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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 17, 2003.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

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

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Father of us all, by the power of Your spirit You fill our hearts with gifts of love for family and friends.

Hear our prayers for those in most need of our loving concern.

Help us bind up wounds of the past by forgiveness and strengthen our relationships in the future with new life.

As Members of the House of Representatives we pray for those who elected us to office and we ask the grace to serve them well.

You make us Your instrument of leadership and unity in this Nation now and for years to come.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. HOLT 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will receive 10 one-minute speeches on each side.

CONGRESSIONAL BASKETBALL GAME

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

Mr. QUINN. Mr. Speaker, I am here to report on our fifth annual Congressional basketball game last night, a hard fought contest against the American League of Lobbyists. I am happy to report that the Members in the House were winners for the third time in a row. We have won four out of five games. The score was 49 to 48 in overtime.

Mr. Speaker, some would call these lobbyists enlightened to allow a win in overtime by one point by the Members of the House. However, Mr. Speaker, I want to report that the game last night broke all records and raised over $40,000 for Horton's Kids, bringing the grand total to over $120,000 over the 5 years of the tournament.

I want to thank the American League of Lobbyists and Mr. Paul Miller, who put an awful lot of time into the event, George Washington University for our use of their facilities. Our Congressional pages attended last evening as well. I want to thank all the Members who might be a little bit sore getting to the floor this morning, but thank them for their efforts for a great cause.

SUPPORT FOR CONGRESSIONAL RESOLUTION TO HONOR JOHNNY CASH

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

Mr. COOPER. Mr. Speaker, I rise today to ask for my colleagues' support of a resolution that I have introduced to honor the memory of one of America's greatest musical heroes, Johnny Cash. The music of Johnny Cash has literally touched the lives of millions of people in America and around the world, and that has spanned several generations.

In my hometown of Nashville, Music City, U.S.A., he is revered as a legend among legends. With a career spanning some 5 decades and with 70 recording albums and with 1,500 recorded songs, Johnny Cash was clearly a defining force in American music.

We will miss him for much more than the long list of songs that he added to the American classics. We will miss him as a great human being, a champion of the poor, the hopeless, the downtrodden, and the imprisoned. Because he was raised in poverty himself, the Man in Black spoke to everyone and for everyone.

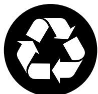
So I ask my colleagues to join me in supporting H. Con. Res. 282 to honor the memory of Johnny Cash.

CONSTITUTION DAY

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

Mr. PITTS. Mr. Speaker, on September 17, 1787, 216 years ago today, the final draft of the Constitution was signed in Philadelphia.

☐ 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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The day after a woman asked Benjamin Franklin what sort of government we have, he answered, ''A republic, if you can keep it.''

Beginning on December 7 of this year, five States, Delaware, Pennsylvania, New Jersey, Georgia, and Connecticut, ratified it in quick succession; but other States opposed the document saying it failed to provide basic protections like freedom of religion, speech and the press.

In February of 1788 a compromise was reached under which Massachusetts and the other States would agree to ratify the document with the assurance that the amendments would be immediately proposed: The Bill of Rights.

Nearly a year later the Constitution was ratified by the required 9 out of 13 States.

Mr. Speaker, today we celebrate the rule of law and the success of a great experiment, representative democracy, the core principles upon which this Nation was built, laid out in a single document: The Constitution, the oldest enduring written national Constitution in the world, the granddaddy of them all.

WE NEED A NEW TRADE POLICY

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

Mr. DEFAZIO. Mr. Speaker, congratulation to President Bush on a perfect record: 32 straight months of job loss; 32 straight months of industrial manufacturing job loss and yet another record trade deficit. This is something that will be hard for anybody to match, the disastrous trade policies of this Nation.

We are hemorrhaging $1.5 billion a day of wealth from the United States overseas, $1 million a minute, more than 1,000 jobs a day are being exported. The President likes to talk about the wealth and benefits of exporting. Yes, there are tremendous wealth and benefits in exporting, particularly exporting jobs at the bidding of multi-national corporations who are so generous when campaign time comes around.

Yes, they are feigning concern down there at the White House because they know there is an election coming and the money cannot take care of all the problems. So they are pretending they do not know where these jobs have gone and they have decided to change the flow chart at the Commerce Department and make one politically appointed bureaucrat responsible for finding out where they went and rectifying the situation.

All we need now is a new trade policy.

AMERICAN MILITARY PROVIDES HOPE TO IRAQIS

(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, yesterday I returned from a delegation to Iraq organized by the Committee on Armed Services' ranking member, the gentleman from Missouri (Mr. SKELTON).

We visited with troops from Baghdad to Al Hillah in the south to Mosoul in the north, hearing directly from the heroes who have won the war and are now winning the peace in the war on terror.

These dedicated warriors have trained over 60,000 new Iraqi security forces and initiated over 6,000 community development programs for hospitals, schools, electrical transmission, business development and road improvements. Led by Lieutenant General Ricardo Sanchez, they are allied with over 20,000 personnel in Iraq from nations all over the world.

I was inspired by the development of democracy promoted by courageous mayors, governors, council members, and an Islamic religious university dean who is a descendent of Mohammed.

We also met with Ambassador Paul Bremer, who clearly has recruited a competent team, including Colombians George Wolfe and Chris Harvin, to successfully promote democracy.

A vital part of the war on terror is success in Iraq, and we have the right components of capable troops, local stalwarts for democracy, and a visionary Coalition Provisional Authority.

In conclusion, God bless our troops.

WINNING THE PEACE

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to express my great concern over the Bush administration's continued failure to broker an alliance with the international community and to win the peace in Iraq.

Week after week administration officials have continued to reiterate that heightened international involvement is forthcoming. During his address on September 8, President Bush stated that we are committed to expanding international cooperation and reconstruction and security for Iraq.

But week after week, it is American taxpayers who are shouldering the financial burden of our military engagement, and it is American servicemen and women who are paying with their lives.

Since the war began on March 20, 456 service members have been killed, both in combat and noncombat operations, and more than 2,400 have been wounded, many of them very seriously. But we know now that this cannot be sustained. Just last week the Congressional Budget Office released a report that stated the Army lacks sufficient active duty forces to maintain the current 150,000 troop strength in Iraq beyond next spring.

Mr. Speaker, it is imperative that we internationalize the Iraqi campaign by presenting a viable U.N. resolution. Every passing week means billions of dollars and more American lives.

CELEBRATING CONSTITUTION WEEK

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

Mr. BARTLETT of Maryland. Mr. Speaker, this is Constitution Week. What should we celebrate?

The purpose of America's Constitution is to establish a government based upon the rule of law, a republic.

Our Constitution was designed to secure the rights and liberties of the people by specifically defining what the Federal Government can and cannot do.

I always carry a copy of the Constitution. It is a short document. Read the Constitution and you will search in vain for most of what the Federal Government does. Activities not in the Constitution are supposed to be reserved to the States and to the people.

Estimates by the Congressional Budget Office predict that the amortized budget deficit this year will exceed $500 billion. The actual deficit is about $200 billion higher because under the unified budget we are spending the trust fund surpluses.

My bill, H.R. 1725, would increase the accountability of the Federal Government and encourage more Americans to vote. H.R. 1725 would move the IRS filing deadline to the first Monday in November. That is the day before elections. I believe that Americans would choose smaller government as specified in the Constitution if they filed their tax return on Monday and voted on Tuesday.

AMERICA SUFFERS WHEN BAD DECISIONS ARE MADE

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

Mr. HOLT. Mr. Speaker, I marvel at the degree of party discipline in the majority and the degree to which they insist on the correctness of their positions. The majority does not want to admit that fighting terrorism requires sacrifice. They do not want to admit that the U.N. can actually help us. They do not want to admit that we may have to go hat in hand to other countries to ask for financial and diplomatic help. They do not want to admit that our leaders did an inadequate job of planning for the post-Saddam occupation and transition to democracy in Iraq.

They do not want to admit that exorbitant tax cuts are not stimulating the economy and, in fact, are costing Americans jobs.

Some may think it is weakness to admit mistakes, but many Americans

instead think it is arrogance and a lack of touch with reality.

I ask myself why I would even want to give the majority party advice to do better if, in fact, the electorate is likely to make them pay for their arrogance. But I must say the longer they persist in this denial, the harder it will be for America to correct their course. Maybe the majority party will suffer for their arrogance, but the U.S. will suffer more.

□ 1015

TRADE MUST BE FAIR

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

Mr. SMITH of Michigan. Mr. Speaker, I was one of the Members down in Mexico this past Thursday, Friday and Saturday and Sunday at the WTO negotiations. I think a lot of Members of Congress were concerned that, again, this country might give in to what other countries wanted just for the sake of more world trade.

I would like to commend the Bush administration, and Robert Zelnick, our trade ambassador, for holding the line and not giving away things just for the sake of more world trade that eventually might have hurt our manufacturing business and our agriculture. I think no longer can we afford to have world trade just for the sake of world trade. It has got to be fair. It cannot be to the long-term disadvantage of America.

STOP DEFICIT SPENDING

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

Mr. ROSS. Mr. Speaker, it has been 860 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 $1,167,994,451,600.72. According to the Web site for the Bureau of the Public Debt at the U.S. Department of Treasury, yesterday at 4:30 p.m. eastern daylight time the Nation's outstanding debt was $6,808,319,837,959.49. Furthermore, in fiscal year 2003, interest on our national debt or the debt tax, D-E-B-T tax, is $304,978,878,641.11. That is through August 31.

Mr. Speaker, we must stop deficit spending and pay this debt down.

LIMITS ON MEDICAL LIABILITY

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

Mr. BURGESS. Mr. Speaker, this weekend on Saturday, Texas, my home State, passed a constitutional amendment to limit and cap noneconomic damages in medical liability lawsuits. Texas now, as a result of passing this bold constitutional amendment, will enjoy lower liability premiums. In fact, my old insurer of record, Texas Medical Liability Trust, announced they would reduce premiums by 10 to 12 percent beginning this week.

Texas will control costs in medical care by this bold legislation and keep themselves competitive in the world market. One might ask, Mr. Speaker, do we then still need H.R. 5, the bill that was passed by this House that now languishes in the other body? I would submit that very strongly we do.

Mr. Speaker, this summer I was in Nome, Alaska, and talked to the medical staff at the hospital there, a medical staff that cannot hire an anesthesiologist because they cannot afford the liability premium. This means that doctors who practice obstetrics have to send their patients to Anchorage for cesarean sections, a 90-minute plane ride, and I am given to understand the weather in Nome, Alaska, is sometimes bad.

At Columbia University in New York, they cannot attract good medical students into their residency program. In fact, I was told by their residency director they are taking applicants that they would not have even interviewed 5 years ago.

Mr. Speaker, it is time for the Senate to pick up and pass limits on medical liability.

WE NEED TARGETED TAX CUTS

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

Mr. RYAN of Ohio. Mr. Speaker, we lost another one. WCI Steel, Incorporated, in Warren, Ohio, filed Chapter 11 bankruptcy just yesterday, one of the last major steel mills in the old ''steel valley'' that ran through Ohio and Western Pennsylvania. 1,740 workers are just going to hope they get a paycheck on Thursday. They have been bleeding cash for the last 3 years. Losses in 10 of its last 11 quarters produced $163.6 million in red ink.

The ultimate irony, this happened just a few days within the anniversary of 1977 when the closing of Youngstown Sheet and Tube's Campbell Works that wiped out nearly 5,000 jobs in one day.

This has been going on since 1977. It is time for this country to adopt a manufacturing policy that is going to start creating jobs back in the good old U.S. of A, not tax cuts for the top 1 percent but targeted tax cuts to allow investment here in the United States of America.

It is not going to happen with smoke and mirrors. It is not going to happen with the press conference. We are getting our clock cleaned by China, and it is time the United States wakes up just before it is too late.

TIME TO FOCUS ON ENFORCEMENT OF TRADE AGREEMENTS

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

Mr. PENCE. Mr. Speaker, I support free trade in principle, but I am troubled about its practice in America today. The State of Indiana has lost more manufacturing jobs than any other State in the Union. Virtually every major manufacturer in my eastern Indiana District has shed jobs since this recession began in the latter months of 2000, with one exception, and this week that company announced the elimination of 600 jobs in an entire foundry in central Indiana.

I just came from a meeting with the Secretary of Commerce, Don Evans. I commend the Secretary and the President for the appointment of a new Assistant Secretary of Manufacturing for establishing an unfair trade practices team. It is time for this administration to focus on enforcement of our trade agreements, with special emphasis on China and Mexico. Make them be as good as their word, Mr. Speaker, and it is also time to explain to American industry that shifting jobs overseas for short-term profits serves neither them, their shareholders nor their Nation in the long term.

HONORING JIM SHEEHAN

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today in memory of a man who dedicated his life to public service and once sought to become a Member of this House as well. Mr. Speaker, the people of Bergen County and the rest of New Jersey lost a dedicated public servant, a devoted father and husband and family man and a friend of mine when Jim Sheehan lost his battle to cancer.

Mr. Sheehan spent the majority of his career in public service. He worked for a while for the people of Bergen County for a period of time. In 1976 and 1978 he was the Mayor of Wyckoff, and after that he became a freeholder, from 1991 to 2002, the Board of Chosen Freeholders of Bergen County.

After serving as freeholder for the county, he took on the very difficult task of being the chairman of the Republican party in Bergen County. Bergen is the last largest Republican organization in the State of New Jersey, and though he worked very hard and tirelessly strengthening the party of Lincoln, he did so while remaining friends and having the respect of people on both sides of the aisle.

So, Mr. Speaker, on behalf of the people of the 5th Congressional District, particularly the folks over in Bergen County, I offer my prayers and condolences to the friends and family of Jim Sheehan.

CONGRESSIONAL OVERSIGHT ON ADMINISTRATION'S REQUEST FOR $87 BILLION

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, all of us who have had the both pleasant and unpleasant experience of seeing our wounded young at our military hospitals, pleasant because they are so brave and so encouraging, and unpleasant because we see lives that have been so severely damaged, want us to be successful in the rebuilding and the democratization of Iraq. But I think it is imperative that the oversight responsibilities of this Congress be used now more than ever before maybe in our history and, that is, to determine the utilization of the administration's request of $87 billion.

It would be unconscionable for us to move forward on this request without understanding and persisting that the United States secures a U.N. resolution to include our allies both in burden sharing in the amount of money and troops, that we have a detailed exit strategy and we begin to work with our NATO allies, that we have full public congressional hearings for all of America to hear on the basis of the existence of the weapons of mass destruction and nuclear weapons, and finally, Mr. Speaker, that we protect and take care of our returning soldiers and veterans, as well as their families.

We hope that we can vote on this, but we must vote on it separately and not together.

MANUFACTURING MUST BE PROTECTED

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

Mr. MANZULLO. Mr. Speaker, manufacturing is an endangered species that we must work now to protect. Some say manufacturing is no longer vital to our economy, the service industries will compensate.

I agree with Henry Kissinger when he says, ''I think that a country has to have a massive industrial base in order to play a significant role in the world. And to that extent, outsourcing of jobs concerns me.'' What made the American economy strong was industrial innovation. America led the world in new production methods and increased efficiency. How can we be innovators if we have no industry left?

With our strong industry, we built the most impressive fighting force the world has ever seen, a military that keeps us safe and the world free, but when our satellites are made in China, bomb parts made in Switzerland, night vision crystals in France and the Pentagon now wanting to buy 30,000 flight jackets with Pakistani goat hair, as opposed to U.S. goat hair, are we defending our economy or supporting the economies of other countries?

In some sectors of defense, we have been forced to recognize foreign technology is now vastly superior to our own. We must, we must stand by U.S. manufacturing to maintain a strong defense base.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

HOSPITAL MORTGAGE INSURANCE ACT OF 2003

Mr. NEY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 659) to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hospital Mortgage Insurance Act of 2003''.

SEC. 2. STANDARDS FOR DETERMINING NEED AND FEASIBILITY FOR HOSPITALS.

(a) IN GENERAL.—Paragraph (4) of section 242(d) of the National Housing Act (12 U.S.C. 1715z–7) is amended to read as follows:

''(4)(A) The Secretary shall require satisfactory evidence that the hospital will be located in a State or political subdivision of a State with reasonable minimum standards of licensure and methods of operation for hospitals and satisfactory assurance that such standards will be applied and enforced with respect to the hospital.

''(B) The Secretary shall establish the means for determining need and feasibility for the hospital, if the State does not have an official procedure for determining need for hospitals. If the State has an official procedure for determining need for hospitals, the Secretary shall require that such procedure be followed before the application for insurance is submitted, and the application shall document that need has also been established under that procedure.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this subsection (a) shall take effect and apply as of the date of the enactment of this Act.

(2) EFFECT OF REGULATORY AUTHORITY.—Any authority of the Secretary of Housing and Urban Development to issue regulations to carry out the amendment made by subsection (a) may not be construed to affect the effectiveness or applicability of such amendment under paragraph (1) of this subsection.

SEC. 3. EXEMPTION FOR CRITICAL ACCESS HOSPITALS.

(a) IN GENERAL.—Section 242 of the National Housing Act (12 U.S.C.1715z–7) is amended—

(1) in subsection (b)(1)(B), by inserting '', unless the facility is a critical access hospital (as that term is defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1)))'' after ''tuberculosis''; and

(2) by adding at the end the following:

''(i) TERMINATION OF EXEMPTION FOR CRITICAL ACCESS HOSPITALS.—

''(1) IN GENERAL.—The exemption for critical access hospitals under subsection (b)(1)(B) shall have no effect after July 31, 2006.

''(2) REPORT TO CONGRESS.—Not later than 3 years after July 31, 2003, the Secretary shall submit a report to Congress detailing the effects of the exemption of critical access hospitals from the provisions of subsection (b)(1)(B) on—

''(A) the provision of mortgage insurance to hospitals under this section; and

''(B) the General Insurance Fund established under section 519.''.

SEC. 4. STUDY OF BARRIERS TO RECEIPT OF INSURED MORTGAGES BY FEDERALLY QUALIFIED HEALTH CENTERS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct a study on the barriers to the receipt of mortgage insurance by Federally qualified health centers (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))) under section 1101 of the National Housing Act (12 U.S.C. 1749aaa), or other programs under that Act.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit a report regarding any appropriate legislative and regulatory changes needed to enable Federally qualified health centers to access mortgage insurance under section 1101 of the National Housing Act (12 U.S.C. 1749aaa), or other programs under that Act to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Financial Services of the House of Representatives.

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

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

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

This morning we are considering H.R. 659, the Hospital Mortgage Insurance Act of 2003. This legislation will make substantial improvements to the FHA Hospital Mortgage Program, making it easier for hospitals to obtain mortgage insurance.

This vital program provides credit enhancement, merges public and private resources, and makes available billions of dollars in new hospital construction and improvements.

Hospitals, Mr. Speaker, face significant financial challenges when providing care to patients, we all know that, who are covered by Medicare and Medicaid. At the same time, improvements in technology and health care knowledge necessitate capital improvements such as additions and renovations to existing buildings. It is generally accepted that modern health care facilities will improve the quality of life and the health of the population.

In an effort to assist States to provide modern health care facilities, Congress enacted section 242 of the National Housing Act in 1968.

Section 242 permits FHA to insure mortgages of hospital sponsors used to finance the replacement, modernization and rehabilitation of inefficient existing facilities. Low interest rate costs attributable to FHA insured financing, as well as the development of more cost-efficient facilities, substantially reduces both provider and Federal and State reimbursement.

To be eligible for section 242 financing, a hospital must obtain a Certificate of Need from a designated State agency, or in the absence of a Certificate of Need authority, a State-commissioned feasibility study. In addition, the hospital must demonstrate that there are reasonable State or local minimum licensing and operating standards already in effect.

However, as a result of continuing Federal policy encouraging deregulation, Certificate of Need authority has ''sunset'' in some States. In fact, over the last 20 years, at least 18 States have repealed their Certificate of Need process and programs.

The problem has been further compounded by at least two other factors. In some States retaining Certificate of Need authority, some projects will not qualify for the CON process. In others, the relevant State agency often lacks the authority to commission alternative feasibility studies.

I remember addressing the Ohio Certificate of Need program for indigent care while serving in the State Senate in Ohio. Ohio was not alone in reforming that program. For example, several States repealed their Certificate of Need program, including Arizona, California, Indiana, Kansas, Minnesota, Missouri, Oregon, Pennsylvania, Texas and Utah.

□ 1030

One unintended consequence of those changes was to make it more difficult for hospitals in these States, particularly in rural areas, to obtain FHA insurance. This raised the cost of lending for hospitals, making it more difficult for them to improve existing facilities or build desperately needed new facilities.

This bill addresses that problem by giving HUD the freedom to devise new requirements for hospitals to be eligible for FHA mortgage insurance. It will significantly reduce the cost to providers of complying with expensive, pre-deregulation Certificate of Need eligibility requirements; and it will provide major economic stimulus to State and local communities as well as construction and permanent employment opportunities.

Two noncontroversial amendments have been added to the bill. One exempts critical-access hospitals from meeting the 242 statutory requirement that 50 percent of the patient-days in the facility be for acute care.

This will allow FHA to insure mortgages for small, rural hospitals with long-term care nursing facilities, an important change for communities in which there is not a large enough population to support two separate entities. This exemption will last for 3 years, during which time HUD will submit a report to the authorizing committees concerning its effect on the fund and eligibility.

The other amendment requires HUD to perform a study on the barriers to insuring mortgages for federally qualified health centers. The original amendment, to make them eligible for section 242 insurance, was dropped and this was inserted.

In order to ensure our health care system remains the best in the world, we must support continued advances in technology and improvement in medical care. The Hospital Mortgage Insurance Act of 2003 seeks to do just that by helping hospitals around the country, and especially in our rural areas, to continue modernizing their facilities and improving the quality of life for their patients.

Mr. Speaker, I urge Members to support this important piece of legislation. I thank the gentleman from Ohio (Mr. OXLEY), and I thank our ranking member, the gentleman from Massachusetts (Mr. FRANK), and our staff for the work on this bill.

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

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

Mr. Speaker, I am delighted to be here to support this effort to make sure that the Federal Housing Administration is fully able to support hospitals. I wish it were as available to support housing, but we will deal with that in other settings.

As the gentleman from Ohio (Mr. NEY) has made clear, changes in Certificate of Need and other changes at the State level dealing with health care have put obstacles in the way of hospitals using FHA mortgage insurance. This is not a cost to the Federal Government; it is an example of trying to make medical care less expensive in ways that do not drain the Federal Treasury. It is a matter really that leverages the Federal system in ways that will help slow the increase in hospital costs and makes a great deal of sense. It is the kind of technical fix that is not terribly controversial, but is very important and will have enormous benefit.

I am pleased that we are going to be doing this in this quick fashion. I hope that this goes all of the way through the process; and the sooner the President can sign this bill, the better we will have treated the important cause of medical care.

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

GENERAL LEAVE

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

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

There was no objection.

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

I thank the ranking member of the committee, and I also thank the ranking member of the subcommittee, the gentlewoman from California (Ms. WATERS). There has been a great bipartisan spirit on this bill and others, and we appreciate Members working together for the betterment of the people.

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

Mr. Speaker, the gentlewoman from Texas (Ms. JACKSON-LEE) will later be managing on the Democratic side a bill from the Subcommittee on Immigration dealing with religious workers which I sponsored, and I would now like to express my appreciation to the gentlewoman and to the majority on the Committee on the Judiciary for bringing it forward. I will be back at a hearing on the Committee on Financial Services on the Sarbanes-Oxley bill, and so I take this opportunity to thank the gentlewoman.

Mr. Speaker, I yield 3 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, I thank the gentleman for yielding me this time. I will take just a moment to thank the gentleman from Massachusetts (Mr. FRANK) for his leadership on the religious immigration bill that will be brought up later. Without the gentleman's leadership, we would not be here, and he is helping thousands of religious communities and others serve this Nation in a humanitarian way.

Mr. Speaker, I think the biggest point of this S. 659 is that it affects the Nation's health insurance program for 34 million seniors and 5 million disabled persons. Every Member in our congressional districts deals constantly with the need for increased and improved benefits for senior citizens and disabled persons.

A particular case I am grappling with in my office now is a young man injured severely a few years ago in the prime of his life and needs the kind of resources that can be provided by the enhancement of this legislation. My words are that this is an important move, and we thank the Committee on Financial Services for this amendment, as well as to emphasize that it is imperative that we move the Medicare logjam in the United States Congress so we can begin to holistically address the needs of those in nursing homes, senior citizens who have prescription drug needs, and how we deal with those who are least able to provide for themselves.

Mr. Speaker, I rise in support of H.R. 659, amending the National Housing Act. I support this legislation in the name of safeguarding Medicare and Medicaid. This bill affects a program that is the nation's health insurance program for 34 million senior citizens and 5 million disabled persons; therefore, I must contribute to every effort to sustain it. When hospitals, especially rural facilities, assess the need to make improvements and renovations

to existing buildings or structures, the more relaxed feasibility standards for approving mortgage insurance will allow investors and hospital board members to more comfortably initiate proposed improvements without contemplating an impact on the federal healthcare assistance programs that we have worked so hard to preserve.

Specifically, H.R. 659 will allow for a uniform set of eligibility requirements that will protect FHA insurance funds while also spurring insurance premium revenues which, in turn, translate into improvements to hospital facilities. It will also further the cost reduction goals of the federal regulation scheme. Furthermore, this bill will provide protection for hospitals in states where there is neither ''sunset'' or state-authorized deregulation by way of the certificate of need (CON) requirements. Most importantly, H.R. 659 will provide significant economic rejuvenation to state and local healthcare communities.

In our troubled economy, it is not surprising that many hospitals struggle to secure its capital. For smaller, rural hospitals, it is almost impossible to do so.

The Department of Housing and Urban Development's Section 242 mortgage bond program has been drafted and amended this legislation to help hospitals in this area, but 80 percent of its clients have been from New York and 10 percent from New Jersey, according to the Greater New York Hospital Association. We must ensure that the help reaches areas like the Greater Houston area.

Since its start in 1968, Section 242, which provides Federal Housing Administration insurance to back hospital capital improvement bonds, has secured over 300 hospital loans in 40 states and Puerto Rico. In practice, however, that has meant hundreds of loans in the Northeast and very few elsewhere.

However, the program has recently insured a tax-exempt proposal in Texas, and others are beginning the process. Applications are currently under review in Oklahoma and Wisconsin, and facilities in California, Colorado, and Minnesota will soon turn their interest into action.

Hospitals want Section 242-protected loans, in part, because the lenders have made the application process less cumbersome. The Department streamlined its business processes during the late 1990s to make the program easier for hospitals and their bankers. Therefore, states that don't require certificates of need have become more willing to accept commissioned studies of need and feasibility. As a result, the program is now accessible to many more hospitals nationwide.

Rural hospitals, long cut off from capital, are now using a program that could make a dramatic difference. Under the Medicare Rural Hospital Flexibility Program, part of the Balanced Budget Act of 1997, Medicare can designate critical-access hospitals—hospitals that receive cost-based rather than formula-based reimbursements from Medicare for inpatient and outpatient services. That allows the hospitals to recoup capital costs and improve their bottom line. HUD has streamlined the Section 242 process for them by covering financial feasibility studies and working with the hospitals to ensure success by hiring consultants to develop transition plans.

