mr. Gingrich's McCarthy-like attacks against the professionalism and integrity of the men and women of the State Department to stand. To do so would send a terrible message at this very critical time.

First, as our Nation faces serious challenges abroad, our foreign policy

must be guided by the best informed intelligence and analysis our diplomats and intelligence officers can provide. To suppress that information could jeopardize the success of our policies and endanger the lives of our citizens.

Second, it would be folly for our national security leaders to see American problems abroad simply as PR issues to be addressed through an aggressive ad and spin control campaign. We cannot afford to block out the insights and the analyses and the assessments of our regional and country experts in the State Department and elsewhere in the United States Government.

Mr. Gingrich has openly and loudly attacked the integrity of the men and women in the State Department. Moreover, he has advocated positions that would weaken our ability to confront the challenges we face abroad. Allowing him to remain on the Defense Policy Advisory Board would send a terrible signal. It would send a message to the men and women who work every day to protect our national security and advance our interests abroad that his statements are acceptable to this White House and this administration.

Mr. Gingrich should do the right thing now and resign from the board. If he does not resign, the President, the Secretary of Defense, and the Secretary of State should hold him accountable for his statements, and they should demand his resignation from the board. The Bush administration can either stand by the statements of Mr. Gingrich or they can make it clear that those statements are unacceptable.

Mr. President, Secretary Rumsfeld, Secretary Powell, where do you stand?

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Tennessee (at the request of Ms. PELOSI) for today on account of attending the funeral of Sgt. Roger Rowe who was killed in Iraq.

Mr. DEFAZIO (at the request of Ms. PELOSI) for today after 2:30 p.m. on account of official business in the district.

Mr. McNULTY (at the request of Ms. PELOSI) for today after 12:55 p.m. on account of personal 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 Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MENENDEZ, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. SANDLIN, for 5 minutes, today.

(The following Members (at the request of Mr. NORWOOD) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, July 23.

Mr. HENSARLING, for 5 minutes, July 23.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, July 21, 22, 23, and 24.

#### 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. 314. An act to make improvements in the Foundation for the National Institutes of Health, to the Committee on Energy and Commerce.

S. 499. An act to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers; to the Committee on Resources.

S. 546. An act to provide for the protection of paleontological resources on Federal lands, and for other purposes, to the Committee on Resources; in addition to the Committee on Agriculture for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 643. An act to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes, to the Committee on Resources.

S. 651. An act to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes, to the Committee on Resources.

S. 677. An act to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes, to the Committee on Resources.

S. 924. An act to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes, to the Committee on Resources.

S. 1076. An act to authorize construction of an education center at or near the Vietnam Veterans Memorial, to the Committee on Resources.

S. 1399. An act to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the "William J. Scherle Post Office Building", to the Committee on Government Reform.

#### ADJOURNMENT

Mr. VAN HOLLEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until Monday July 21,

2003, at 12:30 p.m., for morning hour debates.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3263. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Changes in Reporting Requirements [Docket No. FV03-993-1 IFR] received July 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3264. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, et al.; Increased Assessment Rate [Docket No. FV03-930-2 FR] received July 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3265. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Increase in Membership on the Area No. 2 Colorado Potato Administrative Committee [Docket No. FV03-948-1 FR] received July 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3266. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Changes in Fees for Federal Meat Grading and Certification Services [Docket No. LS-02-06] (RIN: 0581-AC13) received 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3267. A letter from the Administrator, Department of Agriculture, transmitting the Department's "Major" final rule — Control of *Listeria monocytogenes* in Ready-to-Eat Meat and Poultry Products [Docket No. 97-013F] (RIN: 0583-AC46) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3268. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on orders issued to protect Safeguards Information; to the Committee on Energy and Commerce.

3269. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective June 1, 2003, the 15% Danger Pay Allowance for Jordan was terminated due to the ending of authorized departure status, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

3270. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on "Overseas Surplus Property," pursuant to Public Law 105-277, section 2215; to the Committee on International Relations.

3271. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the export to Iraq of the certain body armor, nuclear, biological and chemical protective equipment, and military equipment (such as small arms and ammunition) for use in reconstituting the Iraqi military or police forces, is in the national interest of the United States (Transmittal No. DDTC 01IZ-03), pursuant to Public Law 108-11, section 1504; to the Committee on International Relations.

3272. A letter from the Under Secretary, Natural Resources and Environment, Department of Agriculture, transmitting notification that it is in the public interest to use procedures other than competitive procedures for a contract involving the National

Recreation Reservation System, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Reform.

3273. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule to Remove the Douglas County Distinct Population Segment of Columbian White-Tailed Deer From the Federal List of Endangered and Threatened Wildlife (RIN: 1018-AF43) received July 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3274. A letter from the Counsel, Pacific Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden, Calendar Year 2002, pursuant to 36 U.S.C. 4610; to the Committee on the Judiciary.

3275. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Depreciation of Vans and Light Trucks [TD 9069] (RIN: 1545-BB06) received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3276. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-48] received July 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3277. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2003-87) received July 8, 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. SENSENBRENNER: Committee on the Judiciary. H.R. 1701. A bill to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape; with an amendment (Rept. 108-219). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. House Resolution 288. Resolution 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; adversely (Rept. 108-220). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. LEE, Mr. SERRANO, Mr. ABERCROMBIE, Mr. KILDEE, Ms. WOOLSEY, Ms. LORETTA SANCHEZ of California, Ms. ROYBAL-ALLARD, Ms.

JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. DAVIS of Illinois, and Mr. SANDERS):

H.R. 2790. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers; to provide for a performance standard for breast pumps; and to provide tax incentives to encourage breastfeeding; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. SANDERS, Ms. LEE, Mr. MORAN of Virginia, and Mr. HOLT):

H.R. 2791. A bill to eliminate the unfair and disadvantageous treatment of cash military compensation other than basic pay under the supplemental security income benefits program; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia:

H.R. 2792. A bill to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 2793. A bill to provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians; to the Committee on Resources.

By Mr. LUCAS of Kentucky:

H.R. 2794. A bill to authorize the transfer of the U.S.S. Narwhal to the National Submarine Science Discovery Center in Newport, Kentucky; to the Committee on Armed Services.

By Mrs. MALONEY (for herself and Ms. NORTON):

H.R. 2795. A bill to amend the Child Nutrition Act of 1966 to provide vouchers for the purchase of educational books for infants and children participating in the special supplemental nutrition program for women, infants, and children under that Act; to the Committee on Education and the Workforce.

By Mr. THOMPSON of Mississippi:

H.R. 2796. A bill to amend the Fair Credit Reporting Act to prohibit the use of consumer credit history for any insurance purpose and to require the disclosure of consumer reports and the credit scoring procedure in order to prevent inaccuracies and mistakes in consumer credit reports, and for other purposes; to the Committee on Financial Services.

By Mr. WILSON of South Carolina (for himself, Mr. DAVIS of Tennessee, Mr. JENKINS, Mr. BROWN of South Carolina, Mr. NORWOOD, Mr. COLLINS, Mr. MCCOTTER, Mr. CARDOZA, and Mrs. MYRICK):

H.R. 2797. A bill to amend title 32, United States Code, to improve the readiness of State defense forces and to increase military coordination for homeland security between the States and the Department of Defense; to the Committee on Armed Services.

By Mr. BROWN of South Carolina (for himself, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BEAUPREZ, Mr. BOOZMAN, Mrs. JO ANN DAVIS of Virginia, Mr. DEMINT, Mr. FOLEY, Mr. GARRETT of New Jersey, Mr. HAYES, Mr. OSBORNE, Mr. PENCE, Mr. PITTS, Mr. ROGERS of Michigan, Mr. SOUDER, and Mr. WILSON of South Carolina):

H.J. Res. 65. A joint resolution proposing an amendment to the Constitution of the United States respecting real and virtual child pornography; to the Committee on the Judiciary.

By Ms. PELOSI:

H. Res. 324. A resolution relating to a question of the privileges of the House.

By Mr. HASTINGS of Florida (for himself, Mr. BALLENGER, Mr. MENENDEZ, Ms. ROS-LEHTINEN, Mr. ACKERMAN, and Mr. CROWLEY):

H. Res. 325. A resolution commemorating the 9th anniversary of the attack on the Argentine Jewish Mutual Aid Association (AMIA) in Buenos Aires, Argentina, and highlighting the attack as characteristic of the threat to the United States from radical Islamic organizations operating from Latin America; to the Committee on International Relations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. TOOMEY introduced A bill (H.R. 2798) for the relief of Gracekuty Thomas and her son Gladwin Thomas; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Mr. BOUCHER.  
H.R. 66: Mr. BOUCHER.  
H.R. 97: Mr. GREEN of Texas and Mr. BOUCHER.  
H.R. 106: Mr. GOODE.  
H.R. 125: Mr. LIPINSKI.  
H.R. 135: Mr. HASTINGS of Florida.  
H.R. 218: Ms. MILLENDER-McDONALD, Ms. GRANGER, Mr. COLLINS, and Ms. LORETTA SANCHEZ of California.  
H.R. 236: Mr. MCINTYRE.  
H.R. 284: Mr. FEENEY, Mr. HASTINGS of Florida, Mrs. DAVIS of California, Mr. COLE, and Mr. BROWN of Ohio.  
H.R. 290: Ms. HARMAN, Mr. RUPPERSBERGER, and Mr. COLE.  
H.R. 296: Ms. ESHOO and Mr. HINCHEY.  
H.R. 339: Mr. YOUNG of Alaska and Mr. KLINE.  
H.R. 384: Mr. SOUDER, Ms. GINNY BROWN-WAITE of Florida, and Mr. FLAKE.  
H.R. 391: Mr. MILLER of Florida.  
H.R. 422: Mr. UPTON.  
H.R. 687: Mr. SAXTON and Mr. OTTER.  
H.R. 742: Mr. ENGLISH, Mr. ROSS, Mr. EMANUEL, and Ms. GINNY BROWN-WAITE of Florida.  
H.R. 790: Mr. SAXTON.  
H.R. 792: Mr. SMITH of Washington.  
H.R. 806: Mr. MCGOVERN, Mr. GRIJALVA, Mr. BISHOP of New York, and Mr. BEREUTER.  
H.R. 857: Mr. CASE.  
H.R. 931: Mr. CALVERT.  
H.R. 962: Mr. BERMAN.  
H.R. 997: Mr. KNOLLENBERG and Mr. GARRETT of New Jersey.  
H.R. 1078: Mr. BONILLA, Mr. COBLE, Mr. SIMMONS, Mr. SHAYS, Mr. POMEROY, Mr. SCHROCK, Mr. PITTS, and Mr. HASTINGS of Florida.  
H.R. 1083: Mr. NORWOOD.  
H.R. 1100: Mr. RYAN of Wisconsin.  
H.R. 1105: Mr. WATT.  
H.R. 1117: Mr. SMITH of New Jersey.  
H.R. 1174: Mr. JONES of Ohio.  
H.R. 1196: Mr. OWENS and Mr. HOLT.  
H.R. 1215: Mr. ACEVEDO-VILA and Mr. DAVIS of Illinois.  
H.R. 1216: Mr. KUCINICH, Mr. ACEVEDO-VILA, Mr. DAVIS of Illinois, and Mr. MICHAUD.  
H.R. 1217: Mr. CLYBURN and Mr. DAVIS of Illinois.  
H.R. 1218: Mr. DAVIS of Illinois and Mr. THOMPSON of Mississippi.  
H.R. 1231: Mr. OWENS, Mr. BISHOP of New York, Mr. REYNOLDS, Mr. PICKERING, and Mr. RUSH.  
H.R. 1250: Mr. ENGLISH.

H.R. 1348: Mr. CASE.  
 H.R. 1411: Ms. KILPATRICK, Mr. CUMMINGS, Mr. THOMPSON of Mississippi, Mr. MCGOVERN, and Mr. KUCINICH.  
 H.R. 1421: Mr. FILNER and Ms. CARSON of Indiana.  
 H.R. 1430: Mr. LARSON of Connecticut and Mr. ISRAEL.  
 H.R. 1479: Mr. LOBIONDO.  
 H.R. 1480: Mr. PRICE of North Carolina.  
 H.R. 1482: Mr. MCGOVERN.  
 H.R. 1499: Mr. PRICE of North Carolina.  
 H.R. 1513: Mr. TERRY, Mr. HOLDEN, Mr. GREEN of Wisconsin, and Mr. POMEROY.  
 H.R. 1523: Mrs. MYRICK.  
 H.R. 1532: Mr. OWENS and Mr. MICA.  
 H.R. 1676: Mr. MANZULLO and Mr. AKIN.  
 H.R. 1708: Mr. TAYLOR of Mississippi.  
 H.R. 1723: Mr. HINCHEY.  
 H.R. 1734: Mr. BURTON of Indiana, Mr. DUNCAN, Mr. WAMP, and Mr. BACA.  
 H.R. 1767: Mr. BARRETT of South Carolina and Mr. HEFLEY.  
 H.R. 1813: Mr. TIERNEY and Mr. GREEN of Wisconsin.  
 H.R. 1818: Mr. LYNCH and Mr. UDALL of Colorado.  
 H.R. 1822: Ms. MILLENDER-MCDONALD, Mr. LANTOS, Mr. FROST, Mr. CARDOZA, Mr. DOOLITTLE, Mr. FARR, Ms. HARMAN, and Ms. LEE.  
 H.R. 1861: Mr. GEORGE MILLER of California.  
 H.R. 1874: Mr. VAN HOLLEN and Mr. KILDEE.  
 H.R. 1992: Mr. GUTIERREZ, Mr. MENENDEZ, Mr. PASTOR, Mr. ORTIZ, Mr. BACA, Ms. LINDA T. SANCHEZ of California, Mrs. NAPOLITANO, Mr. REYES, Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. BECERRA, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. CASE, Mr. HONDA, and Mr. OWENS.  
 H.R. 1998: Mr. UPTON, Mr. COX, Mr. HINCHEY, Mr. ANDREWS, Mr. CASE, Ms. GINNY BROWN-WAITE of Florida, and Mr. SHAW.  
 H.R. 2020: Mr. LUCAS of Kentucky.  
 H.R. 2037: Mr. HOLT.  
 H.R. 2042: Mr. NADLER, Mr. BECERRA, Mr. HOLT, Mr. OLVER, Ms. JACKSON-LEE of Texas, Mr. BERMAN, Mr. WEINER, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. CARDIN, Mr. VAN HOLLEN, and Ms. WOOLSEY.  
 H.R. 2096: Mr. NETHERCUTT, Mr. GINGREY, Mr. ROGERS of Kentucky, Mr. GOODLATTE,

Mr. GRIJALVA, Mr. COLE, Mr. JEFFERSON, and Mr. ROGERS of Michigan.  
 H.R. 2205: Mr. BERRY, Mr. GREEN of Texas, Mr. FARR, Ms. WATSON, Mr. WATT, Mr. JACKSON of Illinois, Mr. QUINN, Mr. CRANE, and Mr. PORTMAN.  
 H.R. 2232: Mrs. NORTHUP.  
 H.R. 2316: Mr. COLLINS.  
 H.R. 2372: Ms. SCHAKOWSKY.  
 H.R. 2379: Mrs. EMERSON.  
 H.R. 2394: Mr. LIPINSKI, Mr. MATHESON, and Mr. SANDLIN.  
 H.R. 2418: Ms. SCHAKOWSKY.  
 H.R. 2427: Mr. LARSON of Connecticut, Mr. OLIVER, Mr. CLAY, and Mr. CROWLEY.  
 H.R. 2462: Mr. BLUMENAUER and Mr. FARR.  
 H.R. 2482: Mr. BLUMENAUER.  
 H.R. 2490: Mr. ETHERIDGE.  
 H.R. 2568: Mrs. LOWEY and Mr. MCGOVERN.  
 H.R. 2569: Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mrs. CHRISTENSEN, Mr. RUPPERSBERGER, Mrs. DAVIS of California, and Mr. MENENDEZ.  
 H.R. 2579: Mr. EHLERS, Mr. HOSTETTLER, and Mr. FORBES.  
 H.R. 2591: Mr. GARRETT of New Jersey.  
 H.R. 2613: Ms. MCCOLLUM.  
 H.R. 2620: Mr. PENCE, Ms. WOOLSEY, Mr. MCGOVERN, Ms. ROS-LEHTINEN.  
 H.R. 2622: Mr. ADERHOLT, Mr. TERRY, and Mr. DAVIS of Florida.  
 H.R. 2625: Mr. ROTHMAN, Ms. MILLENDER-MCDONALD, Mr. HONDA, Mrs. NAPOLITANO, Mrs. CAPPS, Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, Ms. SOLIS, Ms. WATERS, and Mr. OLVER.  
 H.R. 2626: Mr. DINGELL, Mr. REHBERG, Mr. QUINN, and Mr. OSBORNE.  
 H.R. 2629: Mr. OWENS.  
 H.R. 2661: Mr. COBLE.  
 H.R. 2665: Ms. KAPTUR.  
 H.R. 2671: Mr. BACHUS, Mr. CRANE, Mr. ROHRBACHER, Mr. OTTER, Mr. GARRETT of New Jersey, Mr. FRANKS of Arizona, and Mr. BILIRAKIS.  
 H.R. 2680: Mr. DAVIS of Florida, Mr. KUCINICH, Mr. GREEN of Texas, Mr. ROSS, Mr. BELL, Mr. KILDEE, Ms. PELOSI, Mr. CARDOZA, Mr. SHERMAN, Mr. MORAN of Virginia, Mr. MILLER of North Carolina, Mr. BRADLEY of New Hampshire, Mr. STARK, Mr. LANTOS, Ms.

LORETTA SANCHEZ of California, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Mr. ISRAEL, Mr. EMANUEL, Mr. GUTIERREZ, Mr. BOSWELL, Mr. BURNS, Mr. LATOURETTE, Ms. KAPTUR, Mr. CRANE, Mr. ROGERS of Alabama, Mr. SPRATT, Mr. HOLDEN, Mr. GEORGE MILLER of California, Mr. GREEN of Wisconsin, Mr. WAXMAN, Mr. VISLOSKY, Mr. MENENDEZ, Mr. PICKERING, Mr. CAMP, Mr. ROGERS of Michigan, and Mr. BAIRD.  
 H.R. 2705: Mr. MCINTYRE and Mr. WICKER.  
 H.R. 2711: Mr. VAN HOLLEN and Mr. GREEN of Wisconsin.  
 H.R. 2719: Mr. COLLINS, Mr. CONYERS, Mr. BROWN of South Carolina, Mr. McNULTY, and Ms. KILPATRICK.  
 H.R. 2720: Mr. RUSH, Ms. SCHAKOWSKY, and Ms. BALDWIN.  
 H.R. 2727: Mr. WEXLER.  
 H.R. 2752: Mr. CASE.  
 H.R. 2758: Mr. NUSSLE.  
 H.R. 2769: Mrs. NORTHUP, Mr. BURTON of Indiana, and Mr. WAMP.  
 H.J. Res. 28: Mr. THOMPSON of Mississippi.  
 H.J. Res. 30: Mr. THOMPSON of Mississippi.  
 H.J. Res. 31: Mr. THOMPSON of Mississippi.  
 H.J. Res. 32: Mr. THOMPSON of Mississippi.  
 H.J. Res. 33: Mr. THOMPSON of Mississippi.  
 H.J. Res. 34: Mr. THOMPSON of Mississippi.  
 H.J. Res. 35: Mr. THOMPSON of Mississippi.  
 H.J. Res. 36: Mrs. KELLY.  
 H. Con. Res. 47: Mrs. NAPOLITANO, Mr. FROST, and Mr. KUCINICH.  
 H. Con. Res. 176: Mr. KANJORSKI.  
 H. Con. Res. 229: Mr. BERMAN, Mr. WALSH, Mr. McNULTY, and Mr. KUCINICH.  
 H. Res. 315: Mr. REYES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL, and Mr. RODRIGUEZ.

#### 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. ISAKSON.

# EXTENSIONS OF REMARKS

HONORING MAJOR JAMES  
"CHOCKS" EWALD

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 16, 2003*

Mr. DINGELL. Mr. Speaker, I rise today to honor Major James "Chocks" Ewald of the Michigan Air National Guard. This heroic pilot has proven to possess incredible courage under exceptionally harrowing circumstances.

Major Ewald served with the Air Force for nine years, flying in support of contingency operations in Bosnia, Korea and Iraq. In 1998, he joined the 110th Fighter Wing of the Michigan Air National Guard. Since his transfer to the 110th, he has served as Flight Instructor and Squadron Weapons Officer. He recently returned from a four-month tour of duty in Kuwait in support of Operation Iraqi Freedom where he flew over 30 combat sorties.

During a mission over Baghdad, Iraq on April 8, 2003, Major Ewald's A-10 warplane was struck by a surface-to-air missile. Major Ewald courageously continued to fly the damaged aircraft for about 12 minutes, during which time he made valiant decisions that enabled him to recover vital Iraqi intelligence information. He completed several battle damage checklists, identified critical aircraft system operations, made tentative plans for aircraft recovery and gathered important information about threats affecting future Close Air Support operations. Afterward he not only managed to perform an injury-free ejection, he also evaded potential capture by gathering his survival equipment and hiding in thick foliage a short distance from his parachute landing. He was rescued by friendly U.S. Army units within 15 minutes of the crash. Less than a week after the incident, Major Ewald admirably resumed his service to our country.

Mr. Speaker, the valor and sacrifice of our men and women in the Armed Forces cannot be praised enough. The heroism, hard work and patriotism of this courageous man should be applauded. I would like you and all of my colleagues join me in commending Major James "Chocks" Ewald for his limitless courage and leadership during his service to our country and in wishing both him and his family many more happy years of life. Major Ewald has truly shown the nation what it means to be a hero.

## PERSONAL EXPLANATION

**HON. DAVID R. OBEY**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 16, 2003*

Mr. OBEY. Mr. Speaker, on July 15, 2003, during Rollcall 108-364 on the Paul Amendment, one of a series of rolled votes on amendments to H.R. 1950, I cast my vote in error. Had I voted as I intended, I would have voted "no."

FOREIGN RELATIONS AUTHORIZA-  
TION ACT, FISCAL YEARS 2004  
AND 2005

SPEECH OF

**HON. PHILIP M. CRANE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 15, 2003*

The House in Committee of the Whole House on the State of the Union 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:

Mr. CRANE. Mr. Chairman, I rise in support of H.R. 1950, the Foreign Relations Authorization Act. This legislation includes much needed reforms to how the United States distributes foreign aid. President Bush's new foreign aid initiative, the Millennium Challenge Account, offers aid only to those countries that meet certain standards of respecting human rights, investing in the future of their peoples, and promoting economic opportunity and freedom. With this proposal, President Bush has issued a challenge to help those that are less fortunate, to promote universal human rights and values around the world, and to be part of the worldwide spread of democracy and freedom.

This past March, I introduced H. Con. Res. 119, a resolution that offers Congress's condolences to the loved ones of those innocent Americans that have been killed in Israel, and calls on the Palestinian Authority to work with Israel to protect all innocent people (regardless of citizenship) from terrorist violence.

Sadly, since H. Con. Res. 119 was introduced, four more Americans have been murdered by Palestinian terrorists. That is why I offered an amendment to H.R. 1950 that incorporates the text of H. Con. Res. 119 with some additions to reflect the deaths and injuries inflicted on American citizens by terrorists since its introduction.

Since Yasser Arafat, on behalf of the Palestinian people, renounced violence in the Oslo Peace Accords on September 13, 1993, at least 41 Americans have been killed by Palestinian terrorists. At least another 79 Americans have been injured in terrorist attacks. That grim total includes a knife attack on an expectant mother that resulted in the death of her unborn child.

My amendment also requires that the State Department begin to include the killing of every American by terrorists in its annual "Chronology of Significant Terrorist Incidents," as reported in future Patterns of Global Terrorism reports.

This amendment will make the American public more aware of the harm coming to our citizens overseas and show the surviving families that Congress knows and cares about the deaths of their loved ones. And it will reaffirm our commitment to ensuring that terrorism—

both in America and in Israel—will be defeated.

I would like to thank International Relations Committee Chairman HENRY HYDE and Ranking Member TOM LANTOS for their assistance and support for H. Con. Res. 119 and this amendment. In addition to my own staff, I also want to thank Andrew Shore and Shalla Ross of the House Republican Conference and Paul Teller of the Republican Study Committee for their hard work on this issue.

FOREIGN RELATIONS AUTHORIZA-  
TION ACT, FISCAL YEARS 2004  
AND 2005

SPEECH OF

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 15, 2003*

The House in Committee of the Whole House on the State of the Union 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:

Mr. STARK. Mr. Chairman, I rise to offer my support for this bill funding America's international diplomatic and humanitarian efforts. However, I do not do so without reservations. I strongly opposed the Republicans callously stripping funding from this legislation that would aid women throughout the world. Out of compassion for the plight of many women and the millions of children born into poverty each year, this House should honor our nation's longstanding commitment to the United Nations Population Fund (UNFPA).

UNFPA is the largest internationally funded source of population assistance to developing countries. For over 3 decades, UNFPA has provided over \$6 billion in assistance to more than 150 countries for voluntary family planning and maternal and child health care. Contrary to accusations made by its antichoice proponents, UNFPA does not provide abortions or abortion service. They prevent the need for abortions by educating women in other countries on the many advantages to services such as contraception and disease prevention.

For the last 3 years, the Bush Administration has unilaterally cancelled funding for the UNFPA initiative, claiming that UNFPA plays a role in the coercive abortion practices of the Chinese government.

Just last year, upon the President's request, three monitoring teams visited China to investigate UNFPA's program, including a group from the U.S. Not one of the three groups, who also consisted of a former Dutch Ambassador to NATO and a group from the British parliament, found evidence of coercive practices and recommended the release of funding for the UNFPA.

• 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.

Nonetheless, family-planning opponents in this chamber vowed to strike the UNFPA provision within the overall bill before us today, claiming UNFPA support programs knowingly and intentionally participate in the management of forced abortion and sterilization in China.

While that portion of the bill greatly troubles me, I would like to convey my support for many of the other initiatives contained in this bill. The positive components of this bill include: increases in contributions to the poorest countries worldwide, new programs designed to improve the lives of Afghan women, a fund to allocate increased aid to international peacekeeping activities, and an increase of financial support for the Peace Corps and refugee assistance.

While we had a real chance today to make some significant changes to the way we provide assistance to women in other countries, I cannot deny the importance of so many other initiatives we've made available today. I rise in support of the bill and will work with like-minded colleagues and advocates to improve this bill before it comes back before us as a conference report.

#### FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 15, 2003*

The House in Committee of the Whole House on the State of the Union 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:

Mr. WALDEN of Oregon. Mr. Chairman, I rise today to express my strong support for the amendment offered by my colleague from Colorado, which is designed to force the government of Indonesia to do what until now it has utterly failed to do—bring to justice the murderers who killed two American citizens and wounded eight others in Papua, Indonesia, in August of 2002.

Among the victims of that tragic attack were Ted Burgon of Sunriver, Oregon, and Rick Spier of Colorado, both of whom lost their lives. Ted's wife, Nancy Burgon, was wounded in the ambush, as were Ken Balk and Sandra Hopkins, also of Sunriver, and their young daughter, Taia. A number of other members of their party suffered injuries at the hands of the terrorists who perpetrated this cowardly attack.

Mr. Chairman, despite the time that has elapsed since the tragedy in Indonesia, the murderers of Burgon and Spier have not been brought to justice. Perhaps most disturbingly, there seems to have been little effort on the part of the Indonesian government, which receives substantial aid from the people of the United States, to ensure that these killers are made to pay for their crimes. Indeed, strong evidence suggests that government officials have actively thwarted the American investigation into the attack. This amendment is intended to correct this inequity.

Mr. Chairman, since the attack occurred, evidence has been brought to light suggesting that members of the Indonesian military, and not a rogue band of criminals, bears responsibility for the ambush. Following the attack, the Indonesian police conducted an inquiry and ultimately issued a report asserting that, "there is a strong possibility that the [attack] was perpetrated by members of the Indonesian National Army Force." Indeed, the attack occurred less than a half-mile away from an Indonesian military checkpoint. Moreover, various news services have reported that U.S. intelligence agencies have intercepted messages between Indonesian military officials implicating army personnel in the attack.

Mr. Chairman, from the beginning Indonesian authorities have been less than cooperative in assisting with the FBI investigation into the murders. Investigative agents were denied the opportunity to interview witnesses without Indonesian authorities present and were not permitted to bring forensic evidence back to the United States for analysis. It is my firm belief that if prosecuting the murderers of American citizens on Indonesian soil is not a priority for the government of Indonesia, they should not expect to receive assistance from the people of the United States.

My colleague's amendment would prevent Indonesia from receiving International Military Education and Training (IMET) funds until the President certifies to Congress that the Indonesian government and the Indonesian military are cooperating with American authorities in their investigation into the attack. Given the strong possibility that members of the Indonesian military were involved in the ambush, it would be an affront to the memory of Ted Burgon and Rick Spier, as well as the grieving families they left behind, to continue providing funding to the Indonesian armed forces. I urge my colleagues to support this amendment.

#### HONORING THE LIFE OF TYLER BENTON BALES

**HON. DARLENE HOOLEY**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 16, 2003*

Ms. HOOLEY of Oregon. Mr. Speaker, two and a half years ago, a dear boy in Salem named Tyler Benton Bales lost his battle with a rare genetic disease called Hurler Syndrome.

Although I never had the pleasure of knowing him, Tyler was somewhat of a celebrity in Salem. In fact, he was the subject of a front page article in the Salem Statesmen Journal in December of 2001, when a silent auction was held to raise money to offset the cost of an expensive bone marrow transplant that was his only chance to beat Hurlers Syndrome.

Unfortunately, Tyler's heart was not strong enough to survive the rigors of his transplant and chemotherapy. This sweet boy was only sixteen months old when he passed away.

The heartache of Tyler's loss did not ease for his parents.

As if it were not hard enough to lose your sixteen month old child, the Bales later learned—courtesy of the Internal Revenue Service—that someone was claiming Tyler as a dependent on their 2000 income tax return.

As disturbing as that was, the story got worse.

Because of disclosure issues, the IRS would not give out the name of the identity thief to the Salem Police Department, even though identity theft is a felony offense in Oregon. To date, two and one half years later, the Bales still do not know the identity of this thief. Because of current laws, the Bales and Salem Police Department will never know who stole their son's personal information.

Mr. Speaker, we can't even begin to imagine the anguish this family went through.

Tyler Benton Bales was so much more than a name, a date of birth, and a Social Security number—he was a little boy who was surrounded by love during his brief time with us. His parents—and the countless number of other people who loved him—should not see his memory dishonored by a common thief whose identity could not legally be disclosed by the IRS.

Mr. Speaker, that is why I am reintroducing the "ID Theft Loophole Closure Bill." This legislation simply changes the law to allow the IRS to furnish the name, Social Security number and address of a suspected identity thief to state and local law enforcement agencies for the exclusive purpose of locating the individual.

Just last Thursday the House Ways and Means Subcommittee on Social Security conducted hearings on the use and misuse of social security numbers. It is my hope that this legislation will be forwarded to the subcommittee as they seek to address ways to curb fraud and the theft of social security numbers.

Identity theft is not a victimless crime, although thieves don't put a gun to your head. We must cut through red tape that is preventing thieves from being prosecuted for their crimes, and I believe this legislation is the right tool for the job. I urge my colleagues to support the "ID Theft Loophole Closure Act," and yield the balance of my time.

#### THE AUTHOR, CONSUMER, AND COMPUTER OWNER PROTECTION AND SECURITY ACT OF 2003

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 16, 2003*

Mr. BERMAN. Mr. Speaker, today, I join Representative JOHN CONYERS, JR. in introducing "The Author, Consumer, and Computer Owner Protection and Security Act of 2003" (ACCOPS Act).

The ACCOPS Act addresses the growing scourge of illegal activity on the Internet. Illegal activities online run the gamut from identity theft, distribution of child pornography, and unlicensed drug sales to stalking, fraud, trademark counterfeiting, and financial crimes.

Online copyright piracy, in particular, has gotten out of control. At any given moment, more than 4 million people are logged onto the single biggest peer to peer (P2P) file-swapping network, where they illegally traffic in over 850 million mostly-infringing files. P2P infringement of copyrighted music has garnered the most attention, but many other works, such as the latest Harry Potter book, are also widely infringed on P2P networks. On a daily basis, new web sites, with names such as Puretunes or Listen4ever, pop up offering

unauthorized downloads of copyrighted works. Internet Relay Chat (IRC) channels and File Transfer Protocol (FTP) sites remain havens for theft of the newest software or pre-release movies. Chat rooms and other e-groups designed for needlework hobbyists have morphed into unrepentant sources of copyrighted needlework infringement, with one Yahoo!-run group alone hosting almost 50,000 pages of copyright-infringing needlework designs.

It might be argued that the breadth of illegal activity online merely reflects that found in the physical world. While that may be true, the online world presents unique challenges. The relative anonymity of the Internet, the technological savvy of some malefactors, and the sheer number of scams collectively make it difficult to investigate and prosecute many online illegalities. Further, current law does not, in some instances, adequately address the nature of these online illegalities, or take into account the novel techniques used in their commission.

Law enforcement authorities need additional resources and statutory authority to effectively deal with this rash of online scams, crimes, and illegalities. Together with H.R. 2517, which Representative CONYERS and I joined Representative LAMAR SMITH in introducing, the ACCOPS Act will go a long way to providing law enforcement with the tools they need.

Title I of the ACCOPS Act is directed at providing law enforcement agencies with adequate resources and coordination authority to enforce the criminal copyright laws. Section 101 authorizes the appropriation of not less than \$15 million for criminal copyright enforcement for fiscal year 2004. Section 102 requires the National Intellectual Property Law Enforcement Coordination Council (NIPLECC) to develop guidelines to ensure that its component members share amongst themselves law enforcement information related to infringement of U.S. copyrighted works. Section 103 enables Congress to better monitor the success of law enforcement efforts by requiring the Attorney General to submit biannual, instead of annual, reports on criminal copyright cases.

Title 11 addresses the unique law enforcement challenges posed by the transnational character of online copyright infringement. With increasing frequency, investigators of online infringements find that the infringers are located outside the United States. Section 201 is designed to ensure that federal law enforcement agencies do everything in their power to pursue even foreign infringers. Section 201 requires the Attorney General to provide to a foreign authority evidence to assist such authority in determining whether a person has violated any of the copyright laws administered or enforced by the foreign authority, or in enforcing such foreign copyright laws. By ensuring the appropriate foreign authority will receive all relevant information and possible assistance on the case, Section 201 increases the likelihood that the foreign infringer will be prosecuted.

Title III of the ACCOPS Act clarifies the application of criminal copyright laws in the online world, and creates a number of new federal offenses to deter a broad range of illegal activity online.