Many rural hospitals were build during the 1950s and 1960s with loans and grants from the Hill-Burton Program (Title VI of the Public Health Service Act). But appropriations for the program ended in 1974, and since then the hospitals have had trouble getting access to capital.

The loans under Section 242 may be used for construction refinancing, remodeling, or expansion of new and existing facilities. Architect fees, planner fees, title and recording fees, and other costs normally associated with a capital improvement project are also eligible. Also, up to 4.5 percent of the loan amount may be used for financing and placement fees, and 2 percent for working capital.

An FHA-insured mortgage can cover up to 90 percent of the replacement value of the assets pledged as security for the debt. Because the pledged assets include all of the hospitals' assets, not just the current project, the insured mortgage may cover the full costs.

The threshold qualification for the program is a certificate of need (CON) issued or pending for the project. If a state does not have a CON process, HUD will work with the state to establish guidelines for conducting an independent feasibility study.

With respect to the Baptist Hospitals of Southeast Texas, the Texas Department of Health conducted a feasibility study under guidelines it established in an agreement with the FHA. Pursuant to this agreement, the borrower is responsible for the cost of the feasibility study, which can be paid directly by the borrower or from the mortgage proceeds. During construction, the annual insurance premium is charged on the full amount of the approved mortgage and is capitalized in the loan for the full construction period.

The Section 242 program is of paramount importance because it is a credit-enhancement vehicle that can be of tremendous use to large health systems. This program has distinct applications which can be used by a whole litany of hospitals—community and critical-access hospitals, proprietary institutions.

Mr. Speaker, for the above reasons, I support H.R. 659.

Mr. OXLEY. Mr. Speaker, I'd like to thank Housing Subcommittee Chairman BOB NEY for introducing this important legislation. This bill is a great example of common sense triumphing over bureaucratic impediments.

The Federal Housing Administration has been helping Americans buy homes for nearly 70 years. This backing helps American families struggling with the costs of homeownership to obtain lower interest rates on their mortgages and for many, may be the difference between securing a home loan or not.

Today we're here to ensure that these same benefits are available for hospitals across the country. In the 1970s, Congress enacted legislation to provide mortgage insurance to hospitals making capital improvements, provided they submitted an approved certificate of need from their state government. Too many hospitals are unable to take advantage of the significant benefits incurred by FHA insurance because their states no longer provide the certificates of need necessary to qualify for FHA-backed mortgages. This bill responds to the changes in state programs over the past twenty years.

By allowing the Department of Housing and Urban Development to craft guidelines for qualifying hospitals without certificate of need programs, this bill will improve healthcare in communities across America. This legislation will build new maternity wards, modernize facilities and put hospitals in communities that do not have reasonable access to these services locally.

With this bill, we can move toward ensuring that quality, affordable medical care is readily available in rural and urban communities where financing is most needed.

I command Congressman NEY for his leadership and thank Committee and Subcommittee Ranking Members Congressman FRANK and Congresswoman WATERS for their help and support with this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 659.

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

A motion to reconsider was laid on the table.

KOREAN WAR VETERANS RECOGNITION ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 292) to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed.

The Clerk read as follows:

H.R. 292

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Korean War Veterans Recognition Act of 2003''.

SEC. 2. DISPLAY OF FLAG ON NATIONAL KOREAN WAR VETERANS ARMISTICE DAY.

Section 6(d) of title 4, United States Code, is amended by inserting ''National Korean War Veterans Armistice Day, July 27;'' after ''July 4;''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 292.

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

There was no objection.

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

Mr. Speaker, this bill adds the National Korean War Veterans Armistice

Day to the list of days upon which the American flag should especially be displayed. Currently, title 4 of the U.S. Code provides that the flag should be displayed on all days, but specifically mentions 10 permanent Federal holidays on which the flag should be displayed. This bill would amend title 4 to include July 27, the National Korean War Armistice Day.

Nearly 1.8 million American soldiers fought bravely in harsh weather and foreign terrain over the course of 3 years to defend democratic South Korea from an offensive invasion launched by communist North Korea when its armed forces crossed the 38th parallel. On July 27, 1953, an armistice was signed and North Korea withdrew to its side allowing South Korea to remain an independent democratic nation. At the war's conclusion, over 103,000 American soldiers had been wounded, and 36,577 were killed.

The 10 permanent Federal holidays that are currently listed in law serve to recognize the people and events that have shaped the character of our Nation. By adding this day to this list, the bill will ensure that those who fought and died so bravely in the Korean War are recognized for their contribution to our Nation. I urge my colleagues to support this bill.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is certainly appropriate in the backdrop of the Operation Iraqi Freedom when our young men and women are facing danger in supporting and uplifting the values of this Nation to be able to expand our recognition of all of those who have offered themselves on behalf of the values of this Nation.

I rise to support the Korean War Veterans Recognition Act of 2003, H.R. 292, and I urge my colleagues to support it. The legislation was reported unanimously by the Committee on the Judiciary and deserves support. The bill is very straightforward. It would add the commemoration of the Korean War Armistice designated by Congress as National Korean War Veterans Armistice Day to the list of important occasions on which the flag is specially displayed. These holidays now include the birthdays of Reverend Dr. Martin Luther King, Presidents Washington and Lincoln, Memorial Day, and July 4, among others.

Clearly in the backdrop of the 50th anniversary or commemoration of the Korean war and our tribute over the past year of the United States to the Korean war veterans, it is certainly appropriate to be able to acknowledge and to rephrase the terminology ''the forgotten war.'' Sometimes the Korean war is called the forgotten war. The courageous service and sacrifice of our Korean war veterans must never be forgotten, and I emphasize that. It deserves to be commemorated and honored.

This commemoration deserves to be among those days upon which the flag is especially flown in honor of that service. Again, to all of our service men and women serving now and our veterans, it is certainly our responsibility and challenge to continue to respect you and admire the work and service you have given and to commit to you again as veterans that we will never allow any undermining of our commitment to you for lifetime care. This particular recognition acknowledges the veterans of a war that will not be forgotten. I urge the adoption of this bill.

Mr. Speaker, I rise in support of the Korean War Veterans Recognition Act and urge my colleagues to support it. This legislation was reported unanimously by the Judiciary Committee and deserves every member's support.

This bill is very straightforward. It would add the commemoration of the Korean War Armistice, designated by Congress as "National Korean War Veterans' Armistice Day," to the list of important occasions on which the flag is specially displayed. These holidays include the birthdays of the Rev. Dr. Martin Luther King, Presidents Washington and Lincoln, Memorial Day, and July 4th, among others.

Although sometimes called the "forgotten war," the courageous service and sacrifice of our Korean war veterans must never be forgotten. It deserves to be commemorated and honored. This commemoration deserves to be among those days on which the flag is specially flown in honor of that service.

I urge the adoption of this bill.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, the bill before the House today makes certain that the heroes of America's forgotten war are not forgotten. It is important because if we look at the Korean War Veterans Memorial here in Washington, D.C., we will see the words ''Freedom is not free.'' We need to remind ourselves that over 36,000 Americans lost their lives in a war that has been essentially simply forgotten by many, many people.

Flying the flag on this day makes a difference because people will look at it, young people will look at it, and they will say why is the flag flying especially today. The flag is flying because it is a reminder and a recognition of the Korean War Veterans Armistice Day. It is a day when we all should stop and remember a tremendously difficult hard-fought war. We had an armistice there, and 1.8 million members of the United States Armed Forces fought bravely to preserve freedom and democracy in Korea; and we need to take time out to honor them.

Mr. Speaker, I would like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his leadership and his assistance in bringing this measure to the floor this morning, and I urge all Members to support H.R. 292.

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Ms. JACKSON-LEE of Texas. Mr. Speaker, I urge my colleagues to support this bill.

Mr. SAM JOHNSON of Texas. Mr. Speaker, our Korean war commemoration, which began on June 25, 2000, on the 50th anniversary of the invasion of South Korea, continues through Veteran's Day this year.

This past July 27th held special significance because it marked the 50th anniversary of the Korean war armistice.

Begun only 5 years after the end of World War II, the Korean war was, in many ways, the first reminder that America must remain the world's leading force for peace, prosperity and freedom—a responsibility we still hold today.

Called to fight back the brutal forces of communism, 1.8 million Americans courageously participated in the Korean war. The United States suffered over 36,000 dead and over 100,000 wounded in some of the most horrific conditions in the history of warfare. And even today there are still over 8,000 unaccounted for.

The service and sacrifices of our Korean war veterans 50 years ago saved a nation from Communist enslavement and gave South Korea the opportunity to develop and flourish under freedom and democracy.

Sadly, the Korean war is sometimes referred to as the "forgotten war."

Perhaps it was the mood of a nation wanting to return to peace after the Second World War. But for the U.S. men and women who served, and for the families and friends of those who paid the ultimate price, the Korean war can never be forgotten.

By adding the Korean war veterans Armistice Day, July 27, to the list of days on which the United States Flag should be displayed, this Congress is sending a message, loud and clear, that "we will never forget."

All Americans must know, as the words etched on the Korean War Memorial reminds us, that "freedom is not free." It cannot be taken for granted.

Should this great country wish to preserve its freedom, we must pay tribute to those who paid the price for it.

Korean war veterans, I salute you.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 292.

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

A motion to reconsider was laid on the table.

EXTENDING SPECIAL IMMIGRANT RELIGIOUS WORKER PROGRAM

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2152) to amend the Immigration and Nationality Act to

extend for an additional 5 years the special immigrant religious worker program.

The Clerk read as follows:

H.R. 2152

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

SECTION 1. EXTENSION OF SPECIAL IMMIGRANT RELIGIOUS WORKER PROGRAM.

(a) IN GENERAL.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking "2003," each place it appears and inserting "2008,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2152, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, I have a rather lengthy statement on this bill which in the interest of saving time and allowing the Members to leave Washington before the hurricane shuts everything down, I will not read extensively. I will insert it into the RECORD pursuant to the leave just granted.

However, I will say that this bill extends an immigrant visa program for religious workers that is set to expire. The current visa program allows American religious denominations to sponsor and bring in religious workers from overseas for both ministers and nonministers. The program is highly restricted and many religious denominations have taken advantage of this program in the years past basically to provide additional personnel to do not only their religious work but some of their charitable work as well. It is a program that has not been abused. It is a program that has been found extremely useful and necessary by many of the religious denominations. It is set to expire on September 30. The passage of this bill will extend the authority for this program an additional 5 years. I urge its adoption.

Mr. Speaker, the immigrant visa program for religious workers allows American religious denominations to benefit from the assistance of both ministers and non-minister religious workers from overseas. However, the two visa categories authorized under program for non-minister religious workers are set to expire at the end of this fiscal year and must be extended for these benefits to continue.

Under the immigrant visa program, an alien (along with spouse and children) can qualify for a special immigrant visa if they are a member of a religious denomination closely associated with a bona fide nonprofit, religious organization in the United States.

To be eligible, they must seek to enter the United States to serve either as a minister or in a religious vocation or occupation at the request of the associated organization. Additionally, they are required to have been carrying out such work continuously for at least the preceding two years.

The two non-minister religious worker categories were added by the 1990 immigration act. Because of the fear of fraudulent or excessive use of these categories, a maximum of 5,000 visas a year was allowed for the two categories. However, the number has stayed well below the cap as 1,413 religious workers (and 1,714 spouses and children) received these visas in fiscal year 2002.

The non-minister religious worker categories were originally set to expire in 1994. After two extensions, the categories now will lapse on October 1st of this year. H.R. 2152, introduced by Representative BARNEY FRANK, would extend the special immigrant visas for religious workers until October 1, 2008.

The Judiciary Committee has received a letter signed by organizations representing many religious denominations supporting an extension of these visas. The letter provided a number of examples of how various religious denominations rely on the religious worker visas. For example, "Catholic dioceses rely heavily upon religious sisters, brothers, and lay missionaries from abroad. . . . Some fill a growing need in the Catholic Church for those called to religious vocations. Others provide critical services to local communities in areas including religious education, and care for vulnerable populations such as elderly, immigrants, refugees, abused and neglected children, adolescents and families at risk."

In addition, "Jewish congregations, particularly in remote areas with small Jewish communities, rely on rabbis, cantors, kosher butchers, Hebrew school teachers, and other religious workers who come from abroad through the religious worker program. Without them, many Jewish communities would be unable to sustain the institutions and practices that are essential to Jewish religious and communal life."

And, "[o]ther religious denominations, such as the Baptist Church, the Church of Christ Scientist, the Church of Jesus Christ of Latter Day Saints, the Lutheran Church, and the Seventh Day Adventist Church, also rely on the visas to bring in non-minister religious workers, who . . . work in areas as diverse as teaching in church schools, producing religious publications, sustaining prison ministries, training health care professionals to provide religiously appropriate health care, and performing other work related to a traditional religious function."

These visas serve a valuable role and contribute to Americas' vibrant religious life. I urge my colleagues to support this legislation.

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

Ms. JACKSON-LEE of Texas. I yield myself such time as I may consume.

Mr. Speaker, this is a very fine example of the Committee on the Judiciary working together in a bipartisan effort on immigration policies. Let me thank the chairman of the full committee, the gentleman from Wisconsin, and the gentleman from Michigan, the ranking member, because most often we have found an opportunity to try and cure problems and to work on legislation as relates to immigration in a bipartisan way. Let me also thank the gentleman from Massachusetts for his persistence. Representing a very diverse district, he was very much an advocate, a proponent of this legislation and an author of this legislation to extend the opportunities for these very special immigrant religious workers. We acknowledged him as he is presiding over a hearing, but I do want to indicate to this body that he introduced this important legislation and we thank him for doing so.

This bill is extremely relevant to many of our religious institutions and communities. It clearly is an act that has shown the effectiveness of using immigrant workers where there is no abuse. It allows religious organizations to sponsor both ministers and non-minister religious workers from abroad to perform services in the United States. The non-minister religious workers category includes a variety of occupations, such as nuns, religious brothers, cantors, pastoral service workers, missionary and religious broadcasters.

The real aspect of this bill that should be heard is that these religious workers provide a very important spiritual function in the American community in which they work and live, in addition to performing activities in furtherance of a vocation or religious occupation often possessing characteristics unique from those found in the general labor force. This is not a sidebar step to intrude immigrant workers into issues and positions that are not tied to the spiritual impact. Historically, religious workers have staffed hospitals, orphanages, senior care homes and other charitable institutions that provide benefits to society without public funding.

As the new Department of Homeland Security has come in place, they have made sure that religious workers do not include janitors, maintenance workers, clerks, fund-raisers, solicitors of donations or similar occupations. This is truly a spiritual work. I believe that the extension of this legislation will be particularly important.

The Catholic Church in the United States has heavily utilized this program to serve the increasing diversity of its membership which includes parishioners from countries throughout the world. Religious workers from abroad assist the church here in a variety of ways. They come as religious brothers and nuns, counseling members of ethnic communities. I think that they have a very important role as relates to the existing immigrant community and their responsibilities there have been very much utilized by communities to help with the refugee community and the immigrant community.

As I indicated and in closing, Mr. Speaker, we have been able to work together on many issues that deal with immigration policies in the Committee on the Judiciary. Let me also hope as we move toward this whole issue of dealing with Patriot Act II that we will likewise have the opportunity to respond to the needs and concerns of Americans and assess the fact that we must balance our civil liberties as we move forward to protect this Nation. This is a very fair legislative initiative. I again thank the gentleman from Massachusetts.

Mr. Speaker, thank you for considering this bill, H.R. 2152, To Amend the Immigration and Nationality Act to Extend for an Additional 5 Years the Special Immigrant Religious Worker Program, and thank you to Mr. FRANK for having introduced this important legislation. As the Ranking Member of the Judiciary Committee's Subcommittee on Immigration and Claims this bill has much relevance to my ongoing immigration initiatives on a national and constituent-based scale.

The special immigrant classification of the Immigration and Nationality Act (INA) allows religious organizations to sponsor both ministers and non-minister religious workers from abroad to perform services in the United States. The non-minister religious workers category includes a variety of occupations, such as nuns, religious brothers, catechists, cantors, pastoral service workers, missionaries, and religious broadcasters.

We consider today legislation that would amend the INA to extend the Special Immigrant provisions which otherwise are set to expire on October 1, 2003. This bill, H.R. 2152, which I cosponsor and support, would extend the special immigrant religious worker program for an additional 5 years.

Religious workers provide a very important spiritual function in the American communities in which they work and live, in addition to performing activities in furtherance of a vocation or religious occupation often possessing characteristics unique from those found in the general labor force. Historically, religious workers have staffed hospitals, orphanages, senior care homes, and other charitable institutions that provide benefits to society without public funding.

According to the Department of Homeland Security, the term "religious worker" does not include janitors, maintenance workers, clerks, fundraisers, solicitors of donations, or similar occupations. The activity of a layperson who will be engaged in a religious occupation must relate to a traditional religious function. The activity must embody the tenets of the religion and have religious significance, relating primarily, if not exclusively, to matters of the spirit as they apply to the religion.

Prior to the enactment of the Immigration Act of 1990, non-profit religious organizations that requested the services of foreign-born, non-minister religious workers were forced to fit their needs into the business, student, or missionary visa categories. This was problematic for religious organizations, as the established visa categories were created primarily for the needs for profit-making businesses. As a result, religious organizations were frequently unable to sponsor foreign non-minister religious workers.

The Catholic Church in the United States has heavily utilized this program to serve the increasing diversity of its membership, which includes parishioners from countries throughout the world. Religious workers from abroad assist the Church here in a variety of ways. They come as religious brothers counseling members of ethnic communities, religious sisters providing social services and care to the poor and ill, and lay persons assisting with religious education. While supporting the Church in its spiritual mission, these workers also mend the spirit of those in need in our local communities by working in schools, hospitals, homes for the aged, and homeless shelters.

I acknowledge that fraud and abuse are concerns with this program. Nevertheless, restricting the religious worker provision is not the way to resolve this problem. The provision requires non-minister special immigrant religious workers to meet stringent qualifications before they enter the country. Any attempt to impose stricter criteria could hurt religious organizations and hinder their performance of humanitarian and community service-related projects.

A failure to extend this program in a timely fashion would be a disservice not only to religious organizations but to local communities and individuals in distress who depend on the work of their members.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2152.

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

A motion to reconsider was laid on the table.

INTERNET TAX NONDISCRIMINATION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 49) to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 49

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Tax Nondiscrimination Act".

SEC. 2. PERMANENT EXTENSION OF INTERNET TAX FREEDOM ACT MORATORIUM.

(a) IN GENERAL.—Subsection (a) of section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended to read as follows:

"(a) MORATORIUM.—No State or political subdivision thereof may impose any of the following taxes:

"(1) Taxes on Internet access.

"(2) Multiple or discriminatory taxes on electronic commerce.".

(b) CONFORMING AMENDMENTS.—(1) Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking subsection (d).

(2) Section 1104(10) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "unless" and all that follows through "1998".

(3) Section 1104(2)(B)(i) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking "except with respect to a tax (on Internet access) that was generally imposed and actually enforced prior to October 1, 1998,".

(c) CLARIFICATION.—The second sentence of section 1104(5), and the second sentence of section 1101(e)(3)(D), of the Internet Tax Freedom Act (47 U.S.C. 151 note) are each amended by inserting ", except to the extent such services are used to provide Internet access" before the period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 49, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 49, the Internet Tax Nondiscrimination Act. Over the last several years, the Internet has revolutionized commerce, become an economic engine and is a major source of information for Americans in virtually every segment of the population. It has expanded consumer choices, enhanced competition and enabled individuals as well as brick and mortar retailers to participate in a national marketplace once reserved to a privileged few.

In 1998, Congress passed the Internet Tax Freedom Act to facilitate the commercial development of the Internet, and in 2001 this body voted to extend the moratorium through this year. This act prohibits States from imposing multiple and discriminatory taxes on electronic commerce and shields consumers from new Internet access taxes. However, it does not exempt Internet retailers from collecting and remitting sales taxes to the States.

Introduced by the gentleman from California (Mr. COX), H.R. 49 makes permanent the ban on taxes that target the Internet for discriminatory treatment as well as all taxes on Internet access by States and localities. This sound policy reflects the experience and insights gained over the last 5 years and represents the position of a wide bipartisan cosponsorship.

The Subcommittee on Commercial and Administrative Law conducted a hearing on this bill in April. On July 16, the full Judiciary Committee reported the bill favorably by voice vote with one bipartisan amendment in the nature of a substitute offered by the subcommittee's ranking member, the gentleman from North Carolina, and

its chairman, the gentleman from Utah. This amendment ensures that the original intent of the law, to provide tax freedom for all forms of Internet access, is preserved. I commend the gentleman from Utah and the gentleman from North Carolina for their work to clarify in this amendment that tax freedom must be tech neutral.

If H.R. 49 is not passed, Internet commerce will be subject to State and local taxes in thousands of jurisdictions. Failure to make the moratorium permanent could result in the imposition of a complex web of taxes that would create uncertainty for the information technology industry, a sector of the economy which can ill afford further setbacks.

Further, we must encourage equal participation in the digital age by keeping Internet access as affordable as possible. A recent survey confirmed that poorer Americans and those in rural or urban areas are most likely to cite cost pressures as a major reason why they would not avail themselves of the resources found online. Taxes on Internet access would only deepen the digital divide between those who have access to the Internet and those who do not. This bill has had virtually unanimous support in the Committee on the Judiciary and it has more than 130 bipartisan cosponsors. It is supported by the administration and has garnered the endorsement of numerous IT businesses and organizations.

Last Congress, the House and Senate passed a temporary extension of the moratorium by voice vote. These limited protections expire November 1 of this year. It is now time to make the benefits created by the moratorium permanent. Doing so will vitalize the IT economy, assist consumers and stimulate equal access to the invaluable resource that is the Internet.

I urge my colleagues to support this bill.

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

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

Mr. Speaker, I rise in support of H.R. 49, the Internet Tax Nondiscrimination Act. H.R. 49 would permanently extend the existing moratorium against taxes on Internet access by all State and local governments, including those that were previously grandfathered by the Internet Tax Freedom Act. Although this bill will necessarily result in the loss or potential loss of revenue to some States, it will promote the continued development, emergence and widespread access to the Internet and it will do so in a fair and technologically neutral manner.

During the full committee markup of H.R. 49, I, together with the chairman of the Subcommittee on Commercial and Administrative Law, the gentleman from Utah, offered an amendment to help clarify the meaning of Internet access and to put an end to the current confusion that has led to discriminatory and inconsistent State taxation on Internet access. The bill before us today incorporates that amendment and is the product of industry-wide and bipartisan negotiations. The principle I pursued in offering the amendment was simple. If we are to prohibit taxes on Internet access, we must do so regardless of how that access is provided. Otherwise, we would give a competitive advantage to those providers covered by the moratorium over those providers that remained subject to taxation. This would limit the choices of consumers and raise the costs of alternative means of accessing the Internet, such as DSL. By making the moratorium applicable to all Internet service providers, we have created a level playing field for the consumer. In the process, we have had no intention to otherwise undermine State and local telecommunications tax bases.

Indeed, I, along with the gentleman from Massachusetts (Mr. DELAHUNT) and other colleagues on the subcommittee, have insisted throughout that we remain mindful of the fiscal crisis currently confronting many of our States. Toward that end, Chairman CANNON has agreed to conduct hearings this month on the States' attempt to establish a unified tax system that would enable them to impose and collect sales taxes on transactions over the Internet in a manner that is fair and manageable. I commend Chairman CANNON for his commitment to those hearings and look forward to working toward a solution to the streamlining issue.

In closing, I believe that H.R. 49 ensures that the ban on Internet access taxes is neutral as to technology, speed and provider.

□ 1100

I believe that the bill will lower costs to the consumer, enhance competition, clarify for State and local governments the type of services subject to tax, and facilitate narrowing the digital divide that presently impedes access to the Internet in disadvantaged communities. I urge my colleagues to support H.R. 49.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. CANNON), the chairman of the subcommittee.

Mr. CANNON. Mr. Speaker, I thank the gentleman for yielding me this time. I would also like to thank the gentleman from North Carolina (Mr. WATT), the distinguished ranking member of the subcommittee, for his long hours and hard work on this issue. We appreciate that very much. Also, the gentleman from Massachusetts (Mr. DELAHUNT), who has been very clear and very helpful in setting up the issue of the Streamlined Sales Tax Project, and others who have worked on this bill who I will mention during my speech; but I also want to mention the gentleman from Virginia (Mr. GOODLATTE), chairman of the Committee on Agriculture, who for years has worked on this issue.

Mr. Speaker, I rise in support of H.R. 49. I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of this committee, the Committee on the Judiciary, and the gentleman from Michigan (Mr. CONYERS) for their constant support of preventing taxation on Internet access. I also want to thank the gentleman from California (Mr. COX) for championing this issue since he, together with Senator WYDEN, first introduced this legislation.

I also wish to recognize the efforts of my friend from Virginia, Senator ALLEN, on companion legislation in the other body. I look forward to working with him and others to guide our product to the President's desk for signature.

This body has debated Internet tax moratorium bills several times since 1998. In the past, efforts were made to link these moratoria to consideration of whether Congress should adopt legislation authorizing States to compel the collection of sales taxes from remote vendors. This effort, known as the ''Streamlined Sales Tax Project,'' or SSTP, has made progress without Federal intervention. But as we know, before interstate compacts can become effective, the Constitution requires congressional approval.

I thank the gentleman from Massachusetts (Mr. DELAHUNT) for his attention to the SSTP and assure him of my cooperation in considering all facets of this effort. My subcommittee has scheduled a hearing on the project for October 1 in order to give Members an opportunity to examine this issue fully.

Mr. Speaker, I support H.R. 49. This bill would broaden access to the Internet, expand consumer choice, promote certainty in growth in the IT sector of our economy, and encourage deployment of broadband services at lower prices.

The bill puts to rest the ''grandfather'' clause and makes tax-free Internet access a national policy. As I stated during committee consideration of this bill, the amount of tax revenue that certain States collect as a result of the grandfather clause pales in comparison to the amounts of aid these States receive under President Bush's economic package. We established a consistent national policy of not taxing Internet access through this bill.

H.R. 49 was amended in the Committee on the Judiciary to ensure that the moratorium is equally applied to all forms of Internet access. The gentleman from North Carolina (Mr. WATT), my good friend, and I were alerted to the fact that since 1998, the ITFA tax protections were not being fairly applied by the States. In particular, some States have begun to tax DSL Internet access in plain circumvention of the intent of the ITFA.

I supported the gentleman from North Carolina (Mr. WATT) in an

amendment at the committee to achieve what we believe is a fair and sound policy; parity of tax treatment for all forms of Internet access. This bipartisan effort, led by the gentleman from North Carolina (Mr. WATT) and the gentleman from Michigan (Mr. CONYERS), underscores the importance of the Internet to our economy. The result is a thoughtful and necessary clarification restoring the ITFA to its original intent. It strikes a careful balance between those who tax and those who are taxed.

I want to emphasize that telecommunications services not used to provide Internet access remain outside the moratorium and that voice services over traditional telephone lines, therefore, remain taxable. Not taxable are the DSL, cable, dial-up, or other Internet access technologies that may run over those lines.

This bill, cosponsored by more than 130 Members of this body, is endorsed by administration and supported by numerous technology companies and organizations. Mr. Speaker, this bill makes sense for an economy that, while improving, needs clarity of tax policy by encouraging investment in broadband.

Finally, I want to thank again the gentleman from Wisconsin (Chairman SENSENBRENNER) for his consistent support as we move toward permanent tax freedom for Internet access. His work has been invaluable. I urge my colleagues to support H.R. 49 as amended.

Mr. WATT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), ranking member of the full committee.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from North Carolina (Mr. WATT), ranking member, for yielding me this time, and to the members of the Committee on the Judiciary.

I rise on the point of a simple principle in terms of the bill under discussion. I rise against multiple and discriminatory taxes of any kind and especially in this area of the Internet. Secondly, I congratulate the authors of the Watt-Cannon amendment that attempts to clarify the ban on Internet access taxes, and it applies not only to dial-up Internet service, but also to high-speed cable. When we passed the ban on access taxes in the mid 1990's, no one considered that we could access the Internet over other than the telephone. This bill resolves the ambiguity, and I have other reasons to commend the authors of Watt-Cannon, but right now I support the bill.

Mr. Speaker, I rise in support of this legislation. This bill makes permanent a moratorium on internet access taxes as well as multiple and discriminatory taxes on the internet that we first passed as part of the Telecommunications Act of 1996. It is difficult to justify multiple and discriminatory taxes under any circumstances, on the Internet or otherwise, so I am glad to join in bipartisan support of this legislation.

In addition to making the moratorium permanent, the bill before us incorporates the Watt-Cannon amendment to clarify that the ban on internet access taxes applies to not only dial up internet service but also high speed cable, "DSL," and other technologies. When we passed the ban on access taxes in the mid-90's, none of us considered that we could access the internet other than over the phone. This bill resolves that ambiguity. It is in no way intended to otherwise undermine state and local tax bases.

My support for this bill is premised in part on commitments made by the majority that we will be able to turn to another issue involving interstate taxes—streamlining the sales tax system. Under current law, the traditional brick and mortar sellers are required to collect sales tax while the electronic retailers have no such requirement, creating what many believe to be an unlevel playing field between the two.

I am pleased to note that both Chairman SENSENBRENNER and Subcommittee Chairman CANNON have slated hearings on the streamlining hearing for October. I am hopeful that we will then be able to consider provisions to provide states that simplify their sales tax systems with the authority to collect sales taxes equitably from all retailers. I believe that a simplified streamlined tax compact would increase our nation's economic efficiency, facilitate the growth of electronic commerce, and help our states maintain financial support for public education, health and safety.

So I am glad we are able to pass this bill today, and look forward to working on the streamlining issue in the not too distant future. I urge a "yes" vote.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. COX), the author of the bill.

Mr. COX. Mr. Speaker, I thank the Chairman for yielding me this time. I thank the gentleman from Michigan (Mr. CONYERS). I thank the gentleman from Utah (Chairman CANNON) and the gentleman from North Carolina (Mr. WATT), ranking member.

This is an extraordinary moment because the Internet Tax Freedom Act, which was originally enacted 5 years ago, was something of an experiment. We debated it aggressively in both Chambers. We were not sure whether it was going to work as intended. It clearly has. And so having extended it twice, we are now back here to make it permanent. The benefits to our economy are manifest. It is estimated that the expansion of the Internet, the anticipated continued rollout of broadband and perhaps the next generation of broadband will add as much as $500 billion in gross domestic product every year in each of the next 10 years for our country. This is an extraordinary potential.

The University of California at Los Angeles, UCLA, in a January, 2003, survey has found that for consumers in the 21st century, right now the Internet is the most important source of information, but not everybody can afford it. Not everybody yet has the Internet. It is still expensive. There is about a $10 difference, perhaps more or less in some areas, between dial-up and broadband, and people have not been converting from dial-up to broadband, in part, because of that price point. It is just a little bit too expensive for a lot of people. Adding new taxes to Internet access, taxing e-mails, taxing the bits transmitted or the bandwidth would be a profoundly bad idea for our country. And as the gentleman from Michigan (Mr. CONYERS) mentioned, there is such a potential for multiple taxes from many jurisdictions, all claiming that because there is a server located in their jurisdiction, they can tax a piece of this, that even a nick here and a little bit of nickels and dimes there would add up to a very serious amount of taxation for most people, and it would destroy what the Internet can become.

We are now going to put this behind us. We are going to move on. We are going to find that this becomes one of the invisible parts of the legal infrastructure that makes our economy great. It is going to help consumers. It is going to help technological innovation. It is going to help our economy and our country. And having worked for so long with Senator WYDEN on this, I want to thank him, Senator ALLEN, Senator MCCAIN as well. In this Chamber, though, there has been such leadership from the Committee on the Judiciary, from the gentleman from Wisconsin (Chairman SENSENBRENNER), from the gentleman from Utah (Chairman CANNON), from the ranking members of the full committee and the subcommittee, as I mentioned, the gentleman from North Carolina (Mr. WATT) and the gentleman from Michigan (Mr. CONYERS), and from the gentleman from Virginia (Mr. GOODLATTE), whom I think we will hear from next that, I can safely say without that kind of leadership in this House, the American people would not be seeing this victory today.

Mr. WATT. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member and the chairman of the subcommittee both for their very fine work and the work of this committee, and I certainly do believe that the Internet is a major component to the development or further development of America's economy and the utility of the Internet in American lives is very vital.

However, I am concerned that this bill removes the moratorium as relates to a number of States who have already been in the process of an effective way of assessing the utilization of the Internet. I disagree with my colleagues to suggest that this would add to multiple taxation because it is also possible for this Congress to provide direction and streamlining of the process of taxation or assessment. The effect of this bill would be to remove a grandfather clause that applies to a number

of States that have utilized these resources for revenue. It is crucial to consider the rights of State legislatures that develop measures to generate revenue that may steam from Internet use which is beginning to take the place of retail purchases.

Let me suggest that anyone's understanding of the difficulty of State bottom-line budgets today would be living, I guess, somewhere out of the United States. We are in a crisis with our budgets similar to the crisis we have here in the United States Congress as we seek to fund the Federal Government and looking for resources where we can get them even in the backdrop of taxation cuts or cuts in taxes that certainly are not prudent. In this instance, we are trying to judge the minds of those in our State legislatures and governments, State governments, who are attempting to balance their budgets.

The other aspect that I think would warrant consideration of an extension of the moratorium is the lack of competitiveness or the unfairness for those retail stores who themselves have to assess taxes. The biggest day in my community and State, in terms of sales, was when they did not have to tax. I grant the Members that. But that makes it unequal for one to be able to shop on the Internet with no taxes but not in going to their retail stores.

I would ask my colleagues, as we move this legislation forward, to consider the Senate bill, which is for more reasonable, giving opportunity for these States to be able to move out of this by finding other revenue sources, giving them some time, as opposed to cutting them off and, therefore, their not having the time to be able to find other revenue sources.

This bill has as an unfair aspect to it, and I ask my colleagues to vote against it.

Mr. Speaker, I rise in strong opposition to the bill before the House today, H.R. 49, to permanently extend the moratorium enacted by the Internet Tax Freedom Act.

I participated in the markup of this bill in the Judiciary Committee, and I maintain the posture that I expressed at that time with respect to the bill's deleterious effect on an important source of revenue for Texas and my district. The committee had considered this legislation beforehand as well, and an amendment that I offered was not accepted by the committee, unfortunately. When we once again considered this bill, I admonished that we continue to be mindful of the importance of the Internet to the development of the American economy, and the utility of the Internet in Americans' lives; however, the effect of this bill would be to remove a grandfather clause that applies specifically to the State of Texas. It is also crucial for the distinguished Members of the United States House of Representatives to consider the right of State legislatures to develop measures to generate revenue that may stem from Internet use.

H.R. 49 amends the Internet Tax Freedom Act by imposing a permanent moratorium on ''multiple and discriminatory taxes'' and by prohibiting any tax on Internet access. The bill also eliminates the grandfathering of State Internet access taxes that were ''generally imposed and actually enforced prior to October 1, 1998,'' before ITFA became law.

By so doing, H.R. 49 will have an impact on consumers and also on the States, particularly Texas. The convenience of the Internet is beneficial to our economy and welcomed by consumers. As such, prohibiting Internet taxes is openly sought by our citizens. For many of our State governments the issue is more complicated. State governments must strike a balance between easing the financial burden on their constituents and generating revenue. Many State and local government officials have maintained that continuing the debate on the Internet tax collection issue was critical because of the financial plight of many States. The officials believe that if the State and local governments face continued shortages, a moratorium bill that did not advance the sales and use tax collection issue would force States to increase taxes in other areas. Thus, State and local government officials urged that a prolonged continuation of the moratorium without resolution of the simplification issue be viewed as a tax increase, most likely on individual taxpayers and in-state businesses.

Presently, my home State of Texas is one of only seven States that imposes taxes on Internet access consistent with the grandfathering clause of ITFA. My State has struggled with this issue. When the ITFA bill was first introduced in March of 1998, Texas was one of 10 States and the District of Columbia that were taxing Internet access. By June 1998, Texas elected to suspend our collection of Internet access taxes. Due in part to budgetary concerns, in October of 1999, Texas resumed a modified Internet tax collection system wherein we rendered exempt from tax the first $25 of a monthly access charge.

If H.R. 49 becomes law, Texas and the seven other States that presently collect taxes on Internet taxes will be prohibited from doing so upon passage of the bill. This is a substantial loss of revenue for many States that are struggling financially in our sluggish economy and in the aftermath of September 11.

Mr. Speaker, H.R. 49, has serious implications on our burgeoning electronic economy, on our constituents, and on all of our State governments. I oppose H.R. 49, because it will preclude those States, like Texas, who have legitimate Internet taxation systems to continue to make use of this valuable source of revenue. It imposes upon consumers and our growing electronic economy an undue burden.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Committee on Agriculture.

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

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of H.R. 49, the Internet Tax and Nondiscrimination Act, and commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Utah (Chairman Cannon) for their leadership in moving this legislation forward, the gentleman from California (Mr. COX), who has been leading this effort for many years, and my colleagues on the other side of the aisle for working together on this.

I would point out that this has absolutely nothing to do with the collection of sale taxes on the Internet, which is an issue to be dealt with on another day in another way.

As cochairman of the Congressional Internet Caucus and Chairman of the House Republican High Technology Working Group, I have long supported efforts to eliminate Internet access taxes and other discriminatory taxes on electronic commerce. During the 107th Congress, I introduced the Internet Tax Fairness Act, legislation that sought in part to permanently ban Internet access taxes and discriminatory taxes on electronic commerce.

□ 1115

In 2001, the ban on these taxes was temporarily continued until November of 2003. Now it is with great pleasure that I stand here today to urge support of this legislation to permanently ban these burdensome taxes.

Excessive taxation and regulation will hamper the Internet's tremendous growth and stifle investment in small businesses that utilize this tremendous medium. The last thing that consumers need is for the puzzling array of taxes on their phone bills to be repeated on their Internet service bills.

In addition, excessive taxation of Internet access will increase the costs of households going online and result in a greater disparity between those households that can afford to go online and those that cannot.

H.R. 49, the Internet Tax Nondiscrimination Act, will encourage continued investment in and utilization of the Internet by permanently banning all Internet access taxes and eliminating the grandfather clause in the current law that allows certain States to continue imposing these crippling taxes on the Internet. The bill also contains language that makes it clear that protections in the bill apply equally to all providers of Internet access, regardless of the technologies used to provide that access.

This bill is forward-looking and will provide the certainty that businesses need to make calculated decisions regarding the ways in which they will utilize and invest in Internet technologies. I urge each of my colleagues to support this important legislation to permanently ban all Internet access taxes and discriminatory taxes on electronic commerce.

Mr. WATT. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding me time, and I rise in support of H.R. 49 for the reasons that have been enumerated by the subcommittee Chair and the gentleman from Wisconsin (Mr. SENSENBRENNER), the Chair of the full committee. I want to acknowledge the leadership of the gentleman from Wisconsin (Mr. SENSENBRENNER), the Chair of the full committee.

I also want to express my appreciation to the subcommittee Chair, my good friend, the gentleman from Utah (Mr. CANNON), for his kind words and his sincere efforts to see that Congress gives full consideration to the issue of taxation of remote sales. I thank him for scheduling a hearing on this issue and look forward to working with him to see that it is a productive exercise. As the gentleman knows, I will be introducing legislation in the near future, together with the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Alabama (Mr. BACHUS), which would authorize the States that have worked so hard to simplify their sales taxes to collect sales taxes on remote sales to in-state purchases.

As we all know, the States are confronting their worst budget crises since the Great Depression. A declining economy, spiralling Medicaid costs, and the erosion of their tax base have left them with a collective deficit of some $100 billion. Governors of both political parties face a difficult choice between unpopular tax increases and drastic cuts in Medicaid, education, public safety and other essential services, or all of the above.

I appreciate the concern of the sponsors of the bill, that without a continuation of the moratorium on Internet access taxes, some States might be tempted to help make up their shortfalls by enacting such taxes. At the same time, we should be as concerned about the fact that States are losing tens of billions of dollars each year because taxable transactions on which they rely for half their revenues are increasingly taking place over the Internet. Some are not concerned, such as one individual, Mr. Grover Norquist, who testified at a hearing in support of this bill, and said that he wants to ''shrink government until we can drown it in the bathtub.'' He stated, ''I hope a State goes bankrupt.''

Well, unless you agree with him, the money has to come from somewhere. Uncollected sales taxes on Internet purchases cost the States more than $16 billion in 2001. Unless there is a system in place that enables States and local governments to collect these taxes, their annual losses from online sales will grow to some $45 billion by 2006 and $66 billion by 2011, with total losses coming to nearly half a trillion dollars by that date.

What does this mean for individual States? Well, just to cite a few examples, my home State of Massachusetts lost $256 million in 2001, and its losses will climb to over $1 billion by 2011. Tennessee lost $450 million in 2001, and by 2011 its annual losses will grow to $1.8 billion. Florida, which relies on the sales tax for more than one-half of its annual revenues, lost $1.2 billion in 2001, with its losses estimated to quadruple to nearly $5 billion just 10 years from now. Texas lost $1.4 billion in 2001 and stands to lose $5.6 billion by 2011.

These losses are magnifying the fiscal problems of the States, which are already experiencing, because of increased costs and shrinking revenues, losses. Additionally, by failing to ensure sales tax equity and fairness between remote sellers and Main Street merchants, we are putting at risk the thousands of small businesses that sustain our economy and contribute so much to our neighborhoods and our communities.

As former Governor Engler of Michigan said the last time we considered this issue, ''It is time to close ranks, come together and stand up for Main Street America. Fairness requires that remote sellers collect and pay the same taxes that our friends and neighbors on Main Street have to collect and pay.''

So, Mr. Speaker, while I support the moratorium on Internet access taxes and I support H.R. 49, I think it is important that we get our priorities straight. The Quill decision, which prompted this particular proposal, prohibited a State from collecting sales taxes from out-of-state businesses that do not have a physical presence in that State. But the court said that Congress could authorize the States to collect these taxes once they have modified their taxing systems to alleviate the burdens placed on Internet commerce by multiple taxing jurisdictions.

The States have made substantial progress over the past year in developing a simplified, efficient, and technologically neutral system for the taxation of goods and services that can meet that test. Once a sufficient number of States have implemented the streamlined sales and tax agreement, Congress should move expeditiously to consider our legislation authorizing them to require remote sellers to collect and remit sales and use taxes on in-state sales. The States, I believe, are meeting their responsibilities, and hopefully we will meet ours.

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

Mr. Speaker, I appreciate the support of the gentleman from Massachusetts (Mr. DELAHUNT) on this bill. Lest people only heard part of his statement, let me say very clearly that this legislation has nothing whatsoever to do with the issue of the assessment and collection of sales taxes on remote sellers. It only has to do with banning multiple and discriminatory taxes on Internet access. The sales tax issue will be dealt with another day and in the context of another bill.

Since the gentleman from Massachusetts has raised this, I would like to make the following observations:

First, most States that assess sales taxes also assess use taxes, so an in-state resident who purchases goods out of state and is exempt from the sales tax because the goods are shipped from one State to the other, the sales tax of the State where the seller is located, is still liable for a use tax in his or her State of residency.

There is a line on the Wisconsin State income tax form that asks how much in use taxes you have to pay to the State of Wisconsin. If you put down zero and you really owe taxes, you filed a false tax return. I am sure that is the case in practically every other State that has got a sales or a use tax.

So when we are dealing with this issue, we are dealing with the failure of States to adequately and efficiently enforce their own use tax law. I do not know why States have failed to do this. That is something that Governors and legislators and State taxation department officials ought to explain.

But I can see the two-step being put on the Congress, that if we pass what the gentleman from Massachusetts wants us to at a later date, then that becomes our sales tax increase of billions of dollars on the taxpayers of Massachusetts and Texas and North Carolina.

I have told my Governors, Republican and Democrat, that have talked to me about this, as I said, your laws are already on the books. Why do you want us to enforce your law through an act of Congress, when you have the means to enforce your law by yourselves as responsibilities of the State government?

I hope that when we debate this issue of how to tax remote sales, we do not forget that.

Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding me time.

Mr. Speaker, I support H.R. 49, the Internet Tax and Nondiscrimination Act. This legislation would permanently extend the current moratorium on Internet access taxation, as well as taxes on electronic commerce. It would not prohibit States from imposing sales tax on sales conducted over the Internet. However, it does prevent States or localities from imposing a sales tax that only applies to Internet transactions.

Mr. Speaker, Internet commerce is still relatively new and has yet to reach its full potential. The imposition of taxes would threaten the future growth of e-commerce and would discourage companies from using the Internet to conduct business. Internet taxation would create regional and international barriers to global trade.

The Internet is also a major source of information for many individuals and families. Taxes would reduce the number of Americans who could afford Internet access. Our goal in Congress should be to encourage and promote Internet access, rather than to widen the digital divide.

Mr. Speaker, Americans should be able to access the Internet without being subject to State and local taxes.

Mr. WATT. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise today in opposition to H.R. 49, the Internet Tax Nondiscrimination Act.

My opposition stems not from wanting to tax the Internet access or to impose dual taxes on e-commerce. I oppose the bill because it does not follow the precedent set by previous Internet tax moratorium legislation in holding harmless States that have enacted access taxes previous to 1998.

This bill would have what I consider an enormous impact on the State of Texas. The effect of this bill would be felt as early as November of this year. I do not need to remind my colleagues of the fiscal crises that our States are currently finding themselves in, including the State of Texas.

The State of Texas is one of those States facing a budget problem, and I cannot support legislation that would take away $45 million in annual revenue in our State, that my State has been depending on for the last 5 years. The $45 million in funds are needed for critical State programs, such as children's health care. Our last legislative session, because of our budget problem, dropped 175,000 children off of children's health care. So what are we going to do about taking a hit from this, drop even more children?

My State is not the only one. Connecticut would lose $15 million; Ohio, $12 million; Wisconsin, $7.5 million; Tennessee, $4 million; North Dakota, $2.5 million; South Dakota, $1.7 million; and New Mexico, $1 million.

I oppose the bill for procedural reasons, because I hoped to be able to consider this under an open rule that would allow Members from these States adversely affected by the grandfathering provision to allow amendments to protect their State laws. Without that opportunity, I have no choice but to vote in the best interests of my own State, as I assume a lot of other Members from States losing money will, and, again, taking away the States' ability to do it, to tax what they have already done.

I guess my frustration is that in Texas we in 1999 changed our taxes to where everything under $25 is exempt for your access to Internet service. But for some reason we still have State taxes and Federal taxes on access to our telephones.

□ 1130

On the point I am concerned about, I hope we can adopt the 3-year extension language that is similar to the Senate bill so that we can continue to hold harmless those States that are depending on this crucial revenue, particularly in this time of budget shortfalls and the disaster that is happening to some of our State programs because of State budget cuts.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. WATT. Mr. Speaker, I also yield to the gentleman from New Hampshire (Mr. BASS) for 1 minute.

The SPEAKER pro tempore (Mr. OSE.) The gentleman from New Hampshire (Mr. BASS) is recognized for 2 minutes.

Mr. BASS. Mr. Speaker, I rise in opposition to this bill. I am against taxation of the Internet. There is no question about that. What concerns me is the fact that this legislation eliminates the grandfather clause of those nine States that currently collect a communications tax.

In my State of New Hampshire we have a 7 percent tax on access for intrastate communications, not interstate but intrastate. It does not matter whether it is fax, Internet communications, any other mechanism.

What this bill does is eliminate the ability of the State of New Hampshire and eight other States to collect revenue on what is justifiably a State-centered tax.

Now, we do not regulate sales taxes or State income taxes, what they should do. There is a provision in this bill that would allow sales taxes to be collected but New Hampshire does not have a sales tax. So we get hit twice through the passage of this.

Mr. Speaker, the Senate bill has a 3-year extension of this moratorium and there is no such extension in the House. Ultimately what this bill does is it creates $100 million unfunded Federal mandate to States.

I am not for taxation of the Internet, but what the bill is doing is it is proposing to affect tax policy within States and their ability to tax within their open telecommunications system. And, as I said a minute ago, it is an unfunded Federal mandate.

I hope that the Committee on the Judiciary will look carefully at what the Senate has done with this 3-year extension and will include that 3-year extension in the House version of the bill.

It is a solution that is bad for New Hampshire and it is unfair. I plan to vote against this bill and I urge my colleagues in the States of Texas, Connecticut, Ohio, Wisconsin, Tennessee, North Dakota, South Dakota, New Mexico and Washington, those States that will be losing revenue on this with no balancing make-up from the Federal Government, to join me in opposition to this bill.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, in response to the gentleman from New Hampshire, the States have been on notice for 5 years that national policy disfavors taxing access to the Internet. While it is true that the grandfather clause is repealed by this bill, in the State of New Hampshire in 2002 $2½ million was collected through Internet access taxes. That is 13/100ths of 1 percent of the total revenues of the State of New Hampshire.

Obviously, getting rid of this multiple and discriminatory and regressive tax is something that should be a national policy.

I think the Internet is interstate commerce, not intrastate commerce. And, thus, I believe that the bill ought to be approved.

Ms. LOFGREN. Mr. Speaker, earlier this year, I introduced H.R. 1481, which would have extended the Internet tax moratorium for another 5 years. I introduced a 5-year extension because at the time, I believed that politically, it was the longest extension that we could get. But I am now convinced that we must make every effort to extend the moratorium permanently. That's why I am a strong supporter and cosponsor of H.R. 49.

Let's be clear on what H.R. 49 does and does not do. It prohibits states from taxing people for simply logging onto the Internet. This is absolutely essential to the growth of the Internet. It is also important because access taxes hit those with lower incomes the hardest. We need to find ways to bridge the digital divide in this country, not make it harder for lower income Americans to get online.

H.R. 49 also prohibits multiple and discriminatory taxes on Internet transactions. This is simply a matter of fairness. If I buy a CD on the Internet, it should not be taxed at a higher rate than if I buy that CD in a store. There should be an even playing field.

That's what H.R. 49 does. What it doesn't do is affect the ability of a State to impose and collect sales taxes on Internet transactions. Over the years, there has been a lot of confusion on this point. Some have tried to link the moratorium with the sales tax issue. But they are separate and distinct issues. The ability of states to impose sales taxes is not limited by H.R. 49, it is limited by the Supreme Court's Quill decision, which prevents taxes on remote sellers unless they have a "substantial nexus" to the taxing authority.

We cannot risk harming the future of the Internet by conditioning an extension of the moratorium on resolution of the sales tax issue. Let's deal with the separate sales tax issue separately.

A toll to enter the information superhighway is not good policy today, and it won't be good policy in a year, two years, or 5 years. I urge my colleagues to support a permanent extension.

Mr. DREIER. Mr. Speaker, as an original co-sponsor of H.R. 49, the Internet Tax Nondiscrimination Act, I want to congratulate Chairman COX and Chairman SENSENBRENNER for their work in bringing before us this very significant electronic commerce bill. After two temporary moratoriums in the last 5 years, we have the opportunity today to finally pass a permanent ban on Internet access taxes, as well as multiple and discriminatory State and local taxes on electronic commerce.

It is important to note that the primary reason it took us 5 years to make this moratorium permanent was the linkage between two issues that are truly unrelated: (1) keeping down the cost of consumer access to the Internet; and (2) the issue of streamlined sales taxes and remote tax collection authority by States. H.R. 49 now moves us away from that linkage.

However, during Judiciary Committee debate on this bill, a number of Members continued to voice their belief that we still need to address the State tax simplification issue and "level the playing field" between brick-and-mortar and online sellers.

While the State sales tax simplification debate should be considered in Congress—and I know that Chairman CANNON will be holding

hearings on that issue—I want to caution my colleagues who believe that leveling the playing field between offline and online sellers is a quick and easy policy decision. We need to be very careful that we do not create a precedent that would allow States and localities to tax a transaction, simply because the seller sells something to a purchaser in their jurisdiction.

One of the fundamental principles motivating America's struggle for independence from Britain was the idea that citizens should to face taxation without representation. To require that sellers pay taxes to a governmental body that in no way represents its interests is contrary to that basic premise of our democracy. In continuing to pursue a resolut8inon of the streamlined State sales tax issue, it is important that we continue to be guided by that principle.

Mr. LANGEVIN. Mr. Speaker. Today, I rise in support of H.R. 49, the Internet Tax Nondiscrimination Act. This bill is the result of a bipartisan compromise to the benefit of consumers in Rhode Island and around the country.

H.R. 49 makes permanent the current moratorium on Internet access taxes, which was scheduled to expire on November 1, 2003. This moratorium, in effect since October 1998, has greatly contributed to the rapid expansion of the Internet.

For the second quarter of 2003, e-commerce accounted for only 1.5 percent of total goods and services sold in the country, but this is an increase of 28 percent from the previous year. By 2005, worldwide online sales are expected to total $8.6 trillion online, up from $3.6 trillion this year. This bill will maintain the United States' position as a leader in online commerce because H.R. 49 protects consumers from double taxation of online purchases, which would slow the growth of Internet sales.

I am pleased to see that the Judiciary Committee adopted the Watts-Cannon amendment, which ensures that all technologies, including traditional modem, cable modem, DSL, wireless, and future access methods, are subject to the same tax treatment. In addition, this bill ensures a nondiscriminatory tax system, which neither encourages nor discourages purchases online. The legislation is fair to existing brick and mortar businesses, while continuing to foster the expansion of e-commerce.

I urge my colleagues to support H.R. 49, this bipartisan legislation that benefits consumers and businesses.

Mr. KIND. Mr. Speaker, I am pleased to support H.R. 49, the Internet Tax Non-Discrimination Act. This bill would make permanent the national moratorium on Internet access taxes and multiple and discriminatory taxes on e-commerce.