Section 301 clarifies that the uploading of a single copyrighted work to a publicly acces-

sible computer network meets the 10 copy, \$2,500 threshold for felonious copyright infringement. Section 301 simply brings the law into accord with the reality that uploading a copyrighted work to a place from which millions can download it is equivalent to the distribution of 10 or more copies having a value of \$2,500 or more. This clarification is necessary because some prosecutors appear skeptical that they can successfully pursue cases against many uploaders of copyrighted works. Even though uploaders are the real culprits in the illegal distribution of copyrighted works, it is downloaders who make the vast majority of copies of the uploaded work.

While Section 301 ensures that a public upload meets the felony threshold, the uploader will still only have criminal liability if he actually infringed the copyright in the uploaded work. More importantly, uploaders will only have criminal liability if they have infringed willfully. The standard for proving willfulness is quite high—requiring proving both knowledge and intent on behalf of the infringer—thus there is no threat that Section 301 will subject relatively innocent infringers to criminal liability.

Section 302 addresses the problem of hackers, spammers, unscrupulous P2P software developers, and other online scam artists who have been known to “hijack” the personal computers (PCs) of the unsuspecting, and use those computers to engage in a variety of illegal or unauthorized activities. A July 12, 2003 New York Times article described how some PCs have been hijacked to distribute pornography. Several recent hearings in both the House and Senate detailed how popular peer-to-peer (P2P) software programs sometimes allow 3rd parties to “hijack” PCs to distribute child pornography and copyright-infringing material, come bundled with “spyware,” and otherwise jeopardize the privacy and security of PC owners.

To address these problems, Section 302 requires that PC owners receive clear and conspicuous notice, and provide consent, prior to downloading software that would allow third parties to store material on the PC, or use that PC to search for material on other computers. Section 302 strikes a careful balance between ensuring that computer owners are fully informed, and empowered to deal with, the privacy and security risks inherent in some software, and preserving the freedom of software developers to innovate.

Section 303 addresses another technique frequently used to facilitate Internet scams and illegal activities. Web sites are often used to undertake a variety of illegal activities. Web sites may pose as legitimate payment processors in order to steal financial information, offer copyright-infringing material for download, or sell non-FDA approved drugs. In an effort to escape detection, the operators of these sites often provide false or misleading contact information when registering the domain name of the web site. Over the past several Congresses, hearings before the Judiciary Subcommittee on Courts, the Internet, and Intellectual Property have highlighted this problem. Law enforcement agencies, the Federal Trade Commission, privacy protection organizations, and intellectual property rights holders have all documented the extent to which false domain name registration information substantially inhibited law enforcement investigations, consumer protection initiatives, privacy protec-

tion missions, and the exercise of intellectual property rights.

Section 303 will address this problem by making it a federal offense to provide false contact information when registering a domain name. Section 303 makes it a Federal criminal offense to knowingly and with intent to defraud provide material and misleading false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering a domain name. The penalty is a fine, imprisonment for not more than 5 years, or both.

Section 304 deals with the growing phenomenon of copyright thieves who use portable, digital video recorders to record movies off the screen in theaters. While not of pristine quality, once one “camcorded” movie appears on the Internet, it quickly proliferates onto the P2P networks and back onto the street in the form of unprotected DVDs. Thus, even one camcorded movie can effectively defeat the best efforts of movie owners to protect their multimillion dollar investments against illegal distribution.

Section 304 makes it a Federal criminal offense to, without authorization, camcord a movie in a theater. Section 304 mirrors legislation in several states, but will be far more effective by having a national impact.

Section 305 is related to Section 303. When setting up web sites through which to infringe copyrighted works, the operators of those web sites often provide false domain name registration information. If their web site attract the attention of law enforcement or rights holders, the operators can then disconnect it without much fear of being caught, and pop up elsewhere under another domain name with different contact information.

Section 305 directs courts to consider the knowing and intentional provision of material and misleading false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering a domain name as evidence of willfulness with regard to copyright infringements committed by the domain name registrant through the use of that domain name. While a prosecutor is already likely to proffer false domain registration information as indicative of willfulness, enactment of Section 305 will ensure that courts accord this evidence appropriate weight.

In conclusion, I believe the ACCOPS Act, in combination with the previously-introduced H.R. 2517, will go a long way to stimulating and facilitating more effective investigation and prosecution of many online illegalities, most particularly criminal copyright infringements. I do not, however, claim that the ACCOPS Act is a perfect creation, nor that it contains every salutary proposal in this area. It may be that some further provisions need to be added, or some stricken. I do believe that it represents a positive step in the right direction, and will strongly advocate for its adoption.

ETHAN LANE GIBBS MAKES HIS  
MARK ON THE WORLD

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 16, 2003*

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate a former member of my staff,



Mr. Robert Gibbs, and his wife Mary Catherine on the birth of their first son, Ethan Lane Gibbs. Ethan was born on Tuesday, July 8, 2003, and he weighed 10 pounds and 5 ounces. As Robert has noted, Ethan is a big boy, a trait gained from his father, and a beautiful baby, a trait passed down by his mother. My wife Faye joins me in wishing Robert and Mary Catherine great happiness during this very special time in their lives.

As a father of three, I know the immeasurable pride and rewarding challenge that children bring into your life. The birth of a child changes your perspective on life and opens the world to you in a fresh, new way. Their innocence keeps you young-at-heart. A little miracle, a new baby holds all the potential of what human beings can achieve.

With great pleasure, I welcome young Ethan into the world and wish Robert and Mary Catherine all the best as they raise him.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 15, 2003*

The House in Committee of the Whole House on the State of the Union 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:

Ms. SCHAKOWSKY. Mr. Chairman, I am pleased today to speak in support of my amendment to H.R. 1950, the State Department Authorization bill, which expresses the sense of the Congress that the Secretary of State should provide adequate resources to United States Embassies and Consular Offices in order to meet the workload requirements for visa application processing.

The State Department recently issued a rule requiring nearly all visa applicants who wish to come to the United States for travel, business, or study to have personal interviews at Embassies or Consular Offices. This rule will significantly increase the amount of work and time Embassies and Consulates must give to each visa applicant. In Fiscal Year 2002, nearly 5.8 million business and tourist visas were issued and it is estimated that, in some countries, as few as 20 percent of applicants were required to be interviewed. While I support necessary security precautions, this new rule will clearly result in months of backlogs that could seriously jeopardize American business, education, and tourism unless these offices are provided with adequate resources and personnel to handle the increased workload.

Unfortunately, the Secretary of State has expressed to U.S. Embassies and Consulates that he "expects and accepts that many posts will face processing backlogs for the indefinite future." Furthermore, the message from the State Department in Washington, DC, is that, while posts can request more personnel, for the most part, they "must implement the new interview guidelines using existing resources. Posts should not, repeat not, use overtime to deal with additional workload requirements."

Requiring our Foreign Service officers to take on a vastly increased workload without also providing the resources necessary to support that work may actually undermine our national security. It is unclear that overworked staff who are forced to conduct personal interviews with thousands of visa applicants will be able to adequately identify terrorists and other potentially harmful visitors in what are reportedly two to three minute interviews. Instead, these workers will be more likely to miss important details in visa applications as they rush to keep up with additional work requirements. Only by providing sufficient resources to meet the new interview requirements can we ensure that the steps we take to implement more stringent security protections will effectively safeguard our Nation from those who may wish to do us harm.

Furthermore, if we are to remain a respected nation and an ally to countries around the world, it is critical that people be able to travel to the United States for business and pleasure without unnecessary hurdles of burdens. It is also critical for our economy, which depends on tourism and on conducting business with foreign nationals in order to stay strong, that people be able to travel to the United States without unnecessary inconveniences. Long wait times and growing backlogs of visa applications will serve to do the opposite and discourage people from coming to the United States to spend money and conduct business.

I have heard from my constituents of people missing business meetings, important family events, and opportunities to study at American universities because it took too long for their visa application to be processed. For example, we have heard about three month waiting periods in Israel, one of our closest allies, which prevented a young Israeli from coming to the U.S. to work as a camp counselor. In another example, a group of Indian performers who were set to tour the United States will miss their performance in Chicago this weekend because they were not approved in time. And three people from Jakarta will miss their business meeting next week because their visa was not accepted in time. Finally, a young man had to postpone a wedding reception he had been planning for months because visa backlogs prevented his fiancée from getting to the United States from South Korea in time.

It is because of situations like these and countless others that we must provide our Embassies and Consulates with adequate resources to meet the needs of visa applicants. It is because of our national security interests that we must provide our Foreign Service officers the resources they need to do their jobs well. I am pleased that this amendment was accepted into the en bloc amendment, and I thank Chairman HYDE and Ranking Member LANTOS for their support.

WORKING GROUP ON WASTE, FRAUD, AND ABUSE SPECIAL ORDER

**HON. TRENT FRANKS**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 16, 2003*

Mr. FRANKS of Arizona. Mr. Speaker, President Calvin Coolidge wisely said, "The

men and women of this country who toil are the ones who bear the cost of the government. Every dollar we carelessly waste means that their life will be so much the more meager. Every dollar that we prudently save means that their life will be so much the more abundant."

Mr. Speaker, the men and women of this country deserve fiscal responsibility and careful spending. They deserve the peace of mind that comes from knowing that we are doing all we can to prudently save, and we are working to find ways to ensure life more abundant.

I believe every department of government can and must examine ways to more efficiently use taxpayer dollars to improve the lives of all Americans. Today I would like to discuss specifically just one: the Department of Education.

Citizens Against Government Waste say, "the Department [of Education] now employs nearly 5,000 people, close to 1000 percent increase from 1979, yet ED spending for public schools accounts for less than 6 percent of total education spending. There are currently 780 education programs spread throughout 39 Federal agencies, costing taxpayers \$100 billion annually . . . In addition, the average amount spent on each public school student has skyrocketed. In 1965, the average SAT score was 980 and slightly less than \$3,000 was spent per student. More than 30 years later, the average SAT score is 910 and about \$6,500 is spent per pupil."

The reckless swelling of this Department is not an indication of success. Our children deserve money better spent, that is, taxpayer dollars going for what they were intended: a quality education. Pouring more money into a deficit system will not improve education. Instead, it will further weaken the kind of education that our young people deserve.

In the state of Arizona, the average cost of an hour of tutoring at the Sylvan Learning Center is \$40. Ending the practice of fraudulent disability loan deferment represents what could be one billion hours of private tutoring, quality one-on-one hours that could potentially make a profound difference in the education of a child.

According to the Inspector General of the Education Department Lorraine Lewis, also in 1999, the Department of Education made a number of improper payments, including about \$125 million in duplicate payments to 45 different grantees, \$664,000 in duplicate payment to 51 different schools and a \$6 million double payment to a single school.

These duplicate payments are unacceptable and irresponsible.

A double payment of \$125 million dollars represents the opportunity for 869 Arizonans to attend four tuition-free years at Arizona State University.

Some may say figures like \$6 million, or \$664,000, are not even worth mentioning or tracking in a system spending hundreds of billions of dollars. I think that line of reasoning is exactly why Department of Education is so fraught with financial mismanagement. It is time we examine how to better spend millions, hundreds of thousands, and even thousands of hard-earned taxpayer dollars, and set a new standard of accountability to those who "toil to bear the cost of government."

THE NATION MUST HONOR OUR  
WORKING FAMILY HEROES

**HON. MAJOR R. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 16, 2003*

Mr. OWENS. Mr. Speaker, the July 10th vote to allow the expenditure of funds to implement radical changes in the overtime provisions of the Wage and Hour Act was an outrageous and devastating attack on working families. Compounding the horror of this action is the recent announcement that our present complement of soldiers in Iraq, ninety percent of whom come from working families, will be forced into combat overtime for the indefinite future. Not even the one year rotation rule of Viet Nam will be applied to relieve their long ordeal under extreme heat and guerrilla warfare duress. Overtime in the dangerous defense of the nation is being mandated without controls while at the same time overtime wages to feed working families is being subjected to new schemes which reduce take-home pay. This is an unacceptable continuation of the gross exploitation and oppression of working families by the Republican's Scrooges who presently dominate the Congress and the White House. This nation faces a tragic predicament: An elite group of juvenile old men have plunged us into a war where great suffering and pain is being inflicted on working families who bear the brunt of the casualties on the front lines as well as the fallout from economic dislocations and recession here at home. It appears that the Republican well-to-do decision makers have great contempt for those who do the dangerous and dirty work for our nation. All Americans must remember the debt we owe to those who risk their last full measure of devotion. Or perhaps the powerful and the rich should go to the front lines first. The RAP poem below is a summary of my indignation on this critical action:

LET THE RICH GO FIRST

Working Families  
Keep your soldiers at home,  
For overtime in Iraq  
No cash  
No comp time  
Not even gratitude,  
Republicans intrude  
To exempt all heroes,  
No combat rotation  
Life on indefinite probation  
Scrooges running the nation.  
To the front lines  
Let the rich go first—  
For blood they got a thirst,  
Let the superstars drink it  
In the glorious trenches;  
Leave the disadvantaged on the benches.  
Working Families  
Let the rich go first:  
The battlegrounds they always choose  
Their estates have the most to lose;  
Send highest IQs to  
Take positions at the front,  
Let them perform their best  
High tech warfare stunt;  
Working Families  
Keep your malnourished sons home—  
Harvard Yale kids should roam  
The world with guns and tanks,  
Reserve gold medals  
For the loyal Ivy League ranks.  
O say you can see  
Millionaire graduates

Dying for you and me?  
Welfare Moms  
Have a message for the masters:  
Tell Uncle Sam  
His TANF pennies he can keep  
For food stamps we refuse to leap  
Through your hoops like beasts;  
Promise to leave our soldier alone  
And we'll find our own feasts.  
To Uncle Sam we offer a bargain—  
Don't throw us dirty crumbs  
Don't treat us like bums  
And then demand  
The full measure of devotion;  
Our minds are now in motion  
Class warfare  
Is not such a bad notion;  
Your swindle will not last  
Recruiters we won't let pass,  
Finally, we opened our eyes—  
Each family is a private enterprise,  
Each child a precious prize;  
We got American property rights,  
Before our children die in war  
This time we'll choose the fights.  
Let the rich go first:  
They worry about  
The overtime we abuse;  
The battlefields they always choose  
Their estates have the most to lose.  
Let the rich go first!

LEGISLATION TO PROHIBIT THE  
FEDERAL GOVERNMENT FROM  
IMPOSING A "CARRY TAX"

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. PAUL. Mr. Speaker, I rise to protect American liberty, privacy and economic well-being by introducing legislation to prohibit the Federal Government from imposing a "carry tax." A carry tax is a tax imposed on Americans that requires them to pay a tax whenever they make a bank deposit. The amount of the tax is based on how long their money has been in circulation. Hard as it may be to believe, some in the Federal Government have actually considered imposing this tax on American citizens. Since this bill punishes those who rely on cash for the majority of their economic transactions, and since lower income Americans tend to rely on cash for their economic transactions, this is a highly regressive tax plan. Furthermore, since the plan is designed to lower interest rates, it will negatively impact those who rely on investment income for a significant part of their income. Thus, the carry tax will lower the income of millions of senior citizens.

Proposals to punish people if their economic behavior meets with the disapproval of government officials form the foundation of the type of central planning which caused so much misery in the last century. The carry tax proposal is obviously incompatible with a free market. This proposal is also a major threat to personal and financial privacy and thus individual liberty. In order to enforce the carry tax, the government would need a means of monitoring how long each piece of currency has been in circulation and how many hands it passed through before coming into the possession of the person on whom the tax is assessed. Thus, enforcing this tax would also give the government the power to monitor the transactions of individual Americans. The Fed-

eral Government should not abuse the authority granted it by our current monetary system and legal tender laws as a backdoor means of prying into the private economic transactions of American citizens. That is why my legislation also forbids the Federal Government from placing any information storage capacity on any Federal Reserve notes.

The carry tax was proposed as a measure to counteract the perceived risk of deflation. Yet, the problems this carry tax is intended to solve are caused by our government's boom-and-bust monetary policy. Any perceived deflation in the American economy is the result of the end of the inflationary period of the nineties that created the stock market bubble. When the bubble burst, there was the inevitable process of liquidating bad investments caused by the misallocation of credit as a result of the Federal Reserve monetary policy. In fact, this liquidation is necessary for the economy to recover from the economic misallocations caused by the Federal Reserve's monetary policy.

Unfortunately, rather than finally putting an end to the boom-and-bust cycle, most in Washington are preparing to resume the cycle by calling on the Federal Reserve and the Treasury to flood the economy with new money. If Congress is not going to stabilize the American economy by reforming our unstable monetary policy, it should at least refrain from using this government failure as an excuse to further restrict the American people's liberty through an odious carry tax. I therefore hope my colleagues will join me in supporting this legislation.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 15, 2003*

The House in Committee of the Whole House on the State of the Union 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:

Mr. SCHIFF. Mr. Chairman, I rise today in support of full and continued funding for the United Nations Population Fund, or UNFPA. Since beginning operations in 1969, the UNFPA has provided over \$6 billion in vital maternal and child health programs to women in 150 countries around the world.

This makes the UNFPA the single largest global source of multilateral funding for maternal health and family planning programs. The United States' contribution alone to the UNFPA last year provided approximately 870,000 women in developing countries with modern contraception, thereby preventing 500,000 unwanted pregnancies, 200,000 abortions, and thousands of maternal and child deaths.

The programs supported by UNFPA are both timely and relevant. In the past eight months, UNFPA has delivered modern obstetric care to such locations as Kinshasa, in the

Democratic Republic of the Congo; Kabul, Afghanistan; and Baghdad, Iraq, helping to rebuild reproductive health services in the places where they are needed the most. Its campaigns to prevent the spread of HIV and AIDS have reached five continents and more than 140 nations. It would be no exaggeration to say that the UNFPA has been on the cutting edge of health care delivery the world over.

These programs, so vital to families around the world, depend on the support of 136 donor countries, including the United States. By our continued support for UNFPA, we recognize the importance of global reproductive health services and ensure that the Population Fund will be able to continue delivering them.

Indeed, the costs of ending our support for UNFPA are staggering. The \$34 million denied to UNFPA in 2002 would have prevented some two million unwanted pregnancies, 800,000 abortions, 4,700 maternal deaths, nearly 60,000 cases of maternal illness or disability, and 77,000 infant and child deaths.

The amendment offered in the House International Relations Committee by my colleague, Mr. CROWLEY, has made our support for these programs possible, while still maintaining the highest standards for human rights, ensuring that each dollar provided to the UNFPA will be used for the promotion of the noble ends that it was created to serve. Any cuts or restrictions to UNFPA funding levels will only jeopardize the health and well-being of millions of women the world over.

Mr. Chairman, members of the House, I thank you for your time, and I urge my colleagues to oppose cutting amendments and resume our support for the UNFPA, which will continue—with our assistance—to deliver vital family planning and reproductive health services to families around the globe.

#### FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 15, 2003*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1960) 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 year 2004 and 2005, and for other purposes:

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of this bill, though there are provisions in it that concern me.

First, I voted against the rule as it prevented the House from considering important amendments. Among them were amendments urging U.S. leadership, by participating in negotiations on climate change, to reduce greenhouse gases and providing funding for removal of land mines and agricultural redevelopment of former mine fields.

The rule did allow the consideration of an amendment that passed by just five votes, reversing the position taken by the House International Relations Committee on funding for the United Nations Population Fund (UNFPA).

I voted against that amendment, and I am discouraged by the continuing refusal of the House to consider the facts when it comes to UNFPA. Allegations against UNFPA in China have never been substantiated despite the fact the program has endured more scrutiny than any other UNFPA program. But despite the findings of the Administration's own investigation team in July 2002 that UNFPA is not engaged in any coercive activity in China, President Bush canceled the \$34 million allocated for UNFPA in FY2003 and requested no money for the program in FY2004. I will continue to fight for funding for UNFPA's important mission and for the right of foreign organizations that provide information about reproductive health care to receive U.S. aid.

The House also voted on an amendment sponsored by Representatives HOSTETTLER, GALLEGLY, and TANCREDI. I want to clarify the reasons for my opposition to this amendment, which sets standards for consular identification cards issued by foreign governments and used in the United States. The amendment provides that if foreign governments do not abide by the strict U.S. standards, the U.S. government will refuse to issue any visas to foreign nationals from those countries.

I believe protecting our national security requires that we know who is in our country, and I agree that establishing a set of standards for consular identification cards would increase their legitimacy and decrease fraudulent use of the cards. But I did not believe that the Hostettler amendment approached the problem in the right way. Forcing foreign governments to abide by U.S. standards for consular identification cards is an unprecedented attempt to change how a country relates to its own nationals in a host country, and is likely in breach of the Foreign Missions Act and the Vienna Convention on Consular Affairs. Implementation of this amendment would also set a very dangerous precedent for our embassies abroad. In addition, I understand that the Administration will soon unveil its own proposal for standardization of these consular identification cards. So in my view, the Hostettler amendment not only had technical problems, but it was also premature.

Despite these concerns, I am a strong supporter of our foreign aid programs and our international institutions, and so I support this bill.

I am pleased that the bill authorizes assistance to the Palestinian Authority to improve the Palestinian economy and living conditions of the Palestinian people. I am pleased that the bill includes increased funding for the Migration and Refugee Assistance program. I am also pleased that the bill includes funding for UNESCO and that it permits the U.S. to pay its full assessment for U.N. peacekeeping efforts in each of the next two years.

Most importantly, I am pleased that the bill includes the Hyde-Lantos amendment authorizing the Millennium Challenge Account program and reauthorizing the Peace Corps. The Peace Corps provisions come from H.R. 250, the Peace Corps Charter for the 21st Century Act, a bill that I introduced with my colleague Representative FARR earlier this year.

We worked across party lines, with the Administration, and with returned Peace Corps volunteers to come up with this important bill.

My own background as an educator and director at Outward Bound for twenty years taught me about the importance of national

and community service. But I also have strong connections to the Peace Corps—through my great state of Colorado and through my family. Colorado has one of the highest levels of recruitment of Peace Corps volunteers nationwide, and returned Peace Corps Volunteers in the 2nd Congressional District alone number over 500. Of course, the most important Peace Corps connection for me is my mother, who served as a volunteer in Nepal decades ago.

Because of these connections I have a special interest in advancing the ability of the Peace Corps to play an important role in these new times.

As Americans, we are proud of our country, our freedoms, our democracy, our diversity. We know how fortunate we are to live in the United States. And yet we were sent a clear message on September 11th that we are not necessarily viewed abroad the way we view ourselves at home. Why is this so? More importantly, how can we change this?

One way is to continue to promote world peace and friendship through the people-to-people approach of the Peace Corps. After more than forty years of existence, the Peace Corps remains one of the most admired and successful initiatives ever put in place. But it needs to be updated to reflect the realities of our 21st century world, and that's what the Farr-Udall bill will do.

The bill we're introducing today meets the Administration's challenge to double the size of the Peace Corps to 14,000 by 2007. The bill also goes beyond this to propose a new post-9-11 "Charter" for the Peace Corps. Other highlights:

It spells out a commitment to recruit and place Peace Corps volunteers in countries where they could help promote mutual understanding, particularly in areas with substantial Muslim populations.

It establishes training programs for Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases, such as HIV/AIDS.

The bill creates a grant program to enable Returned Peace Corps Volunteers to use their experience and expertise to continue to carry out the goals of the Peace Corps through specific projects.

This bill will pave the way for an expanded and refocused Peace Corps that can take on the new challenges that September 11th has presented to us, a Peace Corps that can be—as Sargent Shriver stated—"a pragmatic and dramatic symbol of America's commitment to peace." I believe that passage of the Peace Corps Charter for the 21st Century will help us head in this direction.

Again, I thank my colleague Representative FARR for working with me so closely on this legislation. I look forward to working with our colleagues in the Senate to agree on final text and to move this bill closer to enactment.

#### IN HONOR AND REMEMBRANCE OF CHARLES WHITMAN JONES

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Charles Whitman

Jones, United States Veteran, beloved husband and father, educator and administrator, and friend and mentor to countless people.

Armed with intelligence, educational achievement, integrity, motivation and a strong work ethic, Mr. Jones overcame the challenges of racial discrimination with grace and dignity. Mr. Jones had a vision for himself and for his family—a vision of happiness, success and accomplishment—that would not be thwarted during the dark days of racial inequity in America.

The accomplishments of Charles Whitman Jones are many, varied and significant. He was named class valedictorian in high school, but was not allowed to give the address because of his race. After high school, he received academic honors in both college and graduate school. Beyond his outstanding educational achievement, Mr. Jones was a superior athlete. He was awarded fourteen varsity letters during high school, and during college, he was a track, baseball and boxing champion. His outstanding baseball talent was such that he could have played in the Major Leagues, yet at that time, there was no possibility of his acceptance into a League exclusive to white players. Charles Whitman Jones was later inducted into the Myers University Athletic Hall of Fame, and was named "Father of the Year"—just two of the many awards and honors bestowed upon Mr. Jones throughout his lifetime.

Following graduation from Ohio University, Mr. Jones was inducted into the United States Army. He was selected to become one of the elite Tuskegee Airmen, and rose to the rank of Lieutenant. Following his service in the Army, Mr. Jones worked as a teacher, then chemist at Standard Oil Company in Cleveland. He married his childhood sweetheart, Diane, and together they raised their son, Peter. His commitment to others led him to leave Standard Oil to join Neighbors Organized for Action in Ohio (NOAH) as its executive director. This non-profit agency focused on constructing and providing decent and affordable housing for residents in the Hough area of Cleveland. Later, Mr. Jones was asked to join the administration at Myers University, where he served as Director of Admissions, Athletic Director, Director of Student Services, and Assistant to the President for Community Affairs.

Throughout his lifetime, Charles Whitman Jones consistently reached beyond the racial barriers of the day and held strong to his dream, purpose and focus—his wife and son, his commitment to others, and his professional and individual achievements. He paved the way for others to succeed, with great dignity, strength and grace—gently leading and always inspiring.

Mr. Speaker and colleagues, please join me in honor and remembrance of Charles Whitman Jones, an outstanding American citizen whose integrity, warmth, wit and concern for others have left an unwavering mark upon our Cleveland community. I extend my deepest condolences to Mr. Jones' cherished wife of fifty-four years, Diane; his beloved son, Peter Lawson Jones; his beloved daughter-in-law, Lisa Payne Jones; his beloved grandchildren, Ryan, Leah and Evan; and his many extended family members and friends. Although he will be deeply missed, the wonderful life and legacy of Charles Whitman Jones will live on in the hearts of all whom he loved and inspired—especially his family and closest friends—today, and for generations to come.

## THE MONETARY FREEDOM AND ACCOUNTABILITY ACT

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Monetary Freedom and Accountability Act. This simple bill takes a step toward restoring Congress' constitutional authority over U.S. monetary policy by requiring congressional approval before the President or the Treasury secretary buys or sells gold. I also ask for unanimous consent to insert into the RECORD articles by Kelly Patricia O Meara of Insight magazine detailing the evidence supporting allegations that the United States Government has manipulated the price of gold over the past decade and the harm such manipulation caused American investors, taxpayers, consumers, and workers.

Federal dealings in the gold market have the potential to seriously disrupt the free market by either artificially inflating or deflating the price of gold. Given gold's importance to America's (and the world's) monetary system, any federal interference in the gold market will have ripple effects through the entire economy. For example, if the government were to intervene to artificially lower the price of gold, the result would be to hide the true effects of an inflationary policy until the damage was too severe to remain out of the public eye.

By artificially deflating the price of gold, federal intervention in the gold market can reduce the values of private gold holdings, adversely affecting millions of investors. These investors rely on their gold holdings to protect them from the effects of our misguided fiat currency system. Federal dealings in gold can also adversely affect those countries with large gold mines, many of which are currently ravished by extreme poverty. Mr. Speaker, restoring a vibrant gold market could do more than any foreign aid program to restore economic growth to those areas.

While the Treasury denies it is dealing in gold, the Gold Anti-Trust Action Committee (GATA) has uncovered evidence suggesting that the Federal Reserve and the Treasury, as detailed in the attached article. GATA alleges that the Treasury, operating through the Exchange-Stabilization Fund and in cooperation with major banks and the International Monetary Fund, has been interfering in the gold market with the goal of lowering the price of gold. The purpose of this policy has been to disguise the true effects of the monetary bubble responsible for the artificial prosperity of the 1990s, and to protect the politically-powerful banks that are heavy invested in gold derivatives. GATA believes federal actions to drive down the price of gold help protect the profits of these banks at the expense of investors, consumers, and taxpayers around the world.

GATA has also produced evidence that American officials are involved in gold transactions. Alan Greenspan himself referred to the federal government's power to manipulate the price of gold at hearings before the House Banking Committee and the Senate Agricultural Committee in July, 1998: "Nor can private counterparts restrict supplies of gold, another commodity whose derivatives are often traded over-the-counter, where central banks

stand ready to lease gold in increasing quantities should the price rise."

Mr. Speaker, while I certainly share GATA's concerns over the effects of federal dealings in the gold market, my bill in no way interferes with the ability of the federal government to buy or sell gold. It simply requires that before the executive branch engages in such transactions, Congress has the chance to review it, debate it, and approve it.

Given the tremendous effects on the American economy from federal dealings in the gold market, it certainly is reasonable that the people's representatives have a role in approving these transactions, especially since Congress has a neglected but vital constitutional role in overseeing monetary policy. Therefore, I urge all my colleagues to stand up for sound economics, open government, and Congress' constitutional role in monetary policy by cosponsoring the Monetary Freedom and Accountability Act.

[From Insight Magazine, July 8, 2003]

PANIC IS NEAR IF "THE GOLD IS GONE"

(By Kelly Patricia O Meara)

Gold. It's been called a barbarous relic, and those who focus on its historic role as a standard of value frequently are labeled "lunatic fringe." Given the recent highs in the gold market, it looks like the crazies have been having a hell of a year. With the stock market taking its third yearly loss, gold returned nearly 30 percent to investors, moving from \$255 an ounce to six-year highs of \$380.

Just about every analyst and "expert" on Wall Street willing to mention any of this has been quick to explain that the increase in the price of gold is due to impending war with Iraq. But hard-money analysts are arguing that should the United States go to war it will be of very little consequence to the price of gold—a momentary blip—because gold is a commodity and its price a matter of supply and demand.

The "lunatic fringe" long has argued that the price of gold was being manipulated by a "gold cartel" involving J.P. Morgan Chase, Citigroup, Deutsche Bank, Goldman Sachs, the Bank for International Settlements (BIS), the U.S. Treasury and the Federal Reserve, but that the manipulation had been sufficiently exposed to require that it be abandoned, producing the steady upward increase in the price of the shiny, yellow metal.

In fact the "gold bugs," as they're known, are so sure of their research that not only do they believe the price of gold will continue to climb, but many are expecting to see prices of \$800 to \$1,000 an ounce. Until recently, most in the gold and financial worlds scoffed at such a prediction, but last month the Bank of Portugal made an announcement that shocked those who credit official gold-reserve data and added fuel to the contention of the gold bugs that the "gold-cartel" manipulation is in meltdown.

What the Bank of Portugal revealed in its 2001 annual report is that 433 tonnes [metric tons] of gold—some 70 percent of its gold reserve—either have been lent or swapped into the market. According to Bill Murphy, chairman of the Gold Anti-Trust Action Committee (GATA), a nonprofit organization that researches and studies the gold market and reports its findings at [www.LeMetropoleCafe.com](http://www.LeMetropoleCafe.com): "This gold is gone—and it lends support to our years of research that the central banks do not have the 32,000 tonnes of gold in reserve that they claim. The big question is: How many other central banks are in the same predicament as the Portuguese?"

Murphy explains: "The essence of the rigging of the gold market is that the bullion banks borrowed central-bank gold from various vaults and flooded the market with supply, keeping the price down. The GATA camp has uncovered information that shows that around 15,000 to 16,000 tonnes of gold have left the central banks, leaving the central-bank reserves with about half of what is officially reported."

This is why those who follow such arcana are predicting an explosion in the price of gold. According to Murphy, "The gold establishment says that the gold loans from the central banks are only 4,600 to 5,000 tonnes," but his information is that these loans are more than three times that number, which means "they're running out of physical gold to continue the scheme."

According to Murphy, "The cartel has been able to get away with lying about the amount of gold in reserve because the International Monetary Fund [IMF] is the Arthur Andersen of the gold world." He has provided to Insight documents from central banks confirming that the IMF instructed them to count both lent and swapped gold as a reserve. "In other words, the IMF told the central banks to deceive the investment and gold world[s]. Once this gold is lent [or] swapped, it's gone until such time as it can be repurchased. And with the skyrocketing price of gold we're now seeing, it would be incredibly expensive, let alone nearly physically impossible, to get it back."

What is important to understand, says Murphy, "is that there is a mine and scrap supply deficit of 1,500 tonnes, which is an enormous deficit when yearly mine supply is only 2,500 tonnes and going down. On top of that, there are these under-reported gold loans and other derivatives that are on the short side. There is no way to pay this gold back to the central banks without the price of gold going up hundreds of dollars per ounce. So the peasants and women of the world will have to sell their jewelry at say \$800 an ounce to bail out these short positions or someone is going to have to tell the world that they don't have the gold that they have reported," shaking the world's financial system to its core.

The gold bugs appear to be basing their identification of a world gold shortage on industry data, much of which has been summarized in two papers prepared by four different gold analysts at different times using separate methods. The first paper was written by governmental investment adviser Frank Veneroso and his associate, mining analyst Declan Costelloe. Titled *Gold Derivatives, Gold Lending: Official Management of the Gold Price and the Current State of the Gold Market*, it was presented at the 2002 International Gold Symposium in Lima, Peru, and estimates the gold deficit of the central banks at between 10,000 and 15,000 tonnes. The second paper, *Gold Derivatives: Moving Towards Checkmate*, by Mike Bolser, a retired businessman, and Reginald H. Howe, a private investor and proprietor of the Website [www.goldensexant.com](http://www.goldensexant.com), estimates the alleged shortage of central-bank gold at between 15,000 and 16,000 tonnes—nearly a decade's worth of mine production.

George Milling-Stanley, manager of gold-market analysis for the World Gold Council (WGC), a private organization made up of leading gold-mining companies that promotes the acquisition and retention of gold, is aware of these papers and shortage numbers but tells Insight that "there are no official [gold-reserve] reports." That is, "The central banks are under no obligation to report what they lend into the market, what they place on deposit and what they do with their swaps, so there's a conventional-wisdom view, and a couple of different bodies

have done some fairly serious research in[to] this and have come up with a figure [of] around 4,500 to 5,000 tonnes."

Stanley's estimate is based on data provided by so-called "serious" researchers, including London-based Gold Fields Mineral Services (GFMS), one of the world's foremost precious-metals consultants, and a report titled *Gold Derivatives: The Market View*, commissioned by the WGC to London-based Virtual Metals Consultancy. While these two groups appear to be the research choice of the official gold world, there are in fact no "official" figures, and both studies, like the Veneroso/Costelloe and Bolser/Howe reports, are based on interviews, data analysis and other research generally available to the industry.