The United States has made great strides in the goal of achieving Internet access for all Americans. As I travel throughout my district in western Wisconsin, I am constantly amazed to see the continued use of the Internet in public libraries, schools and hospitals, as well as individual homes and businesses. As the telephone did 100 years ago, the Internet is improving our lives and bringing us closer together as a world community.

Mr. Speaker, the previous legislation dealing with Internet taxation grandfathered existing laws in 10 states, including Wisconsin that imposed taxes on Internet access. The revenue from the taxes was used to pay for police officers, firefighters, hospital personnel, and elementary and secondary school teachers.

In these times of tight state budgets and fiscal uncertainty, every tax dollar is crucial to deliver needed services to citizens throughout the country. However, when the Federal Government unilaterally removes tax revenue by superceding state laws, state budgets take the hit. Congress must take state government needs and budget schedules when passing laws that supercede state taxation laws.

Mr. Speaker, the language in the Senate version of this bill includes a provision providing for a 3-year delay in the implementation of the law in those states with previous Internet access tax laws. This provision will afford those states the opportunity to plan for the loss of revenue from H.R. 49.

I am voting for H.R. 49 because I believe it is important to keep Internet access affordable so all Americans across the economic spectrum. However, I think it is only fair to state governments that they have proper notice about the lost of tax revenue dollars. Thus, I will be urging conferees to adopt the Senate language allowing for a 3-year delay of this law in those 10 states with Internet access tax laws.

Mr. SENSENBRENNER. Mr. Speaker, I urge support for the bill and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 49, as amended.

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

A motion to reconsider was laid on the table.

CHARITABLE GIVING ACT OF 2003

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 370 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 370

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 7) to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment printed in part B of the report of the Committee on Rules, if offered by Representative Cardin of Maryland or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 370 is a modified, closed rule that provides one hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. H. Res. 370 waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute recommended by the Committee on Ways and Means, as modified by the amendment printed in Part A of the Committee on Rules report accompanying the resolution, shall be considered as adopted.

The rule also provides for the consideration of the amendment in the nature of a substitute printed in Part B of the Committee on Rules report, if offered by the gentleman from Maryland (Mr. CARDIN) or his designee, which shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in Part B of the report.

Finally, H. Res. 370 provides one motion to recommit, with or without instructions.

Mr. Speaker, I urge my colleagues to join me in approving this fair and balanced rule, so that the full House can proceed to consider the underlying bipartisan charitable giving legislation.

The basic thrust of H.R. 7 is to make a number of changes to the Tax Code in order to provide incentives for individuals and businesses to make charitable contributions. I suspect that we would all agree that the Tax Code should not discourage taxpayers or businesses from seeking to help others. H.R. 7 is designed to ensure that charitable contributions of many different kinds can flourish by providing a variety of tax incentives for people and employers to help those in need. I applaud the hard work and leadership of my friend and colleague, the majority whip, the gentleman from Missouri (Mr. BLUNT), and his principal Democrat cosponsor, the gentleman from Tennessee (Mr. FORD), in bringing this legislation to the House floor today.

I urge my colleagues on both sides of the aisle to join me in voting for this rule so that we can move on to consideration of the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased the body is considering legislation to increase tax incentives for charitable donations. Charitable organizations across the country are responsible for improving the lives of individuals and entire communities. These dedicated, hard-working groups provide shelter to those without homes, provide food and clothing to families in need, and care for the sick and the dying. They work with our children, providing opportunities for them to develop through art and music programs, teaching them to read, and so much more.

In east Buffalo, the tenacity and leadership of Sister Mary Johnice and others created the Response to Love Center. This community outreach center is a family center. The thrift shop clothes the needy. The kitchen feeds the hungry. The food pantry stretches families' thin budgets. The food stamp worker helps those in need to fill out the applications. The visiting nurse takes blood pressures and addresses health care issues with a client. It is right and good that this body seeks to support these great works by increasing the donations of individuals and community-minded companies.

I am also gratified that the bill before us today is without provisions allowing religious organizations that receive Federal funds to discriminate. Discrimination is not charitable. Discrimination should neither be allowed nor encouraged, particularly by the Federal Government. The invidious evil of discrimination erodes groups' charitable mission.

During these bad economic times, when millions of jobs have been lost and millions of people suffer unemployment, the demand for the charitable work rises.

It is my hope that this legislation will provide additional assistance to meet the additional demand. The women and men who lost jobs at local manufacturing plants are not the only ones suffering. The Federal Government's fiscal house is in complete disorder. The enormous tax giveaways to millionaires and the mounting costs of rebuilding Iraq are draining the Federal coffers, and the ailing economy has yet to generate enough revenue. In fact, the budget deficit for this fiscal year is going to be over $400 billion, and the deficit for next year should be around $500 billion, one-half trillion. The predicted $5.6 billion surplus has become an anticipated $2.3 trillion deficit.

So how are we going to pay for the $12.7 billion cost of this bill? H.R. 7 does not address this issue, but the Democrat substitute does, fortunately. The substitute amendment would add revenue offsets by closing tax loopholes and curtailing abusive tax shelters. It would even increase funding for community programs that, among other things, prevent child abuse and provide child care to low-income families. This is a fiscally responsible approach for encouraging charitable giving and providing assistance to vulnerable families during these particularly difficult times.

Mr. Speaker, I want to express my personal displeasure and sorrow that the Committee on Rules did not make in order the amendment by my colleague, the gentlewoman from New York (Mrs. MALONEY) that would have forgiven the one-time tax on the CDBG grants for the businesses in Lower Manhattan who suffered so much on 9/11.

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

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

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership on so many important issues before this body.

I rise in strong support of the underlying bill, but in opposition to this closed rule, a rule that does not allow a straight up-or-down vote on an amendment that the New York delegation supported that would not have taxed grants to individuals and businesses that suffered because of 9/11. It is really beyond me to understand why the majority continues to block efforts to correct what is an injustice and why they continue to unfairly tax the victims of 9/11. We have heard many discussions before this body on taxes, taxes that they want to eliminate and make permanent, on estate taxes, on this, that, and the other. Well, now the majority has found a tax that they do like, and that is taxing the people who took a hit for the country, the victims of 9/11.

I want to share with my colleagues that this is the latest in a series of actions by the New York delegation. The New York delegation has written the IRS and the Secretary of the Treasury. We have written the President. We have written to the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), and the leadership of the other body. We have introduced bipartisan legislation. The Committee on Ways and Means is aware of the challenge, and the Congressional Research Service has issued a memo on this unfair tax.

We went in front of the Committee on Rules before and tried to add it as an amendment to H.R. 1308, the increased child tax credit bill. And just last week, the gentleman from New York (Mr. NADLER) and myself tried to add this amendment to the Transportation-Treasury bill, and it was ruled not germane. But in the Committee on Rules last night, when they discussed it, the Parliamentarian had made a statement that it was entirely germane and could have been taken up by this body.

□ 1145

So the end results continue to remain that the victims of 9/11 are still being taxed, and it is just unfair for these cash-strapped individuals and businesses to take another financial hit from this disaster, a financial hit that the Joint Committee on Taxation estimated to be over $268 million.

The IRS is taking back $268 million in Federal aid that the President pledged to New York City and Congress appropriated. We should be sending aid to victims, not taking it away.

The IRS decision has also had a ripple effect on other Federal benefits that survivors of 9/11 may receive. Since many agencies rely on the IRS's definition of gross income, some recipients' eligibility for programs like Medicare, Medicaid and Social Security, these programs likewise may be in jeopardy and taxed.

I would like to bring it down to what it means to an individual life with my constituents. I would like to take the example of Olga Diaz. She was the owner of a hair salon in the World Trade Center. She estimates that she lost $300,000 in the attacks and received a Federal grant of $37,000, a fraction of her loss. She now owes over $10,000. She owes a third of her grant of $37,000 back to the Federal Government. And she states that she learned about the taxation of the grant ''after I invested it in rebuilding my business and I am now struggling to find ways to pay.''

Mr. STARK. Mr. Speaker, will the gentlewoman yield?

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

Mr. STARK. Mr. Speaker, I would ask, how much was the New York delegation asking, does the gentlewoman recall, for the help of the 9/11 victims?

Mrs. MALONEY. We, as a body, as the gentleman knows, appropriated and approved with the President $21.4 billion.

My office issued a report along with the Speaker of the City Council last week that 7 billion of those dollars have come to New York City, and that allocated or planned is roughly $19 billion. So we are short from the $21 billion.

Mr. STARK. So that was over 10?

Mrs. MALONEY. Yes.

Mr. STARK. So that would be about 200 million a year that you are short. I wondered if the gentlewoman was aware that in this bill there is $61 million for the State of Washington and the Weyerhaeuser Timber Corporation to do a kind of experiment in how to save trees by cutting them down, and none of the other States were allowed to participate in this, including New York State where they have major timber and pulp. So all through this bill

there are special little interests gifts. Think of the Weyerhaeuser Timber Corporation and how badly they need an extra $61 million as compared to the people of 9/11.

Mrs. MALONEY. Reclaiming my time, I am outraged by this information. I thank the gentleman for letting me know about it. Certainly investing in human lives and trying to make them whole again after they have lost so much, in my opinion, is far more important than a timber subsidy.

I repeat, $268 million is being taken from the individuals and the businesses, most of which are small businesses, back into the Federal government. And to make matters worse, the IRS did not tell these people until the eve of the tax date so that they spent the money, as Mrs. Olga Diaz did, investing in trying to get her business going again. Now they are coming in and taking a third of her grant, which is just a fraction of the grant that was owed to her in her $300,000 loss.

So this is very unfair, and I do not believe that it is the intent of this body to tax these grants. I hope that in a subsequent bill or amendment it will be made in order or the bill from the delegation may come to the floor to correct this.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time and I rise in strong support of this rule.

As we all know, this rule does in fact make in order the Democratic substitute, which was offered by the gentleman from Maryland (Mr. CARDIN), and I believe that the rule itself should enjoy broad bipartisan support as I hope at the end of the day the legislation will.

This is bipartisan legislation authored by our good friend, the gentleman from Missouri (Mr. BLUNT), the distinguished majority whip, and the gentleman from Tennessee (Mr. FORD), who have worked forming a bipartisan compromise on this. I will say that the goal is a very simple one, and that is to encourage greater philanthropy in contribution.

My friend, the gentleman from Georgia (Mr. LINDER), regularly points to the fact that people in this country were contributing large amounts before the Internal Revenue Code was put into place in 1913, and we do have many people who do step up and voluntarily provide large contributions. We have a lot of foundations that, frankly, do not take the tax ramifications of their contributions into consideration. But there are also incentives that do exist and we need to recognize that and the idea of saying to people who do not itemize, meaning those who are lower, middle income taxpayers, that they should have an opportunity to qualify for a deduction for their charitable contribution is the right thing to do.

This measure also goes a long way towards encouraging corporate philanthropy by increasing from 10 to 20 percent the cap on corporate contributions, so we want to see even greater support from the business community.

Also, the legislation does go a long way towards addressing private foundations, and I think that is an important thing and it deals with the 5 percent minimum for contributions and distributions from those private foundations.

Mr. Speaker, I think that we have here a piece of legislation which will allow us to do something that is very important. We have so many people looking to the Federal Government to provide assistance in a wide range of areas and we, according to Article I, Section 7 of the Constitution, have the responsibility to appropriate dollars. It seems to me that rather than constantly focusing on appropriating the hard earned tax dollars of the American people, what we should do is we should provide an incentive for every American to participate philanthropically by making contributions to meet societal needs that are out there, and I believe that H.R. 7 will go a long way in our quest to do just that.

I urge my colleagues to support the rule and to support the underlying legislation at the end of the day so that we once again can get even more and more people involved in the very, very important decision making process of meeting the needs in their communities and in our Nation.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I will say that I am not a member of the Committee on Ways and Means so I thought I would take this opportunity to say what I have to say on the rule itself.

There are some things in this bill that cause me some heartburn and there are some things in this bill that I think are very valuable. And I am not sure exactly which one is taking precedence for me on the bill itself, but I did want to thank the Committee on Ways and Means for addressing a concern that had been raised about the administrative expense part of this bill by the Morehead Foundation, which is a major scholarship giving foundation in North Carolina. The Committee on Ways and Means addressed their concern, and I wanted to acknowledge that and thank them for doing that.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON), our colleague on the Committee on Ways and Means.

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

Mr. Speaker, I want to encourage my fellow Members to support H.R. 7. There are lots of provisions in the bill which I think are good and I appreciate the comments by the former speaker in terms of what the Committee on Ways and Means has done; but there is a particular provision that would help many Americans who are literally struggling to stay alive.

This provision would expand the current deductions to all businesses, not just C corporations, and I believe this expansion would substantially increase the donation of food to food banks and other organizations. It is that simple.

What these groups do is to provide the obviously daily nourishment to homeless and others that are down on their luck and just cannot provide for all their needs themselves.

The bill also includes the provisions of H.R. 807. This is something that I introduced with the gentleman from Georgia (Mr. LEWIS) and previous to last year Tony Hall. As many know, Tony Hall is now in Rome doing a wonderful job for the United Nations agencies for food and agriculture.

But this bill would open up the deduction for all businesses, as I mentioned earlier, not just the larger corporations, and allow those businesses a deduction for the fair-market value of the food at the time they donate it.

This is a good provision. I urge everybody to support the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman for yielding me time. I thank the members of the Committee of Ways and Means for bringing this debate of H.R. 7 to the floor of the House.

Let me first of all add my support to the Cardin substitute. It is an equalizing substitute in terms of adding to this legislation a provision to restore the Social Services block grant funding level to $2.8 billion from $1.7 billion. It helps to support the State, local government and community based organization programs intended for the same population as the foundations benefiting from the tax provision that we are now providing or discussing on the floor of the House; additionally, as the entire cost is offset with a set of corporate loophole closures similar to those included in other House Democratic substitutes.

Let me also say that I would hope that in the weeks to come that we could discuss on the floor of the House the repeal of the President's very, if you will, misdirected tax cut in the light of the need for funding for our soldiers in Iraq and as well in light of the very huge budget crisis that we have.

We are bringing this bill to the floor because we are trying to help people. We are trying to create an opportunity for smaller businesses and others to be able to give monies to these social agencies in order to provide for a better quality of life.

Well, Mr. Speaker, I think we can start right here in the United States

Congress to create an opportunity for a better quality of life by immediately repealing the President's tax cut so that we can in fact fund the necessary resources that are needed for our troops, and, as well, that we can provide the social services that our appropriators are now struggling to provide because they are in a crisis as to the amount of dollars that we will have.

Mr. Speaker, I think that the Cardin substitute is a great enhancement of H.R. 7. I rise to support that substitute and certainly will consider its impact on H.R. 7 as I consider my vote on this legislation dealing with the Charitable Giving Act of 2003.

Mr. LINDER. Mr. Speaker, does the gentlewoman from New York (Ms. SLAUGHTER) have any further speakers?

Ms. SLAUGHTER. Mr. Speaker, I did have speakers requesting time but they are not on the floor.

Mr. LINDER. Is the gentlewoman prepared to yield back?

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1200

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 370, I call up the bill (H.R. 7) to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 370, the bill is considered read for amendment.

The text of H.R. 7 is, as follows:

H.R. 7

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

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Charitable Giving Act of 2003''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—CHARITABLE GIVING INCENTIVES

Sec. 101. Deduction for portion of charitable contributions to be allowed to individuals who do not itemize deductions.
Sec. 102. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 103. Increase in cap on corporate charitable contributions.
Sec. 104. Charitable deduction for contributions of food inventory.
Sec. 105. Reform of certain excise taxes related to private foundations.
Sec. 106. Excise tax on unrelated business taxable income of charitable remainder trusts.
Sec. 107. Expansion of charitable contribution allowed for scientific property used for research and for computer technology and equipment used for educational purposes.
Sec. 108. Adjustment to basis of S corporation stock for certain charitable contributions.

TITLE II—TAX REFORM AND IMPROVEMENTS RELATING TO CHARITABLE ORGANIZATIONS AND PROGRAMS

Sec. 201. Suspension of tax-exempt status of terrorist organizations.
Sec. 202. Clarification of definition of church tax inquiry.
Sec. 203. Expansion of declaratory judgment remedy to tax-exempt organizations.
Sec. 204. Landowner incentives programs.
Sec. 205. Modifications to section 512(b)(13).
Sec. 206. Simplification of lobbying expenditure limitation.
Sec. 207. Permitted holdings of private foundation where corporation is publicly traded and publicly controlled.

TITLE III—OTHER PROVISIONS

Sec. 301. Compassion capital fund.
Sec. 302. Reauthorization of assets for independence demonstration.
Sec. 303. Sense of the Congress regarding corporate contributions to faith-based organizations, etc.
Sec. 304. Maternity group homes.

TITLE I—CHARITABLE GIVING INCENTIVES

SEC. 101. DEDUCTION FOR PORTION OF CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) DEDUCTION FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.—

''(1) IN GENERAL.—In the case of an individual who does not itemize deductions for any taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the amount allowable under subsection (a) for the taxable year for cash contributions (determined without regard to any carryover), to the extent that such contributions exceed $250 ($500 in the case of a joint return) but do not exceed $500 ($1,000 in the case of a joint return).

''(2) TERMINATION.—This subsection shall not apply to any taxable year beginning after December 31, 2005.''.

(b) DIRECT CHARITABLE DEDUCTION.—

(1) IN GENERAL.—Subsection (b) of section 63 (defining taxable income) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the direct charitable deduction.''.

(2) DEFINITION.—Section 63 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) DIRECT CHARITABLE DEDUCTION.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m).''.

(3) CONFORMING AMENDMENT.—Subsection (d) of section 63 is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the direct charitable deduction.''.

(c) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury shall study the effect of the amendments made by this section on increased charitable giving and taxpayer compliance, including a comparison of taxpayer compliance between taxpayers who itemize their charitable contributions and taxpayers who claim a direct charitable deduction.

(2) REPORT.—By not later than December 31, 2005, the Secretary of the Treasury shall report on the study required under paragraph (1) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 102. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subsection (d) of section 408 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

''(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

''(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

''(B) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement plan—

''(i) which is made on or after the date that the individual for whose benefit the plan is maintained has attained age 70 ½, and

''(ii) which is made directly by the trustee—

''(I) to an organization described in section 170(c), or

''(II) to a split-interest entity.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such plan is maintained, the spouse of such individual, or any organization described in section 170(c).

''(C) CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.—For purposes of this paragraph—

''(i) DIRECT CONTRIBUTIONS.—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

''(ii) SPLIT-INTEREST GIFTS.—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

''(D) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such

amount does not exceed the aggregate amount which would have been so includible if all amounts were distributed from all individual retirement plans treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion on such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

''(E) SPECIAL RULES FOR SPLIT-INTEREST ENTITIES.—

''(i) CHARITABLE REMAINDER TRUSTS.—Notwithstanding section 664(b), distributions made from a trust described in subparagraph (G)(i) shall be treated as ordinary income in the hands of the beneficiary to whom is paid the annuity described in section 664(d)(1)(A) or the payment described in section 664(d)(2)(A).

''(ii) POOLED INCOME FUNDS.—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)) by reason of a qualified charitable distribution to such fund, and all distributions from the fund which are attributable to qualified charitable distributions shall be treated as ordinary income to the beneficiary.

''(iii) CHARITABLE GIFT ANNUITIES.—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

''(F) DENIAL OF DEDUCTION.—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

''(G) SPLIT-INTEREST ENTITY DEFINED.—For purposes of this paragraph, the term 'split-interest entity' means—

''(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)) which must be funded exclusively by qualified charitable distributions,

''(ii) a pooled income fund (as defined in section 642(c)(5)), but only if the fund accounts separately for amounts attributable to qualified charitable distributions, and

''(iii) a charitable gift annuity (as defined in section 501(m)(5)).''.

(b) MODIFICATIONS RELATING TO INFORMATION RETURNS BY CERTAIN TRUSTS.—

(1) RETURNS.—Section 6034 (relating to returns by trusts described in section 4947(a)(2) or claiming charitable deductions under section 642(c)) is amended to read as follows:

''SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

''(a) TRUSTS DESCRIBED IN SECTION 4947(a)(2).—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

''(b) TRUSTS CLAIMING A CHARITABLE DEDUCTION UNDER SECTION 642(c).—

''(1) IN GENERAL.—Every trust not required to file a return under subsection (a) but claiming a deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including—

''(A) the amount of the deduction taken under section 642(c) within such year,

''(B) the amount paid out within such year which represents amounts for which deductions under section 642(c) have been taken in prior years,

''(C) the amount for which such deductions have been taken in prior years but which has not been paid out at the beginning of such year,

''(D) the amount paid out of principal in the current and prior years for the purposes described in section 642(c),

''(E) the total income of the trust within such year and the expenses attributable thereto, and

''(F) a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to a trust for any taxable year if—

''(A) all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries, or

''(B) the trust is described in section 4947(a)(1).''.

(2) INCREASE IN PENALTY RELATING TO FILING OF INFORMATION RETURN BY SPLIT-INTEREST TRUSTS.—Paragraph (2) of section 6652(c) (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new subparagraph:

''(C) SPLIT-INTEREST TRUSTS.—In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that—

''(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

''(ii) in the case of any trust with gross income in excess of $250,000, the first sentence of paragraph (1)(A) shall be applied by substituting '$100' for '$20', and the second sentence thereof shall be applied by substituting '$50,000' for '$10,000', and

''(iii) the third sentence of paragraph (1)(A) shall be disregarded.

In addition to any penalty imposed on the trust pursuant to this subparagraph, if the person required to file such return knowingly fails to file the return, such penalty shall also be imposed on such person who shall be personally liable for such penalty.''.

(3) CONFIDENTIALITY OF NONCHARITABLE BENEFICIARIES.—Subsection (b) of section 6104 (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: ''In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c).''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to distributions made after December 31, 2003.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2003.

SEC. 103. INCREASE IN CAP ON CORPORATE CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Paragraph (2) of section 170(b) (relating to corporations) is amended by striking ''10 percent'' and inserting ''the applicable percentage''.

(b) APPLICABLE PERCENTAGE.—Subsection (b) of section 170 is amended by adding at the end the following new paragraph:

''(3) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

''For taxable years beginning in calendar year—	The applicable percentage is—
2004	11
2005	12
2006	13
2007	14
2008 through 2011	15
2012 and thereafter	20.''.

(c) CONFORMING AMENDMENTS.—

(1) Sections 512(b)(10) and 805(b)(2)(A) are each amended by striking ''10 percent'' each place it occurs and inserting ''the applicable percentage (determined under section 170(b)(3))''.

(2) Sections 545(b)(2) and 556(b)(2) are each amended by striking ''10-percent limitation'' and inserting ''applicable percentage limitation''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 104. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Paragraph (3) of section 170(e) (relating to special rule for certain contributions of inventory and other property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

''(C) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

''(i) GENERAL RULE.—In the case of a charitable contribution of food, this paragraph shall be applied—

''(I) without regard to whether the contribution is made by a C corporation, and

''(II) only for food that is apparently wholesome food.

''(ii) LIMITATION.—In the case of taxpayer other than a C corporation, clause (i) shall not apply to any contribution of apparently wholesome food from a trade or business of the taxpayer to the extent that such contribution exceeds the applicable percentage (within the meaning of subsection (b)(3)) of the amount of net income of the taxpayer from the trade or business with respect to which such food is inventory. For purposes of the preceding sentence, the amount of net income of the taxpayer from a trade or business is the excess of—

''(I) the aggregate amount of gross income from such trade or business received or accrued by the taxpayer during the taxable year, over

''(II) the aggregate amount of any deductions allocable to such trade or business allowed to the taxpayer under this chapter for the taxable year.

''(iii) DETERMINATION OF FAIR MARKET VALUE.—In the case of a qualified contribution of apparently wholesome food to which this paragraph applies and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such food shall be determined by taking into account the price at which the same or substantially the same food items (as to both type and quality) are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

''(iv) APPARENTLY WHOLESOME FOOD.—For purposes of this subparagraph, the term 'apparently wholesome food' shall have the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.''.

(b) EFFECTIVE DATE.—The amendment made by section shall apply to taxable years beginning after December 31, 2003.

SEC. 105. REFORM OF CERTAIN EXCISE TAXES RELATED TO PRIVATE FOUNDATIONS.

(a) REDUCTION OF TAX ON NET INVESTMENT INCOME.—Subsection (a) of section 4940 (relating to excise tax based on investment income) is amended by striking ''2 percent'' and inserting ''1 percent''.

(b) REPEAL OF REDUCTION IN TAX WHERE PRIVATE FOUNDATION MEETS CERTAIN DISTRIBUTION REQUIREMENTS.—Section 4940 is amended by striking subsection (e).

(c) MODIFICATION OF EXCISE TAX ON FAILURE TO DISTRIBUTE INCOME.—

(1) ADMINISTRATIVE EXPENSES NOT TREATED AS DISTRIBUTIONS.—Subparagraph (A) of section 4942(g)(1) is amended by striking ''including that portion of reasonable and necessary administrative expenses'' and inserting ''excluding administrative expenses''.

(2) EXCLUSION NOT TO APPLY TO CERTAIN PRIVATE FOUNDATIONS.—Paragraph (3) of section 4942(j) is amended—

(A) by striking ''(within the meaning of paragraph (1) or (2) of subsection (g))'' each place it appears, and

(B) by inserting at the end the following: ''For purposes of this paragraph, the term 'qualifying distributions' means qualifying distributions within the meaning of paragraph (1) or (2) of subsection (g), except that 'including that portion of reasonable and necessary administrative expenses' shall be substituted for 'excluding administrative expenses' in subsection (g)(1)(A).''.

(3) CONFORMING AMENDMENT.—Subsection (g) of section 4942 is amended by striking paragraph (4).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 106. EXCISE TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINDER TRUSTS.

(a) IN GENERAL.—Subsection (c) of section 664 (relating to exemption from income taxes) is amended to read as follows:

''(c) TAXATION OF TRUSTS.—

''(1) INCOME TAX.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.

''(2) EXCISE TAX.—

''(A) IN GENERAL.—In the case of a charitable remainder annuity trust or a charitable remainder unitrust that has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.

''(B) CERTAIN RULES TO APPLY.—The tax imposed by subparagraph (A) shall be treated as imposed by chapter 42 for purposes of this title other than subchapter E of chapter 42.

''(C) CHARACTER OF DISTRIBUTIONS AND COORDINATION WITH DISTRIBUTION REQUIREMENTS.—The amounts taken into account in determining unrelated business taxable income (as defined in subparagraph (A)) shall not be taken into account for purposes of—

''(i) subsection (b),

''(ii) determining the value of trust assets under subsection (d)(2), and

''(iii) determining income under subsection (d)(3).

''(D) TAX COURT PROCEEDINGS.—For purposes of this paragraph, the references in section 6212(c)(1) to section 4940 shall be deemed to include references to this paragraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 107. EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.

(a) SCIENTIFIC PROPERTY USED FOR RESEARCH.—

(1) IN GENERAL.—Clause (ii) of section 170(e)(4)(B) (defining qualified research contributions) is amended by inserting ''or assembled'' after ''constructed''.

(2) CONFORMING AMENDMENT.—Clause (iii) of section 170(e)(4)(B) is amended by inserting ''or assembling'' after ''construction''.

(b) COMPUTER TECHNOLOGY AND EQUIPMENT FOR EDUCATIONAL PURPOSES.—

(1) IN GENERAL.—Clause (ii) of section 170(e)(6)(B) is amended by inserting ''or assembled'' after ''constructed'' and ''or assembling'' after ''construction''.

(2) SPECIAL RULE EXTENDED.—Section 170(e)(6)(G) is amended by striking ''2003'' and inserting ''2005''.

(3) CONFORMING AMENDMENTS.—Subparagraph (D) of section 170(e)(6) is amended by inserting ''or assembled'' after ''constructed'' and ''or assembling'' after ''construction''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 108. ADJUSTMENT TO BASIS OF S CORPORATION STOCK FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) (relating to adjustments to basis of stock of shareholders, etc.) is amended by adding at the end the following new flush sentence:

''The decrease under subparagraph (B) by reason of a charitable contribution (as defined in section 170(c)) of property shall be the amount equal to the shareholder's pro rata share of the adjusted basis of such property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

TITLE II—TAX REFORM AND IMPROVEMENTS RELATING TO CHARITABLE ORGANIZATIONS AND PROGRAMS

SEC. 201. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

''(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

''(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

''(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

''(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

''(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

''(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

''(ii) such Executive order refers to this subsection.

''(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

''(A) begins on the later of—

''(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

''(ii) the date of the enactment of this subsection, and

''(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

''(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

''(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

''(6) ERRONEOUS DESIGNATION.—

''(A) IN GENERAL.—If—

''(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

''(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

''(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

''(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

''(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 202. CLARIFICATION OF DEFINITION OF CHURCH TAX INQUIRY.

Subsection (i) of section 7611 (relating to section not to apply to criminal investigations, etc.) is amended by striking ''or'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', or'', and by inserting after paragraph (5) the following:

''(6) information provided by the Secretary related to the standards for exemption from tax under this title and the requirements under this title relating to unrelated business taxable income.''.

SEC. 203. EXPANSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Paragraph (1) of section 7428(a) (relating to creation of remedy) is amended—

(1) in subparagraph (B) by inserting after ''509(a))'' the following: ''or as a private operating foundation (as defined in section 4942(j)(3))''; and

(2) by amending subparagraph (C) to read as follows:

''(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in subsection (c) (other than paragraph (3)) or (d) of section 501 which is exempt from tax under section 501(a), or''.

(b) COURT JURISDICTION.—Subsection (a) of section 7428 is amended in the material following paragraph (2) by striking ''United States Tax Court, the United States Claims Court, or the district court of the United States for the District of Columbia'' and inserting the following: ''United States Tax Court (in the case of any such determination or failure) or the United States Claims Court or the district court of the United States for the District of Columbia (in the case of a determination or failure with respect to an issue referred to in subparagraph (A) or (B) of paragraph (1)),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to pleadings filed with respect to determinations (or requests for determinations) made after the date of the enactment of this Act.

SEC. 204. LANDOWNER INCENTIVES PROGRAMS.

(a) IN GENERAL.—Subsection (a) of section 126 is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

''(10) Landowner initiatives programs to conserve threatened, endangered, or imperiled species, or protect or restore habitat carried out under—

''(A) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.),

''(B) the Fish and Wildlife Act of 1956 (16 U.S.C. 742f), or

''(C) section 6 of the Endangered Species Act (16 U.S.C. 11531 et seq.).''.

(b) EXCLUDABLE PORTION.—Subparagraph (A) of section 126(b)(1) is amended by inserting after ''Secretary of Agriculture'' the following: ''(the Secretary of the Interior, in the case of the landowner incentives programs described in subsection (a)(10) and the programs described in subsection (a)(11) that are implemented by the Department of the Interior)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 205. MODIFICATIONS TO SECTION 512(b)(13).

(a) IN GENERAL.—Paragraph (13) of section 512(b) (relating to special rules for certain amounts received from controlled entities) is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

''(E) PARAGRAPH TO APPLY ONLY TO EXCESS PAYMENTS.—

''(i) IN GENERAL.—Subparagraph (A) shall apply only to the portion of a specified payment received or accrued by the controlling organization that exceeds the amount which would have been paid or accrued if such payment met the requirements prescribed under section 482.

''(ii) ADDITION TO TAX FOR VALUATION MISSTATEMENTS.—The tax imposed by this chapter on the controlling organization shall be increased by an amount equal to 20 percent of the larger of—

''(I) such excess determined without regard to any amendment or supplement to a return of tax, or

''(II) such excess determined with regard to all such amendments and supplements.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to payments received or accrued after December 31, 2003.

(2) PAYMENTS SUBJECT TO BINDING CONTRACT TRANSITION RULE.—If the amendments made by section 1041 of the Taxpayer Relief Act of 1997 did not apply to any amount received or accrued in the first 2 taxable years beginning on or after the date of the enactment of the Taxpayer Relief Act of 1997 under any contract described in subsection (b)(2) of such section, such amendments also shall not apply to amounts received or accrued under such contract before January 1, 2001.

SEC. 206. SIMPLIFICATION OF LOBBYING EXPENDITURE LIMITATION.

(a) REPEAL OF GRASSROOTS EXPENDITURE LIMIT.—Paragraph (1) of section 501(h) (relating to expenditures by public charities to influence legislation) is amended to read as follows:

''(1) GENERAL RULE.—In the case of an organization to which this subsection applies, exemption from taxation under subsection (a) shall be denied because a substantial part of the activities of such organization consists of carrying on propaganda, or otherwise attempting, to influence legislation, but only if such organization normally makes lobbying expenditures in excess of the lobbying ceiling amount for such organization for each taxable year.''.

(b) EXCESS LOBBYING EXPENDITURES.—Section 4911(b) is amended to read as follows:

''(b) EXCESS LOBBYING EXPENDITURES.—For purposes of this section, the term 'excess lobbying expenditures' means, for a taxable year, the amount by which the lobbying expenditures made by the organization during the taxable year exceed the lobbying nontaxable amount for such organization for such taxable year.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 501(h)(2) is amended by striking subparagraphs (C) and (D).

(2) Section 4911(c) is amended by striking paragraphs (3) and (4).

(3) Paragraph (1)(A) of section 4911(f) is amended by striking ''limits of section 501(h)(1) have'' and inserting ''limit of section 501(h)(1) has''.

(4) Paragraph (1)(C) of section 4911(f) is amended by striking ''limits of section 501(h)(1) are'' and inserting ''limit of section 501(h)(1) is''.

(5) Paragraphs (4)(A) and (4)(B) of section 4911(f) are each amended by striking ''limits of section 501(h)(1)'' and inserting ''limit of section 501(h)(1)''.

(6) Paragraph (8) of section 6033(b) (relating to certain organizations described in section 501(c)(3)) is amended by inserting ''and'' at the end of subparagraph (A) and by striking subparagraphs (C) and (D).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 207. PERMITTED HOLDINGS OF PRIVATE FOUNDATION WHERE CORPORATION IS PUBLICLY TRADED AND PUBLICLY CONTROLLED.

(a) IN GENERAL.—Paragraph (2) of section 4943(c) (relating to the permitted holdings in a corporation) is amended by adding at the end the following new subparagraphs:

''(D) PERMITTED HOLDINGS WHERE CORPORATION IS PUBLICLY-TRADED AND PUBLICLY CONTROLLED.—A private foundation shall not be treated as having excess business holdings in any corporation in any calendar year in which it (together with all other private foundations which are described in section 4946(a)(1)(H)) owns not more than 5 percent of the voting stock and not more than 5 percent in value of all outstanding shares of all classes of stock if—

''(i) the common stock of the corporation, and any other class of stock of which shares are held by the private foundation, are regularly traded on an established securities market (within the meaning of section 897(c)(3)),

''(ii) more than 50 percent of—

''(I) the total combined voting power of all classes of stock of such corporation entitled to vote, and

''(II) the total value of the stock of such corporation,

is owned directly or indirectly by persons other than the private foundation and persons who are disqualified persons with respect to the private foundation,

''(iii) the Board of Directors of such corporation consists of a majority of persons who are not disqualified persons with respect to the private foundation, and

''(iv) any undistributed income (within the meaning of section 4942(c)) of the private foundation for such year (determined after substituting '6 percent' for '5 percent' in section 4942(e)(1)) shall have been distributed within the required period under section 4942(a) so as to avoid application of the initial tax on such undistributed income.

''(E) EXCEPTION TO PERMITTED HOLDINGS WHERE CORPORATION IS PUBLICLY-TRADED AND PUBLICLY CONTROLLED.—No stock of a corporation held by the private foundation shall be considered permitted holdings pursuant to subparagraph (D) to the extent such stock was acquired by the private foundation by purchase in a taxable transaction or was acquired from a disqualified person who acquired such stock by purchase in a taxable transaction within the 5 years immediately preceding the transfer of such stock to the private foundation. Solely for purposes of applying the preceding sentence—

''(i) any such stock acquired by purchase in a taxable transaction by such disqualified person within such 5 year period shall be treated as included in such transfer to the extent of such transfer,

''(ii) all stock acquired by such disqualified person by purchase in a taxable transaction during the 24 month period beginning on the date of the transfer to the private foundation shall be treated as held by such disqualified person on the date of such transfer and included in such transfer, and

''(iii) the private foundation may specifically designate any shares of stock not considered permitted holdings for purposes of allowing such private foundation to dispose of such stock.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

TITLE III—OTHER PROVISIONS

SEC. 301. COMPASSION CAPITAL FUND.

Title IV of the Social Security Act (42 U.S.C. 601–679b) is amended by adding at the end the following:

''PART F—COMPASSION CAPITAL FUND

''SEC. 481. SECRETARY'S FUND TO SUPPORT AND REPLICATE PROMISING SOCIAL SERVICE PROGRAMS.

''(a) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Secretary may make grants to support any private entity that operates a promising social services program.

''(2) APPLICATIONS.—An entity desiring to receive a grant under paragraph (1) shall submit to the Secretary an application for the grant, which shall contain such information as the Secretary may require.

''(b) CONTRACT AUTHORITY, ETC.—The Secretary may enter into a grant, contract, or cooperative agreement with any entity under which the entity would provide technical assistance to another entity to operate a social service program that assists persons and families in need, including by—

''(1) providing the other entity with—

''(A) technical assistance and information, including legal assistance and other business assistance;

''(B) information on capacity-building;

''(C) information and assistance in identifying and using best practices for serving persons and families in need; or

''(D) assistance in replicating programs with demonstrated effectiveness in assisting persons and families in need; or

''(2) supporting research on the best practices of social service organizations.

''(c) GUIDANCE AND TECHNICAL ASSISTANCE.—The Secretary may use not more than 25 percent of the amount appropriated under this section for a fiscal year to provide guidance and technical assistance to States and political subdivisions of States with respect to the implementation of any social service program.

''(d) SOCIAL SERVICES PROGRAM DEFINED.—In this section, the term 'social services program' means a program that provides benefits or services of any kind to persons and families in need.

''(e) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary $150,000,000 for fiscal year 2003, and such sums as may be necessary for fiscal years 2004 through 2007.''.

SEC. 302. REAUTHORIZATION OF ASSETS FOR INDEPENDENCE DEMONSTRATION.

Section 416 of the Assets for Independence Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended by striking ''and 2003'' and inserting ''2003, 2004, 2005, 2006, 2007, and 2008''.

SEC. 303. SENSE OF THE CONGRESS REGARDING CORPORATE CONTRIBUTIONS TO FAITH-BASED ORGANIZATIONS, ETC.

(a) FINDINGS.—The Congress finds as follows:

(1) America's community of faith has long played a leading role in dealing with difficult societal problems that might otherwise have gone unaddressed.

(2) President Bush has called upon Americans ''to revive the spirit of citizenship . . . to marshal the compassion of our people to meet the continuing needs of our Nation''.

(3) Although the work of faith-based organizations should not be used by government as an excuse for backing away from its historic and rightful commitment to help those who are disadvantaged and in need, such organizations can and should be seen as a valuable partner with government in meeting societal challenges.

(4) Every day faith-based organizations in the United States help people recover from drug and alcohol addiction, provide food and shelter for the homeless, rehabilitate prison inmates so that they can break free from the cycle of recidivism, and teach people job skills that will allow them to move from poverty to productivity.

(5) Faith-based organizations are often more successful in dealing with difficult societal problems than government and nonsectarian organizations.

(6) As President Bush has stated, ''It is not sufficient to praise charities and community groups; we must support them. And this is both a public obligation and a personal responsibility.''.

(7) Corporate foundations contribute billions of dollars each year to a variety of philanthropic causes.

(8) According to a study produced by the Capital Research Center, the 10 largest corporate foundations in the United States contributed $1,900,000,000 to such causes.

(9) According to the same study, faith-based organizations only receive a small fraction of the contributions made by corporations in the United States, and 6 of the 10 corporations that give the most to philanthropic causes explicitly ban or restrict contributions to faith-based organizations.

(b) CORPORATIONS ENCOURAGED TO CONTRIBUTE TO FAITH-BASED ORGANIZATIONS.—The Congress calls on corporations in the United States, in the words of the President, ''to give more and to give better'' by making greater contributions to faith-based organizations that are on the front lines battling some of the great societal challenges of our day.

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

(1) corporations in the United States are important partners with government in efforts to overcome difficult societal problems; and

(2) no corporation in the United States should adopt policies that prohibit the corporation from contributing to an organization that is successfully advancing a philanthropic cause merely because such organization is faith based.

SEC. 304. MATERNITY GROUP HOMES.

(a) PERMISSIBLE USE OF FUNDS.—Section 322 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2) is amended—

(1) in subsection (a)(1), by inserting ''(including maternity group homes)'' after ''group homes''; and

(2) by adding at the end the following:

''(c) MATERNITY GROUP HOME.—In this part, the term 'maternity group home' means a community-based, adult-supervised group home that provides—

''(1) young mothers and their children with a supportive and supervised living arrangement in which such mothers are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children; and

''(2) pregnant women with—

''(A) information regarding the option of placing children for adoption through licensed adoption service providers;

''(B) assistance with prenatal care and child birthing; and

''(C) pre- and post-placement adoption counseling.''.

(b) CONTRACT FOR EVALUATION.—Part B of the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by adding at the end the following:

''SEC. 323. CONTRACT FOR EVALUATION.

''(a) IN GENERAL.—The Secretary shall enter into a contract with a public or private entity for an evaluation of the maternity group homes that are supported by grant funds under this Act.

''(b) INFORMATION.—The evaluation described in subsection (a) shall include the collection of information about the relevant characteristics of individuals who benefit from maternity group homes such as those that are supported by grant funds under this Act and what services provided by those maternity group homes are most beneficial to such individuals.

''(c) REPORT.—Not later than 2 years after the date on which the Secretary enters into a contract for an evaluation under subsection (a), and biennially thereafter, the entity conducting the evaluation under this section shall submit to Congress a report on the status, activities, and accomplishments of maternity group homes that are supported by grant funds under this Act.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 388 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended—

(1) in subsection (a)(1)—

(A) by striking ''There'' and inserting the following:

''(A) IN GENERAL.—There'';

(B) in subparagraph (A), as redesignated, by inserting ''and the purpose described in subparagraph (B)'' after ''other than part E''; and

(C) by adding at the end the following:

''(B) MATERNITY GROUP HOMES.—There is authorized to be appropriated, for maternity group homes eligible for assistance under section 322(a)(1)—

''(i) $33,000,000 for fiscal year 2003; and

''(ii) such sums as may be necessary for fiscal year 2004.''; and

(2) in subsection (a)(2)(A), by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)''.

The SPEAKER pro tempore. The amendment printed in the bill, modified by the amendment printed in part A of House Report 108–273, is adopted.

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

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

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Charitable Giving Act of 2003''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—CHARITABLE GIVING INCENTIVES

Sec. 101. Deduction for portion of charitable contributions to be allowed to individuals who do not itemize deductions.
Sec. 102. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 103. Increase in cap on corporate charitable contributions.
Sec. 104. Charitable deduction for contributions of food inventory.
Sec. 105. Reform of certain excise taxes related to private foundations.
Sec. 106. Excise tax on unrelated business taxable income of charitable remainder trusts.
Sec. 107. Expansion of charitable contribution allowed for scientific property used for research and for computer technology and equipment used for educational purposes.
Sec. 108. Adjustment to basis of S corporation stock for certain charitable contributions.
Sec. 109. Charitable organizations permitted to make collegiate housing and infrastructure grants.
Sec. 110. Conduct of certain games of chance not treated as unrelated trade or business.
Sec. 111. Excise taxes exemption for blood collector organizations.
Sec. 112. Nonrecognition of gain on the sale of property used in performance of an exempt function.
Sec. 113. Exemption of qualified 501(c)(3) bonds for nursing homes from Federal guarantee prohibitions.

TITLE II—TAX REFORM AND IMPROVEMENTS RELATING TO CHARITABLE ORGANIZATIONS AND PROGRAMS

Sec. 201. Suspension of tax-exempt status of terrorist organizations.
Sec. 202. Clarification of definition of church tax inquiry.
Sec. 203. Extension of declaratory judgment remedy to tax-exempt organizations.
Sec. 204. Landowner incentives programs.

Sec. 205. Modifications to section 512(b)(13).
Sec. 206. Simplification of lobbying expenditure limitation.
Sec. 207. Pilot project for forest conservation activities.

TITLE III—OTHER PROVISIONS

Sec. 301. Compassion capital fund.
Sec. 302. Reauthorization of assets for independence demonstration.
Sec. 303. Sense of the Congress regarding corporate contributions to faith-based organizations, etc.
Sec. 304. Maternity group homes.
Sec. 305. Authority of States to use 10 percent of their TANF funds to carry out social services block grant programs.

TITLE I—CHARITABLE GIVING INCENTIVES

SEC. 101. DEDUCTION FOR PORTION OF CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) DEDUCTION FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.—

''(1) IN GENERAL.—In the case of an individual who does not itemize deductions for a taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the amount allowable under subsection (a) for the taxable year for cash contributions (determined without regard to any carryover), to the extent that such contributions exceed $250 ($500 in the case of a joint return) but do not exceed $500 ($1,000 in the case of a joint return).

''(2) TERMINATION.—Paragraph (1) shall not apply to any taxable year beginning after December 31, 2005.''.

(b) DIRECT CHARITABLE DEDUCTION.—

(1) IN GENERAL.—Subsection (b) of section 63 (defining taxable income) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the direct charitable deduction.''.

(2) DEFINITION.—Section 63 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) DIRECT CHARITABLE DEDUCTION.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m).''.

(3) CONFORMING AMENDMENT.—Subsection (d) of section 63 is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the direct charitable deduction.''.

(c) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury shall study the effect of the amendments made by this section on increased charitable giving and taxpayer compliance, including a comparison of taxpayer compliance between taxpayers who itemize their charitable contributions and taxpayers who claim a direct charitable deduction.

(2) REPORT.—Not later than December 31, 2006, the Secretary of the Treasury shall report on the study required under paragraph (1) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 102. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subsection (d) of section 408 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

''(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

''(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

''(B) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement plan other than a plan described in subsection (k) or (p) of section 408—

''(i) which is made on or after the date that the individual for whose benefit the plan is maintained has attained age 70½, and

''(ii) which is made directly by the trustee—

''(I) to an organization described in section 170(c), or

''(II) to a split-interest entity.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such plan is maintained, the spouse of such individual, or any organization described in section 170(c).

''(C) CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.—For purposes of this paragraph—

''(i) DIRECT CONTRIBUTIONS.—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

''(ii) SPLIT-INTEREST GIFTS.—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

''(D) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

''(E) SPECIAL RULES FOR SPLIT-INTEREST ENTITIES.—

''(i) CHARITABLE REMAINDER TRUSTS.—Notwithstanding section 664(b), distributions made from a trust described in subparagraph (G)(i) shall be treated as ordinary income in the hands of the beneficiary to whom is paid the annuity described in section 664(d)(1)(A) or the payment described in section 664(d)(2)(A).

''(ii) POOLED INCOME FUNDS.—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)) by reason of a qualified charitable distribution to such fund, and all distributions from the fund which are attributable to qualified charitable distributions shall be treated as ordinary income to the beneficiary.

''(iii) CHARITABLE GIFT ANNUITIES.—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

''(F) DENIAL OF DEDUCTION.—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

''(G) SPLIT-INTEREST ENTITY DEFINED.—For purposes of this paragraph, the term 'split-interest entity' means—

''(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)) which must be funded exclusively by qualified charitable distributions,

''(ii) a pooled income fund (as defined in section 642(c)(5)), but only if the fund accounts separately for amounts attributable to qualified charitable distributions, and

''(iii) a charitable gift annuity (as defined in section 501(m)(5)).''.

(b) MODIFICATIONS RELATING TO INFORMATION RETURNS BY CERTAIN TRUSTS.—

(1) RETURNS.—Section 6034 (relating to returns by trusts described in section 4947(a)(2) or claiming charitable deductions under section 642(c)) is amended to read as follows:

''SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

''(a) TRUSTS DESCRIBED IN SECTION 4947(a)(2).—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

''(b) TRUSTS CLAIMING A CHARITABLE DEDUCTION UNDER SECTION 642(c).—

''(1) IN GENERAL.—Every trust not required to file a return under subsection (a) but claiming a deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including—

''(A) the amount of the deduction taken under section 642(c) within such year,

''(B) the amount paid out within such year which represents amounts for which deductions under section 642(c) have been taken in prior years,

''(C) the amount for which such deductions have been taken in prior years but which has not been paid out at the beginning of such year,

''(D) the amount paid out of principal in the current and prior years for the purposes described in section 642(c),

''(E) the total income of the trust within such year and the expenses attributable thereto, and

''(F) a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to a trust for any taxable year if—

''(A) all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries, or

''(B) the trust is described in section 4947(a)(1).''.

(2) INCREASE IN PENALTY RELATING TO FILING OF INFORMATION RETURN BY SPLIT-INTEREST TRUSTS.—Paragraph (2) of section 6652(c) (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new subparagraph:

''(C) SPLIT-INTEREST TRUSTS.—In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that—

''(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

''(ii) in the case of any trust with gross income in excess of $250,000, the first sentence of paragraph (1)(A) shall be applied by substituting '$100' for '$20', and the second sentence thereof shall be applied by substituting '$50,000' for '$10,000', and

''(iii) the third sentence of paragraph (1)(A) shall be disregarded.

In addition to any penalty imposed on the trust pursuant to this subparagraph, if the person required to file such return knowingly fails to file the return, such penalty shall also be imposed on such person who shall be personally liable for such penalty.''.

(3) CONFIDENTIALITY OF NONCHARITABLE BENEFICIARIES.—Subsection (b) of section 6104 (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: ''In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c).''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to distributions made after December 31, 2003.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2003.

SEC. 103. INCREASE IN CAP ON CORPORATE CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Paragraph (2) of section 170(b) (relating to corporations) is amended by striking ''10 percent'' and inserting ''the applicable percentage''.

(b) APPLICABLE PERCENTAGE.—Subsection (b) of section 170 is amended by adding at the end the following new paragraph:

''(3) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

''For taxable years beginning in calendar year—	The applicable percentage is—
2004	11
2005	12
2006	13
2007	14
2008 through 2011	15
2012 and thereafter	20.''.

(c) CONFORMING AMENDMENTS.—

(1) Sections 512(b)(10) and 805(b)(2)(A) are each amended by striking ''10 percent'' each place it occurs and inserting ''the applicable percentage (determined under section 170(b)(3))''.

(2) Sections 545(b)(2) and 556(b)(2) are each amended by striking ''10-percent limitation'' and inserting ''applicable percentage limitation''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 104. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Paragraph (3) of section 170(e) (relating to special rule for certain contributions of inventory and other property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

''(C) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

''(i) GENERAL RULE.—In the case of a charitable contribution of food from any trade or business (or interest therein) of the taxpayer, this paragraph shall be applied—

''(I) without regard to whether the contribution is made by a C corporation, and

''(II) only to food that is apparently wholesome food.

''(ii) LIMITATION.—In the case of a taxpayer other than a C corporation, the aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed the applicable percentage (within the meaning of subsection (b)(3)) of the taxpayer's aggregate net income for such taxable year from all trades or businesses from which such contributions were made for such year, computed without regard to this section.

''(iii) DETERMINATION OF FAIR MARKET VALUE.—In the case of a qualified contribution of apparently wholesome food to which this paragraph applies and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such food shall be determined by taking into account the price at which the same or substantially the same food items (as to both type and quality) are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

''(iv) APPARENTLY WHOLESOME FOOD.—For purposes of this subparagraph, the term 'apparently wholesome food' has the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 105. REFORM OF CERTAIN EXCISE TAXES RELATED TO PRIVATE FOUNDATIONS.

(a) REDUCTION OF TAX ON NET INVESTMENT INCOME.—Section 4940(a) (relating to tax-exempt foundations) is amended by striking ''2 percent'' and inserting ''1 percent''.

(b) REPEAL OF REDUCTION IN TAX WHERE PRIVATE FOUNDATION MEETS CERTAIN DISTRIBUTION REQUIREMENTS.—Section 4940 (relating to excise tax based on investment income) is amended by striking subsection (e).

(c) MODIFICATION OF EXCISE TAX ON SELF-DEALING.—The second sentence of section 4941(a)(1) (relating to initial excise tax imposed on self-dealer) is amended by striking ''5 percent'' and inserting ''25 percent''.

(d) MODIFICATION OF EXCISE TAX ON FAILURE TO DISTRIBUTE INCOME.—

(1) CERTAIN ADMINISTRATIVE EXPENSES NOT TREATED AS DISTRIBUTIONS.—Section 4942(g) is amended by striking paragraph (4) and inserting the following new paragraphs:

''(4) LIMITATION ON ADMINISTRATIVE EXPENSES TREATED AS DISTRIBUTIONS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(A), the following administrative expenses shall not be treated as qualifying distributions:

''(i) Any administrative expense which is not directly attributable to direct charitable activities, grant selection activities, grant monitoring and administration activities, compliance with applicable Federal, State, or local law, or furthering public accountability of the private foundation.

''(ii) Any compensation paid to a disqualified person to the extent that such compensation exceeds an annual rate of $100,000.

''(iii) Any expense incurred for transportation by air unless such transportation is regularly-scheduled commercial air transportation.

''(iv) Any expense incurred for regularly-scheduled commercial air transportation to the extent that such expense exceeds the cost of such transportation in coach-class accommodations.

''(B) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after December 31, 2004, the $100,000 amount in subparagraph (A)(ii) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of paragraph (4). Such regulations shall provide that administrative expenses which are excluded from qualifying distributions solely by reason of the limitations in paragraph (4) shall not for such reason subject a private foundation to any other excise taxes imposed by this subchapter.''.