Those who believe the central banks to have misrepresented their actual gold holdings place much of the blame for the lack of transparency on the shoulders of the IMF, which presents itself as being responsible for ensuring the stability of the international financial system. Although the IMF would not respond to questions about its gold-loan/swap requirements, what information has been made public appears to support GATA's understanding of how central-bank reserves are reported.

For example, in October 2001 the IMF responded to questions posed by GATA by saying it is not correct that the IMF insists members record swapped gold as an asset when a legal change in ownership has occurred. According to this response, "The IMF in fact recommends that swapped gold be excluded from reserve assets." Nonetheless, says GATA, there is abundant evidence that this is not the case, citing as an example the Central Bank of the Philippines (BSP).

A footnote on the Website of the Central Bank of the Philippines ([www.bsp.gov.ph](http://www.bsp.gov.ph)) in fact directly contradicts the IMF's claim: "Beginning January 2000, in compliance with the requirements of the IMF's reserves and foreign-currency-liquidity template under the Special Data Dissemination Standard (SDDS), gold swaps undertaken by the BSP with noncentral banks shall be treated as collateralized loans. Thus gold under the swap arrangement remains to be part of reserves, and a liability is deemed incurred corresponding to the proceeds of the swap."

The European Central Bank (ECB) also made it clear that the IMF policy is to include swaps and loans as reserves. The ECB responded to GATA: "Following the recommendations set out in the IMF operational guidelines of the 'Data Template on International Reserve and Foreign Currency Liquidity,' which were developed in 1999, all reversible gold transactions, including gold swaps, are recorded as collateralized loans in balance of payments and international investment-position statistics. This treatment implies that the gold account would remain unchanged on the balance sheet." The Bank of Finland and the Bank of Portugal also confirmed in writing that the swapped gold remains a reserve asset under IMF regulations.

Although the WGC's Stanley stands by the data provided by the industry's "serious" researchers, he insists he cannot say for certain that the numbers are accurate. "There is no requirement on any country to tell the IMF how much gold it owns," says Stanley. "The requirement is to tell the IMF how much gold it has decided to place in its official reserves. Nobody knows whether that is the total of what they own or not. Obviously they can't report more than what they own, but they can certainly report less if they chose to. That gold may have been lent out, but is nevertheless still owed to them. It's a bit like any company reporting a cash posi-

tion. It will report cash on hand and cash due—money owed by other people. I'm not saying this is ideal, but this is how it works."

John Embry, the manager of last year's best-performing North American gold fund and manager of the Royal Precious Metals Fund for the Royal Bank of Canada, says he is putting his and his clients' money on the "lunatic fringe" in this dispute: "I've examined all the evidence gathered by GATA and everyone else, and I think these guys are anything but lunatics. They've done their homework and have unearthed a lot of interesting stuff. The problem, though, is that the market is sufficiently opaque that there is really no way to know who is right and who is wrong."

"The fact is," continues Embry, "a lot of this stuff is based on estimations. I do however believe that, based on the evidence dug up by Veneroso and Howe, they are presenting equally if not more credible numbers than the other side. I find the campaign to undermine their credence simply bizarre. I think these guys [GATA] are right and that the number put out by Gold Fields Mineral Services as the amount of gold loaned out by the central banks is definitely wrong. Now, whether it's as much as 15,000 is up for interpretation. The recent release by the Bank of Portugal is important. When a central bank has 70 percent of its gold loaned or swapped, I don't think it is operating independently, and I suspect there are an awful lot of them that have loaned out much more than has been reported."

Embry says, "I've made a fortune for my clients investing in gold and gold stocks because I have operated on the premise that the Veneroso/Howe reports are right—that gold was significantly undervalued in the daily quote and that it was going a lot higher. The circumstantial evidence, and I bet my clients' money on it, was very much in favor of the guys who said a great deal more central-bank gold had entered the market and driven the price down far too low. GATA has had this story from day one. I think that they're right and that officialdom doesn't want this exposed. GATA is willing to have a public debate but the gold world won't debate. I think there is a tacit admission of anyone who has an IQ above that of a grapefruit that Veneroso and Howe have a pretty good point. I'm an analyst who has looked at both sides of the issue and I bet my money on GATA. So far they've been right."

Whether the gold bugs are right about the reasons for the meteoric rise in the price of gold is uncertain, but, according to GATA's Murphy: "It's all the more reason to have the central banks come clean about the actual amount of gold that physically exists in their reserves. Either way, the price of gold will continue to rise because, as we already know and others are discovering, the gold is gone."

## FEDERAL TRANSPORTATION FUNDS

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Ms. KILPATRICK. Mr. Speaker, taxpayers have given the U.S. Congress the authority to allocate their hard-earned money to build and repair highways, bridges, mass transit systems and transportation projects of all kinds. In keeping with our Nation's traditions, this program is largely funded by the Federal Government but conducted by the States.

However, there lacks sufficient oversight tools to monitor how Federal transportation money is being spent at the State and local levels. More than 80 percent of comparative studies have found that contracting-out engineering, design and inspection costs of transportation projects cost more than doing this work in-house. The taxpayers could have saved some money and gotten a similar quality if state and local engineers handled the projects.

Furthermore, skilled and dedicated professionals have been leaving State and local governments for private sector, not only because salaries are higher and career opportunities are greater, but it is also because transportation departments have been reducing their staffs, holding down their pay and contracting-out the most interesting work.

Now that the "baby boom" generation of engineers is preparing to retire, State and local transportation departments need to take action to retain existing engineering and technical employees and to recruit skilled and dedicated professionals to take the place of those who are leaving.

Because of the oversight deficiency and an intention to keep professional engineers with the State and local transportation departments, I would like to introduce H.R. 1980, The Safety, Accountability, and Funding Efficiency for Transportation Act of 2003, to encourage State and local agencies that carry out surface transportation projects to conduct a cost-benefit analysis before procuring architectural, engineering and related services from a private contractor.

By conducting the cost-benefit analysis, a State's and the Federal Government agency will be able to determine if using private contractors is cost effective and if it is in the public interest to use a private contractor or in-house resources when procuring such services.

My constituents through National Association of State Highway and Transportation Unions, the AFL-CIO's Department of Professional Employees, AFSCME, Service Employees International Union and the Communications Workers of America, have shown their support for H.R. 1980, Safety, Accountability, and Funding Efficiency for Transportation Act of 2003.

The heart of this bill is to require government agencies to prepare cost benefit analysis for private contracts with a Federal funding value of \$100,000 or more. The analyses must contain the cost comparison of a proposed project if it is done by a private contractor and a government agency.

In my opinion, it is now time to put accountability in utilizing the taxpayers' hard-earned money at State and local levels, especially in spending Federal transportation funds.

THE HONORABLE JOHN J. RHODES

HON. J. D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. HAYWORTH. Mr. Speaker, as is the case with so many colleagues past and present, I am honored to have the friendship and good counsel of the distinguished former House Republican Leader, the Honorable

John J. Rhodes of Arizona. It is my personal privilege also to count John Rhodes as a constituent of the Fifth Congressional District of Arizona.

John Rhodes' many contributions to our state, to our nation, and to this institution of representative government are widely documented and recognized, most recently by his deserved selection to be among the first recipient of the congressional Distinguished Service Award last week.

The bestowment of that award inspired many congratulatory expressions about the life and career of John Rhodes.

CONGRATULATING FARRAGUT HIGH SCHOOL, THE CHRISTIAN ACADEMY OF KNOXVILLE AND WEBB SCHOOL OF KNOXVILLE FOR THEIR 2003 STATE CHAMPIONSHIP VICTORIES

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. DUNCAN. Mr. Speaker, I rise today to congratulate the student athletes of three Knox County high schools for their recent accomplishments during State Championships. The Farragut Admirals captured the State Title in Class AAA Baseball and Class AAA Boys Soccer while the Christian Academy of Knoxville Warriors won the Boys TSAA Class A-AA Soccer Title and the Webb School of Knoxville Girls Tennis Team took the State Title in Division II Singles and Double categories. I congratulate all the athletes who never gave up and worked tirelessly for these titles. I also congratulate the coaches and parents whose encouragement and instruction made their success possible.

Although no championship season can be easily summarized, I believe these impressive teams have earned specific mention here on the Floor of the House of Representatives.

For the previous three years, the Farragut High School Baseball team had ended their season as the State runners-up, but the 2003 season ended with more than just a well-deserved State AAA Championship. They also set a remarkable new State record with an unprecedented 48-1 season leaving them ranked 4th in the entire Nation. This is truly a remarkable program and I look forward to hearing of many future victories.

The Tennessee AAA Boys High School Soccer Championship game pitted two outstanding Knox County schools against each other when the Farragut Admirals faced off against the Bearden Bulldogs. The skill, intensity and determination of both teams were clearly evident throughout the game. It was Farragut, however, that in double overtime took the championship with a 3-1 victory. Both schools set a new standard for AAA Soccer in Knox County and I commend each of these fine athletes.

For the Christian Academy of Knoxville Boys Soccer team, earning the Tennessee Secondary School Association's (TSAA) State Championship title was a milestone in the school's athletic program and a testimony to each player's commitment to excellence. Their 1-0 victory over Chattanooga Christian School was the culmination of a hard fought season

where the Warriors finished 17-2-3. This may have been the school's first State championship in soccer, but I am confident it will not be their last.

I also want to congratulate Webb School of Knoxville's State Division II tennis champions Whitney Chappell, Elizabeth Gooze and Berkeley Brock for their victories. Whitney's Singles Championship match took over three hours and was a remarkable demonstration of both skill and stamina. Elizabeth and Berkeley defeated a doubles team from St. Mary's in just two sets, and showed the same level of excellence and determination as their Single's teammate Whitney. Each of these young ladies has raised an already high standard of excellence in athletics at Webb School.

Regardless of the sport, high school athletics provide a tremendous opportunity for our young people to learn and enhance their leadership abilities while also learning the value of teamwork. These young people, along with their peer athletes from other schools, will gain far more than trophies for their efforts. Their dedication to excellence will prepare them for every challenge they will face in the future and their commitment to both physical and mental excellence will serve them well their entire lives.

With or without championship victories, we congratulate every student athlete for their efforts to improve themselves. Every parent, teacher and coach is proud of these young people's hard work and commitment.

Finally, I also want to congratulate those students who commit themselves to excellence in areas off the athletic field. Regardless of the student's interest or skill, if he or she strives to reach beyond what is required, I am sure every Member of this body joins me in saying that we are proud of them and we wish them the absolute best in all they set out to achieve.

THE FOREIGN AID LIMITATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. PAUL. Mr. Speaker, today I introduce the Foreign Aid Limitation Act. This bill limits the ability of the Executive Branch to use the Exchange Stabilization Fund (ESF) to distribute largesse to foreign countries without the approval of Congress.

The Foreign Aid Limitation Act prohibits the Secretary of the Treasury from using the ESF to make a loan or extend credit to any foreign government or entity for an amount exceeding \$250,000,000. The bill also forbids the ESF from being used to finance a loan or to extend credit, to any foreign government or entity for a period exceeding 60 days. The 60-day limitation can be waived if the President certifies in writing to the Chair and ranking members of the relevant House and Senate Committees that the United States obtained an assured source of repayment before making the loan or extending the credit. Finally, the bill prohibits the use of the ESF to make loans or extend credit in an amount exceeding \$1,000,000,000 to a foreign government or entity without express statutory authorization. This provision can also be waived if the President certifies in writing to the heads of the relevant committees that the loan is necessary to



address a financial crisis threatening the United States and Congress does not pass a joint resolution disapproving the loan or credit.

Mr. Speaker, these provisions all passed Congress as "riders" on appropriations bills in the 1990s. However, they have not been included in the appropriations bills for the past several years. It is long past time for Congress to make these provisions permanent. Over the past several years there has been great controversy over the use of the Exchange Stabilization Fund. This fund was created in the 1930s to help stabilize the exchange value of the dollar, yet it has mutated into a "slush fund" used by the executive branch to funnel money to foreign governments and even foreign companies free of congressional oversight.

In particular, there was great controversy over the Clinton administration's use of the ESF to finance the Mexican bailout without Congressional approval in 1995. Today, there is a similar controversy over the use of the ESF in the Iraq rebuilding process. Ensuring the fund is only used for narrow purposes will help end the controversy by bringing greater transparency to the disbursement of foreign aid. Even supporters of a vigorous foreign aid program should support restoring Congress' rightful role as appropriator and overseer of foreign aid funds.

Mr. Speaker, it long past time for Congress to begin reasserting its constitutional role in the appropriation of funds for foreign aid programs. For too long, the Exchange Stabilization Fund has allowed the executive branch to commit the American taxpayer to supporting foreign governments without even consulting with Congress. I hope all my colleagues will join my efforts to end this practice by cosponsoring my Foreign Aid Limitation Act.

#### SMALL BUSINESS TELEWORK ACT

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. UDALL of Colorado. Mr. Speaker, today I am joined by my colleagues, Representatives FROST, ABERCROMBIE, ISSA, RUSH, ROSS, WYNN, BLUMENAUER, MILLENDER-MCDONALD, FILNER, UDALL (NM), and JO ANN DAVIS (VA), in introducing the Small Business Telework Act to assist our nation's small businesses in establishing successful telework programs for their employees.

Across America, numerous employers are responding to the needs of their employees and establishing telework programs. In 2000, there were an estimated 16.5 million teleworkers. By the end of 2004, there will be an estimated 30 million teleworkers, representing an increase of almost 100 percent. Unfortunately, the majority of growth in new teleworkers comes from organizations employing over 1,500 people, while just a few years ago, most teleworkers worked for small to medium-sized organizations.

By not taking advantage of modern technology and establishing successful telework programs, small businesses are losing out on a host of benefits that will save them money, and make them more competitive. The reported productivity improvement of home-based teleworkers averages 15 percent trans-

lating to an average bottom-line impact of \$9,712 per teleworker. Additionally, most experienced teleworkers are determined to continue teleworking, meaning a successful telework program can be an important tool in the recruitment and retention of qualified and skilled employees. By establishing successful telework programs, small business owners would be able to retain these valuable employees by allowing them to work from a remote location, such as their home or a telework center.

In addition to the cost savings realized by businesses that employ teleworkers, there are a number of related benefits to society and the employee. For example, telecommuters help reduce traffic and cut down on air pollution by staying off the roads during rush hour. Fully 80 percent of home-only teleworkers commute to work on days they are not teleworking. Their one-way commute distance averages 19.7 miles, versus 13.3 miles for non-teleworkers, meaning employees that take advantage of telework programs are, more often than not, those with the longest commutes. Teleworking also gives employees more time to spend with their families and reduces stress levels by eliminating the pressure of a long commute.

Mr. Speaker, our legislation seeks to extend the benefits of successful telework programs to more of our nation's small businesses. Specifically, it establishes a pilot program in the Small Business Administration (SBA) to raise awareness about telework among small business employers and to encourage those small businesses to establish telework programs for their employees.

Additionally, an important provision in our bill directs the SBA Administrator to undertake special efforts for businesses owned by, or employing, persons with disabilities and disabled America veterans. At the end of the day, telework can provide more than just environmental benefits and improved quality of life. It can open the door to people who have been precluded from working in a traditional office setting due to physical disabilities.

Our legislation is also limited in cost and scope. It establishes the pilot program in a maximum of five SBA regions and caps the total cost to five million dollars over two years. It also restricts the SBA to activities specifically proscribed in the legislation: developing educational materials; conducting outreach to small business; and acquiring equipment for demonstration purposes. Finally, it requires the SBA to prepare and submit a report to Congress evaluating the pilot program.

Several hurdles to establishing successful telework programs could be cleared by enacting our legislation. In fact, the number one reported obstacle to implementing a telework program is a lack of know-how. Our bill will go a long way towards educating small business owners on how they can draft guidelines to make a telework program an affordable, manageable reality.

DEPARTMENT OF THE INTERIOR  
AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 16, 2003*

The House in Committee of the Whole House on the State of the Union had under consideration 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:

Mr. SCHIFF. Mr. Chairman, I rise in support today for this modest bipartisan amendment offered by Reps. SLAUGHTER, SHAYS, DICKS, and LEACH to increase funds for the National Endowment for the Arts and the National Endowment for the Humanities.

As a Member of the Congressional Arts Caucus, and a longtime supporter of the arts at the state level in California, I value the tremendous role arts funding and arts education programs play in the lives of our children and friends.

Several academic studies demonstrate the connection between music, dance, visual arts, and the development of the human brain. It is well known among researchers that arts education cultivates critical thinking skills that are so important in our information-age economy.

My congressional district was fortunate to receive NEA and NEH grants this year. Some of the recipients include:

Performing arts educational outreach programs at schools in my district combined with the assistance with one of the region's most respected theaters; A program to support the Chinese Community Initiative in arts education; Artist-in-residence programs in elementary schools to encourage student and teacher involvement; A program in my district that incorporates traditional music and dance from diverse cultures to improve student relations, coordination and memory; and an amateur chamber orchestra, and a symphony association program to bolster musical knowledge and skills for ethnically diverse student population.

As a parent of two young children, I am particularly interested in the most recent research. Children who learn to read music or play an instrument show improved proficiency in math and science. To further proficiency in history, I was proud to join a letter of support to House Appropriators last month that would increase funding to the NEH budget for its We the People Initiative, which is designed to boost American knowledge and appreciation for our history, culture and civic traditions.

This increase of \$15 million under the Interior Appropriations for the NEA and NEH will go to fund so many rich programs offered and so many opportunities for us all.

Last year, an economic study conducted by Americans for the Arts found that America's nonprofit arts industry generates \$134 billion in annual economic activity. This number includes full time jobs, household income and local, state and federal tax revenue. This study includes more than \$80 billion in event-related spending by audiences. This is additional clear evidence that opportunities funded through NEA and NEH continue to bring us to new levels in our economy, culture, language, music, art and life.



I urge my colleagues to support this important amendment and commend our bipartisan colleagues who are leading the fight on this critical issue.

By supporting the arts and the humanities, the Federal Government has the ability to partner with state and local efforts to bolster the arts and educational opportunities in our communities.

IN RECOGNITION OF THE FAIRVIEW AUXILIARY BOARD TO FAIRVIEW GENERAL HOSPITAL

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Fairview Auxiliary Board to Fairview General Hospital, whose selfless efforts exemplify a model of benevolence and altruism.

Over fifty years ago this organization was founded under the auspices of providing essential resources to the hospital for equipment, building funds, and scholarships. Today, this organization has blossomed to staff over 140 volunteers dedicated to this proposition. Their hours of volunteered time have resulted in astounding success. Volunteers have contributed over 30,000 hours and raised more than \$600,000 in the past ten years alone.

Mr. Speaker, please join me today in commending the members of the Fairview Auxiliary Board. We must encourage organizations such as theirs to continue to volunteer their time and effort in the interest of the betterment of the world.

THE SENIOR CITIZENS FREEDOM OF CHOICE ACT

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. PAUL. Mr. Speaker, I rise to introduce the Senior Citizens Freedom of Choice of Act. This act ensures that participation in the Medicare program is completely voluntary. I also ask unanimous consent to insert into the record a letter sent to my office from a citizen who is trying to receive Social Security benefits without being forced to enroll in Medicare Part A, along with a letter from the Social Security Administration admitting that seniors who do not enroll in Medicare Part A are denied Social Security benefits.

When Medicare was first established, seniors were promised that the program would be voluntary. In fact, the original Medicare legislation explicitly protected a senior's right to seek out other forms of medical insurance. However, today, the Social Security Administration refuses to give seniors Social Security benefits unless they enroll in Medicare Part A.

This not only distorts the intent of the creators of the Medicare system, it also violates the promise represented by Social Security. Americans pay taxes into the Social Security Trust Fund their whole working lives and are promised that Social Security will be there for them when they retire. Yet, today, seniors are

told that they cannot receive these benefits unless they agree to join another government program!

At a time when the fiscal solvency of Medicare is questionable, to say the least, it seems foolish to waste scarce Medicare funds on those who would prefer to do without Medicare. Allowing seniors who neither want nor need to participate in the program to refrain from doing so will also strengthen the Medicare program for those seniors who do wish to participate in it. Of course, my bill does not take away Medicare benefits from any senior. It simply allows each senior to choose voluntarily whether or not to accept Medicare benefits.

Seniors may wish to refuse Medicare for a variety of reasons. Some seniors may wish to continue making their own health care decisions, rather than have those decisions made for them by the Centers for Medicare and Medicaid Services (CMS). Other seniors may have a favorite physician who is one of the growing number of doctors who have been driven out of the Medicare program by CMS's micromanagement of their practices and below-cost reimbursements.

Forcing seniors into any government program as a precondition of receiving their promised Social Security benefits both violates the promise of Social Security and infringes on the freedom of seniors who do not wish to participate in Medicare. As the author of the submitted letter says, ". . . I should be able to choose the medical arrangements I prefer without suffering the penalty that is being imposed." I urge my colleagues to protect the rights of seniors to make the medical arrangements that best suit their own needs by co-sponsoring the Senior Citizens Freedom of Choice Act.

Congressman RON PAUL  
*U.S. Congress, Washington, DC.*

DEAR CONGRESSMAN PAUL: I am writing to inform you about a structural problem in Medicare of which you may be unaware and that I believe must be remedied, all the more so now that there are rumors that Medicare, Part A, might be combined with Medicare, Part B.

In brief, the problem to which I refer involves the requirement that a Medicare eligible individual enroll in Medicare, Part A as a condition of receiving Social Security benefits to which he or she is entitled. In fact, the Social Security Administration has combined the enrollment forms for the two programs, so that an application for Social Security benefits to which one is entitled automatically entails enrollment in Medicare, Part A.

I discovered this in June 2001 when I went with my husband to apply for my Social Security benefits. I made it quite clear that I would *not* enroll in Medicare, Part A due to my objections to certain aspects of this program. (The objectionable aspects include invasion of privacy and limitation of medical choice.) In response I was told that I then could not receive the Social Security benefits to which I am otherwise entitled.

Further communication with CMS by myself and by the office of Senator Kennedy on my behalf confirmed that CMS and the Social Security Administration take the position that "the Medicare program, Part A . . . [is] a benefit completely linked to the monthly social security benefit for those age 65 or older." Indeed I was sent a copy of federal regulation 404.640 (entitled "Withdrawal of an application"), which states that anyone who enrolls in Medicare, Part A and then decides later to withdraw will have to return

all benefits received. (Another document I received states that this includes both medical benefits and social security benefits.)

Upon receipt of a copy of the letter, dated October 12, 2001, sent to Senator Kennedy regarding my complaint. I followed that letter's suggestion that I make an attempt to file "a restricted application for Social Security benefits." This I did in a letter, dated May 15, 2002, to the regional commissioner for Social Security, Manual Vaz.

The response to my letter to Mr. Vaz came from the local (Waltham) Social Security office. In that letter, dated May 29, 2002. I was told that it was impossible to make a restricted application, i.e., an "application for cash social security retirement benefits only."

Thus I was left with no recourse. I could not appeal a denial of my "restricted" application, because I was not even permitted to make the application. Short of an expensive lawsuit or an Act of Congress, there appears to be no remedy.

This is no trivial matter for me. I have now lost two years of Social Security benefits. It is not clear when or if I will ever receive these benefits. All those with whom I have discussed this problem, irrespective of their political persuasion, have been shocked to hear about these regulations.

I believe that I should be able to choose the medical arrangements I prefer without suffering the penalty that is being imposed. I ask that you take steps to remedy this situation. I shall be happy to supply documentation regarding the facts outlined above, if you request it. I look forward to hearing from you.

Sincerely, \_\_\_\_\_

SOCIAL SECURITY ADMINISTRATION

DEAR MS. :

Enclosed please find the regulations which state that there is no application for cash social security retirement benefits only. If you file for cash benefits you MUST file for the Medicare Part A (HI). Therefore this can only be translated, in one way at this time. If you do not wish to file for Medicare Part A (HI) you must forfeit your right to cash benefits.

If I can be of any further assistance please feel free to contact me at the above telephone number extension, 3016.

Sincerely yours,

*Technical Expert.*

HONORING MAYNARD HOLBROOK JACKSON, JUNIOR, AND EXTENDING CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON HIS DEATH

SPEECH OF

**HON. KENDRICK B. MEEK**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 16, 2003*

Mr. MEEK of Florida. Mr. Speaker, I thank my colleague, JOHN LEWIS, for introducing this resolution. I was honored to cosponsor it, because I think it is very important that people in this legislative body and in this nation know the huge impact Maynard Jackson had on the country and on the African American community in particular.

You could just sense the importance of Maynard Jackson by watching the thousands of mourners who waited in lines stretching several blocks to honor him. Former Presidents joined everyday citizens in honoring the life and service of this great man, who was the

first black mayor of Atlanta, a major Southern city and a symbol of both the Old South, and the New South.

Mayor Jackson paved the way for African Americans who are interested in government and civic affairs and were willing to devote their time and effort to public service. He showed what could be achieved with intelligence and fairness and hard work. And in doing so he provided both hope and opportunity to all Atlantans, white and black, while inspiring a whole generation of African American elected officials, including me.

Maynard Jackson served as Mayor of Atlanta from 1974 to 1982 and again from 1990 to 1994. His three terms were distinguished by diversification and growth in Atlanta's economy. He saw opportunity international trade before the "world economy" became a household name. He encouraged foreign governments to open new consulates and foreign companies to open trade offices, and Atlanta's imports and exports increased accordingly.

The result of Maynard Jackson's policies was record-setting new jobs creation, strong bond ratings, and the most successful non-preference, non-quota affirmative action and equal opportunity programs in the nation.

Maynard Jackson was also an innovator. He developed a successful neighborhood planning system and a city-wide comprehensive development plan. He also brokered major construction projects in housing and mass transit and instituted reform in city management and organization and improved employee incentives—all of which led to increased worker productivity.

Especially noteworthy was Mayor Jackson's leadership in the construction of Hartsfield Atlanta International Airport, which was completed ahead of schedule and under budget.

As a result, Maynard Jackson's years of Mayoral service are widely respected and documented as times of unparalleled economic development, internationalism, public-private partnerships, racial harmony, and fiscal stability for Atlanta. Because of his leadership, Atlanta created more jobs in the 1990s than any other U.S. city—half a million since 1993.

A report in Higher Education in America's Metropolitan Areas identified the Atlanta region as a national leader in higher education, consistently ranking in the top 10 metro areas in key measures of higher education activity. The majority of students in the Atlanta region not only are pursuing higher education, they are completing it: Atlanta has the sixth highest number of degrees conferred at the Bachelor's level and higher, due in large part to the encouragement and urging of Mayor Jackson.

It is certainly fitting that he died on the same day that the U.S. Supreme Court upheld affirmative action. He demanded that African-American firms get their fair share of government contracts, including those awarded in the \$1 billion expansion of Hartsfield International Airport. By the end of his first term, the percentage of city contracts going to minority-owned firms had increased from 0.13 percent to 38.6 percent.

Today, Atlanta is recognized as one of the nation's most dynamic cities, a place where hope is alive and well and not dependent on skin pigmentation.

Maynard Jackson has left his imprint so solidly on American society—economically, educationally, creatively, and socially—that his service and tutelage will long be remembered

and celebrated. He was an exemplary leader, a dedicated community servant, and a tireless advocate for economic and social justice. He literally helped change the world. He will be missed, but his spirit will live on in his extraordinary legacy.

#### PERSONAL EXPLANATION

#### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. BECERRA. Mr. Speaker, on Monday, July 14, 2003, I was unable to cast my floor vote on rollcall Nos. 354, 355, 356, 357, 358, and 359. The votes I missed include rollcall vote 354 on the Rehberg amendment; rollcall vote 355 on the Blumenauer amendment; rollcall vote 356 on the Hefley amendment; rollcall vote 357 on the Ackerman amendment; rollcall vote 358 on passage of the Agriculture Appropriations Act of 2004; and rollcall vote 359 on the Motion to Instruct Conferees on the Medicare Prescription Drug and Modernization Act.

Had I been present for the votes, I would have voted "aye" on rollcall votes 354, 355, 357, and 359, and "nay" on rollcall votes 356 and 358.

#### PERSONAL EXPLANATION

#### HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. WELDON of Florida. Mr. Speaker, I ask that the following be placed in the RECORD: During rollcall vote 367, the Hostettler amendment to H.R. 1950, the Foreign Relations Authorization Act, my "aye" vote, in favor of the amendment, was not recorded. I would ask that the permanent record reflect my support for this amendment.

#### THE HONEST MONEY ACT

#### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. PAUL. Mr. Speaker, I rise to introduce the Honest Money Act. The Honest Money Act repeals legal tender laws, a.k.a. forced tender laws, that compel American citizens to accept fiat—arbitrary—irredeemable paper-ticket or electronic money as their unit of account.

Absent legal tender laws, individuals acting through the markets, rather than government dictates, determine what is to be used as money. Historically, the free-market choice for money has been some combination of gold and silver. As Dr. Edwin Vieira, the nation's top expert on constitutional monetary policy says: "... a free market functions most efficiently and most fairly when the market determines the quality and the quantity of money that's being used."

While fiat money is widely accepted thanks to legal tender laws, it does not maintain its purchasing power. This works to the disadvan-

tage of ordinary people who lose the purchasing power of their savings, pensions, annuities, and other promises of future payment. Most importantly, because of the subsidies our present monetary system provides to banks, which, as Federal Reserve Chairman Alan Greenspan has stated, "induces" the financial system to increase leverage, the Federal Government can create additional money, in Mr. Greenspan's words, "without limit." For this reason, absent legal tender laws, many citizens would refuse to accept fiat irredeemable paper-ticket or electronic money.

Legal tender laws disadvantage ordinary citizens by forcing them to use money that is vulnerable to vast depreciation. As Stephen T. Byington wrote in the September 1895 issue of the American Federationist: "No legal tender law is ever needed to make men take good money; its only use is to make them take bad money. Kick it out!" Similarly, the American Federation of Labor asked: If money is good and would be preferred by the people, then why are legal tender laws necessary? And, if money is not good and would not be preferred by the people, then why in a democracy should they be forced to use it?

The American Federation of Labor understood how the erosion of the value of money cheated working people. Further, honest money, i.e., specie, was one of the three issues that encouraged ordinary people to organize into unions when the union movement began in the U.S. circa 1830.

While harming ordinary citizens, legal tender laws help expand the scope of government beyond that to which it is authorized under the Constitution. However, the primary beneficiaries of legal tender laws are financial institutions, especially banks, which have been improperly granted the special privilege of creating fiat irredeemable electronic money out of thin air through a process commonly called "fractional reserve lending." According to the Federal Reserve, since 1950, these private companies—banks—have created almost \$8 trillion out of nothing. This has been enormously advantageous to them.

The advantages given banks and other financial institutions by our fiat monetary system, which is built on a foundation of legal tender laws, allow them to realize profits that would not be available to these institutions in a free market. This represents legalized plunder of ordinary people. Legal tender laws thus enable the redistribution of wealth from those who produce it, mostly ordinary working people, to those who create and move around our irredeemable paper-ticket electronic money which is, in essence, just scrip.

The drafters of the Constitution were well aware of how a government armed with legal tender powers could ravage the people's liberty and prosperity. That is why the Constitution does not grant legal tender power to the Federal Government, and the States are empowered to make legal tender only out of gold and silver (see Article 1, Section 10). Instead, Congress was given the power to regulate money against a standard, i.e., the dollar. When Alexander Hamilton wrote the Coinage Act of 1792, he simply made into law the market-definition of a dollar as equaling the silver content of the Spanish milled dollar (371.25 grains of silver), which is the dollar referred to in the Constitution. This historical definition of the dollar has never been changed, and cannot be changed any more than the term

"inch," as a measure of length, can be changed. It is a gross misrepresentation to equate our irredeemable paper-ticket or electronic money to "dollars."

However, during the 20th century, the legal tender power enabled politicians to fool the public into believing the dollar no longer meant a unit redeemable in silver or gold. Instead, the government told the people that dollar now meant a piece of government-issued paper backed up by nothing except the promises of the government to maintain a stable value of currency. Of course, history shows that the word of the government to protect the value of the dollar is literally not worth the paper it is printed on.

Tragically, the Supreme Court has failed to protect the American people from unconstitutional legal tender laws. Salmon Chase, who served as Secretary of the Treasury in President Lincoln's administration, when he was Chief Justice of the Supreme Court, dissenting in *Knox vs. Lee*, summed up the argument against legal tender laws in twelve words: "The legal tender quality [of money] is only valuable for the purposes of *dishonesty*." [Emphasis added.]

Another prescient Justice was Stephen Field, the only Justice to dissent in every legal tender case to come before the Court. Justice Field accurately described the dangers to our constitutional republic posed by legal tender laws: "The arguments in favor of the constitutionality of legal tender paper currency tend directly to break down the barriers which separate a government of limited powers from a government resting in the unrestrained will of Congress. Those limitations must be preserved, or our government will inevitably drift from the system established by our Fathers into a vast, centralized, and consolidated government." A government with unrestrained powers is properly characterized as a tyranny.

Repeal of legal tender laws will help restore constitutional government and protect the people's right to a medium of exchange chosen by the market, thereby protecting their current purchasing power as well as their pensions, savings, and other promises of future payment. Because honest money serves the needs of ordinary people, instead of fiat irredeemable paper-ticket electronic money that improperly transfers the wealth of society to a small specially privileged financial elite along with other special interests, I urge my colleagues to cosponsor the Honest Money Act.

#### FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

**HON. WALLY HERGER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 15, 2003*

The House in Committee of the Whole House on the State of the Union 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:

Mr. HERGER. Mr. Chairman, concerning Rollcall Vote 108-364, On Agreeing to the

Amendment of Representative RON PAUL of Texas to H.R. 1950, the Foreign Relations Authorization Act of 2003: Although I was correctly recorded as voting against the passage of this amendment, which eventually failed by an overwhelming vote of 74 to 350, I would like the CONGRESSIONAL RECORD to reflect that my "No" vote was in error, and I would have liked to have voted "Aye" on this provision.

Specifically, Representative PAUL's amendment would have prohibited funds authorized under H.R. 1950 to be used to pay any U.S. contribution to the United Nations or any affiliated agency of the United Nations. Like many, I firmly believe evidence of the need for a dramatic reevaluation of current U.N. policy is glaring. Over the years, the United States has been a host nation to the U.N., headquartered in New York City, and has contributed greatly to the funding for the organization, including the enormous cost to the American taxpayer of deploying our military on the numerous U.N. peacekeeping missions worldwide, amounting to roughly one-quarter of the peacekeeping expenses of the 191-member body. However, recent events surrounding the ousting of Saddam Hussein's tyrannical regime in Iraq, and the inability of the U.N. to enforce its own Security Council resolutions, has renewed questions of the legitimacy of this body, as well as the necessity and level of U.S. participation in its funding and daily activities.

I would also like to note that I have cosponsored a number of pieces of legislation in the House of Representatives, which, I believe, address these questions more thoroughly. While I do not object to the U.N.'s founding objectives of peace through positive discussions and diplomacy, the organization has clearly failed in this charter mission. As it currently exists, the United Nations merely provides a weighted platform to non-democratic and anti-American nations. Perhaps a more constructive and strategically important avenue would be to pursue an entirely new federation of nations, limiting voting membership to democratic countries that share our values and goals.

For these reasons, I have cosponsored H.R. 1146, introduced by Representative RON PAUL (R-TX), which calls on the U.S. to withdraw from the United Nations entirely. I have also cosponsored two related bills, which would impact our involvement in the U.N. in lesser ways. H.R. 800 would provide for the withholding of United States contributions to any U.N. commission, organization, or affiliated agency that is chaired or presided over by a country that has repeatedly provided support for acts of international terrorism. H. Con. Res. 116 takes this bill a step further, issuing a sense of Congress that the United States should withhold all payments to the U.N. until its bylaws are amended to prevent countries whose leaders are not democratically elected from holding a position of authority within the U.N.

#### MEDICARE ADVISORY COMMISSION

**HON. PETER DEUTSCH**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. DEUTSCH. Mr. Speaker, I rise today to submit into the RECORD a letter from the Medi-

care Payment Advisory Commission, MEDPAC, to the Administrator of the Centers for Medicare and Medicaid Services Administrator regarding CMS's proposed rule entitled Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for FY 2004; Proposed Rule, 68 Fed. Reg. 26786 (May 16, 2003). This letter calls upon CMS to construct a fair rule that allows Medicare beneficiaries to receive appropriate rehabilitation services. To achieve this goal, in effect, MEDPAC recommends a revision to the ten diagnoses—conceived twenty years ago in 1983—in an effort to better characterize today's patient population.

Based on my concern for the critical need of my constituents in Florida to continue to have access to inpatient rehabilitation facilities, I rise to express my support for MEDPAC's recommendation and feel that a modernization of the "75 percent rule" to include 20 of the 21 rehabilitation inpatient categories, all except miscellaneous, is necessary.

Under CMS's proposed rule, 86 percent of Intensive Rehabilitation Facilities would be excluded from reimbursement. If promulgated, this rule would place an increased burden on acute care hospitals. Patients with serious conditions such as stroke, brain injury, hip fracture, as well as those individual recovering from cardiac surgery, oncology surgery and severe pulmonary conditions could potentially be denied access to critically needed rehabilitative care. It is my sincere hope that CMS will take into account MEDPAC's recent recommendations on this matter.

MEDICARE PAYMENT ADVISORY  
COMMISSION

*Washington, DC, July 7, 2003.*

Re: File code CMS-1474-P

THOMAS SCULLY, Administrator, Centers for Medicare & Medicaid Services Department of Health and Human Services, Hubert H. Humphrey Building, Washington, DC.

DEAR MR. SCULLY: The Medicare Payment Advisory Commission (MedPAC) welcomes the opportunity to comment on the Centers for Medicare & Medicaid Services (CMS) proposed rule entitled Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for FY 2004; Proposed Rule, 68 Fed. Reg. 26786 (May 16, 2003). We appreciate your staff's careful work on this prospective payment system, particularly considering the competing demands on the agency.

Inpatient rehabilitation facilities (IRFs) are one of several settings that provide Medicare patients with rehabilitation services. Medicare also covers rehabilitation services in skilled nursing facilities, long-term care hospitals, at home from home health agencies, and on an outpatient basis (e.g., from a hospital outpatient department). Medicare generally varies its payments based on the setting and type of services.

CMS's criteria to distinguish IRFs from acute care hospitals and other settings for payment purposes require IRFs to:

Have provider agreements to participate in Medicare as a hospital.

Determine whether patients are likely to benefit significantly from intensive inpatient hospital programs or assessments by preadmission screening.

Ensure that patients receive close medical supervision and furnish rehabilitation nursing, physical therapy, occupational therapy, speech therapy, social or psychological services, and orthotic and prosthetic services.

Have full-time medical directors experienced in medical management of inpatients requiring rehabilitation.

Use physicians to establish, review and revise the plan of care for each IRF patient.

Use coordinated multidisciplinary team approaches in the rehabilitation of each inpatient.

Have 75 percent of their cases in 10 diagnoses—stroke, spinal cord injury, congenital deformity, amputation, major multiple trauma, fracture of femur (hip fracture), brain injury, and polyarthritis, including rheumatoid arthritis, neurological disorders, and burns.

Further, in order to be eligible for IRF care, patients must be able to sustain three hours of therapy a day.

Only one of the IRF standards is under debate: the rule requiring IRFs to have 75 percent of their cases in 10 diagnoses (the “75 percent rule”). Many have argued that the 10 diagnoses no longer represent a clinically appropriate standard for defining IRF services. The issue of variation in patient need within diagnoses has always existed. Finally, an estimated 87 percent of IRFs are currently out of compliance with the rule.

We recognize the need to distinguish IRFs from other Medicare providers in order to pay appropriately for their services. As you know, IRFs are paid more than acute hospitals. Given the current state of clinical evidence and patient classification systems, the dilemma is how to construct a fair rule that allows Medicare beneficiaries to receive appropriate rehabilitation services and avoids undesirable financial incentives to expand the types of patients in IRFs beyond what is clinically necessary. On the one hand, an unchanging list of 10 diagnoses to characterize an appropriate patient population for the IRF setting is a blunt instrument. Medical practice may have changed since 1983, when the 10 diagnoses were first included in the 75 percent rule. On the other hand, using instead the 20 diagnoses in the IRF-prospective payment system (PPS) reflects IRFs’ past admitting practice but does not necessarily identify a clinically appropriate population.

In the short term, the Secretary has few other options but to enforce the 75 percent rule consistently; the issue is which diagnoses should go into the calculation. One short-term strategy that the Secretary could pursue is to lower the percentage of cases (required to be from 10 diagnoses) in the current 75 percent rule to 50 percent for some period of time, not to exceed one year. According to CMS’s analysis, most IRFs could meet this standard. During that period of time, the Secretary could consult with an expert panel of clinicians to reach a consensus on the diagnoses to be included in the 75 percent rule as well as the appropriate clinical criteria for patients within the respective diagnoses. It is most imperative that the panel resolve the joint replacement issue because a large and growing proportion of IRF patients likely fall into this category. If the Secretary can complete this consultation prior to the October 1, 2003 proposed implementation date, it may be unnecessary to lower the 75 percent to 50 percent.

Over the long run, the Secretary also may want to periodically revisit the list of diagnoses and clinical criteria for rehabilitation patients. The expectation would be to move away from simple diagnosis-based criteria to patient-based criteria. Consistent with that objective, MedPAC is interested in linking payment to high-quality outcomes, as evidenced by our recommendation in the June 2003 Report to the Congress. In that report, we find that IRFs are particularly suited to linking payment for quality because the patient assessment instrument is standardized, credible, and data are routinely collected; also a risk-adjustment mechanism is built into the PPS. In the future, the IRF pay-

ments could be based on the patient-specific criteria and linked to outcomes. This also could be part of the criteria CMS could use to decide whether a facility would be designated as an IRF, potentially eliminating the need for criteria such as the 75 percent rule, although practically we see the need for such rules in the short term.

We look forward to offering any assistance we can to CMS in these endeavors.

Sincerely,

GLENN M. HACKBARTH, J.D.,  
*Chair.*

## ABOLISHING THE FEDERAL RESERVE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 17, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce legislation to restore financial stability to America’s economy by abolishing the Federal Reserve. I also ask unanimous consent to insert the attached article “The Greatest Theft in History” by Professor Murray Sabrin, into the RECORD. Professor Sabrin provides an excellent summary of how the Federal Reserve is responsible for the nation’s current economic difficulties.

Since the creation of the Federal Reserve, middle and working-class Americans have been victimized by a boom-and-bust monetary policy. In addition, most Americans have suffered a steadily eroding purchasing power because of the Federal Reserve’s inflationary policies. This represents a real, if hidden, tax imposed on the American people.

From the Great Depression, to the stagflation of the seventies, to the burst of the dotcom bubble, every economic downturn suffered by the country over the last 80 years can be traced to Federal Reserve policy. The Fed has followed a consistent policy of flooding the economy with easy money, leading to a misallocation of resources and an artificial “boom” followed by a recession or depression when the Fed-created bubble bursts.

With a stable currency, American exporters will no longer be held hostage to an erratic monetary policy. Stabilizing the currency will also give Americans new incentives to save as they will no longer have to fear inflation eroding their savings. Those members concerned about increasing America’s exports or the low rate of savings should be enthusiastic supporters of this legislation.

Though the Federal Reserve policy harms the average American, it benefits those in a position to take advantage of the cycles in monetary policy. The main beneficiaries are those who receive access to artificially inflated money and/or credit before the inflationary effects of the policy impact the entire economy. Federal Reserve policies also benefit big spending politicians who use the inflated currency created by the Fed to hide the true costs of the welfare-warfare state. It is time for Congress to put the interests of the American people ahead of the special interests and their own appetite for big government.

Abolishing the Federal Reserve will allow Congress to reassert its constitutional authority over monetary policy. The United States Constitution grants to Congress the authority to coin money and regulate the value of the

currency. The Constitution does not give Congress the authority to delegate control over monetary policy to a central bank. Furthermore, the Constitution certainly does not empower the federal government to erode the American standard of living via an inflationary monetary policy.

In fact, Congress’ constitutional mandate regarding monetary policy should only permit currency backed by stable commodities such as silver and gold to be used as legal tender. Therefore, abolishing the Federal Reserve and returning to a constitutional system will enable America to return to the type of monetary system envisioned by our nation’s founders: one where the value of money is consistent because it is tied to a commodity such as gold. Such a monetary system is the basis of a true free-market economy.

In conclusion, Mr. Speaker, I urge my colleagues to stand up for working Americans by putting an end to the manipulation of the money supply which erodes Americans’ standard of living, enlarges big government, and enriches well-connected elites, by cosponsoring my legislation to abolish the Federal Reserve.

[From USA Daily, May 6, 2003]

THE GREATEST THEFT IN HISTORY

(By Murray Sabrin)

If you have a savings account, your bank probably credits it with interest every month. At the end of the month, you expect the bank to pay you the amount of interest it was obligated to pay you—no more no less. In other words, you would not expect the bank to change the interest it was going to pay you unless your account explicitly allows the bank to readjust the interest rate at its discretion.

We know the interest rate paid on short-term “risk free” deposits are based on the “real rate” plus an inflation premium. Historically, the real rate—the rental price of money—is the annual rate that borrowers and lenders agree on is typically 2-3 percent. So if you borrow \$100 for a year, you would expect to pay the lender about \$103 at the end of one year.

However, if price inflation is expected to be 3% for the year the loan is outstanding, the lender wants to protect his principal from the decline in the dollar’s purchasing power. So, the interest rate on the loan would thus not be just 2% (assuming this is the real rate), but 2% plus an inflation premium of 3%, for a total of 5%.

Currently the annual inflation rate is about 2.5%. Thus, the risk free rate (the real rate—2%—plus the inflation premium) on savings deposits and money market funds should be about 4.5%. For Americans who seek the safety of savings accounts and money market funds for their hard-earned money, the current average yield of 0.7% on money market funds is well below the current risk free rate. In addition, savers who own short-term U.S. Treasury debt are receiving slightly more than 1.1 % annually.

What’s going on? How can savers be receiving about 3.5% less than the risk free rate on their money market accounts and savings accounts?

The answer is simple: The Federal Reserve, the government created institution that was founded to “stabilize” the value of the dollar and “smooth” “out the business cycle”, which has the legal authority to create money out of thin air, is nothing more than the greatest manipulator of interest rates in the history of the world.

The FED pumps money into the banking system if it wants to lower interest rates in order “to stimulate” the economy, and conversely will take money out of the banking

system if it want to dampen borrowing and "cool off" an overheated economy.

For the past two-and-a-half years the FED has been pumping money into the banking system, driving down short-term interest rates to its current levels, well below the risk free rate. In fact, the American people are being penalized heavily for saving. Real interest rates are negative.

In short, the American people are being ripped off to the tune of tens of billions of dollars per year.

To put this in dollars and cents, there are \$2.2 trillion in money market funds, with an average annual yield of 0.7%. The income from these funds is about \$15 billion a year. If interest rates were 4.5%, savers would have nearly one hundred billion dollars in income or \$85 billion more than they are currently receiving.

Moreover, there is \$4.61 trillion in the nation's time and savings deposits, earning an average of about 1.0% or more depending on the financial institution your money is deposited in. (ING Direct pays 2.10% online on short-term deposits. The money can be transferred from your checking account to an online account and back. The minimum deposit to open an account is only \$1. This is not a misprint.)

Using the same 4.5% risk free rate, savers should be receiving about \$210 billion on their short-term deposits at the nation's financial institutions. Instead, they are earning about \$50 billion, for a loss of \$160 billion in annual income. In addition, the U.S. Treasury has approximately \$1 trillion in short-term debt that is yielding a little more than 1%. Savers holding the federal government's short-term debt are losing approximately \$35 billion in annual income.

The bottom line: While the economic debate in Washington DC centers around President Bush's tax cut proposal, which should pass intact because less money in the federal government means more freedom and prosperity for the American people, the Federal Reserve continues to perpetuate the greatest theft in world history. By having the power to manipulate interest rates, the FED in effect has not only a license to print money but also can redistribute income from savers to borrowers.

The winners of the FED's interest rate manipulations include the nations' financial institutions, business borrowers and government. The losers are anyone who wants to save for the proverbial rainy day and accumulate money for a down payment on a house or other family need.

Thus, Federal Reserve policy aids and abets the legalized theft of hundreds of billions of dollars per year from low- and middle-income families to the economic elites of this country and profligate governments at all levels—all with the approval of the U.S. Congress and the Bush administration.

After 90 years of manipulating interest rates, it is time to abolish the FED and return the country to the only sound monetary system that is consistent with liberty and prosperity—the gold standard.

#### MILWAUKEE TURNERS CELEBRATE 150TH YEAR ANNIVERSARY

**HON. GERALD D. KLECZKA**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. KLECZKA. Mr. Speaker, on Saturday, September 6, 2003 the Milwaukee Turners will celebrate their 150th anniversary of providing the community with leadership in the fields of

physical fitness, social justice and cultural preservation.

German revolutionary and patriot Frederick Ludwig Jahn founded the Turners in Germany in 1811. The original purpose of the Turners was to overthrow Napoleon who had conquered Prussia and to work toward a unified Germany. The Turners became powerful enough to start a revolution to make Germany a republic. The effort was defeated and 600,000 Germans were exiled.

German immigrants who came to America in 1848, as a result of the events in Europe, were called 48'ers. The first Turner Society in the United States was founded in Cincinnati, Ohio in 1848. The 48'ers established athletic, social and cultural societies throughout the United States. At the turn of the century there were hundreds of active societies. Today there are only sixty-five Turner societies that remain. Milwaukee was once known as the "German Athens of America" because of the notable artistic, political and civic culture of the city. The Milwaukee Turners was a central part of this community.

The Milwaukee Turners received its charter from the Wisconsin State Legislature in 1855. The Turner motto is "Sound Mind in a Sound Body". The philosophy of the organization is a holistic approach to the development of human potential through the harmonious integration of both intellectual and physical aspects of the individual.

Over the years the Milwaukee Turners have actively opposed all forms of oppression and supported women's suffrage. The Turners also promoted the concept of including physical education as part of the public schools curriculum. The Turners Society in Milwaukee continues to support the original ideals and offers physical activities for people of all ages.

Today, in an age of growing concern for the physical health of Americans and the lack of physical exercise, the Milwaukee Turners is ahead of the curve and is continuing to provide a vital service to the community through their outstanding physical fitness programs.

I salute Milwaukee Turners efforts in improving the health of our citizens and congratulate the Milwaukee Turners on celebrating a proud history of supporting social justice, freedom and physical and mental well being for 150 years. I wish to extend my best wishes for continued success in the years to come.

#### REMEMBERING CHESTERFIELD SMITH

**HON. JANE HARMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Ms. HARMAN. Mr. Speaker, Chesterfield Smith, who died in Florida yesterday at 85, invented the modern law firm and the modern legal profession. Either of these accomplishments is more than enough for a lifetime.

He was my dear friend, a mentor to me and thousands of idealistic lawyers. Improving the world was axiomatic to him: it came with legal training and a law license. Doing anything less was unacceptable.

Probably his most important chapter was 1973–74, when he was president of the American Bar Association during the Nixon impeachment. He steered the organization and

helped steer the country through a crisis in which our legal system was tested. It survived, and so did we.

We will miss Chesterfield's skills, his heart, his compass, his courage, and his loyalty. His wife, Jacqueline, and his family, are in our hearts.

#### INTRODUCTION OF THE MEDICARE MENTAL HEALTH COPAYMENT EQUITY ACT OF 2003

**HON. TED STRICKLAND**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. STRICKLAND. Mr. Speaker, today Representative MURPHY and I are introducing the Medicare Mental Health Copayment Equity Act of 2003, which will dramatically improve Medicare for millions of the program's beneficiaries by phasing out over six years the discriminatory 50-percent copayment required for outpatient mental health services. If this bill is enacted, Medicare beneficiaries will pay a 20 percent copayment for outpatient mental health care, just as they do for all other outpatient health services under Medicare by the year 2009. This bill is identical to S. 853, which was introduced by Senator OLYMPIA SNOWE earlier this year.

According to the National Institute of Mental Health, nearly 2 million Americans over the age of 65 suffer from depression. The 1999 Surgeon General's report on mental illness found that 20 percent of Americans 55 and older experience mental disorders that are not considered a normal part of aging, such as anxiety, alcoholism, and Alzheimer's disease. As many as one in two new residents of nursing facilities are at risk of depression. Perhaps most strikingly, seniors have the highest rate of suicide of any age group in this country. A Medpac report titled "Assessing Medicare Benefits" issued in June 2002 confirms that the Medicare senior population faces serious problems accessing mental health care:

Medicare beneficiaries are apparently having difficulty in obtaining needed mental health services. Despite the availability of proven treatments, one recent analysis found that of those beneficiaries over 65 who needed treatment, 63% did not receive it. The likelihood of people with mental health conditions receiving services was significantly lower if they were Medicare beneficiaries, compared with those who had employment-based insurance or Medicaid coverage.

The Medpac report also states that the access problems will be reduced if the discrepancy between the mental health copayment and the copayment required for all other outpatient care under Medicare is eliminated:

Beneficiaries face a 50 percent coinsurance for most outpatient mental health services, compared with 20 percent for most other outpatient services. Equalizing cost sharing for outpatient mental health and other outpatient care would reduce a financial barrier to mental health care and provide parity to beneficiaries with mental disorders and those with other illnesses, with a small increase in Medicare spending . . . This change also would simplify Medicare's cost-sharing structure.

Medicare beneficiaries need and deserve access to affordable mental health care. I urge my colleagues to end Medicare's random discrimination and improve the health of seniors

in this country by acting quickly to pass this legislation into law.

COMMENDING THE SERVICE OF  
DR. DAVID L. WEINBERG, OUT-  
GOING PRESIDENT OF THE SAN  
MATEO COUNTY MEDICAL ASSO-  
CIATION

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. LANTOS. Mr. Speaker, I rise to pay tribute to Dr. David L. Weinberg, who has ably represented the people of San Mateo as the President of the San Mateo County Medical Association. His one-year term has just expired.

Dr. Weinberg has a distinguished record of service to the people of San Mateo and to the nation as a whole. He served in a combat unit in Vietnam for over a year during some of the most intense fighting there, arriving just before the Tet Offensive. Dr. Weinberg was frequently behind enemy lines, supporting American and Vietnamese troops and Special Forces. For his service and over 500 hours of air combat duty, he was awarded 10 medals.

A graduate of the University of Wisconsin Medical School, Dr. Weinberg began a fellowship program at the Letterman Army Medical Center in San Francisco before going to Vietnam in 1967. When he finished his military service in 1969, Dr. Weinberg returned to San Francisco to begin his residency at the University of California-San Francisco (UCSF). He completed his residency in 1972 and was certified by the American Academy of Dermatology the following year.

Mr. Speaker, during his term as President of the San Mateo County Medical Association (SMCMA) this past year, Dr. Weinberg sought to increase cooperation among doctors and to make them independent of hospitals and insurance companies, and his initiatives have been extraordinarily well received.

An active member of the American College of Physician Executives and the California Medical Association, Dr. Weinberg also has appointments at UCSF as a Clinical Instructor in Dermatology and at two prominent hospitals, Seton Medical Center and Mills-Peninsula Medical Center. In addition to these positions and his responsibilities as President of the SMCMA, Dr. Weinberg sees patients at his solo practice in Daly City.

Mr. Speaker, Dr. David L. Weinberg has made outstanding contributions to the people of San Mateo County, not to speak of his military service on behalf of the American people. I invite my colleagues in commending him on his leadership of the SMCMA.

SALUTING CAPTAIN HUGH  
WHITAKER

**HON. JEB HENSARLING**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. HENSARLING. Mr. Speaker, today I would like to salute Captain Hugh Whitaker on the occasion of his retirement, a lawman who

has dedicated more than 50 years of his life serving the people of Freestone County, Texas.

A decorated Marine Corps veteran, Hugh Whitaker returned home to Fairfield after fighting in the Pacific during World War II.

Starting in 1948, Hugh Whitaker was elected Constable, beginning a 55-year-career of public service.

Hugh became the county's Emergency Management Coordinator in 1955, a position he's held for the past 48 years.

During the 1960's, Hugh organized the Freestone County Emergency Corps and the Freestone County Reserve Deputies. More recently, he served as Chief Deputy Sheriff up until his retirement last month.

Freestone County Judge Linda Grant said, "Captain Whitaker is a blessing for the people of Freestone County. He is always there to help in any way."

Mr. Speaker, today we honor Captain Whitaker for his service to his community in the name of public safety. In the words of his fellow lawman, Freestone County Sheriff Ralph Billings, "No one can build boots big enough to fill those of Captain Whitaker."

LEGISLATION TO WITHDRAW THE  
UNITED STATES FROM THE  
BREITON WOODS AGREEMENT

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. PAUL. Mr. Speaker, I rise to introduce legislation to withdraw the United States from the Bretton Woods Agreement and thus end taxpayer support for the International Monetary Fund (IMF). Rooted in a discredited economic philosophy and a complete disregard for fundamental constitutional principles, the IMF forces American taxpayers to subsidize large, multinational corporations and underwrite economic destruction around the globe. This is because the IMF often uses the \$46.7 billion line of credit provided to it by the American taxpayers to bribe countries to follow destructive, statist policies.

Just last year, Argentina was rocked by an economic crisis caused by IMF policies. Despite clear signs over the past several years that the Argentine economy was in serious trouble, the IMF continued pouring taxpayer-subsidized loans with an incredibly low interest rate of 2.6 percent into the country. In 2001, as Argentina's fiscal position steadily deteriorated, the IMF funneled over 8 billion dollars to the Argentine government!

According to Congressman JIM SEXTON, Chairman of the Joint Economic Committee, this "Continued lending over many years sustained and subsidized a bankrupt Argentine economic policy, whose collapse is now all the more serious. The IMF's generous subsidized bailouts lead to moral hazard problems, and enable shaky governments to pressure the IMF for even more funding or risk disaster."

Argentina is just the latest example of the folly of IMF policies. Five years ago the world economy was rocked by an IMF-created disaster in Asia. The IMF regularly puts the taxpayer on the hook for the mistakes of the big banks. Oftentimes, Mr. Speaker, IMF funds end up in the hands of corrupt dictators who

use our taxpayer-provided largesse to prop up their regimes by rewarding their supporters and depriving their opponents of access to capital.

If not corrupt, most IMF borrowers are governments of countries with little economic productivity. Either way, most recipient nations end up with huge debts that they cannot service, which only adds to their poverty and instability. IMF money ultimately corrupts those countries it purports to help, by keeping afloat reckless political institutions that destroy their own economies.

IMF policies ultimately are based on a flawed philosophy that says the best means of creating economic prosperity is through government-to-government transfers. Such programs cannot produce growth, because they take capital out of private hands, where it can be allocated to its most productive use as determined by the choices of consumers in the market; and place it in the hands of politicians. Placing economic resources in the hands of politicians and bureaucrats inevitably results in inefficiencies, shortages, and economic crises, as even the best-intentioned politicians cannot know the most efficient use of resources.

In addition, the IMF violates basic constitutional and moral principles. The Federal Government has no constitutional authority to fund international institutions such as the IMF. Furthermore, Mr. Speaker, it is simply immoral to take money from hard-working Americans to support the economic schemes of politically-powerful special interests and third-world dictators.

In all my years in Congress, I have never been approached by a taxpayer asking that he or she be forced to provide more subsidies to Wall Street executives and foreign dictators. The only constituency for the IMF is the huge multinational banks and corporations. Big banks used IMF funds—taxpayer funds—to bail themselves out from billions in losses after the Asian financial crisis. Big corporations obtain lucrative contracts for a wide variety of construction projects funded with IMF loans. It's a familiar game in Washington, with corporate welfare disguised as compassion for the poor.

Last year's Argentine debacle is yet further proof that the IMF was a bad idea from the very beginning—economically, constitutionally, and morally. The IMF is a relic of an era when power-hungry bureaucrats and deluded economists believed they could micromanage the world's economy. Withdrawal from the IMF would benefit American taxpayers, as well as workers and consumers around the globe. I hope my colleagues will join me in working to protect the American taxpayer from underwriting the destruction of countries like Argentina, by cosponsoring my legislation to end America's support for the IMF.

HONORING JUDGE A. JAY CRISTOL  
ON USS "LIBERTY" RESEARCH

**HON. PETER DEUTSCH**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate Judge A. Jay Cristol of the Southern District of Florida on the completion of his invaluable research on the USS *Liberty*



incident. In 1987, Judge Cristol began researching the tragedy that befell the United States Navy ship *Liberty* and her crew on June 8, 1967. Judge Cristol completed a doctoral dissertation on the subject in 1997 and published his book, *The Liberty Incident*, in 2002.

In his continued quest for the truth, Judge Cristol pressed and finally convinced the National Security Agency to release classified transcripts proving that Israel's attack on the USS *Liberty* during the Six Day War was, in fact, accidental.

On June 8, 1967, Israeli troops detected large explosions along the Sinai shore. The United States had announced two days earlier that it had no warships in the combat zone, and Israeli troops believed that they were experiencing an Egyptian naval bombardment. In response, the Israelis attacked the USS *Liberty*, which they mistook for being an Egyptian warship, killing 34 American crewmen and wounding 171.

For 35 years, conspiracy theories have raged and critics have insisted that Israel attacked the American ship deliberately. Finally, just last month, the NSA, under pressure by Judge Cristol, released transcripts of transmissions from two Israeli helicopter pilots that participated in the 1967 attack. These tapes, which have until now remained classified, serve to conclude the evidence that the tragic event was, in fact, a case of mistaken identity.

Judge Cristol's diligent efforts and persistence for the truth over the past sixteen years are to be commended. Through his work, he has helped restore faith in the special relationship that the United States and Israel share. Mr. Speaker, I hope the entire House joins me congratulating Florida Judge Jay Cristol on his achievement.

#### TRIBUTE TO DAN FOULK

##### HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. MCINNIS. Mr. Speaker, it is with a solemn heart that I stand before this body of Congress and this nation today to pay tribute to the life and legacy of Dan Foulk, an outstanding citizen from my district who recently passed away. Dan was a member of the Pueblo Rural Fire Department and he will be remembered as a dedicated firefighter, loyal friend, and committed father.

As a member of the Pueblo Rural Fire Department, Dan spent his life protecting the community he loved. Dan was an Assistant Chief for the Department and was hired as their first Fire Marshal in 2001. Dan was able to accomplish both jobs simultaneously, working hard to insure the safety of his community. Dan was honored to be able to perform both of these duties. He loved being a fireman, and he loved protecting Pueblo. This dedication made Dan a role model in the Pueblo Fire Department. When not working to protect the community, Dan was at home with his family. He was blessed with a lovely wife, five children, and ten grandchildren.

Mr. Speaker, I am honored to pay tribute to Dan Foulk before this body of Congress and this nation. His hard work, enthusiastic attitude, and leadership will be missed. Dan will

forever be remembered for the contributions he provided his community and I am sorry for his loss. My thoughts and prayers go out to Dan's family, friends, and his coworkers on the Pueblo Rural Fire Department.

#### HONORING EDEL BRYANT FORD

II

##### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. DINGELL. Mr. Speaker, I rise today to honor and commemorate my dear friend Edsel Bryant Ford II, former president and chief operating officer of the Ford Motor Credit Company. Mr. Ford is also a noted philanthropist in the Detroit Metropolitan area.

Named after his grandfather, Edsel Bryant Ford, the son of Ford Motor company founder Henry Ford, Mr. Ford retired from daily executive life in 1999 in order to be more involved with his family and community. Due to Edsel's stalwart leadership, Ford Motor Credit Company remains the world's largest automotive finance company. Edsel maintains ties to his family's business, sitting on the Ford board of directors and working as a consultant. Edsel participates in many dealer conferences and meetings, and remains, for many dealers, the face of the Ford Motor Company.

The Fords have been giving back to Detroit for more than 100 years, and Edsel Ford II is another example of continuing Ford philanthropy. The reach of the company and the family is felt throughout the Detroit metro area. Mr. Ford's dedication and commitment to the city of Detroit have led to many developments both for the city and the surrounding community. As president of the Detroit-based Henry Ford II Fund, Mr. Ford oversees a foundation that dispenses millions of dollars annually to charitable and educational organizations including Focus: HOPE, the Detroit Zoological Society, the United Negro College Fund, the Juvenile Diabetes Research Foundation and Caring Athletes Team for Children's and Henry Ford Hospitals (CATCH). Mr. Ford is also chairman of the Detroit 300 Committee, which raised \$30 million, for the city's tricentennial celebration in 2001 and for the development of Campus Martius Park, which will become a gathering place for metro Detroit citizens. Additional community activities include the Skillman Foundation, Henry Ford Health System, and the Detroit Metropolitan Wayne County Airport Commission. In 2001, Mr. Ford was honored by the Detroit News as one of its Michiganders of the year.

The hard work and goodwill of Mr. Ford should be applauded. Mr. Speaker, I ask that all of my colleagues join me in congratulating Mr. Edsel Ford II for his inexhaustible support, generosity, and leadership to his community and to give him our best wishes for a well deserved, relaxing and enjoyable future.

#### COMMENDING BRENT BERRYMAN

##### HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. FROST. Mr. Speaker, I rise today to commend Brent Berryman for his many years

of dedicated service to Lockheed Martin Missiles and Fire Control in Dallas, Texas, and to congratulate him on his retirement from the company.

During his tenure with Lockheed Martin, Brent has managed the company's employee and company contribution programs, coordinated employee volunteer efforts, and served as the company's lobbyist for state and local issues. He served as Lockheed Martin's Constituent Relations Manager for local relations with federal officials in the Dallas area and has served as executive director of the LTV Foundation and manager of the company's political action committee.

As a devoted employee and civil servant, Brent Berryman complemented his many business activities at Lockheed Martin with service to the Dallas Assembly, the Dallas Urban League's Board of Directors, the March of Dimes, and the President's Task Force of the State Fair of Texas, among others. In addition, Brent volunteers as a Mentor and Tutor in three different elementary school programs and serves as a member of the Citizens Advisory Committee of the Amelia Earhart Learning Center.

In 2002, Brent received the Lockheed Martin Missiles and Fire Control Excellence Award for his consistent success in community outreach. He has also received awards from the Women's Center of Dallas and the Dallas Urban League for his outstanding community service and support.

Mr. Speaker, I have had the good fortune to work with Brent on many issues important to the defense of our nation and the economic well-being of North Texas. He deserves special recognition for his tremendous achievement and dedication to his company and its mission. I look forward to continue working with Brent, post-retirement, and I know my colleagues will join me today in wishing him success in all of his future endeavors.

#### CONGRATULATIONS TO ARTHUR COLES III

##### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. PAYNE. Mr. Speaker, I am pleased to ask my colleagues here in the U.S. House of Representatives to join me in honoring a very special person whom I am privileged to call a friend, Mr. Arthur Coles III, on the occasion of his retirement.

Arthur Coles III was born in Newark, New Jersey and attended Monmouth Street Elementary School, West Kinney Junior High, and Arts High School. While at Arts High School he played varsity basketball under Coach George Voller. The playgrounds of Newark were the place to be during Arthur's teenage years and he was taught the X's and O's of basketball by legendary Charlie Johnson, Arthur Johnson Sr., Eugene Robinson and William Pony Wilson.

Upon graduation from Central State University Wilberforce, Ohio in 1967, Arthur returned to Newark, New Jersey and accepted a teaching position at Weequahic High School. Arthur has served in many positions at Weequahic High School: art teacher, teacher to assist the principal, interim head basketball coach, assistant basketball coach, class advisor, and



Father's Club mentor. He also coached at his Alma Mater, Arts High School for 2 years.

Arthur was the recipient of numerous city council proclamations; his coaching record includes league championships and other recognitions for his achievements. He is an original founding member of the Newark Athletic Hall of Fame and served as President for five years. Among his many talents, he is a gifted artist. He produced the National Urban League National Tee Shirt for two years, the Black United Fund Poster, 100 Black Men National Poster, and the Black Policeman's Association National Poster.

At Bethany Baptist Church, Arthur is a very active member, coordinator of security and supervisor of the community farmer's market. His hobbies include fishing and cooking.

Arthur's induction creates the first African American Father/Son Inductees. Married to Geri Woods Coles. God makes everything possible.

I feel especially pleased with this great achievement especially because I knew and worked with Arthur's father, the late Sam Coles. Sam is probably smiling down on us now, enjoying the success of one of his mentees, as he watched so many of Newark's finest for so many years.

#### PERSONAL EXPLANATION

##### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. NADLER. Mr. Speaker, I was not able to be present for rollcall votes 249 through 251, Numbers 287 and 288, and Numbers 297 through 300. Had I been present, I would have voted "aye" on Numbers 249 through 251, Number 287, and Numbers 297 through 300. I would have voted "nay" Number 288.

#### TRIBUTE TO JOAN AND BOB WEISS

##### HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. MCINNIS. Mr. Speaker, I rise in this body to pay tribute to Bob and Joan Weiss of Grand Junction, Colorado. Bob and Joan have met the needs of the health-conscious in their community for the last 25 years, and I am honored to recognize their achievements here today.

Bob and Joan opened Sundrop Grocery Natural Foods Store in 1978 in a tiny 400-square-foot location with limited inventory. Over the years, however, the couple's reputation for providing the freshest organic and naturally prepared foods available grew, and so did their business. Today the Weiss's many customers don't have to compromise on any ingredients. Bob and Joan have ensured that their patrons have access to a wide variety of wholesome foods, from bulk foods and herbs to the freshest fruits and vegetables.

Mr. Speaker, I am truly honored to recognize Bob and Joan Weiss today. Twenty-five

years in the health food business, serving the Grand Junction community, is indeed an impressive accomplishment. I join in celebrating this milestone, and I congratulate them on their success.