(2) DISALLOWANCE NOT TO APPLY TO CERTAIN PRIVATE FOUNDATIONS.—

(A) IN GENERAL.—Section 4942(j)(3) (defining operating foundation) is amended—

(i) by striking ''(within the meaning of paragraph (1) or (2) of subsection (g))'' each place it appears, and

(ii) by adding at the end the following new sentence: ''For purposes of this paragraph, the term 'qualifying distributions' means qualifying distributions within the meaning of paragraph (1) or (2) of subsection (g) (determined without regard to subsection (g)(4)).''.

(B) CONFORMING AMENDMENT.—Section 4942(f)(2)(C)(i) is amended by inserting ''(determined without regard to subsection (g)(4))'' after ''within the meaning of subsection (g)(1)(A)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 106. EXCISE TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINDER TRUSTS.

(a) IN GENERAL.—Subsection (c) of section 664 (relating to exemption from income taxes) is amended to read as follows:

''(c) TAXATION OF TRUSTS.—

''(1) INCOME TAX.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.

''(2) EXCISE TAX.—

''(A) IN GENERAL.—In the case of a charitable remainder annuity trust or a charitable remainder unitrust that has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.

''(B) CERTAIN RULES TO APPLY.—The tax imposed by subparagraph (A) shall be treated as imposed by chapter 42 for purposes of this title other than subchapter E of chapter 42.

''(C) CHARACTER OF DISTRIBUTIONS AND COORDINATION WITH DISTRIBUTION REQUIREMENTS.—The amounts taken into account in determining unrelated business taxable income (as defined in subparagraph (A)) shall not be taken into account for purposes of—

''(i) subsection (b),

''(ii) determining the value of trust assets under subsection (d)(2), and

''(iii) determining income under subsection (d)(3).

''(D) TAX COURT PROCEEDINGS.—For purposes of this paragraph, the references in section 6212(c)(1) to section 4940 shall be deemed to include references to this paragraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 107. EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.

(a) SCIENTIFIC PROPERTY USED FOR RESEARCH.—

(1) IN GENERAL.—Clause (ii) of section 170(e)(4)(B) (defining qualified research contributions) is amended by inserting ''or assembled'' after ''constructed''.

(2) CONFORMING AMENDMENT.—Clause (iii) of section 170(e)(4)(B) is amended by inserting ''or assembling'' after ''construction''.

(b) COMPUTER TECHNOLOGY AND EQUIPMENT FOR EDUCATIONAL PURPOSES.—

(1) IN GENERAL.—Clause (ii) of section 170(e)(6)(B) is amended by inserting ''or assembled'' after ''constructed'' and ''or assembling'' after ''construction''.

(2) SPECIAL RULE MADE PERMANENT.—Section 170(e)(6) is amended by striking subparagraph (G).

(3) CONFORMING AMENDMENTS.—Subparagraph (D) of section 170(e)(6) is amended by inserting ''or assembled'' after ''constructed'' and ''or assembling'' after ''construction''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 108. ADJUSTMENT TO BASIS OF S CORPORATION STOCK FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) (relating to adjustments to basis of stock of shareholders, etc.) is amended by adding at the end the following new flush sentence:

''The decrease under subparagraph (B) by reason of a charitable contribution (as defined in section 170(c)) of property shall be the amount equal to the shareholder's pro rata share of the adjusted basis of such property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 109. CHARITABLE ORGANIZATIONS PERMITTED TO MAKE COLLEGIATE HOUSING AND INFRASTRUCTURE GRANTS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.), as amended by section 201, is further amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

''(q) TREATMENT OF ORGANIZATIONS MAKING COLLEGIATE HOUSING AND INFRASTRUCTURE IMPROVEMENT GRANTS.—

''(1) IN GENERAL.—For purposes of subsection (c)(3) and sections 170(c)(2)(B), 2055(a), and 2522(a)(2), an organization shall not fail to be treated as organized and operated exclusively for charitable or educational purposes solely because such organization makes collegiate housing and infrastructure grants to an organization described in subsection (c)(7), so long as, at the time of the grant, substantially all of the active members of the recipient organization are full-time students at the college or university with which such recipient organization is associated.

''(2) HOUSING AND INFRASTRUCTURE GRANTS.—For purposes of paragraph (1), collegiate housing and infrastructure grants are grants to provide, improve, operate, or maintain collegiate housing that may involve more than incidental social, recreational, or private purposes, so long as such grants are for purposes that would be permissible for a dormitory of the college or university referred to in paragraph (1). A grant shall not be treated as a collegiate housing and infrastructure grant for purposes of paragraph (1) to the extent that such grant is used to provide physical fitness equipment.

''(3) GRANTS TO CERTAIN ORGANIZATIONS HOLDING TITLE TO PROPERTY, ETC.—For purposes of this subsection, a collegiate housing and infrastructure grant to an organization described in subsection (c)(2) or (c)(7) holding title to property exclusively for the benefit of an organization described in subsection (c)(7) shall be considered a grant to the organization described in subsection (c)(7) for whose benefit such property is held.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to grants made after December 31, 2003.

SEC. 110. CONDUCT OF CERTAIN GAMES OF CHANCE NOT TREATED AS UNRELATED TRADE OR BUSINESS.

(a) IN GENERAL.—Paragraph (1) of section 513(f) (relating to certain bingo games) is amended to read as follows:

''(1) IN GENERAL.—The term 'unrelated trade or business' does not include—

''(A) any trade or business which consists of conducting bingo games, and

''(B) any trade or business which consists of conducting qualified games of chance if the net proceeds from such trade or business are paid or set aside for payment for purposes described in section 170(c)(2)(B), for the promotion of social welfare (within the meaning of section 501(c)(4)), or for a purpose for which State law specifically authorizes the expenditure of such proceeds.''.

(b) QUALIFIED GAMES OF CHANCE.—Subsection (f) of section 513 is amended by adding at the end the following new paragraph:

''(3) QUALIFIED GAMES OF CHANCE.—For purposes of paragraph (1), the term 'qualified game of chance' means any game of chance (other than bingo) conducted by an organization if—

''(A) such organization is licensed pursuant to State law to conduct such game,

''(B) only organizations which are organized as nonprofit corporations or are exempt from tax under section 501(a) may be so licensed to conduct such game within the State, and

''(C) the conduct of such game does not violate State or local law.''

(c) CLERICAL AMENDMENT.—The subsection heading of section 513(f) is amended by striking ''BINGO GAMES'' and inserting ''GAMES OF CHANCE''.

(d) EFFECTIVE DATE.— The amendments made by this section shall apply to games conducted after December 31, 2003.

SEC. 111. EXCISE TAXES EXEMPTION FOR BLOOD COLLECTOR ORGANIZATIONS.

(a) EXEMPTION FROM IMPOSITION OF SPECIAL FUELS TAX.—Section 4041(g) (relating to other exemptions) is amended by striking ''and'' at the end of paragraph (3), by striking the period in paragraph (4) and inserting ''; and'', and by inserting after paragraph (4) the following new paragraph:

''(5) with respect to the sale of any liquid to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use, or with respect to the use by a qualified blood collector organization of any liquid as a fuel.''.

(b) EXEMPTION FROM MANUFACTURERS EXCISE TAX.—

(1) IN GENERAL.—Section 4221(a) (relating to certain tax-free sales) is amended by striking ''or'' at the end of paragraph (4), by adding ''or'' at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

''(6) to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use,''.

(2) CONFORMING AMENDMENTS.—

(A) The second sentence of section 4221(a) is amended by striking ''Paragraphs (4) and (5)'' and inserting ''Paragraphs (4), (5), and (6)''.

(B) Section 6421(c) is amended by striking ''or (5)'' and inserting ''(5), or (6)''.

(c) EXEMPTION FROM COMMUNICATION EXCISE TAX.—

(1) IN GENERAL.—Section 4253 (relating to exemptions) is amended by redesignating subsection (k) as subsection (l) and inserting after subsection (j) the following new subsection:

''(k) EXEMPTION FOR QUALIFIED BLOOD COLLECTOR ORGANIZATIONS.—Under regulations provided by the Secretary, no tax shall be imposed under section 4251 on any amount paid by a qualified blood collector organization (as defined in section 7701(a)(48)) for services or facilities furnished to such organization.''.

(2) CONFORMING AMENDMENT.—Section 4253(l), as redesignated by paragraph (1), is amended by striking ''or (j)'' and inserting ''(j), or (k)''.

(d) CREDIT FOR REFUND FOR CERTAIN TAXES ON SALES AND SERVICES.—

(1) DEEMED OVERPAYMENT.—

(A) IN GENERAL.—Section 6416(b)(2) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

''(E) sold to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use;''.

(B) CONFORMING AMENDMENTS.—Section 6416(b)(2) is amended—

(i) by striking ''Subparagraphs (C) and (D)'' and inserting ''Subparagraphs (C), (D), and (E)'', and

(ii) by striking ''(C), and (D)'' and inserting ''(C), (D), and (E)''.

(2) SALES OF TIRES.—Clause (ii) of section 6416(b)(4)(B) is amended by inserting ''sold to a qualified blood collector organization (as defined in section 7701(a)(48)) for its exclusive use,'' after ''for its exclusive use,''.

(e) DEFINITION OF QUALIFIED BLOOD COLLECTOR ORGANIZATION.—Section 7701(a) is amended by inserting at the end the following new paragraph:

''(48) QUALIFIED BLOOD COLLECTOR ORGANIZATION.—The term 'qualified blood collector organization' means an organization which is—

''(A) described in section 501(c)(3) and exempt from tax under section 501(a),

''(B) registered by the Food and Drug Administration to collect blood, and

''(C) primarily engaged in the activity of the collection of blood.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2004.

SEC. 112. NONRECOGNITION OF GAIN ON THE SALE OF PROPERTY USED IN PERFORMANCE OF AN EXEMPT FUNCTION.

(a) IN GENERAL.—Subparagraph (D) of section 512(a)(3) is amended to read as follows:

''(D) NONRECOGNITION OF GAIN.—

''(i) IN GENERAL.—If property used directly in the performance of the exempt function of an organization described in paragraph (7), (9), (17), or (20) of section 501(c) is sold by such organization, and within a period beginning 1 year before the date of such sale, and ending 3 years (10 years, in the case of an organization described in section 501(c)(7)) after such date, other property is purchased and used by such organization directly in the performance of its exempt function, gain (if any) from such sale shall be recognized only to the extent that such organization's sales price of the old property exceeds the organization's cost of purchasing the other property.

''(ii) STATUTE OF LIMITATIONS.—If an organization described in section 501(c)(7) sells property on which gain is not recognized, in whole or in part, by reason of clause (i), then the statutory period for the assessment of any deficiency attributable to such gain shall not expire until the end of the 3-year period beginning on the date that the Secretary is notified by such organization (in such manner as the Secretary may prescribe) that—

''(I) the organization has met the requirements of clause (i) with respect to gain which was not recognized,

''(II) the organization does not intend to meet such requirements, or

''(III) the organization failed to meet such requirements within the prescribed period.

For the purposes of this clause, any deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

''(iii) DESTRUCTION AND LOSS.—For purposes of this subparagraph, the destruction in whole or in part, theft, seizure, requisition, or condemnation of property, shall be treated as the sale of such property, and rules similar to the rules provided by subsections (b), (c), (e), and (j) of section 1034 (as in effect on the day before the date of the enactment of the Taxpayer Relief Act of 1997) shall apply.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to the sale of any property for which the 3-year period for offsetting gain by purchasing other property under subparagraph (D) of section 512(a)(3) of the Internal Revenue Code (as in effect on the day before the date of the enactment of this Act) had not expired as of January 1, 2001.

SEC. 113. EXEMPTION OF QUALIFIED 501(c)(3) BONDS FOR NURSING HOMES FROM FEDERAL GUARANTEE PROHIBITIONS.

(a) IN GENERAL.—For purposes of section 149(b)(1) of the Internal Revenue Code of 1986, any qualified 501(c)(3) bond (as defined in section 145 of such Code) shall not be treated as federally guaranteed solely because such bond is part of an issue supported by a letter of credit, if such bond—

(1) is issued after December 31, 2003, and before the date which is 1 year after the date of the enactment of this Act, and

(2) is part of an issue 95 percent or more of the net proceeds of which are to be used to finance 1 or more of the following facilities primarily for the benefit of the elderly:

(A) Licensed nursing home facility.

(B) Licensed or certified assisted living facility.

(C) Licensed personal care facility.

(D) Continuing care retirement community.

(b) LIMITATION ON ISSUER.—Subsection (a) shall not apply to any bond described in such subsection if the aggregate authorized face amount of the issue of which such bond is a part, when increased by the outstanding amount of such bonds issued by the issuer during the period described in subsection (a)(1) exceeds $15,000,000.

(c) LIMITATION ON BENEFICIARY.—Rules similar to the rules of section 144(a)(10) of the Internal Revenue Code of 1986 shall apply for purposes of this section, except that—

(1) ''$15,000,000'' shall be substituted for ''$40,000,000'' in subparagraph (A) thereof, and

(2) such rules shall be applied—

(A) only with respect to bonds described in this section, and

(B) with respect to the aggregate authorized face amount of all issues of such bonds which are allocable to the beneficiary.

(d) CONTINUING CARE RETIREMENT COMMUNITY.—For purposes of this section, the term ''continuing care retirement community'' means a community which provides, on the same campus, a consortium of residential living options and support services to persons at least 60 years of age under a written agreement. For purposes of the preceding sentence, the residential living options shall include independent living units, nursing home beds, and either assisted living units or personal care beds.

TITLE II—TAX REFORM AND IMPROVEMENTS RELATING TO CHARITABLE ORGANIZATIONS AND PROGRAMS

SEC. 201. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

''(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

''(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

''(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

''(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

''(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

''(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

''(ii) such Executive order refers to this subsection.

''(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

''(A) begins on the later of—

''(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

''(ii) the date of the enactment of this subsection, and

''(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

''(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

''(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

''(6) ERRONEOUS DESIGNATION.—

''(A) IN GENERAL.—If—

''(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

''(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

''(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

''(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

''(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 202. CLARIFICATION OF DEFINITION OF CHURCH TAX INQUIRY.

Subsection (i) of section 7611 (relating to section not to apply to criminal investigations, etc.) is amended by striking ''or'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', or'', and by inserting after paragraph (5) the following:

''(6) information provided by the Secretary related to the standards for exemption from tax under this title and the requirements under this title relating to unrelated business taxable income.''.

SEC. 203. EXTENSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Paragraph (1) of section 7428(a) (relating to creation of remedy) is amended—

(1) in subparagraph (B) by inserting after ''509(a))'' the following: ''or as a private operating foundation (as defined in section 4942(j)(3))''; and

(2) by amending subparagraph (C) to read as follows:

''(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in subsection (c) (other than paragraph (3)) or (d) of section 501 which is exempt from tax under section 501(a), or''.

(b) COURT JURISDICTION.—Subsection (a) of section 7428 is amended in the material following paragraph (2) by striking ''United States Tax Court, the United States Claims Court, or the district court of the United States for the District of Columbia'' and inserting the following: ''United States Tax Court (in the case of any such determination or failure) or the United States Claims Court or the district court of the United States for the District of Columbia (in the case of a determination or failure with respect to an issue referred to in subparagraph (A) or (B) of paragraph (1)),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to pleadings filed with respect to determinations (or requests for determinations) made after the date of the enactment of this Act.

SEC. 204. LANDOWNER INCENTIVES PROGRAMS.

(a) IN GENERAL.—Subsection (a) of section 126 is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

''(10) Landowner initiatives programs to conserve threatened, endangered, or imperiled species, or protect or restore habitat carried out under—

''(A) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.),

''(B) the Fish and Wildlife Act of 1956 (16 U.S.C. 742f), or

''(C) section 6 of the Endangered Species Act (16 U.S.C. 11531 et seq.).''.

(b) EXCLUDABLE PORTION.—Subparagraph (A) of section 126(b)(1) is amended by inserting after ''Secretary of Agriculture'' the following: ''(the Secretary of the Interior, in the case of the landowner incentives programs described in subsection (a)(10) and the programs described in subsection (a)(11) that are implemented by the Department of the Interior)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2003, in taxable years ending after such date.

SEC. 205. MODIFICATIONS TO SECTION 512(b)(13).

(a) IN GENERAL.—Paragraph (13) of section 512(b) (relating to special rules for certain amounts received from controlled entities) is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

''(E) PARAGRAPH TO APPLY ONLY TO EXCESS PAYMENTS.—

''(i) IN GENERAL.—Subparagraph (A) shall apply only to the portion of a specified payment received or accrued by the controlling organization that exceeds the amount which would have been paid or accrued if such payment met the requirements prescribed under section 482.

''(ii) ADDITION TO TAX FOR VALUATION MISSTATEMENTS.—The tax imposed by this chapter on the controlling organization shall be increased by an amount equal to 20 percent of the larger of—

''(I) such excess determined without regard to any amendment or supplement to a return of tax, or

''(II) such excess determined with regard to all such amendments and supplements.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to payments received or accrued after December 31, 2003.

(2) PAYMENTS SUBJECT TO BINDING CONTRACT TRANSITION RULE.—If the amendments made by section 1041 of the Taxpayer Relief Act of 1997 did not apply to any amount received or accrued in the first 2 taxable years beginning on or after the date of the enactment of the Taxpayer Relief Act of 1997 under any contract described in subsection (b)(2) of such section, such amendments also shall not apply to amounts received or accrued under such contract before January 1, 2001.

SEC. 206. SIMPLIFICATION OF LOBBYING EXPENDITURE LIMITATION.

(a) REPEAL OF GRASSROOTS EXPENDITURE LIMIT.—Paragraph (1) of section 501(h) (relating to expenditures by public charities to influence legislation) is amended to read as follows:

''(1) GENERAL RULE.—In the case of an organization to which this subsection applies, exemption from taxation under subsection (a) shall be denied because a substantial part of the activities of such organization consists of carrying on propaganda, or otherwise attempting, to influence legislation, but only if such organization normally makes lobbying expenditures in excess of the lobbying ceiling amount for such organization for each taxable year.''.

(b) EXCESS LOBBYING EXPENDITURES.—Section 4911(b) is amended to read as follows:

''(b) EXCESS LOBBYING EXPENDITURES.—For purposes of this section, the term 'excess lobbying expenditures' means, for a taxable year, the amount by which the lobbying expenditures made by the organization during the taxable year exceed the lobbying nontaxable amount for such organization for such taxable year.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 501(h)(2) is amended by striking subparagraphs (C) and (D).

(2) Section 4911(c) is amended by striking paragraphs (3) and (4).

(3) Paragraph (1)(A) of section 4911(f) is amended by striking ''limits of section 501(h)(1) have'' and inserting ''limit of section 501(h)(1) has''.

(4) Paragraph (1)(C) of section 4911(f) is amended by striking ''limits of section 501(h)(1) are'' and inserting ''limit of section 501(h)(1) is''.

(5) Paragraphs (4)(A) and (4)(B) of section 4911(f) are each amended by striking ''limits of section 501(h)(1)'' and inserting ''limit of section 501(h)(1)''.

(6) Paragraph (8) of section 6033(b) (relating to certain organizations described in section 501(c)(3)) is amended by inserting ''and'' at the end of subparagraph (A) and by striking subparagraphs (C) and (D).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 207. PILOT PROJECT FOR FOREST CONSERVATION ACTIVITIES.

(a) TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, any qualified forest conservation bond shall be treated as an exempt facility bond under section 142 of such Code.

(2) QUALIFIED FOREST CONSERVATION BOND.—For purposes of this section, the term ''qualified forest conservation bond'' means any bond issued as part of an issue if—

(A) 95 percent or more of the net proceeds (as defined in section 150(a)(3) of such Code) of such issue are to be used for qualified project costs,

(B) such bond is an obligation of the State of Washington or any political subdivision thereof, and

(C) such bond is issued for a qualified organization before December 31, 2006.

(3) LIMITATION ON AGGREGATE AMOUNT ISSUED.—The maximum aggregate face amount of bonds which may be issued under this subsection shall not exceed $250,000,000.

(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection, the term ''qualified project costs'' means the sum of—

(A) the cost of acquisition by the qualified organization from an unrelated person of forests and forest land located in the State of Washington which at the time of acquisition or immediately thereafter are subject to a conservation restriction described in subsection (c)(2),

(B) interest on the qualified forest conservation bonds for the 3-year period beginning on the date of issuance of such bonds, and

(C) credit enhancement fees which constitute qualified guarantee fees (within the meaning of section 148 of such Code).

(5) SPECIAL RULES.—In applying the Internal Revenue Code of 1986 to any qualified forest conservation bond, the following modifications shall apply:

(A) Section 146 of such Code (relating to volume cap) shall not apply.

(B) For purposes of section 147(b) of such Code (relating to maturity may not exceed 120 percent of economic life), the land and standing timber acquired with proceeds of qualified forest conservation bonds shall have an economic life of 35 years.

(C) Subsections (c) and (d) of section 147 of such Code (relating to limitations on acquisition of land and existing property) shall not apply.

(D) Section 57(a)(5) of such Code (relating to tax-exempt interest) shall not apply to interest on qualified forest conservation bonds.

(6) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraphs (2)(C) and (3) shall not apply to any bond (or series of bonds) issued to refund a qualified forest conservation bond issued before December 31, 2006, if—

(A) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

(B) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

(C) the net proceeds of the refunding bond are used to redeem the refunded bond not later than 90 days after the date of the issuance of the refunding bond.

For purposes of subparagraph (A), average maturity shall be determined in accordance with section 147(b)(2)(A) of such Code.

(7) EFFECTIVE DATE.—This subsection shall apply to obligations issued on or after the date of enactment of this Act.

(b) ITEMS FROM QUALIFIED HARVESTING ACTIVITIES NOT SUBJECT TO TAX OR TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Income, gains, deductions, losses, or credits from a qualified harvesting activity conducted by a qualified organization shall not be subject to tax or taken into account under subtitle A of the Internal Revenue Code of 1986.

(2) LIMITATION.—The amount of income excluded from gross income under paragraph (1) for any taxable year shall not exceed the amount used by the qualified organization to make debt service payments during such taxable year for qualified forest conservation bonds.

(3) QUALIFIED HARVESTING ACTIVITY.—For purposes of paragraph (1)—

(A) IN GENERAL.—The term ''qualified harvesting activity'' means the sale, lease, or harvesting, of standing timber—

(i) on land owned by a qualified organization which was acquired with proceeds of qualified forest conservation bonds, and

(ii) pursuant to a qualified conservation plan adopted by the qualified organization.

(B) EXCEPTIONS.—

(i) CESSATION AS QUALIFIED ORGANIZATION.—The term ''qualified harvesting activity'' shall not include any sale, lease, or harvesting for any period during which the organization ceases to qualify as a qualified organization.

(ii) EXCEEDING LIMITS ON HARVESTING.—The term ''qualified harvesting activity'' shall not include any sale, lease, or harvesting of standing timber on land acquired with proceeds of qualified forest conservation bonds to the extent that—

(I) the average annual area of timber harvested from such land exceeds 2.5 percent of the total area of such land, or

(II) the quantity of timber removed from such land exceeds the quantity which can be removed from such land annually in perpetuity on a sustained-yield basis with respect to such land.

The limitations under subclauses (I) and (II) shall not apply to post-fire restoration and rehabilitation or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophes, or which are in imminent danger from insect or disease attack.

(4) TERMINATION.—This subsection shall not apply to any qualified harvesting activity occurring after the date on which there is no outstanding qualified forest conservation bond or any such bond ceases to be a tax-exempt bond.

(5) PARTIAL RECAPTURE OF BENEFITS IF HARVESTING LIMIT EXCEEDED.—If, as of the date that this subsection ceases to apply under paragraph (4), the average annual area of timber harvested from the land exceeds the requirement of paragraph (3)(B)(ii)(I), the tax imposed by chapter 1 of such Code shall be increased, under rules prescribed by the Secretary of the Treasury, by the sum of the tax benefits attributable to such excess and interest at the underpayment rate under section 6621 of such Code for the period of the underpayment.

(c) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED CONSERVATION PLAN.—The term ''qualified conservation plan'' means a multiple land use program or plan which—

(A) is designed and administered primarily for the purposes of protecting and enhancing wildlife and fish, timber, scenic attributes, recreation, and soil and water quality of the forest and forest land,

(B) mandates that conservation of forest and forest land is the single-most significant use of the forest and forest land, and

(C) requires that timber harvesting be consistent with—

(i) restoring and maintaining reference conditions for the region's ecotype,

(ii) restoring and maintaining a representative sample of young, mid, and late successional forest age classes,

(iii) maintaining or restoring the resources' ecological health for purposes of preventing damage from fire, insect, or disease,

(iv) maintaining or enhancing wildlife or fish habitat, or

(v) enhancing research opportunities in sustainable renewable resource uses.

(2) CONSERVATION RESTRICTION.—The conservation restriction described in this paragraph is a restriction which—

(A) is granted in perpetuity to an unrelated person which is described in section 170(h)(3) of such Code and which, in the case of a nongovernmental unit, is organized and operated for conservation purposes,

(B) meets the requirements of clause (ii) or (iii)(II) of section 170(h)(4)(A) of such Code,

(C) obligates the qualified organization to pay the costs incurred by the holder of the conservation restriction in monitoring compliance with such restriction, and

(D) requires an increasing level of conservation benefits to be provided whenever circumstances allow it.

(3) QUALIFIED ORGANIZATION.—The term ''qualified organization'' means an organization—

(A) which is a nonprofit organization substantially all the activities of which are charitable, scientific, or educational, including acquiring, protecting, restoring, managing, and developing forest lands and other renewable resources for the long-term charitable, educational, scientific and public benefit,

(B) more than half of the value of the property of which consists of forests and forest land acquired with the proceeds from qualified forest conservation bonds,

(C) which periodically conducts educational programs designed to inform the public of environmentally sensitive forestry management and conservation techniques,

(D) which has at all times a board of directors—

(i) at least 20 percent of the members of which represent the holders of the conservation restriction described in paragraph (2),

(ii) at least 20 percent of the members of which are public officials, and

(iii) not more than one-third of the members of which are individuals who are or were at any time within 5 years before the beginning of a term of membership on the board, an employee of, independent contractor with respect to, officer of, director of, or held a material financial interest in, a commercial forest products enterprise with which the qualified organization has a contractual or other financial arrangement,

(E) the bylaws of which require at least two-thirds of the members of the board of directors to vote affirmatively to approve the qualified conservation plan and any change thereto, and

(F) upon dissolution, is required to dedicate its assets to—

(i) an organization described in section 501(c)(3) of such Code which is organized and operated for conservation purposes, or

(ii) a governmental unit described in section 170(c)(1) of such Code.

(4) UNRELATED PERSON.—The term ''unrelated person'' means a person who is not a related person.

(5) RELATED PERSON.—A person shall be treated as related to another person if—

(A) such person bears a relationship to such other person described in section 267(b) (determined without regard to paragraph (9) thereof), or 707(b)(1), of such Code, determined by substituting ''25 percent'' for ''50 percent'' each place it appears therein, and

(B) in the case such other person is a nonprofit organization, if such person controls directly or indirectly more than 25 percent of the governing body of such organization.

(d) REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the pilot project for forest conservation activities under this section. Such study shall examine the extent to which forests and forest lands were managed during the 5-year period beginning on the date of the enactment of this Act to achieve the goals of such project.