#### 19TH ANNIVERSARY OF THE INDIAN GOVERNMENT'S ATTACK ON THE GOLDEN TEMPLE IN AMRISTAR

##### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. BURTON of Indiana. Mr. Speaker, last month marked the nineteenth anniversary of the Indian government's attack on the Golden Temple in Amritsar, the most sacred of Sikh shrines. The Indian government simultaneously attacked 38 other Sikh temples, known as Gurdwaras, around India. It is reported that more than 20,000 Sikhs were killed in these attacks, which went by the name of Operation Bluestar.

The Sikh Nation has never forgotten this atrocity against them. These attacks laid the foundation of a sovereign, independent Sikh homeland, Khalistan, which was declared independent on October 7, 1987. Last month, they once again observed Khalistan Martyrs Day on June 7, marking the anniversary of the brutal attacks on the Golden Temple and the other Sikh temples. Sikhs gathered in Washington, D.C. and protested outside the Indian Embassy. They chanted slogans and made speeches in support of freedom for the Sikh Nation.

Sikhs were equal partners in the transfer of power from the British and were supposed to have an independent state. Sikh leaders were promised that they would have "the glow of freedom" in India and no law would be passed affecting Sikhs without their consent. However, that is not the case. I would like to have the Council of Khalistan's press release on the Khalistan Martyrs Day events placed into the CONGRESSIONAL RECORD following my statement.

INTERNATIONAL SIKH ORGANIZATION,

*Washington, DC, June 7, 2003.*

SIKHS OBSERVE KHALISTAN MARTYRS DAY

WASHINGTON, D.C., June 7, 2003.—It is a Sikh tradition and Sikh history that Sikhs never forgive or forget the attack on the Golden Temple, the Sikh Nation's holiest shrine. In that spirit, Sikhs from all over the East Coast gathered in Washington, D.C. today to observe Khalistan Martyrs Day. This is the anniversary of the Indian government's brutal military attack on the Golden Temple and 38 other Sikh temples throughout Punjab, from June 3-6, 1984. More than 20,000 Sikhs were killed in those attacks, known as Operation Bluestar. These martyrs laid down their lives to lay the foundation for Khalistan. On October 7, 1987, the Sikh Nation declared its homeland, Khalistan, independent.

"We thank all the demonstrators who came to this important protest," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "These martyrs gave their lives so that the Sikh Nation could live in freedom," Dr. Aulakh said. "We salute them on Khalistan Martyrs' Day," he said.

"As Sant Bhindranwale said, the Golden Temple attack laid the foundation of Khalistan."

Sikhs ruled Punjab until 1849 when the British conquered the subcontinent. Sikhs were equal partners during the transfer of power from the British. The Muslim leader Jinnah got Pakistan for his people, the Hindu leaders got India, but the Sikh leadership was fooled by the Hindu leadership promising that Sikhs would have "the glow of freedom" in Northwest India and the Sikhs took their share with India on that promise. No Sikh representative has ever signed the Indian constitution.

Former Senate Majority Leader George Mitchell (D-Me.) said, "The essence of democracy is the right to self-determination." The minority nations of South Asia need freedom. "Without political power nations perish. We must always remember these martyrs for their sacrifice," Dr. Aulakh said. "The best tribute to these martyrs would be the liberation of the Sikh homeland, Punjab, Khalistan, from the occupying Indian forces," he said. "That must be the only objective," he said. "We should use the opportunity presented by the situation in South Asia to liberate our homeland."

The Golden Temple attack launched a campaign of genocide against the Sikhs that belies India's claims that it is a democracy. The Golden Temple attack made it clear that there is no place for Sikhs in India. Since 1984, India has engaged in a campaign of ethnic cleansing in which tens of thousands of Sikhs were murdered by the Indian police and security forces and secretly cremated after declaring them "unidentified." The Indian Supreme Court described this campaign as "worse than a genocide." General Narinder Singh has said, "Punjab is a police state." U.S. Congressman Dana Rohrabacher (R-Cal.) has said that for Sikhs, Kashmiri Muslims, and other minorities "India might as well be Nazi Germany."

According to a report by the Movement Against State Repression, India admitted that 52,268 Sikh political prisoners are rotting in Indian jails without charge or trial. Many have been in illegal custody since 1984. In February 2002, 42 Members of the U.S. Congress wrote to President Bush to get these Sikh political prisoners released. MASR report quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands]."

Indian security forces have murdered over 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and human-rights organizations. These figures were published in *The Politics of Genocide* by Inderjit Singh Jaijee. India has also killed over 200,000 Christians in Nagaland since 1947, over 80,000 Kashmiris since 1988, and tens of thousands of Tamils, Bodos, Dalits (the aboriginal people of the subcontinent labeled "Untouchables") as well as indigenous tribal peoples in Manipur, Assam and elsewhere. In March 2000, while former President Clinton was visiting India, the Indian government murdered 35 Sikhs in the village of Chithisinghpura, Kashmir and tried to blame the massacre on alleged militants. The Indian media reported that the police in Gujarat were ordered by the government to stand by and not to interfere with the massacre of Muslims there.

"Guru gave sovereignty to the Sikh Nation," Dr. Aulakh said. "The Golden Temple massacre reminded us that if Sikhs are going to live with honor and dignity, we must have a free, sovereign, and independent Khalistan," he said.

HONORING CORPORAL TONY BARR,  
USMC, ON HIS SAFE RETURN  
HOME FROM IRAQ

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. DINGELL. Mr. Speaker, today, it is with great pride and patriotism that I rise to welcome home one of our nation's great heroes, Corporal Tony Barr.

Corporal Barr served in the First Marine Division, 3rd Battalion, Fifth Marines, Weapons Company, CART Platoon. Cpl. Barr was originally scheduled to be discharged from the Marine Corps on February 28, 2003, but was given orders for Iraq the week before his discharge. Cpl. Barr could have chosen to avoid going to Iraq because he is the only male Barr currently living, but he instead, chose to stay with his fellow Marines and was deployed to Iraq.

Cpl. Barr's division suffered the first casualty of the war as they traveled from Kuwait to Baghdad. After Baghdad, Cpl. Barr's Division traveled to Tikrit which I am told is the furthest any Marine Division has ever traveled into the interior of an enemy country. Once his Division left Tikrit, they traveled south to Diwaniyah, a Baath Party stronghold, to set up a compound to train local Iraqis to become police. Most of Cpl. Barr's unit still remains in Diwaniyah today.

While we celebrate the safe return of Corporal Tony Barr to his home in Allen Park, Michigan, we continue to pray for the safety of all of our sons and daughters who are still proudly serving the United States in the newly liberated Iraq.

Mr. Speaker, I ask that my colleagues join me in extending the appreciation of the U.S. House of Representatives to Corporal Tony Barr, USMC, for his brave and outstanding service to the United States of America and join me in praying for the safe return of all of our troops who are in harm's way in Iraq, Afghanistan, and all other parts of the world.

TRIBUTE TO ANTHONY PREITE

**HON. SCOTT MCINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress today to recognize Anthony Preite for the integral role that he has played in the economic development of the Western United States. Anthony's long and distinguished career has made an indelible mark upon the State of Colorado and the Western United States. In recognition of his widely renowned public service, he was recently recognized with the U.S. Department of Agriculture Award, in addition to being selected as the Outstanding Fifty State U.S.D.A. Director.

Anthony began his career in Montana as a teacher and coach after graduating from Northern Montana College in 1963. In 1968, Anthony accepted a position as Community Development Specialist, where his responsibilities included implementing an economic development plan for a portion of north central Montana. He proceeded to serve as Special

Project Director of the Economic Development Administration for the U.S. Department of Commerce for much of the Western United States. Many of Anthony's initiatives resulted in infrastructure improvements and the creation of hundreds of job opportunities.

Fortunately, Anthony has not gone unrecognized throughout his life. The Denver Regional Office of the Economic Development Administration selected Anthony as the 1993 winner of the Forrest Koch Award for Excellence in Economic Development. Subsequently, President Clinton appointed Anthony as the State Director of Montana, Farmers Home Administration in 1993. In his role as Head of Rural Development, Anthony oversaw Rural Housing Service, Rural Business-Cooperative Service, and Rural Utilities Services. He was selected to serve as the Denver Regional Office Director for the Economic Development Administration in December of 1999 and currently oversees activities in ten different states as the Regional Director.

Mr. Speaker, it is my distinct privilege to recognize Anthony Preite before this body of Congress and this nation. His dynamic career and selfless public service have advanced the well-being of thousands of Americans through economic development programs and initiatives. I congratulate Anthony on the awards that have been bestowed upon him and wish him all the best in his future endeavors.

PERSONAL EXPLANATION

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. LIPINSKI. Mr. Speaker, on July 14, 2003, I was unavoidably detained and missed rollcall vote No. 357, the Ackerman-LaTourette amendment to the Agriculture Appropriations bill which would require that the USDA expend no funds to approve meat from downed animals—animals that are too sick to walk or stand—for food. Had I been present, I would have voted "yea".

TRIBUTE TO COLONEL JAMES E.  
ROGERS

**HON. MIKE ROGERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Colonel James E. (Jim) Rogers for his brave and unselfish service as Commander of the Division Support Command of the 101st Airborne Screaming Eagles. Jim's great work in the 101st Airborne during Operation Iraqi Freedom and Operation Enduring Freedom helped to lift the dark threat that terrorist supporting regimes posed to the citizens of the United States and the world.

Through Jim's work and leadership, and that of thousands of other U.S. soldiers, the United States and the Coalition of the Willing brought liberty to the oppressed and brutalized people of Iraq and Afghanistan. Without a doubt, the world can rest easier knowing that these brutal regimes have been removed from power. The

swift and decisive removal of the Iraqi regime and the Taliban could not have been accomplished without Jim and the fine men and women of the 101st Airborne Screaming Eagles.

Jim was commissioned in the ordnance corps in June of 1979 upon his graduation from the U.S. Military Academy. His military education also includes the Ordnance Officer Basic and Advance courses, Command and General Staff College, and the Army War College. Jim also holds a Masters Degree in industrial and operations engineering from the University of Michigan.

Over the past 24 years, Colonel Rogers has served the army in a number of posts and locations around the world. Jim's service has taken him to assignments with the 1st Infantry Division at Ft. Riley, Kansas; the 782nd Maintenance Battalion at Fort Bragg, North Carolina; Executive Officer for Armored Systems Modernization in Warren, Michigan; the 801st Main Support Battalion at Fort Campbell, KY; the 2nd Infantry Division at Camp Casey, Korea; the 82nd Forward Support Battalion at Fort Bragg; and the U.S. Army Total Personnel Command in Alexandria, Virginia. Jim currently serves as the Division Support Commander for the 101st Airborne at Fort Campbell.

Jim's fine service to his country has seen him recognized with many awards and decorations, including the Meritorious Service Medal with five Oak Leaf Clusters, the Army Commendation Medal with two Oak Leaf Clusters, the Army Achievement Medal, the Senior Parachutist Badge, the Air Assault Badge, the Ordnance Order of Samuel Sharpe, and the Order of St. Michael.

Jim has repeatedly stood for the defense of this nation, her citizens and their freedom. His devotion and commitment to the defense of freedom and liberty around the world epitomizes the words Soldier, Patriot, and American. Jim is a role model for his four children, and a devoted husband to his wife Reba.

Mr. Speaker, I wish to extend the gratitude of myself and the entire nation to Colonel Rogers for his service to the United States and his hard work in defense of freedom and liberty around the world. I ask my colleagues to join me in recognizing Jim's efforts and wishing him well in his new assignment at CENTCOM in Tampa, Florida.

HONORING BARBARA ACOSTA

**HON. SCOTT MCINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a selfless community servant and dedicated businesswoman from my district, Barbara Acosta of Durango, Colorado. An active member of the Durango community, Barbara is this year's recipient of the 2002 Athena Award, presented by the Durango Area Chamber Resort Association. I would like to join with the Durango community in honoring Barbara's commitment and recognizing this distinct honor.

The Athena Award is a unique tribute, honoring women who demonstrate excellence and creativity in business, while providing selfless

service to the community. Barbara is a deserving recipient, as her business skills and community service are known throughout Durango. She opened her first business, the General Hair Store, in 1982, and has since added a hair salon, day spa services, and beauty school. Her hard work and dedication to her business has indeed made Barbara a respected member of the Durango business community.

Barbara is also known for her dedication to community service. Barbara has been active in a number of committees and organizations, such as Habitat for Humanity, the Durango Art Center, and the Volunteers of America. Barbara has also been an active fundraiser for a variety of non-profit organizations. Barbara has consistently been at the forefront of community service projects, always sacrificing her time to improve the Durango area.

Mr. Speaker, I join with my colleagues here today in applauding Barbara's civic-mindedness and in recognizing this prestigious honor. This recognition to Barbara for the work she does in her community is long overdue, and I am proud to bring her achievements to the attention of this body of Congress today. Congratulations and thanks again, Barbara, for your many years of hard work on behalf of Durango. May you have many more to come!

#### REGARDING EFFORTS TO ABOLISH SLAVERY AND OTHER HUMAN RIGHTS ABUSES IN SUDAN

SPEECH OF

**HON. BOBBY L. RUSH**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 16, 2003*

Mr. RUSH. Mr. Speaker, our hopes and prayers are with those working diligently to secure peace for the people of Sudan. The ongoing negotiations can be observed with cautious optimism that a peace agreement will soon be at hand.

I observed with great interest yesterday's debate on H. Res. 194, regarding the importance of international efforts to abolish slavery and other human rights abuses in Sudan. I share the concerns of my colleagues and their desire to see an end to slavery and human rights abuses in the Sudan and elsewhere in the world.

I want to associate myself with the remarks of my distinguished colleague from New York, Representative ED TOWNS, who so eloquently framed the issue on the future of Sudan. While we cannot forget the past, there is nothing we can do to change it. The time has come for us to commit to a lasting peace and an end to hostilities and abuses in sub-Saharan Africa.

I join my colleague, Mr. TOWNS, in support of an NGO-Sponsored fact-finding mission to Sudan and a report on their findings on the current situation in the Sudan with regard to allegations of slavery, human rights abuses and religious persecution. I call on others to join me and Mr. TOWNS in this effort to uncover the truth about Sudan.

#### REGARDING EFFORTS TO ABOLISH SLAVERY AND OTHER HUMAN RIGHTS ABUSES IN SUDAN

SPEECH OF

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 16, 2003*

Mr. WOLF. Mr. Speaker I rise today in support of H. Res. 194, a resolution condemning slavery and other gross violations of human rights that are occurring in Sudan.

I have been to Sudan four times since 1989. I have seen the conditions on the ground firsthand. Women and children continue to die daily from starvation and illness. According to the State Department Country Report on Human Rights, thousands of Dinka women and children have been abducted and sold into slavery, sent to labor camps, and have been forced to serve in the military. Nearly two million people have died and four million have been displaced as a result of the ongoing civil war in Sudan.

On November 4, 2002, the United Nations concluded that the dire human rights situation in Sudan had not significantly changed. Numerous human rights organizations, including Christian Solidarity International, Freedom House, and the American Anti-Slavery Group have all called for an end to slavery in Sudan. The House of Representatives has repeatedly denounced human rights abuses in Sudan.

The Government of Sudan and the SPLA are beginning to take positive steps toward reaching lasting peace and we are at a critical moment in the peace negotiations between the parties. The war in Sudan must end, but it must end in a just peace, a peace in which all of Sudan can share in its resources, where all Sudanese can worship freely, and in which all Sudanese are treated with respect and dignity. The people of Sudan have suffered for too long.

I urge this body to overwhelmingly pass this resolution and I call on the government of Sudan to abolish slavery and respect human rights.

#### AGRICULTURE RURAL DEVELOP- MENT, FOOD AND DRUG ADMIN- ISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

**HON. ELIJAH E. CUMMINGS**

OF MARYLAND

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. CUMMINGS. Mr. Chairman, I rise today to support the amendment offered by Congressman ARTUR DAVIS that will restore \$3.5 million in funding to the 1890 land-grant accounts.

The 1890 Land-Grant Institutions were created as a result of the Second Morrill Act of 1890, expanding the 1862 system of land-grant universities to include historically black institutions in those states where segregation denied minorities access to the land-grant in-

stitution established by the First Morrill Act, in 1862.

Under the bill before us, these universities will get a 17 percent cut for research and education activities. They will also be faced with a 10 percent cut in Extension Grants, which provide funding for extension offices that work directly with minority farmers in economically distressed areas.

Today, there are 18 black land-grant colleges and universities in the District of Columbia and the Virgin Islands. Mr. Chairman, cuts of this magnitude would cripple the ability of 1890 institutions to continue with their original mission to train sons and daughters of farmers. Today, many of the schools still focus on agriculture by offering curricula that focuses on research, agribusiness, agricultural engineering, and consumer education. Additionally, millions of students are able to study every academic discipline far beyond the scope imagined in the original mission of 1890 land-grant institutions.

Mr. Chairman, I remind my colleagues that many states are faced with massive budget cuts. To combat these deficits, students at our colleges and universities must bear the brunt of the costs. College tuition has seen a double-digit percentage increases in my home state of Maryland.

HBCUs, which often face budget short falls, cannot withstand these cuts and many may close if funding of sort is not approved. I urge all of my colleagues to support this worthwhile amendment. 1890 land-grant institutions and the other HBCUs remain a vital part of our nation's history and educational system. Congress should not turn their backs on these 1890 land grant institutions. Cutting funding will hurt millions of students.

#### PAYING TRIBUTE TO ROSS WORLEY

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to Ross Worley of Durango, Colorado. Ross recently retired from Fort Lewis College, where he has directed the Audio/Visual Department in their John Reed Library since 1969. As Ross retires, I would like to recognize his many years of hard work and dedication to Fort Lewis College.

Ross began his work with Fort Lewis College in 1969, starting first as an audio/visual student assistant before his eventual promotion as director of the department. In his 32 years as director at Fort Lewis, Ross supervised over 150 students, providing each of them with an exemplary model of commitment. An effective Audio/Visual department can provide students with interesting and exciting ways to present and engage information. With technology changing daily, Ross worked diligently to provide our youth with the educational tools to succeed in this demanding field.

Mr. Speaker, I am honored to stand before this Congress and this nation to recognize the accomplishments of Ross Worley. His hard work and dedication provided Fort Lewis College with the ability to reach its students in

unique, effective ways. Serving an educational institution is truly a noble calling and Ross' 32 years of service are truly a remarkable accomplishment. Thank you, Ross, for the service you have provided our community. I wish you all the best in your retirement.

DEPARTMENT OF THE INTERIOR  
AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 16, 2003*

The House in Committee of the Whole House on the State of the Union had under consideration 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:

Mr. HOYER. Mr. Chairman, I rise in strong support of this Amendment, which would provide much needed funding increases for the National Endowments for the Arts and the Humanities. These organizations provide national recognition and support to projects of cultural significance and education that preserve and enhance our Nation's heritage.

The importance of supporting and sustaining the arts is especially critical for our young people, who perform much better in school when their academic programs are combined with music, dance, drama or the visual arts. In fact, the No Child Left Behind Act specifically lists the arts as one of the core subjects that all schools should teach.

But ensuring adequate support for the arts is not simply about providing cultural enrichment or enhancing educational opportunities. It is also about ensuring the economic well-being of our communities. The nonprofit arts industry alone generates \$134 billion annually in economic activity and \$10.5 billion in federal tax revenue.

The National Endowments for the Arts and Humanities are worthwhile investments of our federal tax dollars, and I strongly support the Slaughter-Dicks amendment to increase their funding by \$15 million.

HONORING THE 50TH ANNIVERSARY OF THE HOLLYWOOD HEIGHTS VOLUNTEER FIRE DEPARTMENT

**HON. JERRY F. COSTELLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 50th Anniversary of the Hollywood Heights Fire Department.

In December, 1952, a group of local men decided that the area needed a Fire Department. The first charter members, Jack Frost, John Hurt, Roy Reynolds, Neal Butler, W. Gebbard, John Sharp, Jack Caldwell, Bob Williams, Oma Rust, Walter Leicht and Guy Anderson went door-to-door and business-to-business asking for donations to start a new

Fire Department to serve the Hollywood Heights community.

On August 26, 1953, the Hollywood Heights Volunteer Fire Department was officially formed. Several of the Department's charter members put their own homes up for collateral to purchase the first fire truck for the department, which was a 1953 International. While this new truck was being built, Towers Fire Apparatus let the department borrow a 1937 Studebaker Fire Truck, which contained a 300-gallon water holding tank.

Hollywood Heights' first Fire House was located at the Community Center next to Hollywood Heights School from 1953 until 1955. The Department held picnics and bake sales to purchase the present property and a two bay building. A larger two bay building was built in 1963 to allow for additional space, which provided a meeting room, offices and expanded bay areas for the rescue and brush fire truck.

In 1976, the department started holding a bingo on Monday nights at the Madison County Fireman's Hall. The department had to borrow the money to start the bingo from a local businessman. This fund raising program has grown into the department's biggest source of income and has paid for another addition to the Fire House in 1976 and the purchase of trucks and additional equipment that are in use today.

The department has continued to remain an active part of the Hollywood Heights community. The department sponsors a free Easter egg hunt, holiday pictures with Santa Claus, various fire fighting demonstrations and donations to the Hollywood Heights Elementary School, the Shriners Hospital and the Caseyville Food Pantry.

Today, the department has over 25 members with a ladder truck, two front line pumpers, one rescue truck, one Brush/Mini pumper and an in-house cascade system to meet the department's needs. They continue to add modern state-of-the-art fire fighting equipment to the department and play a major part in their community and the area.

Mr. Speaker, I ask my colleagues to join me in honoring the 50th Anniversary of the Hollywood Heights Volunteer Fire Department and recognize the great work that it does in the community to benefit the health, safety and welfare of its citizens.

PAYING TRIBUTE TO JEREMY KOSELAK

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. McINNIS. Mr. Speaker, it is my privilege today to recognize an outstanding educator from my district. Jeremy Koselak of Pueblo, Colorado is my state's recipient of the Educator of the Year Award given out by the Colorado Association of Family and Children Agencies. Jeremy was an obvious choice for the award, as he has dedicated his time and efforts to teaching troubled children the skills they need to be successful in life.

Jeremy recently completed his first year at El Pueblo Boys and Girls Ranch, a school designed to help children escape problems that have plagued them in the past. Jeremy teach-

es mathematics, and the difficulty of the subject means many students need special attention. Some need help with general arithmetic and some need help with high school level math, like algebra and geometry. These differences have allowed Jeremy to take a unique approach to general math skills. He tries to incorporate real world applications, such as balancing a checkbook. Jeremy instills a positive work ethic in his students; he makes them believe they can succeed and then helps them to do it.

Jeremy loves his job at El Pueblo, where he develops close relationships with his students. Because the kids come from troubled backgrounds, Jeremy makes himself available as a teacher, friend, and role model. He commonly spends extra time with his students, providing them opportunities they would not otherwise enjoy. He recently took some of his students to the University of Colorado—Colorado Springs to compete in a math competition.

Mr. Speaker, the students at El Pueblo Boys and Girls Ranch include many less fortunate youth, but Jeremy Koselak's innovation and hard work have greatly improved their chance of success in the classroom and in life. Jeremy has made Pueblo and the State of Colorado proud, and I am truly honored to recognize him here today. Congratulations, Jeremy, keep up the good work and I wish you all the best in your future endeavors.

COMMENDING THE HOLY SPIRIT HIGH SCHOOL GIRLS CREW TEAM ON THEIR PEABODY CUP CHAMPIONSHIP AT THE HENLEY REGATTA

**HON. FRANK A. LoBIONDO**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. LoBIONDO. Mr. Speaker, I rise today to commend the members and coaches of the Holy Spirit High School Girls' Crew Team of Absecon, New Jersey on their winning the coveted Peabody Cup world championship at the 16th Annual Henley Women's Regatta held at Henley-on-Thames, Oxfordshire, England on June 22, 2003. The girls' varsity eight defeated the Kingston Grammar School in the final 1,500 meter race by two boat lengths in a time of five minutes, eighteen seconds. This victory in the final came just hours after Holy Spirit defeated the British national junior champion team in the morning semifinal.

Holy Spirit's proud championship tradition is well-known in the world's rowing community and this team has upheld and enhanced that tradition with their victory this year. They have a direct link with another world championship Holy Spirit crew. Their coach, Joe Welsh, was a member of the Holy Spirit boys' crew team that won a world championship at Henley in 1976. No doubt, the achievements of the girls' varsity eight in the 2003 Henley are a welcome addition to the Holy Spirit championship tradition and will serve to inspire young rowers.

I congratulate Coach Welsh and the members of the Holy Spirit girls' varsity eight—bow Robin Cascoli, Kristen Haneman, Robyn Brennan, Jen Maslanka, Andrea Haneman, Eileen Welsh, Christa Laquinta, stroke Teri Francesco and coxswain Jamie Marccone—on

their victory at the Henley Women's Regatta to become world champions and offer on behalf of all the residents of the Second Congressional District of New Jersey our appreciation for their achievements.

#### HONORING THE LIFE OF CELIA CRUZ

#### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. ROTHMAN. Mr. Speaker, I rise tonight to pay tribute to the "Queen of Salsa," Celia Cruz. Ms. Cruz passed away yesterday at her home in Fort Lee, New Jersey, which is located in my Congressional District. She is survived by her husband Pedro Knight.

Born in Havana, Cuba, Celia Cruz fled to the United States to free herself of the brutal dictatorship of Fidel Castro. She became a United States citizen in 1961, and refused to return to her homeland as long as Castro remained in power. She did, however, attempt to return to Cuba for her father's funeral, but Castro refused to give her permission to attend.

Celia Cruz is widely considered to be a pioneer of salsa—reinventing and bringing Latin music to its now more familiar sound of upbeat vigorous dance rhythms and rich musical flavors. She was a true performer. Her powerful alto voice carried her concerts, which were accompanied by sensational dancing that always seemed to lift audience members from their seats as they joined along.

With a genuine love of life and passion for family and friends, Celia Cruz represented the true spirit of the Latin people through her music. Her music spread across the world. From Latin America to Asia, the music of Celia Cruz touched the lives of countless people of all races, religions, and ethnicities.

Throughout her six decade-long career, in which she recorded more than 70 albums and performed in 10 movies, Celia Cruz received many great honors, including a star on Hollywood's Walk of Fame, five Grammy Awards, two Latin Grammy Awards, a Lifetime Achievement Award from the Smithsonian Institution and the National Medal of Arts, which President Clinton awarded her in 1994. Celia Cruz also received honorary doctorates from Yale University, the University of Miami, and Florida International University. Additionally, streets in Costa Rica, Mexico, Miami, and New York bear her name.

The world has suffered a great loss with the passing of Celia Cruz. But the world is a much richer place thanks to the timeless music that she gave all of us, which will surely be passed on from generation to generation. To all of her fans from around and the world, and to Celia Cruz herself who is still with us in spirit and looking down upon us from heaven, I say, Azucar!

#### KETER BETTS IS SEVENTY-FIVE

#### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. CONYERS. Mr. Speaker, hard work, persistence, and passion are all trademarks of

a great musician. Noted as one of the most accomplished bassists of our time, Keter Betts stands among the rare musicians who exude a very special aura. A native of Port Chester, New York, Betts possessed the drive and passion for music at an early age. Betts credits a local parade event as a major spark in his love for jazz music. After that event, Keter was certain that the drum would be his lifelong musical companion. Although Keter worked hard and mastered drumming, after a while, Betts grew tired of carrying his drums up many flights of stairs and found that the bass would serve as a more comparable instrument. He did not know that this decision would many years later bring him to the forefront of jazz music.

Keter Betts established himself in jazz music as an exemplar of excellence in musicianship. His extraordinary career spanning six decades, numerous recordings, and musical genius all stand as a monument to his contribution to jazz. Mr. Betts' professional career began in Washington DC, working with New York native and tenor saxophonist Carmen Leggio. Just fresh out of high school, Keter played his first gig with Leggio at the age of 19. This thirteen week gig in the heart of Washington, DC would set the stage for Betts to travel the world impressing listeners and musical scholars alike with his command of the acoustic bass.

Keter has performed with Jazz icons including Duke Ellington, Dinah Washington, Earl Bostic, Woody Herman, Cannonball Adderly, Charlie Byrd, and an impressive twenty four year career with the legendary Ella Fitzgerald. Keter's melodic thumping bass lines can be heard on many of her recordings. In addition, Mr. Betts has time and time again enhanced the musical recordings of numerous Jazz artists and has been a performer on over one hundred recordings including those of Count Basie, Tommy Flanagan, Sam Jones, and Kenny Burrell, among several others. Moreover, Mr. Betts also recorded a solo CD on his own label entitled Bass, Buddies, and Blues (1998).

He and his wife Mildred made Washington DC their home as newlyweds in 1953. Here they raised a family of five children. Throughout the years, Keter has committed himself to contributing to the greater Washington, DC metropolitan area. Within the academic community, Keter has worked with the Washington Performing Arts Society's Concerts in Schools Program, the Wolf Trap Foundation for the Performing Arts and the HeadStart program. In addition, Keter spends time imparting to future Jazz legends by serving as a music lecturer at Howard University.

Keter Betts' numerous commendations for his excellence in jazz further demonstrate his positive relationship with the Washington, DC community. Keter has been inducted into the Washington Area Music Association Hall of Fame. Mr. Betts has also been honored with the Linowes Leadership Award from the Community Foundation for the National Capital Region, the Mid Atlantic Arts Foundation Living Legacy Jazz Award and most recently he was selected to receive the Mid-Atlantic Arts Foundation's 2003 Living Legacy Jazz Award.

Keter has shared his musical gift with international audiences and has performed on stages in South America, Europe, the Middle East and numerous stages across the United States. Through his musical genius, has and

continues to captivate, motivate, and inspire current and future generations. We are glad that his family and friends are sharing this special day with him and we pause to remember his loving wife who passed away in 2000. On this day of celebration, we commemorate the contributions of Keter Betts and wish him all of the best on his 75th birthday.

#### PAYING TRIBUTE TO SAM STAPLETON

#### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress and this nation today to pay tribute to a dedicated community servant from my district, Sam Stapleton of Aspen, Colorado. Sam has overseen the Aspen Fire District Board for 50 years, many of them as its President. His hard work and determination have created a top-notch volunteer department that protects 87 square miles of land in and around Aspen. Fifty years of service is truly a remarkable feat, and I join with my colleagues in offering our congratulations and appreciation to Sam today.

Before joining the fire board, Sam and his wife Elizabeth raised sheep and cattle on the family ranch. As a landowner, Sam knew firsthand the vulnerability that he and his neighbors had to wildfire. When he was approached to become a member of the board in 1953, Sam jumped at the opportunity. There, he helped turn the Aspen Volunteer Fire Department into an effective, efficient force. Sam was instrumental in the purchase of a new, fully functional fire engine, and three new stations. Today the department owns and operates over \$4 million in equipment, assets that provide Aspen with needed protection.

Mr. Speaker, I am proud to recognize Sam Stapleton's accomplishments before this Congress and this nation. His hard work has helped make the community safer, and helped to protect some of the most beautiful land in the United States. Thank you, Sam, for the service you have provided our community. I wish you all the best in the years to come.

#### HONORING THE QUEEN OF SALSA, CELIA CRUZ

#### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. RANGEL. Mr. Speaker, I rise today to honor the legendary Celia Cruz, who passed away of cancer on July 16, 2003, at the age of 78.

I join with the people of my district and other citizens of the global community in mourning the loss of the woman who was rightly called "La Reina de la Salsa." I recall fondly her solo and group performances with many musical greats, but in particular the ones with my late dear friend, Tito Puente. I recall most notably her performances at the John F. Kennedy Center in Washington, D.C. during the Americanos Festival and the Hispanic Heritage Awards.

Ms. Cruz changed the world through her voice, helping not only to establish modern salsa music but also set a bar of excellence for all performers, male and female. She rose from humble roots in Cuba to become a global citizen who's gift of song and dance extended beyond language through more than 70 albums that incorporated everything from mambo, to son, to modern reggae and hip-hop. Ms. Cruz's unique vocal abilities earned her hundreds of awards and honors, including a star on the Hollywood Walk of Fame and three honorary doctorates. Her talent earned her fans all over the world, serving to proudly uplift Latinos worldwide and helping to break down racial and gender barriers in unprecedented ways in music, politics and culture. Her grace and hard work kept her producing Grammy-winning albums until the very end of her life, challenging the perception that life, success and beauty stop at the certain age.

Our condolences naturally go out to her husband Pedro, who more than anyone knew the rare and precious jewel that we had among us. However, while she has departed this earthly plane, her legacy will live forever in the hearts and minds of those who cherished her work in present and the generations of those fans yet to be born.

I leave with my colleagues two articles written respectively by the *New York Times'* Jon Pareles and the *Washington Post's* Eugene Robinson. The article details Ms. Cruz's accomplishments and why life was always better with a little bit of "Azucar!"

[From the *New York Times*, July 17, 2003]

CELIA CRUZ, PETITE POWERHOUSE OF LATIN MUSIC, DIES AT 77  
(By Jon Pareles)

Celia Cruz, the Cuban singer who became the queen of Latin music, died yesterday at her home in Fort Lee, N.J. She was 77.

The cause was complications after surgery for a brain tumor, said a spokeswoman, Blanca Lasalle.

Onstage, Ms. Cruz was a petite woman who wore tight, glittering dresses and towering wigs, dancing in high heels and belting songs that she punctuated with shouts of "Azucar!" ("Sugar!"). She was a vocal powerhouse, with a tough, raspy voice that could ride the percussive attack of a rumba or bring hard-won emotion to a lovelorn Cuban son.

"When people hear me sing," she said in an interview with *The New York Times*, "I want them to be happy, happy, happy. I don't want them thinking about when there's not any money, or when there's fighting at home. My message is always *felicidad*—happiness."

In a career that began in the 1940's, Ms. Cruz sang with every major Latin bandleader and recorded more than 70 albums. She sang a full spectrum of Afro-Cuban music, from the religious chants of *santeria* to mambos and *cha-chas* to modern salsa. Yet unlike many of the Latin musicians in her wake, she didn't court a crossover audience. She recorded in Spanish, modestly saying that her English was not good enough.

Ms. Cruz was born in Havana to a poor family, and she regularly sang her brothers and sisters to sleep. She won a radio talent contest after a cousin took her to the radio station *Garcia Serra*; first prize was a cake. She went on to study at the *Havana Conservatory* and to sing on radio programs. In 1950, she joined *La Sonora Matancera*, Cuba's most popular band. "I wanted to be a mother, a teacher and a housewife," she told *The New York Times*. "But when I began to sing with *La Sonora Matancera*, I thought, 'This is my chance, and I'm going to do it.'"

She toured with the group constantly, sometimes singing five sets a day; they were also headliners at Havana's most celebrated nightclub, the *Tropicana*, and performed on radio and television. But in 1960, a year after Fidel Castro took power in Cuba, she was touring Mexico with *La Sonora Matancera* and decided not to return to Cuba. Years later, Cuba refused permission for her to attend her father's funeral.

Ms. Cruz moved to New York in 1961, and later to Fort Lee. In 1962, she married Pedro Knight, a trumpeter from *La Sonora Matancera* who became her musical director and manager. He survives her, along with two sisters, Gladys Becquer and Dolores Cruz.

In New York, she held on to her Cuban roots while adding some of the city's Puerto Rican and later Dominican elements to her music. She sang with Tito Puente's orchestra in the 1960's, a collaboration she periodically renewed through the next decades, and in the 1970's she also sang with bandleaders like Johnny Pacheco, Willie Colón and Ray Barretto. She performed with the *Fania All-Stars* at Yankee Stadium in 1975.

"Women are afraid to sing salsa," she once said. "I don't know why. Maybe they think it's for men." She added, "But I think everybody can sing everything."

She continued to modernize her music, working with Miami-based producers like Willy Chirino and Emilio Estefan and with Sergio George in New York, who produced her most recent albums. She also collaborated with many of the musicians who admired her, among them Luciano Pavarotti, Gloria Estefan, David Byrne of *Talking Heads* and the Brazilian songwriter Caetano Veloso.

In 1989, Ms. Cruz won a Grammy award for best tropical Latin performance for an album in collaboration with Mr. Barretto, "*Ritmo en el Corazón*." In 1989, Yale University awarded Ms. Cruz an honorary doctorate (alongside Stephen Hawking), and in 1990 the main street of Little Havana in Miami, Calle Ocho, added the name Celia Cruz Way. In 1994, President Clinton gave her the National Medal of Arts. She won the first Latin Grammy Award for best tropical album in 2000. Until last year, Ms. Cruz continued to perform and record constantly on an international circuit that included jazz festivals and arena concerts along with Latin clubs.

She had surgery for a brain tumor in December 2002, but in February she returned to the studio to record an album, "*Regalo de Alma*," that is due for release Aug. 5 on Sony Discos. That same month, her 2002 album, "*La Negra Tiene Tumbao*," won the Grammy Award for best salsa album. In March, the Telemundo network broadcast a live concert tribute to Ms. Cruz, in which she performed alongside other Latin stars, including Marc Anthony, to raise money for the Celia Cruz Foundation for Hispanic students to study music. It will give its first five grants on her birthday this year, Oct. 21.

[From the *Washington Post*, July 17, 2003]

SUGAR AND SALSA

(By Eugene Robinson)

Celia Cruz, the Cuban singer who became the queen of Latin music, died yesterday at her home in Fort Lee, N.J. She was 77.

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**PAYING TRIBUTE TO TOM  
HARTNEY**

**HON. SCOTT MCINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. MCINNIS. Mr. Speaker, it is with profound sadness that I take this opportunity to pay tribute to the life and memory of a dedicated community member in my state, Tom Hartney of Durango, Colorado. Tom passed away recently at the age of 72 and as his family mourns their loss, I would like to take this moment to pay tribute to his life and accomplishments here today.

Tom grew up in the Midwest, graduating from Northwestern University in Illinois. He married his wife Shelly in 1956 and they began their life together in Michigan. The couple eventually moved to Durango in 1979 and fell in love with their new surroundings. Tom became involved in the Durango Community, beginning with his membership in the local Rotary Club. He spent his time raising and contributing money to the college scholarship fund, and serving as the club historian. When not helping the Rotary Club, Tom helped the community youth by coaching in the Babe Ruth Baseball League. Tom provided his players with a role model, as a coach they could look up to and admire.

One of Tom's greatest contributions was the time he spent serving on the Durango School Board. Tom served there for five years, spending one year as its President. Even after his retirement, Tom stayed involved with the school system, spending time consulting and advising the new members and committees.

Mr. Speaker, I am honored to stand before this body of Congress and this nation to pay tribute to the life and legacy of Tom Hartney. Tom was a solid contributor to his community and his nation, and I am grateful for his service. My thoughts and prayers go out to Tom's family and friends during their time of loss.

**AGRICULTURE, RURAL DEVELOPMENT,  
FOOD AND DRUG ADMINISTRATION,  
AND RELATED AGENCIES APPROPRIATIONS  
ACT, 2004**

SPEECH OF

**HON. SHERWOOD BOEHLERT**

OF NEW YORK

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. BOEHLERT. Mr. Chairman, I rise today to express my concern about proposed cuts to

conservation, energy, rural development and research program funding in this year's Agriculture Appropriations Bill. I realize this year has been especially difficult in light of the need for funding cuts. However, there are a number of programs that I feel are critical, including the Environmental Quality Incentives Program, the Conservation Security Program, the Wetland Reserve Program, and the Renewable Energy Systems, Energy Efficiency Grants and Value-Added Agricultural Product Market Development Grant Programs.

Passage of the 2002 Farm Bill was a bipartisan victory for conservation, renewable energy and rural America. It contained landmark conservation, renewable energy, research, and rural development programs. The bill authorized nearly \$3 billion for USDA conservation programs in FY 2004, including for funding for working lands incentives programs like the Environmental Quality Incentives Program, the Conservation Security Program. However, the FY 2004 Agriculture Appropriations Bill would reduce these critical programs.

By providing funding for working lands programs like EQIP and CSP in the 2002 Farm Bill, Congress dramatically increased funds to help farmers manage working lands to produce food, while also enhancing water quality and wildlife habitat. EQIP shares the cost of a broad range of land management practices that help the environment, includes more efficient use of fertilizers and pesticides, and promotes innovative technologies for manure management. CSP is a new program that will link conservation payments to gradually increasing levels of performance. Overall, these programs will provide farmers the tools and incentives they need to meet major environmental challenges.

In addition, farmers have offered to restore more than 600,000 acres of lost wetlands by enrolling farmland into the Wetlands Reserve Program and restoring them. The Agriculture Appropriations Bill proposes to cut, rather than increase, funding for the Wetlands Reserve Program, which provides perpetual easements on farmland land and wetland restoration funds, this significantly reducing the benefits of the program.

The Renewable Energy and Energy Efficiency Improvements Program [(Sec. 9006) of the Energy Title] and the Value-Added Agricultural Market Product Development Grants Program [(Sec. 6401) of the Rural Development Title] were designed to spur the growth of renewable energy within the agricultural sector. Unfortunately, the House Appropriations Agriculture bill eliminates mandatory spending for both programs.

Congress provided \$23 million a year in mandatory funds under section 9006 of the Farm Bill to provide grants, loans, and loan guarantees to farmers, ranchers, and rural small businesses for the development of renewable energy projects and energy efficiency improvements. Sec. 9006 will help farmers save money by lowering their energy costs through efficiency improvements, and by enabling them to produce some of their own on-farm power. It also provides farmers the seed money needed to develop and market their renewable energy resources. This funding was embraced by the administration and both houses of Congress. However, today's bill only provides only \$3 million in discretionary funding for section 9006.

The Value-Added Agricultural Product Market Development Grant program, under Sec.

6401 of the Farm Bill, provided \$40 million a year in mandatory funding. The program was created to spur development of new uses for agricultural products, and the 2002 Farm Bill amended the program to include renewable energy. [The House Agriculture Appropriations Bill only provides \$13 million in discretionary funding for Rural Cooperative Development Grants. Of this amount \$4,000,000 is for value-added market development grants.]

Empowering America's farmers to produce clean, renewable energy is critical if we ever hope to achieve energy independence. By integrating renewable energy development initiatives throughout the Farm Bill, America's farmers can receive the support they need to develop their renewable energy resources, including bioenergy, wind, solar, and geothermal.

The environmental and geopolitical risks associated with continued dependence on foreign oil are simply unsustainable. Dependence on fossil fuels has affected public health and our environment and unnecessarily diverted American dollars abroad when they could be kept at home. Long term, the United States must develop realistic alternatives to dependency on fossil fuels and these funds will enable us to begin sooner rather than later. American farmers are fully capable of and want to become part of a long-term solution to ending this harmful dependence. And, they can do so knowing that renewable energy production represents new income streams for their farms.

Protecting funding for projects like those listed above is crucial because they represent a first step toward enlisting the help of the agricultural sector in a quest toward energy independence. I hope that as we complete the FY 2004 appropriations process we can enhance the funding for these innovative programs.

**A TRIBUTE TO CELIA CRUZ**

**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Ms. ROS-LEHTINEN. Mr. Speaker, today, the Latin music world mourns the passing of "The Queen of Salsa", "La Reina de la Salsa", Celia Cruz, who passed away 43 years and one day after she left her homeland, Cuba, for the United States. I am honored to recall how Celia Cruz, the world-renowned performer, and I crossed paths at different moments. She sang at my first victory party, celebrating my win as the first Cuban-American woman to win a seat in Congress in a special election in 1989. She accompanied me to Guantanamo Bay, Cuba, when I went to visit the Cuban rafters detained on our base, to see for myself their living conditions and physical well-being. I will never forget how she kissed the ground when our plane landed and how she sang that day to the Cubans held there with the passion and love of a true native who has been presented the chance of standing on her native soil, even though poignantly, it was on our base, after so many years. She was also a friend to the Republican Party, performing at the 2000 Republican convention in Philadelphia, where President George W. Bush accepted the nomination to the presidency.



In her long career, Celia Cruz never forgot the country of her birth, evoking Cuba in every performance, but never returning to her homeland. She was a political exile who never returned to Cuba, not even when her father died, denied entry by Fidel Castro, who was still angry at her defection many years before. When Fidel Castro came to power in 1959, Celia was the lead singer of La Sonora Matancera, Cuba's most popular orchestra. The group headlined Havana's world-famous Tropicana nightclub and casino and toured the United States and Central and South America. La Sonora Matancera's fame and frequent tours provided them an escape route, by pretending they were going on another tour, never returning to Cuba.

I am honored to be here today to talk about a music legend. She recorded more than 70 albums, many of them gold and platinum records, and received twelve Grammy nominations, winning for the first time in 1989. Celia was honored with stars and street sections in some of the most well-known avenues of the world. Hollywood gave her a star on the Walk of Fame in 1987. Miami's Calle Ocho was named "Celia Cruz Way" and presented her with a star, an honor she has received in other cities such as San José, Costa Rica and the Plaza Galería in Mexico City, Mexico. She received many awards and distinctions, which include a Lifetime Achievement Award from the Smithsonian Institution, the prestigious Lifetime Achievement Award from the Hispanic Heritage Awards, and in 1994, she received in the White House the highest honor the United States can bestow on an artist: the National Endowment for the Arts.

Celia Cruz was a musical icon that made Cuban music known beyond our national borders while touching different generations. Lovers of Latin music worldwide embraced her style and boundless energy on the stage as they enjoyed her contagious music and rhythms. For the Cuban American exile community, she was the link between young Cuban Americans and their parents' generation, making Cuba a reality to the younger generation by providing them with the music that entertained their parents and their grandparents.

Celia's fondest dream never became a reality: the opportunity of returning to a free and democratic Cuba. This woman who sang for presidents and heads of state worldwide simply wanted to return one day to the country she had known. She hoped to one day perform again in the land of her birth, and to utter her signature catch phrase "Azucar" to her fellow Cubans. She left us before her dream became a reality, but I say "Azucar" in her honor and in her memory.

Celia, I know that you can hear us this evening. We love you and your music will continue to live in our hearts. We will never forget you. I promise you, Celia, that I will continue to work tirelessly in the U.S. Congress for your dream of a free and democratic Cuba. At that time, the Cuban people will once again be able to enjoy your music filled with rich, Cuban rhythms and Afro beats "en libertad"—in freedom. May you rest in peace, Celia!

## PAYING TRIBUTE TO EDWARD ATENCIO

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress today to recognize the devoted service that Edward Atencio has provided to the students of his hometown in San Luis, Colorado. Edward is retiring from Centennial High School after having served as Athletic Director for the last 31 years. I commend him for the positive impact that he has had upon so many young individuals in my district.

Edward moved to the San Luis Valley as a small child with his parents and two brothers. He graduated from Adams State College in 1968 with a Bachelor's degree in Health, Physical Education, and Recreation in 1968. He proceeded to obtain a Master's degree from Adams State College four years later and ultimately obtained his Type D administrator certificate at Western State College. Edward's qualifications as Athletic Director also include advanced coursework at the University of Colorado, Colorado State University, and the University of Northern Colorado.

Edward's first endeavor after joining the Centennial faculty was to build a track facility in order to create a track and field team. Edward's dedication to his students has persisted over the past 35 years, teaching close to 4,600 students and coaching approximately 1,400 student athletes over the course of his career. Dating back to 1978, Edward has received 40 distinguished awards in addition to his nominations for Colorado Prep Coach of the Year and Colorado Teacher of the Year. While Edward is grateful for the personal recognition he has received, he most appreciates the gratitude that he receives from his former students and athletes. Given his invitation to return as a substitute teacher, Edward's involvement with Centennial High School will likely continue even after his formal retirement as Athletic Director position.

Mr. Speaker, it is my distinct privilege to recognize Edward's achievements and laudable record of public service before you today. Individuals like Edward embody the dedication and commitment necessary to impart strong values to future generations and allow them the opportunity to succeed. I commend Edward for his long and prolific career and wish him all the best in his future endeavors.

## SO FAR ACROSS THE SHORES

**HON. NICK SMITH**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. SMITH of Michigan. Mr. Speaker, I present a writing by Albert Carey Caswell, one of our Capitol historians, dedicated to the United Kingdom—in honor of Tony Blair's address to the joint session of Congress.

To send our fine sons and daughters off to die, off to death and war to there throughout the ages, to share such pain, such grief, such death and gore . . . as together we've endured mothers & fathers, sisters & brothers,

husbands & wives the more . . . who've lost such loves, oh what a burden bore.

For we are such fine friends . . . so very far across the shores as here so lies in time, now etched in history adorned, such a great tribute to our love . . . as has so endured lies such a bond from so very far across the shores, with such unity as woven . . . all throughout time all the more.

For from these two great nations . . . as there would so rise a love and kinship, such that wars would not let despise, that even time and distance . . . still could not deny as a true and fine meeting of the minds . . . as a uniting of brothers and sisters . . . as there bringing such tears to eyes.

For once upon a time . . . from this the great land of kings and queens of so divine came colonies, from far across the seas . . . with such splendid people, with such great dreams, so very fine and with this journey came, a great revolution of the same . . . as a bond dissolved and wars so intervened in time.

And as then, throughout the many years as again . . . such a cherished bond, as so formed here . . . as such a splendid reconciliation, as so appeared and throughout war worlds & evils endured, together as friends, to this world we've stood as one so very clear.

For from this great land has come, such cherished gifts to us among as our father, our true beloved son . . . one George Washington, who to this nation his heart has sung and another such splendid gift . . . that of "hope" by a man named "Bob" . . . whose America's heart has forever rung.

And to this very day, as spreads so far across the way ingrained within our very hearts, lies the United Kingdom . . . for whom we all so pray who have so over the many decades, made our Nation shine in so many ways, into this promised land we see today.

And as the years so pass within our hearts we ask, that this fine bond which we've so made . . . shall to ever last for this our great love & friendship which has so evolved . . . recorded now in history, has forever stood steadfast.

Now as such fine friends, so very far across the shores as so lies such a bond, as one for all and all for one . . . into our love as poured . . . as lies there forever more across the high seas & distant shores, a blessing to two countries . . . within one another this love shall endure.

## HONORING THE DETROIT HISTORICAL MUSEUM'S 75TH ANNIVERSARY

**HON. JOHN CONYERS, Jr.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. CONYERS. Mr. Speaker, I rise today to honor the Detroit Historical Museum on the occasion of the museum's 75th anniversary. The museum, along with Historic Fort Wayne, the Dossin Great Lakes Museum and the Detroit Historical Society, comprise the Detroit Historical Museums and Society, and I commend them on the wonderful job they have done chronicling Detroit's three-hundred year history.

The idea of recording the city's history through museums developed in 1914, when historian Clarence M. Burton donated his extensive collection of historical papers to the Detroit Public Library. The donation of these

papers inspired a meeting of Burton and 19 other local historians in 1921, resulting in the formation of the Detroit Historical Society. In 1927, the Society appointed J. Bell Moran to create the Detroit Historical Museum. In 1928, the museum opened in what is now the Cadillac Tower. In 1942, under the direction of former Detroit News columnist George Stark, the Detroit Historical Society began raising funds to acquire a building to house the museum. In 1945, the Society donated the money that it had raised and its collection of items to the city, leading to a city charter and the subsequent dedication of the museum in 1951, Detroit's 250th anniversary. The 1940's brought the acquisition and opening of Historic Fort Wayne, which the city procured from the Federal Government in 1949. The final component of the Detroit Historical Museums and Society, the Dossin Great Lakes Museum, opened in 1961.

The Detroit Historical Museum's collection of artifacts and exhibits is quite extensive. Visitors to the museum can walk Detroit's eighteenth century cobblestone streets and visit an authentic fur trading post part of "The Streets of Old Detroit". They can explore the industry that gave the "Motor City" its name, by walking an actual auto assembly line, part of the "Motor City Exhibition" which opened in 1995. The museum features an authentic pilot house from a Great Lakes freighter. The museum's exhibit, "Frontiers to Factories: Detroiters at Work 1701-1901" highlights the development of industry in Detroit's three hundred year history. Throughout its history, the museum has hosted thousands of students drawn from the entire Detroit region. The Historical Museum's most exciting new exhibit, "Detroit Storyliving," gives students an interactive learning experience and helps excite them about local history through role-playing, music, and team based activities. The Detroit Historical Museum, depicts Detroit as it has changed from a frontier outpost to dominant industrial city.

I thank current Museum Director Dennis Zembala for his dedication and leadership and thank all the staff and volunteers that have made the museum the educational masterpiece it is today. I look forward to its continued educational and historical success and congratulate the Detroit Historical Museum and the Detroit Historical Society on reaching this tremendous milestone and look forward to their continued success.

#### PERSONAL EXPLANATION

### HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Ms. CORRINE BROWN of Florida. Mr. Speaker, due to a pressing matter in the state, I was unable to make the following votes. Had I been present, I would have voted: "No" on rollcall vote No. 371, "No" on rollcall vote No. 372, "Yes" on rollcall vote No. 373, "Yes" on rollcall vote No. 374, and "Yes" on rollcall vote No. 375.

#### PAYING TRIBUTE TO JUNE OWENS

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I stand before this Congress and this nation today to pay tribute to the life and passing of June Owens, an outstanding citizen of the State of Colorado. The beloved mother of five children passed away at the age of 86, leaving a legacy of hard work, commitment, and a kind, loving spirit we would all be wise to emulate. I am honored to recognize her accomplishments and her life here today.

June was a North Dakota native, growing up in Fargo and attending North Dakota State University. Upon graduation, she moved to Minneapolis and began work at a local newspaper. While in Minnesota she met Arthur Owens, and the two married in 1943. June eventually found her way to Colorado, where she would spend the rest of her adult life.

June was more than a mother to her five children; she was a teacher and a role model as well. Her son Bill, the Governor of my state, acknowledges that his mother provided all of her children with strength and taught them lessons that will be with them for the rest of their lives.

June was an active member of the Colorado community, spending time volunteering for organizations throughout the state. She was known to help the Cancer League, Porter Adventist Hospital, and the Cherry Creek Republican Women's Association. June was always helping those in need, one of the many reasons she was widely acknowledged as a respected member of the Colorado community.

Mr. Speaker, I am saddened by the loss of such a kind and caring individual. It is June's strength, loyalty, and generosity that garnered her respect, and it is for those very qualities that I wish to bring her life to the attention of my colleagues here today. My thoughts and prayers go out to the family and friends of June Owens.

#### TRIBUTE TO EDWIN J. SMITH

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I honor the life of a well-respected veterinarian and volunteer from my district. Edwin Smith of Pueblo, Colorado passed away recently, and as his loved ones mourn his passing, I would like to pay tribute to this outstanding individual before this body of Congress and this nation today.

Edwin was born in Minturn, Colorado, grew up in the San Luis Valley, and spent much of his life in New Mexico before returning to Colorado nine years ago. Much of his childhood was spent on the family farm or in church, where he played the clarinet in a family band. After completing his education at Colorado State University, Edwin served his country in the military and then embarked on a career as a veterinarian. He treated his most famous patient in 1950, a two-month old cub who had been rescued from a forest fire in New Mex-

ico. "Smokey Bear" soon became the center of the U.S. Forest Service's campaign to prevent forest fires.

In addition to his work treating large and small animals, Edwin's professional achievements included serving as secretary for the New Mexico Veterinary Exam Board and as veterinarian for the Santa Fe Downs racetrack. Yet he still found time to give back to the community. Edwin was active in the Elks, Masons and Lions Clubs in addition to working with the Boy Scouts and serving as a church deacon. Even in his eighth decade, Edwin volunteered at a Cooperative Care Center, drove for Meals on Wheels, and took part in activities at his church.

Mr. Speaker, I am honored to pay tribute to the life and memory of Edwin Smith. He was a true community servant who loved to help animals and people alike. To his family, friends, and the many people in the community whose lives he touched, Edwin Smith will be deeply missed. My condolences go out to his family and friends during their time of bereavement.

#### BROWN-WAITE HONORING NATHAN ROSS FOR SELECTION TO NATIONAL YOUTH LEADERSHIP FORUM ON TECHNOLOGY

### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor 17-year-old Nathan Ross, who resides in my fifth congressional district of Florida and was selected to attend the National Youth Leadership Forum on Technology this summer in San Jose, California.

Currently a senior at Hernando High School, Nathan has been building and Networking computers in the basement of his home since the fifth grade. He's known as a bright, talented, hardworking individual and his selection to attend this conference is a testament to his skill and ingenuity.

While attending the conference in San Jose, Nathan will be given the opportunity to expand his knowledge base and work with other technologically-inclined students to create projects and take part in workshops directed by industry leaders, including top executives from firms such as Cisco Systems, Hewlett Packard and Oracle. Participating in the Forum on Technology will provide Nathan with an immeasurable opportunity to broaden his interest in the field and to meet others who share that same interest.

Since its inception in 1992, the National Youth Leadership Forum has given over 50,000 high school and university students the chance to explore the fields of anthropology, archaeology, business, defense, diplomacy, education, engineering, environmental studies, intelligence, law, medicine and technology.

I'm proud to have a talented student like Nathan in my district and am glad to see that an outlet exists for him to put his talent and creativity to use.

Mr. Speaker I ask you to join me in congratulating Nathan Ross for his achievement

and wishing him well, not only at the conference, but throughout all his future endeavors. His mind can take him anywhere he desires and this conference is only the first of many destinations.

DEPARTMENT OF THE INTERIOR  
AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

**HON. JAMES P. MCGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

The House in Committee of the Whole House on the State of the Union had under consideration 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:

Mr. MCGOVERN. Mr. Chairman, on Thursday, July 17, 2003, during rollcall 382 I mistakenly voted against House Amendment 263 to H.R. 2691, the FY 2004 Interior Department Appropriations Bill. The amendment, sponsored by Mr. GALLEGLY of California and Mr. MORAN of Virginia, sought to restrict the use of funds by the U.S. Forest Service or the Bureau of Land Management to administer any action related to the baiting of bears except to prevent or prohibit such activity. As a cosponsor of H.R. 1472, the "Don't Feed the Bears Act of 2003", I certainly support ending the practice of bear baiting and will work vigorously for the passage of this legislation during this session of Congress.

I sincerely regret this error as I intended to have voted in favor of the Gallegly-Moran Amendment. Accordingly, I respectfully request that this statement of correction be printed in the RECORD.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 15, 2003*

The House in Committee of the Whole House on the State of the Union 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:

Mr. HASTINGS of Florida. Madam Chairman, I am very disappointed in the Committee on Rules' refusal to allow the House of Representatives to take up the Crowley/Hastings amendment in conjunction with the Foreign Relations Authorization Act. The amendment would have called on Poland to develop a final and complete, non-discriminatory settlement for those people and groups who had their private property confiscated by the Nazis during World War II and by the Communist Polish government after the war.

In 1989, Poland sought to establish an independent political life free from the grip of communism. The principles of democracy and civil society were quickly recognized as the goal of this transformation.

The respect for private property is at the core of Poland's ongoing transformation. But, by not recognizing the injustice of forced expropriations without due compensation, they have, de facto, made a sham of private property—any discussion of human rights becomes purely scholarly if the most elemental notion of private property is ignored. For these reasons, Poland must give the highest priority to the issue of property restitution.

Therefore, I applaud the efforts of my good friend Mr. CROWLEY, and ask my colleagues to urge the Polish government to develop a final and complete settlement for those Jews, homosexuals, European Roma, and other individuals and groups who had their private property seized and confiscated by the Nazis during World War II or by the Communist Polish government after the war.

Property restitution in Poland is an important matter for thousands of people who fled to the United States because of religious, ethnic or political persecution in Poland during or after the Second World War. At issue are an estimated 180,000 properties confiscated from private owners by the Nazis in occupied Poland or by the Communist Polish government after World War II. Approximately 20,000–25,000 surviving property owners and descendants live in the United States, with a large concentration residing in Florida.

For individuals with ties to Central and Eastern Europe, the restitution of property is not ultimately about land or money, but fundamentally is about justice. On behalf of these individuals, I call on the Polish Government to enact a just, non-discriminatory property restitution law.

Fair and full restitution is a precondition to the establishment of the rule of law.

REINTRODUCTION OF ACCESS TO BOOKS FOR CHILDREN LEGISLATION

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mrs. MALONEY. Mr. Speaker, today I introduce the Access to Books for Children Act (ABC Act), which would amend the Child Nutrition Act of 1966. Under the ABC Act, a five dollar voucher would be provided for the purchase of educational books for infants and children participating in the special supplemental nutrition program for women, infants, and children. Research has shown that the effects of childhood literacy on the futures of children are extraordinary. Children who are exposed to reading before they start school are more likely to graduate high school than those who are not.

A TRIBUTE TO ANTHONY  
CELEBREZZE, JR.

**HON. DAVID L. HOBSON**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. HOBSON. Mr. Speaker, I rise today to honor and commemorate the life of Anthony "Tony" Celebrezze, Jr., a widely respected long-time civil servant and Ohio political leader who unexpectedly passed away on the Fourth of July.

Anthony Celebrezze, Jr. was the oldest of three children and only son of five-term Cleveland Mayor Anthony J. Celebrezze, Sr.

Tony graduated in 1963 from the U.S. Naval Academy. He served 5 years on active duty and earned the Navy Commendation Medal. For many years thereafter, he served as a captain in the U.S. Naval Reserve.

He went on to earn a master's degree in 1966 from George Washington University and a law degree in 1973 from Cleveland State University.

Tony Celebrezze was first elected as a state senator in 1974 to represent Cleveland. He became Secretary of State in 1978, Ohio Attorney General in 1983 and ran for governor against George Voinovich in 1990.

After leaving elected office, he worked as a lawyer and remained active in Ohio politics.

As Ohio's Attorney General, Celebrezze negotiated a landmark court judgment against the U.S. Energy Department, giving the state the right to regulate nuclear and chemical waste at the Feeds Materials Production Center in Fernald, near Cincinnati.

Tony also brought the first criminal prosecutions under Ohio's hazardous-waste laws, expanded consumer protection and helped bring the DARE program to Ohio.

My first close personal experiences with Tony date from this period. As the chairman of the Ohio State Senate Committee on Health, Human Services and the Aging, I worked with Tony to investigate an out-of-state firm that was involved in questionable business activities with some of our state agencies. Tony did not see this as a partisan issue, and was a solid partner in seeing that those who were violating the law were held accountable.

Tony was always driven by a desire to do the right thing. As Ohio's chief law enforcement officer, he took his position seriously and carried out his duties in a professional, fair and non-partisan fashion. He was a true gentleman and Ohio is a better place because of his years of service.

Tony and I also shared a common bond in our long association with Rotary International. He was an active member of the board of directors of the Rotary Club of Columbus, and I always appreciated the opportunity to visit that club since I was almost guaranteed to run into Tony.

In addition to Rotary, Tony had a lifelong love of cars and auto racing. He participated in the Legends racing league where cars are five-eighths scale, fiberglass replicas of 1930s and 1940s NASCAR cars. Celebrezze's car was No. 63, marking the year he graduated from the U.S. Naval Academy.

Unfortunately, Tony went before his time, but in the years that he had he made a difference in the lives of thousands of people. I was always proud to be able to call him a

friend, and I honor his many contributions to the people of the State of Ohio.

#### HONORING THE ACHIEVEMENTS OF THE LLOYD FAMILY

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. MILLER of Florida. Mr. Speaker, I rise today to congratulate the Lloyd Family for being selected the 2003 Outstanding Farm Family. The Lloyd family has continued a strong tradition of family farming in northwest Florida.

Both of Adone's grandfathers, Thaddus Lloyd and Oliver Smith, were farmers in Santa Rosa County and the Lloyds still farm some of their land. Adone started helping out on the farm at age 12, then began helping his Uncle Lewie Frank Smith during high school.

Adone was given a scholarship to play ball at Troy State, but he says "the love of farming kept me at home." Adone has been farming for 40 years and currently farms 700 acres where they grow cotton and peanuts and raise Angus cattle.

In 1967 he married the former Nancy McDavid of Flomaton, AL, where, he says, "has been my partner in the good and bad that farmers must face."

Adone and his wife Nancy have two daughters, Shannon Smith and Wendy Nash, and five grandchildren, Jared Smith, Olivia Wright, Cameron Wright, A.J. Nash, and Slater Nash. Adone and Nancy would like to see their grandchildren take over the farm one day and continue farming the ground their great-grandfathers started farming in the county.

The Lloyds are leaders in our country's production of food and fiber and are involved in various agricultural organizations. Adone has been on the board of the Jay Peanut Farmers Co-op for the past 20 years. He has also served on the boards of the county Farm Bureau and Farm Service Agency. Nancy currently serves as minority advisor on the county Farm Service Agency Board.

On behalf of the U.S. Congress, I would like to recognize this special family for the example they have set in their community. I offer my sincere thanks for all that the Lloyd family has done for northwest Florida.

#### HONORING EASTSIDE ELEMENTARY SCHOOL

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Ms. GINNY BROWN-WAITE. Mr. Speaker, I rise today to honor a special elementary school in my Fifth Congressional District of Florida that has gone to great lengths in pursuit of academic improvement. Eastside Elementary School in Hernando County, which just 2 years ago, received a "D" rating on Florida's statewide school accountability scale this year has earned an "A" grade for its impressive scholastic turnaround.

The hard work of the students, teachers, and administrators at Eastside is certainly to

be commended as are the parents of children at Eastside, whose involvement in their students' education is critically important.

Two years ago Eastside's students' test scores lagged behind others in the State, a large percentage of parents were unable to recall their children's teachers' names, and many students began elementary school not being able to recite the alphabet.

Eastside's teachers and administrators went "back to basics" and restructured their curricula to include an increased focus on the fundamentals of early education. They enlisted the help of the community and encouraged parents to become more involved. The staff at Eastside turned a negative into a positive, using their "D" grade as motivation to change for the better.

Mr. Speaker, I ask that you join me in congratulating Eastside Elementary School's faculty for their hard work and dedication to improving the quality of education for tomorrow's leaders. I also ask that you join me in honoring the students, whose arduous work resulted in positive change for Eastside, and for their own academic careers.

#### PERSONAL EXPLANATION

**HON. JAMES P. MCGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. MCGOVERN. Mr. Chairman, on Thursday, July 17, 2003, during rollcall 382 I mistakenly voted against House Amendment 263 to H.R. 2691, the FY 2004 Interior Department Appropriations Bill. The amendment, sponsored by Mr. GALLEGLY of California and Mr. MORAN of Virginia, sought to restrict the use of funds by the U.S. Forest Service or the Bureau of Land Management to administer any action related to the baiting of bears except to prevent or prohibit such activity. As a cosponsor of H.R. 1472, the "Don't Feed the Bears Act of 2003", I certainly support ending the practice of bear baiting and will work vigorously for the passage of this legislation during this session of Congress.

I sincerely regret this error as I intended to have voted in favor of the Gallegly-Moran amendment.

#### COMMEMORATING THE 9TH ANNIVERSARY OF THE ATTACK ON AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTINA

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. HASTINGS of Florida. Mr. Speaker, today we commemorate the 9th anniversary of the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina. In this effort, I have signed a letter directed to Argentine President Nestor Kirchner from Members of Congress supporting efforts to continue to monitor the AMIA trial and to reveal Hizballah activities in Argentina. To complement this letter, Mr. Speaker, I am introducing this resolution commemorating the 9th anniversary of the

attack on the AMIA, and highlighting the attack as characteristic of the threat to the United States from international terrorist organizations operating from Latin America.

In 1994, a terrorist bomb destroyed the AMIA building, killing 85 people and wounding 200. This was the second terrorist attack against the Argentine Jewish community in two years. While the two cases have been officially under investigation for over nine years, the responsible parties have not yet been apprehended.

Substantial evidence attributes the attack on July 18, 1994 to the terrorist group Hizballah, based in Lebanon and sponsored by Iran. Evidence indicates that the tri-border region where Argentina, Paraguay, and Brazil meet was used to channel resources for the purpose of carrying out the AMIA attack by terrorists linked with Iran.

Regrettably, the scheming of international terrorist organizations such as Hizballah, and al-Qaeda are not confined to the tri-border region. Much of the Western Hemisphere is ideal for international terrorist groups to establish bases due to the ill equipped and poorly trained security agencies across the region.

For example, Cuba maintains close relations with countries that sponsor terrorism and has provided a safe haven to members of European terrorist organizations. Also, the demilitarized zone in Colombia provides international terrorists a safe refuge for training. Furthermore, the Caribbean is a strategic paradise for terrorist organizations given its established web for drugs, arms contraband, and money laundering. Terrorist organizations may be involved in money laundering as a means of hiding their financial assets.

In remembering the anniversary of this heinous attack, we should also focus on the threat to the United States from radical Islamic organizations operating from the Western Hemisphere.

The fight against terrorism must remain a top priority. Nowhere is this more true than in America's back yard. The AMIA attack, which showed the same cowardice as the September 11, 2001 attack, tragically illustrates the capability of Islamic terrorists to bring their jihad against Western civilization from our own hemisphere.

#### FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

The House in Committee of the Whole House on the State of the Union 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:

Mrs. MALONEY. Mr. Chairman, while I voted in favor of H.R. 2691, the FY04 Department of the Interior Appropriations bill, I am hopeful that more funding for conservation programs will be included in the conference report. I am pleased that a critical amendment

to increase the funding for the arts and humanities was passed by the House of Representatives. We must continue our commitment to providing the necessary funding for programs that would preserve our nation's environment and natural treasures.

HONORING SHELLY AGARWAL

**HON. MICHAEL BILIRAKIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Shelly Agarwal, a fine young woman and outstanding student from my congressional district in Tarpon Springs, Florida.

Shelly recently earned a perfect score of 36 on her ACT college entrance exam. She was one of only two students in Florida, and 51 nationwide, who answered each of the 215 test questions correctly when she took the test. The national average ACT score is 20.8.

Shelly became the first student from Berkeley Preparatory School in Tampa to receive a perfect score on the ACT. She said she was "surprised" by her score and "didn't expect anything that high." However, I think she was being modest because she also scored 1580 out of a possible 1600 on her SAT college placement test.