(2) SUBMISSION OF REPORT TO CONGRESS.—Not later than six years after the date of the enactment of this Act, the Comptroller General shall submit a report of such study to the Committee on Ways and Means and the Committee on Resources of the House of Representatives and the Committee on Finance and the Committee on Energy and Natural Resources of the Senate.

TITLE III—OTHER PROVISIONS

SEC. 301. COMPASSION CAPITAL FUND.

Title IV of the Social Security Act (42 U.S.C. 601–679b) is amended by adding at the end the following:

''PART F—COMPASSION CAPITAL FUND

''SEC. 481. SECRETARY'S FUND TO SUPPORT AND REPLICATE PROMISING SOCIAL SERVICE PROGRAMS.

''(a) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Secretary may make grants to support any private entity that operates a promising social services program.

''(2) APPLICATIONS.—An entity desiring to receive a grant under paragraph (1) shall submit to the Secretary an application for the grant, which shall contain such information as the Secretary may require.

''(b) CONTRACT AUTHORITY, ETC.—The Secretary may enter into a grant, contract, or cooperative agreement with any entity under which the entity would provide technical assistance to another entity to operate a social service program that assists persons and families in need, including by—

''(1) providing the other entity with—

''(A) technical assistance and information, including legal assistance and other business assistance;

''(B) information on capacity-building;

''(C) information and assistance in identifying and using best practices for serving persons and families in need; or

''(D) assistance in replicating programs with demonstrated effectiveness in assisting persons and families in need; or

''(2) supporting research on the best practices of social service organizations.

''(c) GUIDANCE AND TECHNICAL ASSISTANCE.—The Secretary may use not more than 25 percent of the amount appropriated under this section for a fiscal year to provide guidance and technical assistance to States and political subdivisions of States with respect to the implementation of any social service program.

''(d) SOCIAL SERVICES PROGRAM DEFINED.—In this section, the term 'social services program' means a program that provides benefits or services of any kind to persons and families in need.

''(e) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary $150,000,000 for fiscal year 2004, and such sums as may be necessary for fiscal years 2005 through 2008.''.

SEC. 302. REAUTHORIZATION OF ASSETS FOR INDEPENDENCE DEMONSTRATION.

(a) IN GENERAL.—Section 416 of the Assets for Independence Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended by striking ''and 2003'' and inserting ''2003, 2004, 2005, 2006, 2007, and 2008''.

(b) REMOVAL OF ECONOMIC LITERACY ACTIVITIES FROM LIMITATION ON USE OF AMOUNTS IN THE RESERVE FUND.—Section 407(c)(3) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended by adding at the end the following: ''The preceding sentences of this paragraph shall not apply to amounts used by an entity for any activity described in paragraph (1)(A).''.

(c) ELIGIBILITY EXPANDED TO INCLUDE INDIVIDUALS IN HOUSEHOLDS WITH INCOME NOT EXCEEDING 50 PERCENT OF AREA MEDIAN INCOME.—Section 408(a)(1) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended to read as follows:

''(1) INCOME TEST.—The adjusted gross income of the household—

''(A) does not exceed 200 percent of the poverty line (as determined by the Office of Management and Budget) or the earned income amount described in section 32 of the Internal Revenue Code of 1986 (taking into account the size of the household); or

''(B) does not exceed 50 percent of the area median income (as determined by the Secretary of Housing and Urban Development) for the area in which the household is located.''.

(d) EXTENSION OF TIME FOR ACCOUNT HOLDERS TO ACCESS FEDERAL FUNDS.—Section 407(d) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended—

(1) in the subsection heading, by striking ''WHEN PROJECT TERMINATES''; and

(2) by striking ''upon'' and inserting ''on the date that is 6 months after''.

(e) VERIFICATION OF POSTSECONDARY EDUCATION EXPENSES.—Section 404(8)(A) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended in the 1st sentence by inserting ''or a vendor, but only to the extent that the expenses are described in a document which explains the educational items to be purchased, and the document and the expenses are approved by the qualified entity'' before the period.

(f) AUTHORITY TO USE EXCESS INTEREST TO FUND OTHER INDIVIDUAL DEVELOPMENT ACCOUNTS.—Section 410 of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended—

(1) in subsection (a)(3)—

(A) by striking ''any interest that has accrued'' and inserting ''interest that has accrued during that period''; and

(B) by striking the period and inserting '', but only to the extent that the amount of the interest does not exceed the amount of interest that has accrued during that period on amounts deposited in the account by that individual.''; and

(2) by adding at the end the following:

''(f) USE OF EXCESS INTEREST TO FUND OTHER INDIVIDUAL DEVELOPMENT ACCOUNTS.—To the extent that a qualified entity has an amount that, but for the limitation in subsection (a)(3), would be required by that subsection to be deposited into the individual development account of an individual or into a parallel account maintained by the qualified entity, the qualified entity may deposit the amount into the individual development account of any individual or into any such parallel account maintained by the qualified entity.''.

SEC. 303. SENSE OF THE CONGRESS REGARDING CORPORATE CONTRIBUTIONS TO FAITH-BASED ORGANIZATIONS, ETC.

(a) FINDINGS.—The Congress finds as follows:

(1) America's community of faith has long played a leading role in dealing with difficult societal problems that might otherwise have gone unaddressed.

(2) President Bush has called upon Americans ''to revive the spirit of citizenship . . . to marshal the compassion of our people to meet the continuing needs of our Nation''.

(3) Although the work of faith-based organizations should not be used by government as an excuse for backing away from its historic and rightful commitment to help those who are disadvantaged and in need, such organizations can and should be seen as a valuable partner with government in meeting societal challenges.

(4) Every day faith-based organizations in the United States help people recover from drug and alcohol addiction, provide food and shelter for the homeless, rehabilitate prison inmates so that they can break free from the cycle of recidivism, and teach people job skills that will allow them to move from poverty to productivity.

(5) Faith-based organizations are often more successful in dealing with difficult societal problems than government and non-sectarian organizations.

(6) As President Bush has stated, ''It is not sufficient to praise charities and community groups; we must support them. And this is both a public obligation and a personal responsibility.''.

(7) Corporate foundations contribute billions of dollars each year to a variety of philanthropic causes.

(8) According to a study produced by the Capital Research Center, the 10 largest corporate foundations in the United States contributed $1,900,000,000 to such causes.

(9) According to the same study, faith-based organizations only receive a small fraction of the contributions made by corporations in the United States, and 6 of the 10 corporations that give the most to philanthropic causes explicitly ban or restrict contributions to faith-based organizations.

(b) CORPORATIONS ENCOURAGED TO CONTRIBUTE TO FAITH-BASED ORGANIZATIONS.—The Congress calls on corporations in the United States, in the words of the President, ''to give

more and to give better'' by making greater contributions to faith-based organizations that are on the front lines battling some of the great societal challenges of our day.

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

(1) corporations in the United States are important partners with government in efforts to overcome difficult societal problems; and

(2) no corporation in the United States should adopt policies that prohibit the corporation from contributing to an organization that is successfully advancing a philanthropic cause merely because such organization is faith based.

SEC. 304. MATERNITY GROUP HOMES.

Section 322 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2) is amended—

(1) in subsection (a)(1), by inserting ''(including maternity group homes)'' after ''group homes''; and

(2) by adding at the end the following:

''(c) MATERNITY GROUP HOME.—In this part, the term 'maternity group home' means a community-based, adult-supervised group home that provides—

''(1) young mothers and their children with a supportive and supervised living arrangement in which such mothers are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children; and

''(2) pregnant women with—

''(A) information regarding the option of placing children for adoption through licensed adoption service providers;

''(B) assistance with prenatal care and child birthing; and

''(C) pre- and post-placement adoption counseling.''.

SEC. 305. AUTHORITY OF STATES TO USE 10 PERCENT OF THEIR TANF FUNDS TO CARRY OUT SOCIAL SERVICES BLOCK GRANT PROGRAMS.

Section 404(d)(2) of the Social Security Act (42 U.S.C. 604(d)(2)) is amended to read as follows:

''(2) LIMITATION ON AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—A State may use not more than 10 percent of the amount of any grant made to the State under section 403(a) for a fiscal year to carry out State programs pursuant to title XX.''.

The SPEAKER pro tempore. After one hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part B of the report, if offered by the gentleman from Maryland (Mr. CARDIN), or his designee, which shall be considered read, and shall be debatable for one hour, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. THOMAS) and the gentleman from California (Mr. STARK) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California (Mr. THOMAS).

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

First of all, I want to compliment the cosponsors of the bill, the gentleman from Missouri (Mr. BLUNT) and the gentleman from Tennessee (Mr. FORD). The fact that they decided on a bipartisan approach, I think set the tone for the changes that result in the bill we have before us.

The President had indicated that one of his top priorities, as he said, to rally the armies of compassion, to help the underprivileged in the United States is, in fact, to a certain extent a uniquely American structure dealing with the creation of foundations, charitable trusts and other structures to assist those in need in a private plan from those who have wealth.

These plans, approaches and foundations are governed, especially in terms of a privileged position, under the tax code as those who, when they conduct these activities, are exempt from various taxable consequences. Periodically, we really do need to review the structure, the relationships and the way in which these foundations and other structures relate to the tax code.

In addition to that, there is nothing wrong with this society, through the tax code, influencing in a positive way a people's willingness to carry on contributions and charitable acts. That really is the core of H.R. 7, and I am pleased to say, notwithstanding the fact that the minority will offer a substitute for the bill, those portions that I have just discussed are identical between H.R. 7 and the substitute that will be offered.

The difference is about other actions, other money, other funding arguments. Those will be examined in terms of the substitute versus the underlying bill, but I want to underscore, this bill came out of the Committee on Ways and Means by a voice vote. What that means is that, basically, it was supported by all of the Members. The compromise that was achieved that produced this result is an excellent example of people who are going to be governed working with those people who are empowered to do the governing and resolving differences.

I do believe the core portion of H.R. 7 is not controversial and should be passed.

Mr. Speaker, last week H.R. 7, the Charitable Giving Act of 2003 passed the Committee on Ways and Means, as amended, by voice vote.

The Charitable Giving Act is one of President Bush's top priorities, and will—as he has said—''rally the armies of compassion'' to help the underprivileged in the United States. The bill encourages charitable contributions by individuals, businesses and foundations, while improving the effectiveness and efficacy of the government's delivery program for these important donations. The tax incentives in H.R. 7 will encourage and promote philanthropic donations by removing barriers that restrict giving.

H.R. 7 allows those taxpayers who do not itemize, which accounts for roughly two-thirds of returns, the opportunity to deduct a portion of their charitable contributions.

The bill provides an exclusion from gross income for otherwise taxable withdrawals from traditional or Roth IRAs that are made for charitable purposes. IRAs represent a major untapped source of charitable contributions, and it is estimated that Americans have used these plans to save roughly $2.3 trillion. By allowing taxpayers who have reached age 70½ to make tax-free transfers of IRA assets for charitable purposes, this provision represents a key source of increased charitable giving while also providing safeguards to ensure that IRA owners have ample assets for retirement.

H.R. 7 increases incentives that encourage benevolent contributions by corporations and other business. The bill increases the cap on corporate charitable contributions from 10 to 20 percent of modified taxable income and allows all businesses, rather than just C corporations, to take advantage of an extension of enhanced deductions for donations of food inventory. In addition, H.R. 7 better allows corporations to donate scientific property, computer technology and equipment to enhance research, and allows a shareholder in an S corporation to receive the benefit of a full charitable deduction for charitable contributions made by the S corporation.

In addition, this bill includes legislation to authorize a new compassion capital fund to support propitious social programs while extending and strengthening current efforts that urge low-income families to save in hopes to pay for school, start a business, or purchase a home. Furthermore, the enhanced State flexibility outlined in H.R. 7 allows States to transfer 10 percent of annual Federal cash welfare funds to the Social Services Block Grant in order to better help low-income families.

Mr. Speaker, this legislation is very important for two reasons: (1) it will help Americans help those who need it the most—whether it is through initiatives to end substance abuse and gang related violence, or to improve the health of the neediest; and (2) it will ensure uniformity exists in how charitable foundations operate. I urge my colleagues to vote in support of H.R. 7.

Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. BLUNT) and ask unanimous consent that he control the balance of the time.

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

There was no objection.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume to address not just this bill but all the things that the bill either ignores or demeans by suggesting that these charitable acts will solve some of the major problems in our country.

The bill suggests that it is going to spend $13 billion, when any reasonable assessment would suggest that it is a $23-billion bill because it sunsets the tax deduction in the second year, and we know that as night follows day, the next request will be to make it permanent, and I think it is rather deceptive to suggest to the public that it is, in fact, 13 when it is arguably substantially more, if one believes that the bill does the right thing to begin with.

The bill ought to be noted for what it does not do. What it does not do is deal with 12 million children whose parents will not receive a tax credit, which the President supports, the other body supports, and for some reason, my Republican colleagues in this House feel that because their parents pay little or no income tax, while they may pay substantial payroll taxes, they ought not to receive this money.

So many of the parents who are such low income, including the parents of 250,000 or more children who are children of our brave troops who will not

receive this money, many of those same families will be importuned and given $6 a month in tax deduction for contributing to various causes. One imagines the United Crusade or whatever.

Many of us suspect that that will not generate very much charitable giving, and it would seem to me to be much more direct to deal with tax credits for families under $25,000 a year who have children to raise wherein health care is limited, wherein there is no help for housing or clothing or school subsidies which we have talked about on this floor. So, again, this bill is notable for what it does not do.

Then it has a certain amount of arrogance in what it does do. For example, it is almost cute, there is a college housing project, as it is called, in this bill, and what that basically does is help Delta Kappa Epsilon and Phi Beta Kappa and Kappa Kappa Alpha. It is a gift to fraternity and sorority houses on college campuses.

□ 1215

Now, I have no quarrel with fraternities and sororities; but they are, indeed, private social clubs; and it seems to me that we are taking the first step in giving taxpayer dollars to private clubs that have every right to restrict their membership by race, by religion, by ethnicity, or any other reason. And there is no quarrel, but we have never before in the history of our Tax Code of our country given taxpayer dollars to golf clubs or tennis clubs or any other types of clubs.

And then we are going to go and have an experiment, and this is an experiment for a very limited group of Americans. We are going to give $61 million to create experiments to show that by cutting down trees we are going to save trees. Now that may work, but if it works, it is only going to work in the State of Washington because the $61 million in experiments cannot be used in any one of the other 49 States.

I noticed that the two distinguished sponsors of this bill are from Tennessee. To my knowledge, there is a timber industry in Tennessee. What is so shabby about the timber industry in Tennessee that we cannot help them do an experiment in ecological management of our forests? There happens to be a timber industry in California where the chairman of the Committee on Ways and Means resides. Why would we not like to help preserve the redwoods in California with some of this money, or the State of Oregon or the State of Maine? Why is it that only one State gets to participate in this experiment? And I might add it adds up to one timber company, the Weyerhaeuser timber company, which is owned by a very rich family, so we maybe could say it is only one family that participates. That is not right. It is not the proper thing to do.

If these programs are good, in every other experiment, we let people apply and we try and award these not as pork and a reward to some individual politician, but we try to reward them to the program which shows they have the most potential for benefiting the most Americans. That is the way a democracy ought to work; and in this new administration which tends to interpret democracy any way that the Attorney General chooses on that particular day, we seem to be redefining in this bill how we should apply charity and what are charitable organizations, how we should apply the largess of the Federal Government with rifle-shot approaches to individual corporations.

Mr. Speaker, this is a bill that is fraught with help for individual companies and individual interests; and it is most notable, as I would like to repeat once again, for what it does not do. It does not help those 12 million children in low-income families who most need assistance and which this House has repeatedly turned its back on due to the Republican leadership's refusal to bring up the child tax credit extension.

So it is with heavy heart, Mr. Speaker, that I say that charitable giving here has been politicized to the extent that under the guise of helping low-income people with $6 a month, we are giving humongous rewards to fraternities and sororities, to the Weyerhaeuser timber company in the State of Washington, and to people who arguably do not need that charity today.

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

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

Mr. Speaker, I am glad to be here to talk about this bill. This is a tax bill. It is a tax bill that really is an important step toward what we do for charities in this country. It is an important step in the President's faith-based agenda; but certainly as a tax bill that encourages charitable giving, all that giving is not necessarily done to faith-based institutions. This has broad bipartisan support. I am pleased with the way the Committee on Ways and Means dealt with this bill and brought this bill to the floor without any dissenting votes on Tuesday of last week.

The gentleman from Tennessee (Mr. FORD), a cosponsor of the bill, worked hard on this bill; and we have over 80 bipartisan House cosponsors working with us on this bill.

The truth is our charities need some encouragement. They have faced some difficult times. 2001 was the first year that charitable giving in this country was lower than the year before. Giving in 2002 seems to continue to reflect that trend. Corporate giving fell by almost 15 percent between 2000 and 2001.

As we look towards what this does for charities generally, we can also look at what it does for faith-based charities which are so important in providing services in the country. Seventy-five percent of the food pantries in America are run by religious organizations, 71 percent of the food kitchens are faith based, 43 percent of the shelters are run by the faith-based community.

This act really allows those who give to charity more ways to give and encourages them to give in new ways. This is a change in the Tax Code that has impact. In fact, the Congressional Budget Office estimate of the impact of this bill would indicate that $45 to $50 billion more will be given to charities over the next 10 years if this bill becomes law than would be given to charities if this bill does not become law.

There are many things, particularly as charities reach out to individuals in need, food kitchens, shelters, food pantries, where the charity has proved to be such a compassionate way to deal with this problem with the most impact. Clearly the family unit intact is the best way to provide services to people. After that I think we could have a debate that my side would win advocating that when charities step in, they are almost always more compassionate, quicker, more cost effective, and get out more of the money available to them, and get help sooner and quicker and more effectively than any other way to do this. Of course, where both the family has failed, where individuals through the church and community have not been able to do the job, there is a place for government programs. But there is a clear place for charities.

Let me talk about two or three things in this bill that make a difference in terms of how millions of Americans are affected. Eighty-six million Americans do not itemize their taxes, but of those 86 million Americans, many give money every week, every month, every year to a church or charity. The bill of the gentleman from Tennessee (Mr. FORD) and my bill changes the Tax Code in a way that lets those people who give to church and charity have credit for some of the giving that they do to church and charity. Just like people who itemize their taxes, they have to demonstrate that they did make that gift, but this treats them differently from the people who do not itemize their taxes and do not give. This really does reward giving for individuals and couples.

The second big area of impact of the bill, I believe, will be the changes we make in those resources and how we deal with those resources that people have in IRAs. There are $2.5 trillion in the country today in IRAs. Many people, as they begin to utilize their IRAs, suddenly realize they do not have enough money in their IRAs to do all of the things that they would like to do; but many people realize through some good fortune in investing, an extraordinary commitment to funding their IRA, through that and the other things they have done providing for their retirement, their IRA is a big resource of money that they do not need or are not likely to need all of.

Today, the tax consequences of gifting IRAs are such that almost none of that money is given to charity or

faith-based charities. The change in this bill removes the tax obstacle from giving that money. After people reach the age of 70½ and begin to evaluate their resources and the need for those resources, suddenly that $2.5 trillion out there in IRAs is available for gifting potential.

If we talk to our friends who raise money for their local college or university, for the Red Cross, for the blood center, for whatever it would be, they would say that this portion of the bill is the portion that they look to which has the greatest opportunity to change giving in the future.

We raise the cap on corporate charitable contributions over the next 10 years from 10 percent that could be gifted of profits to 20 percent of profits. We extend current incentives for food donations to apply to even more farmers, more restaurants, more retailers, more wholesalers. We allow value added to those products to have a greater value in gifting than it has today.

This bill reauthorizes a program which allows low-income working Americans the opportunity to build assets through matching savings accounts, known as IDAs, which can be used to purchase a home, expand educational opportunity, or to start a small business.

This bill provides $150 million a year for a compassion capital fund to assist small community and faith-based organizations who want to start a charitable outreach to do that, to set up their organization or to expand their capacity to serve. This encourages conservation by private landowners by requiring certain Federal grant money for conservation be treated as tax free.

Mr. Speaker, I yield 1⅓ minutes to the gentleman from Wisconsin (Mr. RYAN) to respond to one statement made by the gentleman from California (Mr. STARK).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for his tireless work on a bipartisan basis to bring this bill to the floor.

I want to quickly address some of the inaccuracies dealing with the collegiate housing issue. The claim is the collegiate housing issue only helps sororities and fraternities. Let me tell Members exactly what this does and does not do. Number one, for many of us who represent colleges and universities in our districts, we realize that there is an undersupply of off-campus housing and an overcrowding on campus in our Nation's colleges and universities.

What this simply does is it allows off-campus housing be built by nonprofit organizations to address this need, to bring up to code, to fire code, off-campus housing because right now if you are going to invest tax-deductible dollars into a nonprofit, you can deduct those and invest them on campus for university housing; but you cannot take tax-deductible dollars to invest in building collegiate housing off campus even though they are nonprofit, not-for-profit foundations.

So this goes well beyond sororities and fraternities. It goes to religious organizations, Hillel; it goes to nonprofits and fraternities and sororities, and only to university students who have academic careers, not to country clubs or anything else. It is tightly defined, and it puts the need where it is required and that is to address this critical shortage of bringing buildings up to code and addressing this housing shortage need.

Mr. STARK. Mr. Speaker, I yield 5½ minutes to the gentleman from Maryland (Mr. CARDIN), the author of our proposed Democratic substitute, who can speak to the issue of how we might pay for this bill.

□ 1230

Mr. CARDIN. Mr. Speaker, first let me compliment the gentleman from Missouri (Mr. BLUNT), the sponsor of this legislation, and the gentleman from Tennessee (Mr. FORD) for reaching, I think, a fair compromise on some very controversial issues so that we really do have a chance to enact a bill this year that can help our faith-based institutions, our nonprofit institutions in carrying out their very important responsibility. Major compromises were reached along with Senator LIEBERMAN and Senator SANTORUM in the Senate that would provide our sponsors in the House to eliminate from the bill a very controversial provision dealing with employment discrimination. I know that many of our Members have been concerned about that. Those provisions are not included in this legislation, and I want to compliment all involved who were responsible for the removal of that provision.

I also want to compliment the architects of this legislation for working out a fair compromise as it relates to a foundation's administrative costs. We have a fair compromise on that issue that puts some Federal controls on administrative costs but also allows the foundations to be able to do their business in the most cost-effective way.

In my view, this legislation is a positive help to faith-based institutions, nonprofit institutions and is consistent with the tradition of our country to maintain the church-state separation. There is help here for those who want to privately give, whether they be individuals or corporations, to our nonprofit community through the use of direct contributions or their IRAs.

Mr. Speaker, let me also agree with the gentleman from Wisconsin (Mr. RYAN) in regards to the provisions relating to housing.

I think this bill is a positive bill. I agree with the distinguished Republican whip that this bill has moved in a bipartisan way through this body and through the other body and we therefore have a good bill before us. I would urge my good friend to continue that process and let Members vote their convictions on the amendment that I will be offering a little bit later.

It includes two more provisions. It builds on the underlying bill but adds two more provisions that has strong bipartisan support not only in this body but also the other body. It provides an extra $1.1 billion for the social services block grant program. In 1996, we were financing the social services block grant program at $2.8 billion a year. We cut it in the welfare bill to $2.38 billion a year but we made a commitment in that legislation that we would restore that cut in 2003. That is exactly what the Cardin amendment will do. And it has strong bipartisan support. Many Members on the Republican side of the Committee on Ways and Means support that change. I hope they will vote that way today. It is vitally important to our faith-based institutions.

Let me just give my colleagues one example. Catholic Charities relies upon public programs for 62 percent of their support. The social services block grant program is a very important part of that. It provides day care for low-income families, offers counseling services to at-risk youth, provides nutritional assistance to the elderly and provides community-based care to the disabled. This is their number one priority as far as help in order to be able to carry out their very important mission.

The second change is that the bill is fully paid for by closing corporate loopholes through tax shelters. I know that a document was sent out that says this is extremely controversial. If it is extremely controversial, why did 95 members of the other body vote in favor of it? It passed 95 to 3 or 4 in the Senate. It is not controversial. It is controversial to add $13 billion more to the national debt and not pay for it. So this amendment pays for the cost of the bill through a provision that is good tax policy.

Our deficit this year is projected to grow by over $500 billion. That does not even include the $87 billion that the President has asked us to pass by a supplemental appropriation to prosecute the war in Iraq and Afghanistan. What my amendment will do is close tax shelters by codifying the practice of the courts that will bring in moneys from activities that have no economic value. It is what the other body did to pay for it.

There is one more thing I might add. We are in the closing days of this first session of this Congress. Major differences between the House and Senate will have difficult times being reconciled in conference. The adoption of my amendment gives us a much better chance to get this bill to the President this year. I urge my colleagues not only to support the underlying bill, support the Cardin amendment so that we can get a bill to the President and that we can also accomplish two more important factors that I think are supported on a bipartisan basis. I urge support for the amendment that will be offered later and I hope that we can continue to work in a bipartisan way to get this bill to the President's desk.

Mr. BLUNT. Mr. Speaker, I appreciate the gentleman from Maryland's work on getting this bill out of committee unanimously and the fact that it is totally included in his substitute.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, I rise in support of H.R. 7 and I call for its swift adoption by the House. I think this is a piece of legislation that shows that all of us care and we are delighted to have it before the body today.

I do want to respond to a mistaken and outdated characterization that came up in previous comments about one of the provisions on forestry bonds in this piece of legislation. This is a provision that was passed by this House last March. Forestry bonds as included in H.R. 7 are a new and collaborative approach to preserving sensitive lands that are close to major population areas. Instead of wasting millions of dollars on lawsuits, which has been the case often in the past between members of the conservation community and timber owners, this proposal enables a board of trustees made up of timber executives, of conservationists and people representing the Contract Logging Association to purchase property through tax-free bonds from a willing seller. Twenty percent of the property is immediately put into conservation easements, probably the most sensitive portion of the property, around lakes and rivers and streams, for example. There is a continuation, however, of timber harvests, because the purpose of the harvests must be to pay off the bonds that are granted by an organization within the involved State. It is a broadly supported provision, broadly supported by the conservation community and also the timber community. I think it is an ideal way to provide a collaborative approach, one that will be an experiment and I think will yield great returns certainly out of this experiment, perhaps eventually something that could be used by folks all over the United States to preserve these important properties.

Mr. STARK. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I always thought that charitable giving came from the heart and not through tax breaks in the Federal Tax Code. I come to the floor today to oppose this bill and I feel somewhat like the skunk at the picnic, but I think it is time that this Congress act more responsibly.

Let me give my colleagues a little background as to where we are as far as the Federal deficit. This administration took over and inherited a $236 billion surplus. In 4 short years, they have turned it into a deficit, and the Congressional Budget Office indicates that deficit will be $580 billion. Yes, there has been a downturn in the economy, but more importantly over the last few years, this Congress has given almost $3 trillion in tax cuts. If these cuts were affordable, one would say fine. But they are not, my friends. For every tax cut we give today, it goes on the deficit and your kids and your grandkids are going to pay for it. Not us, your kids and grandkids will.