It is clear that Shelly is a bright and motivated young woman. Unlike many of her peers who are taking the summer months off, she is spending them at the University of Chicago studying molecular biology. She is one of only a half dozen high school students who are conducting research alongside undergraduate and graduate students.

Mr. Speaker, Shelly also owes much of her success to her parents, Sudhir and Usha, who are doctors in one of the counties in my district, and to her brother Siddhartha, who will be a sophomore at Harvard this fall. They encouraged Shelly to excel in school and taught her the importance of getting a good education. I want to commend them for providing the support that all students should be as fortunate to have and congratulate Shelly on her tremendous accomplishments. I am certain that she will succeed in her future educational and professional endeavors.

HONORING THE 20TH ANNIVERSARY CELEBRATION OF LAKE RIDGE FELLOWSHIP HOUSE

**HON. TOM DAVIS**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor the 20th anniversary of the Lake Ridge Fellowship House of Woodbridge, Virginia this Saturday, July 19, 2003.

Located on the southernmost edge of Virginia's 11th congressional district, this affordable housing development opened its doors in June 1983. Serving over 100 seniors on fixed incomes, Lake Ridge Fellowship House has grown into a vibrant example of community activism. Four out of five of these seniors are women, many of whom are widows who have

lost a breadwinner's pension and a lifelong companion. Lake Ridge fills a unique niche in the Woodbridge area by supplying elderly residents with a safe environment in which they can enjoy recreational, educational and community-oriented activities.

Lake Ridge is one of only four privately owned fellowship houses in Virginia that are operated by the Fellowship Square Foundation, a subsidiary of the Lutheran Church. Sponsored by the Lutheran Lay Fellowship organization, it is a shining example of how the power of faith is used to fulfill a wide range of needs in our communities.

Lake Ridge provides affordable housing to both independent and mobility-impaired individuals. It provides secure and stable residences for seniors, thereby safeguarding citizens who might otherwise be unable to fully fend for themselves. In addition, Lake Ridge hosts arts and crafts, social activities, and boasts quiet reading alcoves. To better assist its mobility-impaired residents, the fellowship house makes available transportation to and from local shopping areas. Among the most critical services Lake Ridge provides is an around-the-clock emergency call system. Mr. Speaker, Lake Ridge Fellowship House is more than mere housing; it is the foundation of a rich and meaningful way of life for hundreds of senior citizens.

In closing, Mr. Speaker, I would like to congratulate Lake Ridge Fellowship House for providing twenty years of selfless commitment to Northern Virginia, and I ask my colleagues to join me in celebrating their 20th anniversary.

HONORING MARION COUNTY YOUNG REPUBLICANS

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Marion County Young Republicans, in my fifth congressional district of Florida. The Group was just named the Young Republican Club of the Year at the National Federation of Young Republicans' Conference this past weekend in Boston, Massachusetts, and I could not be prouder.

The Marion County Young Republicans was founded just two years ago and has already ascended to great heights, receiving duly earned recognition on a national scale for its endeavors.

The group was instrumental in my election to Congress. Several other lawmakers here in Washington and in Tallahassee owe their positions to this group and to groups like them.

I am pleased to have such an outstanding group of hard-working, young Republicans in my district and am proud of all they have accomplished. In a letter to his members, Chapter President Tim Harding praised the group and reminded them that while this most recent accolade was most certainly an affirmation of success, the group must still rise to meet upcoming challenges and achieve the goals the group has set for itself. It is because of leadership like this that I am confident the Marion County Young Republicans will continue to succeed and do great things for the Republican Party in the state of Florida.

Mr. Speaker, I ask you to join me in congratulating the Marion County Young Republicans for all they have achieved. I honor their service and their commitment to the party.

PERSONAL EXPLANATION

**HON. CASS BALLENGER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. BALLENGER. Mr. Speaker, on rollcall No. 389, I was inadvertently not recorded. Had I been present, I would have voted "yes."

TRIBUTE TO BARBARA C. SERENA ON HER RETIREMENT FROM THE DICKINSON-IRON COUNTY HEALTH DEPARTMENT

**HON. BART STUPAK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. STUPAK. Mr. Speaker, I rise today to say thank you and pay tribute to one of the hardest working public employees ever seen in my 1st Congressional District.

Barbara Serena retired from the Dickinson-Iron County Health Department in June of this year, after almost 26 years serving the people of this part of the Upper Peninsula of Michigan as a public health officer and administrator.

In this capacity, Barbara developed a reputation for hard work that would put even our Congressional colleagues to shame—spending seven day weeks and fourteen to sixteen hour days when needed, in her devotion to the principle that public health services are critically important to the local communities she served.

Barbara was born where she and her husband Terry Shea now live, in Stambaugh, Michigan. She grew up in Watersmeet, about thirty miles west of Stambaugh. Her work ethic developed naturally, under the tutelage and guidance of her father, Ferdinand and mother Margaret Serena. Ferdinand Serena was a longtime U.S. Forest Service employee and the family had deep roots in the Upper Peninsula. Margaret Serena still lives in Iron River, Michigan.

After graduating from the University of Michigan with a B.A. in 1960, Barbara received her Masters in Social Work in 1962 and Masters in Public Health in 1969, both from the University of Michigan. She was a doctoral candidate from 1975 to 1977 at the Columbia University School of Public Health in New York.

From 1962 to 1965, Barbara was a social worker with the State of Michigan Department of Social Welfare in Oakland County, and from 1965 to 1968, she was a clinical social work supervisor at the Hawthorne Center in Northville, Michigan, run by the State of Michigan Department of Mental Health.

She moved to New Jersey and became a social work coordinator at the University of Medicine and Dentistry and New Jersey Medical School in Newark, New Jersey in 1970. She remained there while studying at Columbia University until her return to her home in the U.P. in 1977.

From 1977 until her retirement this year, Barbara Serena served as a public health administrator with the Dickinson-Iron District Health Department in Stambaugh, Michigan. From August 1995 to August 1996, she was the Department's Acting Health Officer. In September 1996 she was named the Department's Health Officer, serving in that capacity until 2002.

Barbara's return to the Upper Peninsula was fortunate for her community and also for Terry Shea, whom she met in 1980 in a crowded restaurant when a friend asked Terry if Barbara could join him at his table. Terry was at that time working TED KENNEDY's presidential campaign in what was then the 11th Congressional District of Michigan.

Throughout Terry and Barbara's long and happy marriage, they have both continued to work in their faith community for families and for the betterment of their community as a whole. It is fair to say that for Barbara, retirement will be as busy as her life has been so far, although both Terry and Barbara hope to have more time for travel. They will intend to remain actively involved in the community and faith based volunteerism that has been a hallmark of their lives.

When I asked Terry what was the most significant thing people in the area think of when they think of Barbara, he said "Her work." That is a lasting legacy, and one that is far from completed.

I congratulate Barbara on her many years of service in public health and wish her well in her retirement. The strength of my northern district is built on the daily efforts of people like Barbara, even though she stands in a special category. I ask you, Mr. Speaker, and my colleagues in the House of Representatives to join me in this special tribute to a very special woman.

#### HONORING A. LANCE EMORY

#### HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. JONES of North Carolina. Mr. Speaker, I rise today to honor a public servant who has given a great deal not only to his home state of North Carolina, but to his country as a whole.

Since 1969, Mr. A. Lance Emory has been a Special Agent with the Federal Bureau of Investigation (FBI). In August, Mr. Lance will retire from the FBI.

He leaves behind a legacy of great achievements and his departure will create quite a void in our nation's highly revered investigative bureau.

A. Lance Emory was born on June 6, 1946 in Greensboro, North Carolina. He graduated from the University of Miami in 1968 with a bachelor's degree in education. He completed his graduate studies in business at Iona College in New Rochelle, New York.

Beginning his career as a Special Agent with the Federal Bureau of Investigation (FBI) in December 1969, his first assignment was the Springfield office in Illinois where he investigated general criminal matters. Just two years later he was transferred to New York City. Mr. Emory spent six busy years investigating organized crime and drug matters in the FBI office in New York.

In 1977, Mr. Emory was transferred back home to the Tarheel state where he joined the Charlotte office. While in Charlotte, he continued investigating organized crime/drug matters and gained extensive experience in the use of undercover techniques.

In 1983, Mr. Emory received the United States Attorney General's Award for Distinguished Service for his investigative accomplishments.

In 1985, as a Supervisory Special Agent, Mr. Emory oversaw the Organized Crime, Drug, Interstate Theft and Government Crime programs. He is recognized as a subject matter expert in the organized crime/drug arena and has represented the FBI in numerous forums.

A short tour in the Legal Attache's office in Canberra, Australia followed . . . and that time abroad would lead to an international assignment for Mr. Emory.

In June 1995, Mr. Emory began his assignment as the Assistant Legal Attache in London. His primary responsibilities were for FBI operations in the Nordic countries.

In August 1999, Mr. Emory assumed his present position as Legal Attache London.

When not travelling the world as a world class FBI associate, Mr. Emory tries to find time to work on his golf game as so many North Carolinians do. When not on the links, he spends as much time as he can with his lovely wife, the former Susan Lierk of Alliance, Nebraska.

It is with a sincere heart that I rise today to thank Mr. Emory for his great service for our nation.

Lance Emory, I salute you for your dedication to your country and to the FBI. May God bless you and your wife as you begin your next adventure together. May you wake each morning and enjoy the immense amount of time you now have together . . . and may this new journey be just as exhilarating.

Thank you, Lance Emory. From all of us.

#### PERSONAL EXPLANATION

#### HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. KOLBE. Mr. Speaker, yesterday, I was at a meeting with President Bush at the White House and missed the vote on H. Res. 319, on Ordering the Previous Question 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. Had I been present, I would have voted "aye."

#### TIME FOR THE OLIVE BRANCH TO TAKE ROOT

#### HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. JACKSON of Illinois. Mr. Speaker, I rise today as a passionate proponent of achieving a just, lasting and comprehensive peace in the Middle East.

For too long, the Holy Land has been soaked in blood and scorched by hate. In the last 31 months alone, the devastating conflict between the Israelis and the Palestinians has claimed more than 2,700 lives and has shattered countless others.

With so much lost life, it is time to find peace. It is time to turn from old ways and to "beat their swords into ploughshares." It is time for the olive branch to take root.

Thus, I strongly support the so-called "road map," the Mideast peace plan carefully devised by the United States, European Union, United Nations and Russia and firmly backed by President Bush. Representing precious hope for an end to the violence and a final settlement, the road map envisions two states—one for the Israelis and the other for the Palestinians—living side-by-side, both sovereign, secure, free and democratic.

Under the terms and conditions of the road map, the United States rightly assumes its central role of helping to lead the parties along the path to peace. As an honest and balanced broker and mediator between the two sides, the United States must help both to reconcile differences, to accept obligations, and to take the simultaneous steps for progress and peace.

Undoubtedly, the success of the performance-based road map will require the active leadership and involvement of the United States. It will demand the commitment and courage of the Israelis and the Palestinians. It finally will come when each side gives to the other what it wants for itself.

But, since the publication and formal delivery of the road map, the enemies of peace have attempted to derail it. By launching brutal terrorist attacks against Israelis, they attempt to kill not only innocent civilians but also a diplomatic settlement. These saboteurs intend to undermine the Palestinian Authority, to terrorize the Israeli population, and to perpetuate violence and hate. We must not allow them to succeed in putting roadblocks in the road map.

To remove the obstacles and promote the peace, Congress should give its unqualified and unambiguous approval of the road map. Time is too short and the stakes too high for us not to. Failing now to explicitly endorse the international peace plan risks compromising our interests, rallying the recalcitrant and forestalling a new future in the Middle East.

Hence, the resolution before us rightly commends the President for his vision and commitment to a two-state solution to the Israeli-Palestinian dispute. However, it should be even more specific. The resolution ought to expressly support the road map itself and the ongoing efforts within the international community to implement it.

House Resolution 294 correctly insists that the Palestinians must fulfill their primary obligation to crack down on terrorism and violence against the Israelis. Yet, the resolution should be more comprehensive and balanced. It also ought to call on the Israelis to meet their responsibilities under the road map to dismantle illegal outposts and freeze settlements.

The measure properly recognizes and respects Israel's right to defend and protect its citizens against terror. But, H. Res. 294 should be even more insightful. It ought to acknowledge that the security for which Israel longs and surely deserves will be achieved, not by

military reprisals alone, but rather with the active and full cooperation of the Palestinians. As stated in a recent New York Times editorial, "Nobody expects Israel to tolerate terror against its people. But terror can be more effectively rooted out if responsible Palestinian leaders like Mr. Abbas are strengthened, not undermined."

Hence, although not perfect, this resolution is an improvement from others on the Middle East. Unlike previous measures, it does not interfere, impede nor conflict with the ongoing peace effort. In fact, it is, for the most part, consistent with it. Therefore, Mr. Speaker, I support this resolution as a means of endorsing the road map and promoting the peace.

#### HONORING KEY TRAINING CENTER

##### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Key Training Center, a vital, active part of the Citrus County community in my Fifth Congressional District of Florida.

This weekend, the Key Center will hold its 21st annual "Run for the Money" Dinner Auction to raise money for the Center, which operates as a not-for-profit organization and relies heavily on donations of support from the community.

The Key Center provides an immeasurable service to the community and makes an enormous difference in the lives of so many people.

The Center has helped thousands of mentally-disabled central Floridians and their families for more than 30 years, and has established a proud tradition of kindness, love, dignity, and respect while doing so.

The Key Center provides daily living and social training for its clients, job training, life sustaining care and residential services to mentally-disabled persons in need. A dedicated, trained, and skilled staff serves those at the Key Center offering a balanced blend of the right training, experiences and opportunities to its clients.

Mr. Speaker I ask you and my Colleagues in this body to join me in honoring the Key Center for all its contributions and in wishing the Center well this weekend.

#### CLARIFICATION OF VOTE

##### HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. PICKERING. Mr. Speaker, during the debate on the Labor and Health and Human Services Appropriations Bill (H.R. 2660) I erroneously voted against the Toomey Amendment. I was under the impression the bill restricted general funding for the National Institutes of Health which provides needed funds for medical research in my district. I would have voted for the amendment and fully support the efforts to stop the NIH from funding the highly inappropriate programs itemized in the amendment.

#### WHERE IS THE OUTRAGE OVER DIRTY TRICKS?

##### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. CONYERS. Mr. Speaker, this morning's media lavishly covered Prime Minister Blair's speech to us last night. It was an important event and I will have more to say about that next week. But I want to call my colleagues attention to another news item that I found shocking. Unfortunately it was buried in the "Reliable Source" gossip column of the "Style Section" in today's Washington Post. It reported a White House effort to smear a journalist, an effort that I found desperate and pathetic but, most of all, outrageous.

It seems the Bush Administration was so unnerved by a TV network news segment on rapidly rising GI frustration in Iraq—and one soldier's calling on camera for Secretary of Defense Rumsfeld's resignation—that they decided to "shoot the messenger." Reportedly, an anonymous White House operative tipped internet columnist Matt Drudge that the TV reporter on the news story was not only gay but also, far worse, "a Canadian."

Does the Watergate phrase "dirty tricks" ring a bell? Or has that been banished from the political lexicon like the "L word?"

There's an old saying: "If you're not outraged, you don't understand the situation." I want to know where the outrage is about this despicable tactic. Where are the outraged editorials and columns? Why wasn't this a front page story? Even if it was a scoop for the "Reliable Source," why wasn't there a separate news story about it? Where were the interviews of outraged media pundits on this morning's TV news shows? Where is the outrage from ACLU? And I hope there will be further comments on this by other outraged Members of Congress from both sides of the aisle.

The leak to Drudge may indicate how nervous the White House is about their unraveling post-war plan and its tragic consequences for our soldiers. Indeed, if this is the only way they can respond to reporting on the Administration's mess in Iraq, things must be pretty desperate.

It also indicates the kind of supporters whom the White House thinks will judge its policy on the basis of the nationality and orientation of those reporting on Iraq for U.S. media. The fact that most Americans will regard both factors as silly and irrelevant is beside the point. The malicious intent is clear.

This kind of dirty trick must be labelled for what it is, and stopped in its tracks, or we will see similar sleaze seeping out of this White House whenever it feels politically threatened. If the media brushes this off as just one more skirmish with critical press, then both they and the American people will surely be the losers.

#### HONORING JAMES WILSON JACKSON AND HARRY BELLE FULLMORE ON THEIR GOLDEN WEDDING ANNIVERSARY

##### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Ms. LEE. Mr. Speaker, I rise today to honor the 50th wedding anniversary of James Wilson Jackson and Harry Belle Fullmore, better known as Honey.

James, a lieutenant in the United States Army was stationed at Fort Bliss in El Paso, Texas where he met Honey. And, like her name, Honey was the belle of Texas and James was swept off his feet. After numerous Sunday dinners prepared by Jesse Cook, Honey's mother and James' future mother-in-law, James proposed to Honey and the two married on August 14, 1953.

They had four children: James Wilson Jackson, Jr., Suzan Elizabeth Jackson, Barbara Ann Jackson and Michelle Jackson.

Having chosen a military career, James and Honey traveled throughout the world including the Orient, Europe and from coast to coast in the United States. Everywhere they settled, they developed a host of friends.

Upon retiring from the military, James and Honey chose Cleveland, Ohio as their new home. Since moving to Cleveland in 1970, they have dedicated themselves to contributing to their community and society at large. James chose the civic route, volunteering to serve on various Boards and Commissions. Honey chose to make her contributions more economic in nature, supporting upscale and specialty boutiques from coast to coast.

During the 50 years of their marriage, James and Honey have been faced with many obstacles and hurdles, but working together, they have persevered. I am honored to commend James and Honey Jackson on their Golden Anniversary.

#### TRIBUTE TO CAPTAIN MARK E. KENNEY OF SPRINGFIELD, MASSACHUSETTS

##### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. NEAL of Massachusetts. Mr. Speaker, I pay tribute today to a dedicated public servant who has served the city of Springfield and the greater community for over 20 years. His leadership and courage have touched many lives and it is my great honor to recognize and commemorate this extraordinary man.

Captain Mark Kenney began his career in the Springfield Police Department in July of 1971. He was promoted to Sergeant in 1979, to Lieutenant in 1987 and to Captain in 1991. During his career his assignments and duties stretched far into the heart of the district. Mark was the first captain of the community police program and started the citizens police academy. This academy was created to teach the public the mechanics of the police department and then use this information to better the community.

Mark was deeply involved with many youth organizations and was the first captain of the



Joseph Budd Youth Assessment Center where he commanded the Youth Bureau. In addition, Mark was the first trained Drug Abuse Resistance Education instructor, more commonly known as D.A.R.E., in Western Massachusetts and headed the D.A.R.E. program for many years.

Trained by the F.B.I. as the first hostage negotiator for the police department, Mark used his skills several times during hostage situations that were both dangerous and volatile. Mark's skill and courage did not go unnoticed. In 1979, after a fire broke out in the Kimball Towers, he assisted many people to safety and was awarded a commendation for bravery.

After the tragedy at the World Trade Center on September 11th, Mark involved himself immediately and was assigned Captain of the newly implemented Central Intelligence Bureau working closely with the F.B.I. on all homeland security issues. As the events of September 11th attest, police officers serve and protect the nation often at great sacrifice to themselves and for this we are immensely grateful.

Mark is not the only member of his family to dedicate his life to protect others. Mark's grandfather and father were police officers before him and his son is currently a police officer making four generations to serve the Springfield Police Department. I am proud and honored to represent such a praiseworthy individual and devoted family man.

Mark's achievements and accomplishments speak to his tremendous love and respect for his fellow citizens. I wish him all the best in his upcoming retirement and I humbly offer my sincerest thanks and gratitude for the lifetime of service he has given.

HAPPY BIRTHDAY TO PROF.  
ROBERT V. REMINI

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. NEY. Mr. Speaker, today I wish to honor the esteemed historian Dr. Robert V. Remini on the occasion of his 82nd birthday. As many of our colleagues know, Professor Remini was appointed as a Distinguished Visiting Scholar of American History in the John Kluge Center at the Library of Congress to undertake the ambitious project of writing the history of the U.S. House of Representatives.

Dr. Remini, Professor Emeritus of History and the Humanities at the University of Illinois at Chicago, was educated at Fordham University (B.S. 1943) and Columbia University (M.A., 1947, Ph.D., 1951). He has been teaching history for more than 50 years and writing books about American history for nearly as long. In addition to his three-volume biography of Andrew Jackson, he is the author of biographies of Henry Clay and Daniel Webster, as well as a dozen other books on Jacksonian America. Remini is also the author of two recent books: John Quincy Adams, and Joseph Smith: A Penguin Lives Biography.

"The House of Representatives is regarded as the People's House in which many distinguished, diligent, colorful, and larger-than-life personalities met together and during the past 200 plus years discussed, debated, quarreled

and helped hammer out the Nation's laws," Remini said on the appointment of his position to update the House History. "I intend to write a narrative history of this extraordinary institution with its vivid and sometimes outrageous personalities that will capture and frame all the excitement and drama that took place during the past 200 years so that the record of its triumphs, achievement, mistakes, and failures can be better known and appreciated by the American people," noted Remini.

Working with my colleague, the gentleman from Connecticut, JOHN LARSON, we believe that Professor Remini's efforts will result in a significant tool for the public and Members themselves to understand how and why Congress works the way it does and its unique and compelling history.

Please join me in congratulating Professor Remini on the occasion of reaching this milestone in his career. We all look forward to working with him as he completes the history of the House and to learning the lessons it teaches us upon its publication.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

**HON. DAVID WU**

OF OREGON

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. WU. Mr. Chairman, I thank my colleague from Montana for yielding me time. I rise in strong support of this food labeling amendment.

Opponents of this amendment argue complexity and delay. I offer simplicity and brevity.

Last Congress, this body voted in support of country-of-origin food labeling. We voted in favor of labeling because it supports family farms, increases food safety, and gives customers the right to choose where their food comes from.

Several decades ago, we created the strongest securities and financial industry in the world by asking for labeling and disclosure. This action was opposed tremendously by the financial industry at that time. Today, however, many segments of the securities industry support disclosure because it created a new and stronger industry.

I firmly believe that consumer right-to-know is a good thing. I can look at the back of my tie and determine that it is made in America. I can look at the labeling in my suit and determine that it is made in America. If I go to the supermarket and buy a pound of hamburger, I cannot tell where that product came from.

The opponents of this amendment want to keep me, and all American consumers in ignorance. That is wrong—wrong for America's family farmers and wrong for American consumers.

Country of origin labeling helps family farms because, given a choice, most Americans will choose fresh foods grown domestically. In fact, numerous surveys and polls indicate that consumers overwhelmingly support country of

origin labeling and will pay a market premium for U.S. products. Labeling provides additional product information, increased consumer choice and fulfills a desire to support American agriculture. In addition, country of origin labeling addresses the heightened concerns of consumers regarding the recent discovery of mad cow disease in Canada.

The United States produces the most abundant, most affordable, and safest food in the world. Country of Origin Labeling gives American consumers the ability to choose food from places that they know and trust. It also gives family farmers recognition for the tremendous job they do producing safe, quality agricultural products.

HONORING ROBERT P. "BOBBY" KOCH ON HIS PROMOTION TO PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE WINE INSTITUTE

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Robert P. "Bobby" Koch, who was elevated to president and chief executive officer of the Wine Institute this month. Bobby has been an employee of the institute since 1992, and a senior vice president since 1996. Prior to his employment with the Wine Institute, Bobby was an employee of this body, serving Representatives Coelho and GEPHARDT in various capacities, ending his service in this House as Mr. GEPHARDT's chief of staff.

Since Bobby has been at the Wine Institute, the organization has become a strong advocate on Capitol Hill for the wine industry, and Bobby has become the leading voice for the California wine industry. Certainly when I or any of my colleagues need the viewpoint of the industry, Bobby is one of the first people we turn to for advice. There is no stronger recognition of the truth of this statement than the action of the Board of Directors of the Wine Institute in appointing Bobby to replace John DeLuca as president and chief executive.

In addition to Bobby's contributions to California's wine industry, he has other redeeming qualities. Bobby is active representing the Institute on the USDA Agricultural Policy Committee for Trade, and is a board member of the National Commission Against Drunk Driving, the Council on American Politics at George Washington University, the Congressional Wine Foundation, and the California State Society. He has raised millions of dollars for worthy causes, including efforts to cure Crohn's disease and colitis, and the National Children's Hospital.

In addition to his many public accomplishments, Bobby is most proud of his family, including his wife Doro Bush Koch and their four children.

Mr. Speaker, it is truly an honor for me to rise to honor the accomplishments of Bobby Koch, to wish him many more years of success, and to honor him as a friend in his most recent appointment as president and chief executive officer of the Wine Institute.

THE MILITARY FAMILIES  
FINANCIAL SECURITY ACT

**HON. SUSAN A. DAVIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mrs. DAVIS of California. Mr. Speaker, I rise today to introduce the Military Families Financial Security Act. This bill will ensure that the brave men and women who serve our country will not have to worry about losing the critical services their children need.

The men and women who serve in our Armed Forces are everyday heroes. I know about the valor of military families from my own experience as a military wife when my husband was stationed in Japan during the Vietnam War. As a wife and mother in a foreign country with two young children, I was truly grateful for the support of other military families. The most striking quality of these families was the sense of pride in serving our country even in a time of strife and stress. I can honestly say that I met extraordinary individuals in extraordinary circumstances.

The resilience and patriotism of military families is inspirational. Their unwavering courage in answering the call to serve our country is even more inspiring when one realizes that many of these men and women are leaving families back home. We must remember that many of our service personnel also answer to the title of "mom" or "dad." Just as these brave men and women are working to protect our Nation, we must likewise protect them and their loved ones through the laws and policies we enact.

In San Diego and around the country, many military families who have children with disabilities rely on assistance from the Federal Government to help cover the costs of health care, day care, and care for special needs. Eligible families receive Supplemental Security Income, or SSI, to ease the financial burden. However, these military families are in danger of losing this much-needed assistance because of a bureaucratic quirk. They face a unique risk of losing their benefits because service members can receive numerous types of additional pay that can increase their income. The Social Security Administration regards this extra pay differently than extra pay for non-military employment. Since eligibility for SSI is based on income, the difference of a few dollars can mean having health care or no care at all.

The Military Families Financial Security Act would change how the Social Security Administration calculates income to determine eligibility for Supplemental Security Income. This simple change in the treatment of income will keep families eligible for SSI benefits and resolve an existing disparity between military and non-military families.

In addition, the Military Families Financial Security Act would also expand SSI eligibility to disabled children who are born to or who apply for benefits while living with parents who are military personnel stationed outside the United States. Currently, children of military personnel stationed overseas are eligible for SSI if they received SSI while they were in the United States. Such an extension would eliminate the disparate treatment of children of military personnel who were born or became blind or disabled outside of the United States.

With our sailors and soldiers in harm's way, there is not a worse time for them to be concerned about whether loved ones are getting the care they need. This legislation offers them the peace of mind that comes with knowing their families will always have the critical support they need.

I urge my colleagues in Congress to act quickly in passing the Military Families Financial Security Act into law.

DEPARTMENT OF THE INTERIOR  
AND RELATED AGENCIES APPRO-  
PRIATIONS ACT, 2004

SPEECH OF

**HON. JAMES L. OBERSTAR**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 17, 2003*

The House in Committee of the Whole House on the State of the Union had under consideration 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:

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Washington, Mr. INSLEE, on the roadless rule. We have debated this general issue repeatedly in this chamber over a number of years. Amendments have been offered by well-intentioned members who are not informed about the specifics of the highly diverse units of the national forest system and the unique circumstances which characterize access in each of those forests, as well as the composition of the forestry resources in each unit.

The Superior and Chippewa National Forests, which are located in my congressional district, have undergone extensive study, review, adjustment in status and addition of acreage to roadless or not-cut status. Over the last forty years, these two national forest units, which represent well over 3.6 million acres of federal lands, have been subjected to the Wilderness Act of 1964, the RARE I and RARE II inventories, the old growth inventory, the passage of the Boundary Waters Canoe Area Wilderness Act of 1978, the result of which, in each case, has been removal from timber harvesting of tens of thousands of acres of forested land to be reserved for wilderness status, protected from timber harvesting and in which motorized travel is precluded in all but a very few instances.

In the aftermath of these actions to remove vast acreages from timber harvesting, and in light of management plans that the U.S. Forest Service is required to produce every five years, each of which has resulted in reduction of the allowable timber harvest, or some further complete withdrawal of land from timber harvesting, I see no need arbitrarily in the context of this straight jacket-like approach to which we are limited in the appropriation process, to impose further restrictions in a one-size-fits-all process.

Furthermore, the mapping required of these public lands has not been fully accurate, as evidenced in a ruling just this week by the U.S. Court of Appeals for the 10th Circuit, situated in Wyoming, that the maps produced by the Forest Service were flawed, the process

was rushed and the end result wrong. The court found that in developing the rule: "The Forest Service violated the National Environmental Policy Act and the Wilderness Act." The court further found that the promulgated rule was an "aggrandizement of power by the Forest Service in violation of an unequivocal Act of Congress and the United States Constitution."

I can assure my colleagues that, in the Superior and Chippewa National Forests, there are well over a million acres devoted to wilderness, vast areas for those who seek solitude and the restorative quality of the water and lands set aside from mechanized intrusion. Furthermore, the non-wilderness areas of these two national forests are well and carefully managed in a most professional and responsible manner in an open, public process by the U.S. Forest Service and I see no compelling case for converting additional thousands of multiple-use acres to wilderness in these two forests.

ON THE DEATH OF CELIA CRUZ

**HON. ROBERT MENENDEZ**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. MENENDEZ. Mr. Speaker, today, I mourn the death of my great friend, the music icon, Celia Cruz, who lost her courageous battle with cancer yesterday afternoon.

In fact, today, the entire world mourns.

After 50 years of her presence, influence and music, her loss is shocking to all of us, her dedicated fans.

Celia Cruz, whose music crossed ethnic, racial and cultural lines and earned her five Grammy's and two Latin Grammy's, was a true trailblazer. Her music was a unifying force, and her passion for a free Cuba was evidenced in both her music and her words.

Her commitment to a free Cuba went so far that, during a performance at the Summit of the Americas, she worked the following unforgettable lines into one of her songs: 'Mr. President, please make sure that my homeland Cuba is free once more.' Poignant and heartbreaking words that describe her love for Cuba, her commitment to a free and democratic Cuba, and her affection for her adopted homeland, the United States.

Celia Cruz mesmerized audiences for five decades with her exceptional singing talent and her wonderful charisma. She has been one of the single greatest influences on salsa music, recording more than 70 albums, and receiving more than 100 awards.

She was honored with a star on Hollywood's Walk of Fame, and with streets named after her in New York, Mexico, Costa Rica and Miami, on the famous Calle Ocho. Celia has received honorary degrees from Yale, Florida International University, the University of Miami, and received the National Medal of Arts, the highest honor bestowed on an artist by the United States.

Celia Cruz was born and raised in the Santa Suárez neighborhood of Havana, Cuba. As a young girl, she spent much of her spare time entertaining her peers, friends, and neighbors by singing lullabies and melodies. In the 1940's, she officially began her musical career by singing on numerous Cuban radio programs. After studying at Havana's Conservatory of Music from 1947 to 1950, she joined

the legendary group La Sonora Matancera, and after several successful recordings, the group's music was in demand beyond the borders of Cuba.

When Celia left Cuba for the United States in 1960, her career blossomed and she became a household name. During her first decade in the United States, she recorded several albums with the great Tito Fuente, and together, they captured the hearts of nontraditional fans of salsa, a phenomenon known as 'the Salsa of the 70s.' Celia has also collaborated with other great Latin artists, including Johnny Pacheco, Willy Colón, and la Fania All Stars, as well as great American artists, such as Dionne (DEE-ON) Warwick, Patti Labelle, David Byrne, Gloria Estefan, and Wyclef Jean.

Celia Cruz's boundless energy transfixed generations of salsa fans and musicians. The powerful presence of music in her life could not have been expressed any better than in her own words: in an interview, she once said that she was 'born with the music inside of her.' And, by God, she expressed the music 'inside of her' until the very last day of her battle with cancer.

I was introduced to Celia Cruz's music at an early age, and enjoy her work and dance to her music now, more than ever. As the former Mayor of Union City, New Jersey, I was honored to recognize her achievements and contributions during an awards ceremony almost two decades ago.

On that day, and until her death, Celia Cruz, the Queen of Salsa, the music icon, the star, remained down-to-earth, people-oriented, and was loved by everyone for her music, her passion and her style. She was one of the few bridges that crossed cultural and racial divides.

Celia Cruz's death has left a void in the lives of so many, but her music and words live on, as she leaves behind a legacy on so many levels. I will never forget the famous lines from a recent song, 'La Vida es un Carnaval—No hay que llorar,' which means, life is a carnival, you don't have to cry. So simple and so true.

And just like Celia would end her songs with the impulsive and unique AZUCAR! or sugar, I end tonight by saying our memories of you, Ceilia, are as sweet as sugar. You will never be forgotten, and you will always be missed.

HONORING ROBERT P. "BOBBY" KOCH ON HIS PROMOTION TO PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE WINE INSTITUTE

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Robert P. "Bobby" Koch and congratulate him on his recent promotion to the position of President and Chief Executive Officer of the Wine Institute. Bobby is no stranger to many of us. He has long been the voice of the Wine Institute here on Capitol Hill, and prior to that he was an employee of this body, serving Representatives Coelho and GEPHARDT, ending his service in this House as Mr. GEPHARDT's Chief of Staff.

It is a clear sign of Bobby's ability that the Board of Directors of the Wine Institute did not

hesitate to appoint him to replace John DeLuca as President and Chief Executive. I know that they will not be disappointed that they have put their trust in Bobby's capable hands. The wine business is a \$33 billion a year industry in California and it is a crucial part of the state's economy. An industry this large needs a clear, united voice both here in Washington and across the country, and I know that the Wine Institute will continue to provide this voice under Bobby's leadership. Bobby will always be the first person I turn to when I need to know the viewpoint of the industry.

Bobby has not limited his contributions to California's wine industry. He has been an active member of his community for many years. Bobby is a member of the USDA Agricultural Policy Committee for Trade, and also serves on the Boards of the National Commission Against Drunk Driving, the Council on American Politics at George Washington University, the Congressional Wine Foundation, and the California State Society. He has also worked tirelessly to raise millions of dollars for worthy causes, including efforts to cure Crohn's disease and colitis and the National Children's Hospital.

He has managed to accomplish all of this at the same time that he and his wonderful wife, Doro Bush Koch, have raised a family of four great children. I am sure that he considers his family to be his greatest accomplishment of all.

Mr. Speaker, it is truly a pleasure for me to be able to honor the accomplishments of Bobby Koch, a great leader for the Wine Institute and a dear friend as well. I wish him many more years of success as he takes on this exciting and challenging new role.

HONORING LATE LEADER OF SOUTH LAKE CHAMBER OF COMMERCE

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the late Howard Stockton of Clermont, Florida. The long time leader of the South Lake Chamber of Commerce in my Fifth Congressional District of Florida, Mr. Stockton passed away this weekend after a long battle with cancer.

Howard Stockton will be greatly missed by all who knew him and will be remembered as a kind, caring man with vigor and enthusiasm, and as a consensus builder with amazing ability and talent.

As many current Floridians, myself included, Mr. Stockton was not a native of Florida but made it his home. An Ohio native, a graduate of Kent State University, a former teacher and administrator, Mr. Stockton retired to Florida with his wife in 1989 to be closer to his two sons.

However, his penchant for activity and his well-known energy and zest would not allow him to simply live the tranquil life associated with retirement. He joined the local Loins Club and the South Lake Council for the Arts and then took his community activity to the next level by accepting the position of executive director of the Clermont Area Chamber of Commerce.

Under his leadership, the strength and membership of the chamber grew. He guided it from a small city group into a regional organization nearly three times its original size. The success of the South Lake Chamber of Commerce is a reflection of Mr. Stockton's charismatic personality and his remarkable ability to bring people together.

We in the State of Florida and in the South Lake Chamber are both very fortunate that Mr. Stockton was able to share his extraordinary abilities with us and at the same time very saddened by the loss of such a wonderful man.

It has been said that, "When you met Howard, you felt like you had met a friend." we will all miss our friend.

## PERSONAL EXPLANATION

**HON. ERNIE FLETCHER**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. FLETCHER of Kentucky. Mr. Speaker, on Wednesday, July 16, 2003, had I been present for rollcall vote No.'s 368, 369, 370, 371, 372, 373, 374 and 375, I would have voted the following way: rollcall vote No. 368—"aye," rollcall vote No. 369—"aye," rollcall vote No. 370—"no," rollcall vote No. 371—"aye," rollcall vote No. 372—"aye," rollcall vote No. 373—"aye," rollcall vote No. 374—"aye," and rollcall vote No. 375—"aye."

## ON REMEMBERING CELIA CRUZ

**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Ms. ROS-LEHTINEN. Mr. Speaker, today, the Latin music world mourns the passing of "The Queen of Salsa," "La Reina de la Salsa", Celia Cruz, who passed away 43 years and one day after she left her homeland, Cuba, for the United States. I am honored to recall how Celia Cruz, the world-renowned performer, and I crossed paths at different moments. She sang at my first victory party, celebrating my win as the first Cuban-American woman to win a seat in Congress in a special election in 1989. She accompanied me to Guantanamo Bay, Cuba, when I went to visit the Cuban rafters detained on our base, to see for myself their living conditions and physical well-being. I will never forget how she kissed the ground when our plane landed and how she sang that day to the Cubans held there with the passion and love of a true native who has been presented the chance of standing on her native soil, even though poignantly, it was on our base, after so many years. She was also a friend to the Republican Party, performing at the 2000 Republican convention in Philadelphia, where President George W. Bush accepted the nomination to the presidency.

In her long career, Celia Cruz never forgot the country of her birth, evoking Cuba in every performance, but never returning to her homeland. She was a political exile who never returned to Cuba, not even when her father died, denied entry by Fidel Castro, who was

still angry at her defection many years before. When Fidel Castro came to power in 1959, Celia was the lead singer of La Sonora Matancera, Cuba's most popular orchestra. The group headlined Havana's world-famous Tropicana nightclub and casino and toured the United States and Central and South America. La Sonora Matancera's fame and frequent tours provided them an escape route, by pretending they were going on another tour, never returning to Cuba.

I am honored to be here today to talk about a music legend. She recorded more than 70 albums, many of them gold and platinum records, and received twelve Grammy nominations, winning for the first time in 1989. Celia was honored with stars and street sections in some of the most well-known avenues of the world. Hollywood gave her a star on the Walk of Fame in 1987. Miami's Calle Ocho was named "Celia Cruz Way" and presented her with a star, an honor she has received in other cities such as San Jose, Costa Rica and the Plaza Galeria in Mexico City, Mexico. She received many awards and distinctions, which include a Lifetime Achievement Award from the Smithsonian Institution, the prestigious Lifetime Achievement Award from the Hispanic Heritage Awards, and in 1994, she received in the White House the highest honor the United States can bestow on an artist: the National Endowment for the Arts.

Celia Cruz was a musical icon that made Cuban music known beyond our national borders while touching different generations. Lovers of Latin music worldwide embraced her style and boundless energy on the stage as they enjoyed her contagious music and rhythms. For the Cuban American exile community, she was the link between young Cuban Americans and their parents' generation, making Cuba a reality to the younger generation by providing them with the music that entertained their parents and their grandparents.

Celia's fondest dream never became a reality: the opportunity of returning to a free and democratic Cuba. This woman who sang for presidents and heads of state worldwide simply wanted to return one day to the country she had known. She hoped to one day perform again in the land of her birth, and to utter her signature catch phrase "Azucar" to her fellow Cubans. She left us before her dream became a reality, but I say "Azucar" in her honor and in her memory.

Celia, I know that you can hear us this evening. We love you and your music will continue to live in our hearts. We will never forget you. I promise you, Celia, that I will continue to work tirelessly in the United States Congress for your dream of a free and democratic Cuba. At that time, the Cuban people will once again be able to enjoy your music filled with rich, Cuban rhythms and Afro beats "en libertad"—in freedom. May you rest in peace, Celia!

## BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

SPEECH OF

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 14, 2003*

Mr. LEVIN. Mr. Speaker, I support the Burmese Freedom and Democracy Act of 2003, H.R. 2330, because I believe that it is essential to demonstrate that the United States refuses to help perpetuate the brutality of Burma's military junta against the Burmese people. The junta, which ironically calls itself the State Peace and Development Council (SPDC), has recently stepped up its anti-democracy activities by violently cracking down on pro-democracy activists, and re-imprisoning the opposition leader Aung San Suu Kyi.

Ms. Suu Kyi, a Nobel peace laureate, has already spent much of the last 15 years with her movements and speaking restricted under house arrest. I understand that a month ago, after spending only one year free from 20 months of recent house arrest, Ms. Suu Kyi was again detained and is now being held in a Burmese prison notorious for its poor conditions and the mistreatment, and even torture, of political prisoners. The United States must take every opportunity to be a leader in pressuring the SPDC to free Aung San Suu Kyi and her fellow opposition leaders.

The import sanctions created by the Act will hit the military junta where it can be hurt worst—by taking strong action against the SPDC-controlled economy and depriving the military of a source of revenue.

The slave-like labor conditions in Burma are one indication of the extent of the junta's cruelty against the Burmese people. In 2000, after reviewing the working conditions in Burma, an International Labor Organization (ILO) team of experts found that the junta continued to restrict worker rights and to use forced labor on a widespread basis. After receiving the report, the ILO took the unprecedented step of invoking Article 33 of the ILO Charter and formally urged its 174 member states to review their relations with Burma. This is as close as the ILO can come to urging sanctions upon a country.

It is likely that more than a million people in Burma are subjected to forced labor on construction sites for roads, railways, military installations and tourism. The military is particularly notorious for imposing forced labor on villagers living near military operations. Even more outrageous is that this forced labor is often accompanied by brutality, such as torture, arbitrary and extrajudicial execution, rape, and population displacements. Non-compliance by one individual has been known to bring the junta's wrath upon a whole village. For example, the transport of food and other market goods to and from a village could be blocked, or a whole village could be faced with the threat of relocation. Forced labor has the additional effect of forcing villagers to neglect their own fields, making hunger an ever-present concern. Sometimes, even during harvesting times, they are forced to travel far from their village to work. If and when they return, they often do not have the ability to sustain the needs of their own homes and communities.

The current regime's policies of ethnic cleansing, rape as an official tool of repres-

sion, the growing and producing of heroin, the forced labor conditions—they all must end. We have tried other methods to encourage the military regime to change its course, to no avail. Only if the United States and others in the international community come together to impose sanctions and deprive the junta of its economic power can the Burmese people hope to have any relief from the long list of atrocities being committed upon them.

IN RECOGNITION OF MS. EILEEN H. TOUGHILL, R.N., PH.D.

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. PALLONE. Mr. Speaker, I rise today to laud the accomplishments of Ms. Eileen H. Toughill, R.N., Ph. D. Dr. Toughill holds the position of both Executive Director of the Community Health Center of Asbury Park and Director of Community Health at the Visiting Nurse Association of Central Jersey. Dr. Toughill recently received the VNA of Central Jersey Award for Professional Distinction, proving to be indicative of her compassion and dedication to her work.

The Visiting Nurse Association of Central Jersey is a nonprofit home health agency that promotes the "restoration and healthcare" of all members of the community. In her capacity as Director of Community Health for VNACJ, Dr. Toughill holds responsibility over the provision of health services to more than 65,000 vulnerable and underprivileged community-based residents. In addition to these duties, Dr. Eileen Toughill has taken on even greater responsibilities for the welfare of community residents following the terrorist attacks of September 11, 2001 by establishing a comprehensive response to the chaos and stress that followed the attacks, including bereavement and trauma counseling.

Other achievements that this exceptional woman has accomplished include an outreach program to assist residents in hotels, motels, boarding homes and shelters in Monmouth and Middlesex counties. Dr. Eileen Toughill pioneered the start up of two nurse practitioner-managed primary care centers as well as helping to implement an AIDS education and prevention program in four correctional institutions.

Dr. Toughill's crowning achievement came this Spring when through her hard work she saw the Community Health Center of Asbury Park successfully designated as a full-fledged Federally Qualified Health Center. This includes a renewable federal grant of \$475,000, allowing the center to expand its current primary care services to include prenatal care and mental health, as well as increasing the number of patients the center can serve. Dr. Toughill's implementation of multiple programs as well as her perseverance in securing federal funding for her community's health center is admirable. Dr. Eileen Toughill's accomplishments are outstanding—they exemplify determined commitment to the ideals of healthcare for all, and demonstrate how one individual can actively make a difference.

Mr. Speaker, on this day I rise up to acknowledge a truly remarkable individual and I

ask that my colleagues join me in honoring Dr. Eileen H. Toughill for the fine and important work that she provides to her community.

76TH ANNUAL CONFERENCE OF  
REGISTERS OF WILLS AND  
CLERKS OF ORPHANS' COURT  
ASSOCIATION OF PENNSYLVANIA

**HON. TODD RUSSELL PLATTS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 18, 2003*

Mr. PLATTS. Mr. Speaker, I would like to take this opportunity to recognize the 76th Annual Registers of Wills and Clerks of Orphans' Court Association of Pennsylvania Con-

ference. The conference will be held July 21–25, 2003 in the 19th Congressional District of Pennsylvania. In past years, the Conference has been held throughout the great Commonwealth of Pennsylvania. I am certainly very pleased that this year's conference is being hosted in my district by York County Register of Wills, the Honorable Bradley C. Jacobs.

Among the many services available through the elected Registers of Wills and Clerks of Orphans' Court, constituents are able to probate wills, receive Letters Testamentary and Letters of Administration, apply for marriage licenses and research their family genealogy. At the conference, Registers and Clerks will discuss more efficient policies and procedures related to their duties. As stated in the Constitution and by-Laws of the Registers of Wills and Clerks of Orphans' Court Association of

Pennsylvania, an annual meeting must be held once a year in Pennsylvania as arranged by the President of the Association. President Larry Medaglia appointed Bradley C. Jacobs as host and Bill Walters, retired Register of Wills and Clerk of Orphans' Court of York County, as honorary chairman for the event. There will be approximately 120 attendees including elected Registers and Clerks, Deputies and other guests. In addition, attendees will be able to enjoy the wonderful food and musical entertainment in the City of York.

I am pleased to welcome the 76th Annual Registers of Wills and Clerks of Orphans' Court Association of Pennsylvania Conference to the City of York and commend the commitment to public service of each of the Association's members.

# Daily Digest

## HIGHLIGHTS

The House passed H.R. 2754, Energy and Water Appropriations.

## Senate

### *Chamber Action*

The Senate was not in session today. It will next meet at 1 p.m., on Monday, July 21, 2003.

### *Committee Meetings*

No committee meetings were held.

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## House of Representatives

### *Chamber Action*

**Measures Introduced:** 8 public bills, H.R. 2790–2797; 1 private bill, H.R. 2798; and 3 resolutions, H.J. Res. 65, and H. Res. 324–325, were introduced. **Page H7169**

**Additional Cosponsors:** **Pages H7169–70**

**Reports Filed:** Reports were filed as follows:

H.R. 1707. A bill to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape, amended (H. Rept. 108–219).

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 (adverse, H. Rept. 108–220). **Page H7169**

**Energy and Water Appropriations:** The House passed H.R. 2754, making appropriations for energy and water development for the fiscal year ending

September 30, 2004, by a yeas-and-nays vote of 377 yeas to 226 nays, Roll No. 395. **Pages H7114–47**

Rejected the Hoyer motion to recommit the bill to the Committee on Appropriations by a recorded vote of 99 yeas to 310 nays, Roll No. 394.

**Pages H7146–47**

Pursuant to the unanimous consent agreement of July 17, the amendment dealing with the preservation and restoration of the Florida Everglades was considered as adopted.

**Agreed To:**

Tom Davis of Virginia amendment that strikes portions of Section 502 dealing with the purchase of American-Made Equipment and Products; **Page H7140**

Wilson of New Mexico amendment that prohibits any funds to be used to release water from the San Juan Chama Project or Middle Rio Grande Project for the purpose of complying with the Endangered Species Act; **Pages H7140–41**

Markey amendment that prohibits the transfer of any nuclear materials or nuclear production facilities to the Democratic People's Republic of North Korea. **Pages H7143–44**

**Rejected:**

Andrews amendment that sought to reduce funding for the Delaware River Main Channel deepening project by \$7.7 million (rejected by recorded vote of 194 yeas to 213 nays, Roll No. 391);

**Pages H7126–29, H7144**

Udall of Colorado amendment that sought to increase funding for renewable energy programs by

\$30 million with offsets from the Yucca Mountain Repository account (rejected by recorded vote of 153 ayes to 251 noes, Roll No. 392); and

**Pages H7132–36, H7144–45**

Hefley amendment No. 2 printed in the Congressional record of July 17 that sought to reduce overall funding by one percent (rejected by recorded vote of 82 ayes to 327 noes, Roll No. 393).

**Pages H7141, H7145–46**

Point of order sustained against:

Section 310 relating to planning and analyses for external regulation of the Department's Laboratories under the Office of Science;

**Pages H7139–40**

Withdrawn:

DeFazio amendment No. 3 printed in the Congressional Record of July 17 was offered but subsequently withdrawn that sought to increase Army Corps of Engineers funding by \$17.7 million with offsets from Operation and Maintenance General funding;

**Pages H7125–26**

Kucinich amendment was offered, but subsequently withdrawn, that sought to revoke the license to the Davis Besse nuclear power plant; and

**Pages H7141–42**

Manzullo amendment No. 1 printed in the Congressional Record of July 17 was offered, but subsequently withdrawn, that sought to require the procurement of at least 65 percent of American made materials.

**Pages H7142–43**

Inslee amendment was offered, but subsequently withdrawn, that sought to prohibit the disposal of low level radioactive waste in unlined trenches;

**Page H7143**

The bill was considered pursuant to the order of the House of July 17.

**Question of Privileges of the House:** The House agreed to table H. Res. 324, concerning a matter of the privileges of the House, by a recorded vote of 170 ayes to 143 noes, Roll No. 397.

**Pages H7148–57**

**Legislative Program:** Representative Portman announced the Legislative Program for the week of July 21.

**Pages H7157–58**

**Tax Relief, Simplification, and Equity Act Motions to Instruct Conferees:** The House rejected the Bell motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act, that was debated on the legislative day of July 17, by a yealand-nay vote of 188 yeas to 201 nays, Roll No. 396. Subsequently, the House debated the Van Hollen motion to instruct conferees on the bill. Further proceedings on the motion were postponed.

**Pages H7147–48, H7158–62**

**Meeting Hour—Monday, July 21:** Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, July 21 for morning-hour debates.

**Page H7162**

**Calendar Wednesday:** Agreed to dispense with the Calendar Wednesday business of Wednesday, July 23.

**Page H7162**

**Senate Messages:** Message received from the Senate today appears on page H7113.

**Referrals:** S. 314 was referred to the Committee on Energy and Commerce; S. 546 was referred to the Committees on Resources and Agriculture; S. 499, S. 643, S. 651, S. 677, S. 924, S. 1076 were referred to the Committee on Resources; S. 1399 was referred to the Committee on Government Reform; S. 470, S. 490, and S. Con. Res 53 were held at the desk.

**Page H7168**

**Quorum Calls—Votes:** Two yealand-nay votes and five recorded votes developed during the proceedings of the House today and appear on pages H7144, H7144–45, H7145–46, H7146–47, H7147, H7147–48, and H7156–57. There were no quorum calls.

**Adjournment:** The House met at 9 a.m. and adjourned at 5:44 p.m.

## *Committee Meetings*

### **AMERICA—METHAMPHETAMINE PROBLEM**

*Committee on Government Reform:* Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing entitled, "Facing the Methamphetamine Problem in America." Testimony was heard from Representatives Boozman and Case; Roger E. Guevara, Chief of Operations, DEA, Department of Justice; John C. Horton, Associate Deputy Director, State and Local Affairs, Office of National Drug Control Policy; and public witnesses.

### **OMB'S RECORD—SMALL BUSINESS PAPERWORK RECORD**

*Committee on Government:* Subcommittee on Energy Policy, Natural Resources, and Regulatory Reform, and the Subcommittee on Regulatory Reform and Oversight of the Committee on Small Business held a joint hearing entitled "What is OMB's Record in Small Business Paperwork Relief?" Testimony was heard from Representative Manzullo; John D. Graham, Administrator, Office of Information and Regulatory Affairs, OMB; and public witnesses.



## HUMANITARIAN ASSISTANCE FOLLOWING MILITARY OPERATIONS: OVERCOMING BARRIERS

*Committee on Government Reform:* Subcommittee on National Security, Emerging Threats, and International Relations continued hearings entitled “Humanitarian Assistance Following Military Operations: Overcoming Barriers—Part II.” Testimony was heard from Susan Westin, Managing Director, International Affairs and Trade, GAO; Joseph Collins, Deputy Assistant Secretary, Stability Operations, Department of Defense; the following officials of the Department of State: Richard Greene, Principal Deputy Assistant, Bureau of Population, Refugee and Migration; and James Kunder, Deputy Assistant Administrator, Asia and Near East, AID; and public witnesses.

## COMPACT OF FREE ASSOCIATION AMENDMENTS

*Committee on International Relations:* Subcommittee on Asia and the Pacific approved for full Committee action, as amended, H.J. Res. 63, 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.

## PENSION PRESERVATION AND SAVINGS EXPANSION ACT

*Committee on Ways and Means:* Ordered reported, as amended, H.R. 1776, Pension Preservation and Savings Expansion Act of 2003.

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## CONGRESSIONAL PROGRAM AHEAD

Week of July 21 through July 26, 2003

### Senate Chamber

On *Monday*, at 1:30 p.m., Senate will begin consideration of H.R. 2555, Defense Appropriations.

During the balance of the week, Senate may consider other cleared legislative and executive business, including appropriation bills and certain nominations, when available.

### Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Banking, Housing, and Urban Affairs:* July 22, to hold hearings to examine the nominations of Mark

C. Brickell, of New York, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, Alicia R. Castaneda, of the District of Columbia, to be a Director of the Federal Housing Finance Board, and Thomas J. Curry, of Massachusetts, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation, 2 p.m., SD–538.

July 23, Subcommittee on Housing and Transportation, to hold hearings to examine enhancing the role of the private sector in public transportation, 2:30 p.m., SD–538.

*Committee on Commerce, Science, and Transportation:* July 23, to hold hearings to examine public interest and localism, 9:30 a.m., SR–253.

July 23, Full Committee, to hold hearings to examine privacy and digital rights management, 2:30 p.m., SR–253.

July 24, Subcommittee on Science, Technology, and Space, to hold joint hearings with the House Committee on Science Subcommittee on Space and Aeronautics to examine space commercialization, 10 a.m., SH–216.

*Committee on Energy and Natural Resources:* July 22, to hold hearings to examine S. 1314, to expedite procedures for hazardous fuels reduction activities on National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, to improve the health of National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, and H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape; to examine the impacts of insects, disease, weather-related damage, and fires on public and private forest lands. Processes for implementing forest health and hazardous fuels reduction projects on public and private lands, and processes for implementing forest health and hazardous fuels reduction projects will also be discussed, 10 a.m., room to be announced.

July 23, Full Committee, business meeting to consider pending calendar business, 10 a.m., SD–366.

July 24, Subcommittee on National Parks, to hold oversight hearings to examine the competitive sourcing effort within the National Park Service, 2:30 p.m., SD–366.

*Committee on Foreign Relations:* July 23, to hold hearings to examine status and prospects for reconstruction relating to Iraq, 2:45 p.m., SD–419.

July 24, Subcommittee on African Affairs, to hold hearings to examine the Congo Basin Forest Partnership; to be followed by hearings on the nomination of Donald K. Steinberg, to be Ambassador to the Federal Republic of Nigeria, Department of State, 9:30 a.m., SD–419.

*Committee on Governmental Affairs:* July 21, Financial Management, the Budget, and International Security, to

hold hearings to examine the risks and benefits to consumers related to government sponsored enterprises, 2 p.m., SD-342.

July 24, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the past and present of the administration's competitive sourcing initiative, 9:30 a.m., SD-342.

*Committee on Health, Education, Labor, and Pensions:* July 22, to hold hearings to examine proposed legislation authorizing funds for Head Start, focusing on programs to prepare children to succeed in school and in life, 10 a.m., SD-430.

July 23, Full Committee, business meeting to consider proposed Patient Safety and Quality Improvement Act of 2003, and the nominations of Daniel Pipes, of Pennsylvania, Charles Edward Horner, of the District of Columbia, and Stephen D. Krasner, of California, each to be a Member of the Board of Directors of the United States Institute of Peace, and Eric S. Dreiband, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission, 10 a.m., SD-430.

July 24, Full Committee, to hold hearings to examine federal biodefense readiness, 10 a.m., SD-430.

*Committee on Indian Affairs:* July 23, to hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act, 10 a.m., SR-485.

*Committee on the Judiciary:* July 22, to hold hearings to examine the nominations of Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit, H. Brent McKnight, to be United States District Judge for the Western District of North Carolina, and R. David Proctor, to be United States District Judge for the Northern District of Alabama, both of the Department of Justice, 10 a.m., SD-226.

July 22, Full Committee, to hold hearings to examine bankruptcy and competition issues in relation to the WorldCom Case, 2 p.m., SD-226.

July 23, Full Committee, business meeting to consider pending calendar business, 9 a.m., SD-226.

July 23, Full Committee, to resume oversight hearings on the federal sentencing guidelines of the U.S. Sentencing Commission, 10 a.m., SD-226.

July 23, Full Committee, to hold hearings to examine the nominations of Rene Acosta, of Virginia, to be an Assistant Attorney General, and Daniel J. Bryant, of Virginia, to be an Assistant Attorney General, both of the Department of Justice, 2 p.m., SD-226.

July 23, Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine agricultural consolidation and the Smithfield/Farmland Deal, 4 p.m., SD-226.

July 24, Full Committee, to hold hearings to examine the Greater Access to Affordable Pharmaceuticals Act, 2 p.m., SD-226.

July 25, Subcommittee on Crime, Corrections and Victims' Rights, to hold hearings to examine deterrence of alien smuggling and human trafficking, 10 a.m., SD-226.

*Committee on Veterans' Affairs:* July 22, to hold hearings on pending legislation relating to VA-provided health care services including the following: S. 613, to authorize the Secretary of Veterans Affairs to construct, lease, or modify major medical facilities at the site of the former Fitzsimons Army Medical Center, Aurora, Colorado, S. 615, to name the Department of Veterans Affairs outpatient clinic in Horsham, Pennsylvania, as the "Victor J. Saracini Department of Veterans Affairs Outpatient Clinic", S. 1144, to name the health care facility of the Department of Veterans Affairs located at 820 South Damen Avenue in Chicago, Illinois, as the "Jesse Brown Department of Veterans Affairs Medical Center", S. 1156, to amend title 38, United States Code, to improve and enhance the provision of long-term health care for veterans by the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, S. 1213, to amend title 38, United States Code, to enhance the ability of the Department of Veterans Affairs to improve benefits for Filipino veterans of World War II and survivors of such veterans, S. 1283, to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and S. 1289, to name the Department of Veterans Affairs Medical Center in Minneapolis, Minnesota, after Paul Wellstone, 2:30 p.m., SR-418.

*Special Committee on Aging:* July 22, to hold hearings to examine the consequences of direct-to-consumer advertising of prescription drugs, 10 a.m., SD-628.

## House Chamber

To be announced.

## House Committees

*Committee on Agriculture,* July 22, hearing to review Geographical Indications and the World Trade Organization's agricultural negotiations, 10 a.m., 1300 Longworth.

July 23, hearing to review the 2002 Wildlife Season and the Wildfire Threats of the 2003 Season, 10 a.m., 1300 Longworth.

July 24, hearing to review Tobacco Quota Buyout, 9:30 a.m., 1300 Longworth.

July 24, Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, hearing to review operations of the Food Stamp Program, 1:30 p.m., 1302 Longworth.

*Committee on Appropriations,* July 21, to consider the following appropriations for fiscal year 2004: VA, HUD and Independent Agencies; and Transportation, Treasury and Independent Agencies, 5 p.m., 2359 Rayburn.

*Committee on Armed Services,* July 24, Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on Cyber Terrorism: The New Asymmetric Threat, 10 a.m., 2118 Rayburn.

*Committee on the Budget,* July 24, hearing on Economic Effects of Long-Term Federal Obligations, 10 a.m., 210 Cannon.

*Committee on Education and the Workforce*, July 23, Subcommittee on 21st Century Competitiveness, hearing on Consolidation Loans: What's Best for Past Borrowers, Future Students, and U.S. Taxpayers? 10:30 a.m., 2175 Rayburn.

*Committee on Energy and Commerce*, July 21, Subcommittee on Telecommunications and the Internet, hearing entitled "The Regulatory Status of Broadband Services: Information Services, Common Carriage, or Something in Between?" 3 p.m., 2123 Rayburn.

July 22, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled "FASB Derivative Accounting Standards," 2 p.m., 2123 Rayburn.

July 22, Subcommittee on Energy and Air Quality, hearing entitled "'Bump Up' Policy Under Title I of the Clean Air Act," 9:30 a.m., 2123 Rayburn.

July 23, Subcommittee on Environment and Hazardous Materials, hearing on the following bills: H.R. 382, Solid Waste International Transportation Act of 2003; H.R. 411, to direct the Administrator of the Environmental Protection Agency to carry out certain authorities under an agreement with Canada respecting the importation of municipal solid waste; and H.R. 1730, Solid Waste Interstate Transportation Act of 2003, 3 p.m., 2123 Rayburn.

July 23, Subcommittee on Oversight and Investigations, hearing entitled "Issues Relating to Ephedra—containing Dietary Supplements," 10 a.m., 2123 Rayburn.

July 24, Subcommittee on Commerce, Trade and Consumer Protection and the Subcommittee on Oversight and Investigations, hearing entitled "Issues Relating to Ephedra—containing Dietary Supplements," 9:30 a.m., 2123 Rayburn.

*Committee on Financial Services*, July 22, Subcommittee on Housing and Community Opportunity, hearing and markup of H.R. 1985, FHA Multifamily Loan Limit Adjustment Act of 2003, 10 a.m., 2128 Rayburn.

*Committee on Government Reform*, July 21, Subcommittee on National Security, Emerging Threats and International Relations, hearing entitled "Is DOD Meeting Strike Fighter (JSF) International Cooperative Program Goals?" 11 a.m., 2154 Rayburn.

July 22, full Committee, hearing on H.R. 2432, Paperwork and Regulatory Improvements Act of 2003, 2 p.m., 2154 Rayburn.

July 23, Subcommittee on Civil Service and Agency Organization and the Subcommittee on Criminal Justice, Drug Policy and Human Resources, joint hearing entitled "Federal Law Enforcement Personnel in the Post 9/11 Era: How Can We Fix and Imbalanced Compensation System?" 10 a.m., 2154 Rayburn.

July 23, Subcommittee on Civil Service and Agency Organization, to mark up H.R. 2751, GAO Human Capital Reform Act of 2003, 2 p.m., 2154 Rayburn.

July 23, Subcommittee on Government Efficiency and Financial Management, oversight hearing entitled "SEC Strategic Planning—Will Additional Resources Prevent Another ENRON?" 2:30 p.m., 2247 Rayburn.

July 24, full Committee, oversight hearing entitled "The Thrift Savings Plan: Putting Customers First?" 10 a.m., 2154 Rayburn.

*Committee on International Relations*, July 22, Subcommittee on Europe, hearing on The United States and the European Union: Understanding the Partnership, 10 a.m., 2172 Rayburn.

July 23, full Committee, to mark up the following measures: H.J. Res. 63, 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; H.R. 1813, Torture Victims Relief Reauthorization Act of 2003; and H.R. 2620, Trafficking Victims Protection Reauthorization Act of 2003, 10:30 a.m., 2172 Rayburn.

July 23, Subcommittee on the Middle East and Central Asia, hearing on Central Asia: Terrorism, Religious Extremism, and Regional Stability, 1:30 p.m., 2172 Rayburn.

July 24, full Committee, hearing on Government Accountability: Efforts to Identify and Eliminate Waste and Mismanagement, 10:30 a.m., 2172 Rayburn.

*Committee on the Judiciary*, and the Select Committee on Homeland Security, July 22, joint hearing entitled "The Terrorist Threat Integration Center (TTIC) and Its Relationship with the Departments of Justice and Homeland Security," 1 p.m., 2118 Rayburn.

July 22, Subcommittee on the Constitution and the Subcommittee on Commercial and Administrative Law, joint hearing on H.R. 338, Defense of Privacy Act and Privacy in the Hands of the Government, 10 a.m., 2141 Rayburn.

*Committee on Resources*, July 22, Subcommittee on Energy and Mineral Resources, hearing on the John Rishel Geothermal Steam Act Amendments of 2003, 2 p.m., 1324 Longworth.

July 22, Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 546, Kaloko-Honokohau National Historical Park Addition Act of 2003; H.R. 2457, Castillo de San Marcos National Monument Preservation and Education Act; and H.R. 2715, to provide for necessary improvements to facilities at Yosemite National Park, 2 p.m., 1334 Longworth.

July 24, Subcommittee on Energy and Mineral Resources, oversight hearing on the Abandoned Mine Lands Program, 2 p.m., 1334 Longworth.

July 24, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on H.R. 2693, Marine Mammal Protection Act of 2003, 10 a.m., 1324 Longworth.

July 24, Subcommittee on Forests and Forest Health, hearing on the following measures: H.R. 1005, PILT and Refuge Revenue Sharing Permanent Funding Act; H.R. 1723, Caribbean National Forest Act of 2003; H.R. 2707, Salt Cedar and Russian Olive Control Demonstration Act; and to direct the Secretary of Agriculture to exchange certain lands within the Arapaho and Roosevelt

National Forest in the State of Colorado, 9 a.m., 1334 Longworth.

July 24, Subcommittee on Water and Power, hearing on the following measures: the Water Supply, Reliability and Environmental Improvement Act; and H.R. 2642, Calfed Bay—Delta Authorization Act, 2 p.m., 1324 Longworth.

*Committee on Science*, July 22, to mark up the following bills: H.R. 2734, Federal Aviation Administration Research and Development Reauthorization Act; H.R. 1085, NASA Flexibility Act of 2003; H.R. 1856, Harmful Algal Bloom and Hypoxia Research Amendments Act of 2003; H.R. 2183, Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2003; H.R. 2608, National Earthquake Hazards Reduction Program Reauthorization Act of 2003; and H.R. 2692, United States Fire Administration Authorization Act of 2003, 10 a.m., 2318 Rayburn.

*Committee on Small Business*, July 22, Subcommittee on Workforce, Empowerment and Government Programs, hearing on Federal Procurement Policy: Is the Federal Government Failing Certain Industrial Sectors? 10 a.m., 2360 Rayburn.

July 23, full Committee, hearing on Assisting Small Businesses Through the Tax Code—Recent Gains and What Remains to be Done, 2 p.m., 2360 Rayburn.

July 24, to mark up the Small Business Reauthorization and Manufacturing Revitalization Act of 2003, 9:30 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure*, July 22, hearing on elimination of waste, fraud and abuse in mandatory transportation programs as required by the fiscal year 2004 budget resolution reconciliation instructions, 11 a.m., 2167 Rayburn.

July 22, Subcommittee on Coast Guard and Maritime Transportation, hearing on Interim Final Regulations on Part Security, 2 p.m., 2157 Rayburn.

July 23, full Committee, to consider the following: GSA Fiscal Year 2004 Capital Investment and Leasing Programs Resolutions and Courthouse Resolutions; Natural Resources Conservation Service Small Watershed Resolution; Transportation and Infrastructure Committee Waste, Fraud, and Abuse Reports; H.R. 2557, Water Resources Development Act of 2003; and other pending business, 11 a.m., 2167 Rayburn.

*Committee on Veterans' Affairs*, July 24, Subcommittee on Benefits, hearing on oversight of the Department of Labor's administration of the Uniformed Services Employment and Reemployment Rights Act (USERRA) under chapter 43 of title 38, United States Code, 9:30 a.m., 334 Cannon.

*Committee on Ways and Means*, July 24, Subcommittee on Social Security, hearing on SSA's Service Delivery Plan, 10 a.m., B-2318 Rayburn.

*Select Committee on Homeland Security*, July 22, Subcommittee on Cybersecurity, Science and Research and Development, hearing entitled "Cybersecurity—Getting It Right," 10 a.m., 2118 Rayburn.

July 23, Subcommittee on Infrastructure and Border Security, hearing entitled "Best Business Practices in Securing America's Borders," 10 a.m., 2318 Rayburn.

July 24, Subcommittee on Intelligence and Counterterrorism hearing entitled "Improvements to Department of Homeland Security Information Sharing Capabilities—Vertical and Horizontal Intelligence Communications," 2 p.m., 2318 Rayburn.

### Joint Meetings

*Joint Meetings*: July 24, Senate Committee on Commerce, Science, and Transportation, Subcommittee on Science, Technology, and Space, to hold joint hearings with the House Committee on Science Subcommittee on Space and Aeronautics to examine space commercialization, 10 a.m., SH-216.

*Next Meeting of the SENATE*

1 p.m., Monday, July 21

*Next Meeting of the HOUSE OF REPRESENTATIVES*

12:30 p.m., Monday, July 21

## Senate Chamber

**Program for Monday:** After the transaction of any morning business (not to extend beyond 1:30 p.m.), Senate will begin consideration of H.R. 2555, Homeland Security Appropriations.

## House Chamber

**Program for Monday:** To be announced.

## Extensions of Remarks, as inserted in this issue.

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