So here we have a bill that costs $13 billion and it is geared to enhance charitable giving. What a noble purpose. If the economy was different, if the fiscal picture for the country was different, I probably would be supporting the bill, also. But, my friends, the plain, simple fact is, it is nice but we cannot afford it. My constituents would like to go and buy a new car and a new refrigerator, and those things are nice, but they cannot afford it, so they do not do it. But this Congress just cannot stop giving away money.

Let us look at the bill itself. In the bill, we double the corporate charitable giving deduction. Currently corporations can give away and take a tax credit for 10 percent of their gross income. This bill doubles it. Are the corporations so overtaxed? A lot of them are running offshore to escape all taxation. In 1996, corporate taxes made up 12 percent of all the revenue the Federal Government takes in. In 2002, that shrunk to 8 percent. So do not tell me corporations are in need of another tax break. Their liability is drastically being reduced. And to tell me that if we do not double their charitable giving to 20 percent, instead of 10, they are not going to give the excess food to the food pantry, they are going to throw it in the dumpster, that is nonsense.

Another provision in the bill tells nonitemizers, those people who do the short form, that they can, after giving individually $500, take a $250 above-the-line credit. That seems well and good. However, the standard deduction that filer gets already includes a portion for charitable giving. So if we want to increase it, let us increase the standard deduction. But know full well 80 to 90 percent of those filers are going to claim the $250 credit and that is why we do not trust them because that provision is only good for 2 years. They are going to have a little study. But we do not have enough auditors to audit that and I suspect that almost all the filers will take that credit.

Mr. Speaker, it is a great bill, but the fact of the matter is the taxpayers cannot afford this bill. And as I look at the various portions of it, even including the lumber company giveaway, those might be nice in better times. Another portion of the bill decreases the taxes for charitable foundations in half. That costs some $2.8 billion. Today charitable corporations pay 2 percent Federal tax on their income. That is not a heck of a lot. Boy, I wish my constituents only paid 2 percent. But we feel so generous today, we are going to cut that in half to 1 percent. And that $2.8 billion goes smack on to the deficit.

One other item I think we should mention, I indicated that the Federal deficit is slated by the Congressional Budget Office to be $580 billion. That is without the $87 billion the President has asked for the war in Iraq. That goes right on it. That means the deficit is going to be over $650 billion.

Mr. BLUNT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY), the former Speaker of the House of Florida.

Mr. FEENEY. Mr. Speaker, I rise in support of this great bill. I want to thank and congratulate the gentleman from Missouri (Mr. BLUNT) and the gentleman from Tennessee (Mr. FORD) for this bipartisan effort.

America is the most charitable country in the history of planet Earth. We ought to rejoice in the American great tradition of charity. The problem is that unfortunately, taxpayers, businesses and individuals, are punished through the Tax Code even when they use after-tax dollars to contribute to the well-being of their fellow citizens. For all of the reasons that the critics dislike this bill, one critic suggested he is opposed to this bill because it does not do everything that we should be doing to help America. The last speaker just suggested that what we have is a problem in that the Federal Government is losing money. Well, the whole presumption is that somehow this is the Federal Government's money in the first place. I would suggest that people in Oviedo, where I live, think it is their money and that they are best able to determine how to help the well-being of their neighbors and charities.

This is a wonderful bill because it allows the two-thirds of us that do not itemize our deductions to participate in a tax deduction when we help our fellow citizens. I think that is a great idea. It levels the playing field. You do not have to be a wealthy, complicated tax filer in order to enjoy the deduction. This bill levels the playing field. All of us will get the deduction. It allows people that have built up assets in their IRA that maybe will not be necessary for their retirement to take advantage of a provision so that they will be able to contribute to important charities in their neighborhoods and communities. Finally, it adds additional help to businesses that want to provide food or shelter or well-being for the needy.

I will end with the fact that there are two approaches to how we can help our fellow man. Some people, well-meaning, think we ought to confiscate as much tax dollars as we can from individuals and businesses in order to have a one-size-fits-all government program to help the needy. My experience is that the best way to help people is through local charitable giving where you can help people not become dependent on government but you can help them reform their lives, get back on their feet and help themselves. That is what this bill does.

□ 1245

Mr. STARK. Mr. Speaker, I yield 3 minutes to the gentleman from Washington State (Mr. MCDERMOTT).

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

Mr. McDERMOTT. Mr. Speaker, I came rushing over here to make a public service announcement. There is a hurricane coming. But the name is not Isabel. The name is George.

Ever since President Bush got elected, this Congress has rubber-stamped every single tax cut he came up with. In fact, I got over here in such a hurry, I forgot my rubber stamp. But the fact is that, at some point, the President has to be brought to reality. I saw the gentleman from Maryland (Mr. CARDIN) out here all exercised over this. This is only $12 billion he is giving away this time. This is chump change. I do not know. I think he has lost his nerve maybe. Because he comes in here one day and asks for $87 billion, and then he says, by the way, let us give away another $12 billion to people. I hope Americans, if they just remember that I gave them all that money and put them $44 trillion in debt in the future, they will reelect me.

You say where do I get that number? Well, the Financial Times, and this is no liberal newspaper I want the Members to understand, they revealed that the Bush administration shelved a report commissioned by the Treasury Department that shows that the U.S. economy faces a future of chronic budget deficits totaling $44 trillion, the study's most comprehensive assessment of how the U.S. Government is at risk at being overwhelmed by the baby boom generation's future health and retirement costs.

This President does not care about anything except if he can trick the people with a tax cut, he thinks he can get elected. They will forget about the mess he has created in Iraq. They will forget about the mess in Afghanistan. I have got $12 billion more for you, folks, that is our President's plan, and they are going to keep trying to give money away. They act like the $480 billion is nothing. They put on another $100 billion this week, 87 for Iraq and $13 billion in this bill. Is there any end? One would say this was somebody who was addicted if one was talking in any other terms. I mean they cannot get off the needle of tax cuts. And if the Congress does not stand up, when are the people going to be taken care of? Is this bill saving our country? Is it going to make more jobs? I think not. There is no plan to spend any money on making jobs, no. This is just give $12 billion more away so that companies will give more to charity because the Government is not doing its job.

Mr. BLUNT. Mr. Speaker, I yield myself 45 seconds.

I would just remind the Members in the debate that this is about not $12 billion; it is really about $50 billion, $50 billion that the American people decide they want to give to charities to help their fellow citizens, and certainly that makes a difference in the character of the country. Anytime we individually reach out, frankly, that is more character developing than seeing the Government reach out. It does not mean there is not a place for the Government to reach out, but to suggest that it is a bad thing in any way to encourage people to reach out or to suggest that people who give money to church and charity every month will lie about whether they gave that money is inappropriate.

I want to say how much I have appreciated the opportunity to work with the gentleman from Tennessee (Mr. FORD), my good friend. We came to Congress at the same time. We developed a bill here that has broad bipartisan support. That was voted unanimously out of the Committee on Ways and Means.

Mr. Speaker, I yield 3½ minutes to the gentleman from Tennessee (Mr. FORD).

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair first announces to Members the gentleman from Missouri (Mr. BLUNT) has 14 minutes remaining, and the gentleman from California (Mr. STARK) has 8½ minutes remaining.

Mr. FORD. Mr. Speaker, I thank the gentleman from Missouri (Mr. BLUNT) for yielding me this time. And I thank the leadership on my side, the gentleman from California (Mr. STARK) and the gentleman from Washington (Mr. McDERMOTT) and, of course, the gentleman from New York (Mr. RANGEL).

I rise today in support of H.R. 7. It has been a pleasure to work with the gentleman from Missouri (Mr. BLUNT) and the leadership on his side. I thank him for the new friendship, or the strengthened friendship, we now have, and I appreciate the bill we have been able to put together.

The intent of the Charitable Giving Act, which has already been stated, is pretty simple. We want to help churches and charities and places of faith and nonprofit groups across the country who are committed to making a difference, and I dare say, making our communities better. With this slow economy, with some 3 million jobs lost and the end of a bull market now, it seems more important than ever to find new ways to encourage giving, charitable giving.

As generous as our Nation is, we all know we face challenges, for many of my colleagues on my side of the aisle have highlighted how some of the decisions we have made here in this Congress have impacted our ability to grow. But as the Speaker knows, millions of Americans give a portion of their paychecks or their savings to help those less fortunate than them. In my community of Memphis and communities across America, nonprofit groups, volunteer organizations work every day to fill those vital needs. Often these efforts can do more to help than what we do here in Government. And at a time of mounting budget deficits in Washington and in almost all 50 State capitals, charities are carrying a heavier burden. States are cutting back money to hospitals, health clinics, schools, drug and alcohol rehab programs, preschool and afterschool programs. Because of the deep wells of compassion that exist in our communities, we cannot let any people fall through the cracks.

But money is tight for millions of families. They want to give, but they also want to have money to pay the bills. This bill is one way we can empower people to give more to charity for it empowers those whose compassion runs deep, especially those who do not have deep pockets. As the Members know, many in Congress and in this country raised constitutional concerns about many aspects of the President's faith-based agenda. We share the President's goal of rallying the armies of compassion, but we were concerned about the faith-based component. Our bill will encourage giving and help charities without regard to religious affiliation.

What this bill does is remove obstacles to charitable giving in a tax code. First, the bill allows some 86 million Americans who do not itemize the opportunity to deduct a portion of their charitable contribution, between $250 and $500, $250 for individuals and $500 for married couples. It raises the cap on corporate charitable contributions from 10 percent to 20 percent over 10 years. It also provides for tax-free contributions from IRAs for charitable purposes, which will help a wide range of charities, especially education institutions. It provides $150 million a year for a Compassion Capital Fund to assist small community and faith-based organizations with technical assistance and to expand their capacity to serve.

In closing, Mr. Speaker, I want to commend the gentleman from New York (Mr. RANGEL) and the gentleman from Maryland (Mr. CARDIN) for the substitute to H.R. 7, which I intend to support. The substitute includes the entire original bill, and it makes it better by increasing the authorization levels for the Social Services Block Grant by $1.1 billion. The Senate companion of this bill includes funding for SSBG as well.

I also commend the gentleman from Texas (Mr. DOGGETT) for working to make this bill revenue neutral. The revenue effect of H.R. 7 is tiny compared to the positive benefits, as the gentleman from Missouri (Mr. BLUNT) has already stated, that will come out of it, and certainly compared to other bills that we have considered in this Chamber in recent years.

In closing, I urge all of my colleagues, particularly my Democratic colleagues, to support this bill on final passage. I look forward to working with many here and others in the Chamber to reconcile whatever differences there may be and realize that when we support this bill, despite its minor cost, as the gentleman from Missouri (Mr. BLUNT) and others have stated, it will help so many of our Nation's

charities, places of faith, and educational institutions.

Mr. BLUNT. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time and I congratulate him and the gentleman from Tennessee (Mr. FORD) for this piece of legislation.

The previous speaker asked rhetorically what does this bill do? By spurring investment in America's charities, this bill will help lift lives and heal neighborhoods. It sounds like a pretty good deal to me.

I would like to talk about a very specific provision in this bill because this bill also rightly points to a problem that we have in charitable giving, one that Congress cannot by itself solve. As section 303 of this bill points out, many of our Nation's largest foundations have a bias against giving to the community of faith. As so many people have noted, every day all across America, faith-based organizations help people, help them recover from drug and alcohol addiction, provide food and shelter to the homeless, teach people skills that they need to move from poverty to productivity, and so much more. And yet foundations, especially corporate foundations, will not give help to these groups. Corporate foundations give roughly $2 billion a year to charities, but a mere fraction of that goes to the community of faith. Of the ten largest corporations in America, six have restrictions either banning or greatly limiting contributions to faith-based organizations and not one of them gives more than 5 percent of its donations to these groups. The leading 1,000 foundations in America have targeted just 2.3 percent of their grants to faith-based organizations. The leading 100 have given just 1.5 percent. Shame on them. They are missing a chance to do so much good.

Let us hope that the public, let us hope that shareholders demand a change. This legislation shines a spotlight on this problem and encourages them to rethink their restrictions. It is time for us to reach out. It is time for corporate America to reach out to the community of faith. There are so many needs and so many opportunities. There is so much good that we can do if corporate America, if foundations, if we all reach out and partner with those who are on the frontlines each and every day.

I am proud to support this legislation. I think this is going to make a historic difference, and once again, I congratulate the authors.

Mr. STARK. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, on January 29, 2002, President Bush stood at this podium, and he told this Congress and the Nation ''our budget will run a deficit that will be small and short term.'' He had hardly gotten out of the room before the deficit began soaring, soaring so much that this year, we have the largest deficit in the history of the United States. Soaring so much that over the course of this year and next year, we will probably exceed $1 trillion in additional national debt. Any honest projection shows that these deficits will continue rising throughout this decade. We have the largest fiscal reversal in the history of the United States, if not the history of the world, moving from the surplus the Bush Administration inherited to the unending debt with which we are now being burdened.

We begin to understand why they call this a ''faith-based'' initiative because despite this devastating fiscal record, they ask us to have faith that somehow their speeches will balance the budget even while they continue depleting the national treasury with one good cause and some not so good causes after another, taking out $10 billion here, $20 billion there, $50 billion some other place.

If you have faith in the bill that you are advancing today, have the good faith to deal straight with the American people instead of just giving them another IOU. And I commend the gentleman from Tennessee (Mr. FORD) for having the courage to support the substitute paying for this chartible giving initiative to which I know he is so committed. The Republican sponsor in the last Congress of this measure (Mr. WATTS) was willing to do the same until he found out paying for it requires more than a speech.

We can pay for this initiative today, and then some, by correcting a considerable inequity in our tax system. The Founding Fathers believed that there should be no ''taxation without representation,'' and certainly we all agree. But some taxpayers, as a result of the inaction of the House Committee on Ways and Means and the leadership of this House, are today turning that on its head. They believe that we should have no ''taxation through misrepresentation.'' Too many corporations have misrepresented to their shareholders, their investors, to the tax collector the true nature of their income. They give new meaning to Leona Helmsley's claim that ''only the little people pay taxes.'' And today my colleagues talk about charity. Charity is when Congress ignores $10 billion a year, according to some estimates, in losses due to sham corporate tax shelters—shelters that are abuses of our current legal system. Charity is when the Republican leadership persists turning a blind eye to that abuse.

Since 1999, we have had a way to solve this problem. We have been asking for approval of a tax shelter measure that has had broad support in this body and is so ''controversial'' that almost every Republican Member of the United States Senate has voted for it. It passed 95 to 5 as a part not of some other bill, but of this very chartible giving bill. So what happens when it gets to the House Committee on Ways and Means? The same people that have been protecting these corporate tax abusers all this time have again offered them a little ''charity'' by removing all of the tax shelter language.

□ 1300

They stripped out the ''pay-for'' in this bill, a ''pay-for'' that brings equity to our tax system, that ensures that these corporate tax abusers get a little fair treatment. When such tax evaders dodge their taxes, guess who has to pay for national security and homeland security? All of the small businesses and large businesses and taxpayers large and small, who are already doing their fair share, already paying their fair portion of taxes.

Mr. Speaker, we have an opportunity today through the Democratic alternative to end this abuse of corporate tax shelters and at the same time pay for this charitable bill giving instead of incurring more public debt.

Mr. BLUNT. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Speaker, first I want to thank the gentleman from Missouri (Mr. BLUNT) and the gentleman from Tennessee (Mr. FORD) for their leadership on this bill. It is something that I have long waited to see, an actual change in our Tax Code to give more incentive to charitable giving.

It is unfortunate that partisan politics has been, again, injected into this. Because as we have been holding a series of faith-based hearings around the country, one thing that we recently heard in Texas in San Antonio from the most effective faith-based drug addict rescue group in the State of Texas, and, really, in America, said, where do you think the financial support of our ministry comes from? The people who have come through the front door of that home.

This bill will give those people a chance to get a tax break, many who have very little funds who have been ignored because of the way our Tax Code is structured in charitable giving. This is one small step, and I hope we can expand it in the future, but an important step and the most important step.

We have been on the floor arguing over charitable choice. I said from the beginning that the Tax Code was the most important and the second most was the Compassion Capital Fund, which is also in this bill to help these little usually urban or rural organizations get an ability to do a 501(c)(3) corporation. And this bill also covers that. I am thrilled with this bill.

Mr. STARK. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I think it is important to speak about what is not in this bill as well as what is in it. This bill is in stark contrast to

the bill which passed 2 years ago in that it does not include the provision that would allow employment discrimination with Federal dollars. In fact, the bill preserves current civil rights protections.

Faith-based organizations willing to comply with civil rights laws will be able to get funding under this bill just as they can today. And organizations which refuse to comply with the 60-year tradition of no discrimination with Federal funds will not be able to get funding under this bill.

When we talk about discrimination, let us remember that there was a time in America when people of certain religions were routinely denied jobs solely because of their religious beliefs, but we passed laws to end that invidious discrimination.

All of us can be supportive of the work of faith-based organizations and recognize that many can successfully sponsor federally funded programs, but we do not have to sabotage anti-discrimination laws to do that. And it is insulting to suggest that we can get investments in needy areas only if we turn back the clock on civil rights.

This bill allows us to support the work of faith-based organizations without sacrificing our hard-won civil rights protections. The language in the original bill that will allow faith-based organizations to proselytize to beneficiaries in public services and use Federal money to convert people to their own religion has likewise been dropped from this bill as well.

An individual in a homeless shelter should not be required to have to consider changing his religion in order to get a meal if that meal is paid for with Federal funds. The Constitution does not permit this and neither should we.

I hope this bill can be a positive step in the right direction, but all of us should be cognizant that although the old H.R. 7 is gone, there are currently several bills, individual bills, that would allow faith-based organizations to discriminate in employment based on religion with Federal funds.

We have already seen these provisions in the reauthorization of the Head Start bill that passed the House and the Workforce Investment Act, and I am sure that there will be others.

Mr. Speaker, this bill shows that we can do better than that. We can support good community organizations that do good work without sacrificing either civil rights protections or the Constitution.

We can accomplish this by providing them more money to do that work and providing guidance and navigating the Federal bureaucracy, and we do not have to undermine constitutional and anti-discrimination laws to do that.

Mr. BLUNT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me time and want to congratulate him and the gentleman from Tennessee (Mr. FORD) for their good bipartisan work on this legislation.

The legislation does have a cost, as it is analyzed by the Joint Tax Committee, and I believe that is $12.6 billion. Guess what? Over that same period of time, the estimates are there will be about $50 billion more in contributions to our charities. These are faith-based charities, community organizations, those who are out there doing the good work to help those most in need.

I love the provision on the nonitemizers, because it helps people who are nonitemizers now not only give more money to charity and gives them a break for it, but gets them more engaged as volunteers in their communities in helping out, having an investment in these charities.

I like the provision on the IRA rollover. We ought to do the same with some other retirement accounts. With the IRAs, we are able to say if you are 70½, you can then roll over into a charity without having the tax consequences. That will help not only this year, but going forward, as baby boomers begin to get these big lump sums in their IRAs, to be able to give those to charities. There are a lot of assets there, and it is a great policy.

The gentleman from Texas raises a substitute; and I just have to say, codifying this very complicated issue of economic substance doctrine is a very difficult thing to do. The Treasury Department is dead set against it. They instead believe what we ought to be doing is providing more disclosure and tightening the rules. That is going to be in a bill coming to the floor, we hope soon, out of the FSC-ETI bill. That is a better way to approach it.

Finally, the codification of economic substance, to my understanding, is retroactive, so you are actually changing the rules of the game after the fact. So those who have entered into transactions and arrangements are now being told after the fact, guess what, the rules all change; now we have this new rule to be applied.

I am afraid what will happen is you will see tax shelters going underground. You will not see what we ought to be seeing, which is more disclosure and tightening of the rules.

So I think this is a great bill. I would urge my colleagues to support it, because it does the right thing on policy grounds; and I would be very skeptical about this substitute. I think it is bad tax policy; and it will result, perhaps inadvertently, in more problems in our Tax Code.

Mr. BLUNT. Mr. Speaker, I am pleased that the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Michigan (Mr. CAMP), the next speaker, have done such a good job to get this bill to the floor.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I thank the majority whip for his hard work on this bill; and I lend my strong support to H.R. 7, which passed the committee by voice vote. I think all members on the committee agreed that this policy was an appropriate way to increase philanthropy among individuals, corporations, and foundations. I think it contains the right mix of tax incentives to spur individual giving, business and foundation giving, for example, the nonitemizer provision for low- and middle-income taxpayers. In my view, the Tax Code should provide a tax incentive to all taxpayers to give to charity, not just those who itemize; and this bill does that.

Another important feature is those who have reached 70½ can make tax-free contributions from their IRAs.

Last, I want to thank the majority whip and the committee for their hard work in making sure that we also do what we can to increase giving from charitable organizations and foundations. I think we have the right mix in this bill to do that.

I lend my strong support to this legislation.

Mr. BLUNT. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. Mr. Speaker, I just want to rise in strong support of this legislation. I want to highlight a charitable organization in my community, Jacksonville, Florida, called the Jessie Ball duPont Fund. Last year they gave away about $13.5 million. They gave it to over 300 different organizations, everything from the Boys Clubs to the Girls Clubs to the United Way.

What this legislation does is encourages foundations like the duPont Fund and other charitable organizations, it gives them technical advice, it gives them guidance, and, more than anything, maybe holds them to public accountability.

The bottom line, Mr. Speaker, is this kind of legislation encourages people to be good stewards in their own community. America is great because America is about people helping people; and any time that people want to give money, in terms of charity, we ought to do everything we can to pave the way. So I urge support of this legislation.

Mr. BLUNT. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I rise with a deep sense of gratitude to our majority whip, the gentleman from Missouri (Mr. BLUNT), and to his colleague, the gentleman from Tennessee (Mr. FORD), for their yeoman's work in crafting the Blunt-Ford Charitable Giving Act. It is an extraordinary piece of legislation that will encourage the investment by everyday Americans into the organizations that make our communities great.

While this bill is targeted to all charities, its impact will be profound, especially in the faith-based community. It

is worthy of noting that 75 percent of food pantries are religious-based, 71 percent of food kitchens are faith-based, and 43 percent of shelters in this country are faith-based providers. Today's Blunt-Ford Charitable Giving Act is part of President Bush's vision of a faith-based initiative encouraging everyday Americans to come along side those who each and every day do for the least of these.

I strongly support this legislation and strongly urge its passage today.

Mr. STARK. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, without a doubt there are many good features of this proposal. That is why so many people support it. Perhaps the benefits are a bit exaggerated in the suggestion there will be $40 billion or $50 billion in additional money motivated by tax considerations instead of the heart. That probably overstates the case. But the important argument in favor of the Democratic substitute is that this proposal is presented as just another free lunch, like so many other allegedly pain free measures that keep rolling through this House.

As proposed, this bill will add to the burden of our children and our grandchildren billions of dollars that could and should be paid for now. That is why one of the cosponsors, the gentleman from Tennessee (Mr. FORD), has said he supports the substitute. He is ready to pay for his bill, he has that much confidence in it. The only argument against paying for it was the unusual suggestion of the gentleman from Ohio (Mr. PORTMAN) that it would be ''difficult.''

I agree, it has proven very difficult for the Committee on Ways and Means to do anything about corporate tax cheats. They have known about this problem since at least 1999, and they have chosen to sit on their hands.

Most people have heard about something called Enron, a Texas corporation. The Committee on Ways and Means was afraid though to look under the rock for all the Enron dirty tax secrets, about how much it avoided paying of its fair share of taxes, for fear of what Republicans might find, and they have still not, until this very day, found it possible to overcome what they call the ''difficulties'' of dealing with the Enron tax transgressions, nor those of any other corporation.

Pay for this bill. The Democratic substitute does.

Mr. BLUNT. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me time.

I want to commend the chairman for crafting a bill that will reward average taxpayers for their generosity and eliminate unnecessary barriers to giving. This is a bipartisan bill that will expand our communities' ability to help each other. However, there are some additional provisions that I hope we will be able to work on with the Senate.

First of all, the social services block grant enables communities to address special needs in a very flexible and very local manner, and I am thrilled that this bill reinstates the 10 percent right of transferring money from the TANF block grant to the social services block grant. But more needs to be done, and the Senate bill does offer us that opportunity in the conference.

Secondly, I hope that it will look at some of the charitable incentives for conservation in the Senate bill, a higher deduction for donating land to qualified land trusts, for example, that will enable small landowners to be part of conservation and preservation in their communities.

□ 1315

Mr. BLUNT. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, charitable organizations are vital to the health and well-being of American citizens. Charity benefits both the giver and the receiver in like proportions. The act of giving elevates the heart of the giver; the act of receiving elevates the condition of the recipient. Charity is a blessed act that should suffer no discouragement from something so punitive as the Tax Code.

Mr. Speaker, I am very pleased that two major components of H.R. 7 are based upon legislation I have introduced for almost 20 years, the Charitable Giving Tax Relief Act and the IRA Charitable Rollover Incentive Act. The Charitable Giving Tax Relief Act allow nonitemizers to deduct 100 percent of any charitable contributions up to the amount of standard deduction.

Secondly, under H.R. 7, individuals age 70½ or older will be able to contribute amounts currently held in IRA accounts directly to qualified charities without having to first recognize the income for tax purposes and then take a charitable deduction.

We now have an excellent opportunity to advance sound tax policy and sound social policy by returning to our Nation's historical emphasis on private activities and personal involvement in the well-being of our communities.

I congratulate all, and I urge everyone to vote for the bill.

Mr. BLUNT. Mr. Speaker, I would just like to say as I yield myself the remainder of my time that I appreciate the character of the debate, I appreciate the opportunity to work with the gentleman from Tennessee (Mr. FORD) and the members of the Committee on Ways and Means in bringing this bill to the floor. We look forward to passage today and a quick effort to work with our friends in the other body and see this bill on the President's desk become law and make a difference in the way people are encouraged to do things for others in their community and in our country and around the world.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 7, the Charitable Giving Act of 2003 along with the Democrats' Substitute Amendment Agreement. The Democrats' Substitute Amendment has three parts. First, the Substitute would include all the provisions of the underlying bill, H.R. 7, as reported by the Committee on Ways and Means. Second, the Substitute would add a provision increasing the funding for the Social Services Block Grant, SSBG, by $1.1 billion next year. Third, the Substitute would add revenue offset provisions to curtail abusive tax shelter schemes. The Substitute is a fiscally responsible approach for encouraging charitable giving and providing assistance to vulnerable families during these particularly difficult times.

Considering that the federal deficit is projected to exceed $500 billion next year and the President's request for an additional $87 billion for Iraq, I urge all House Members vote for the Democratic Substitute Amendment.

The Substitute increases funding for the Social Services Block Grant, SSBG, by $1.1 billion next year. This increase is included in S. 476, the Senate-passed CARE Act of 2003. The SSBG funds community programs to protect abused children, provide day care to low-income families, offer counseling services to at-risk youth, provide nutritional assistance to the elderly, and provide community-based care to the disabled.

The Substitute provides immediate resources to States to address program cuts in these important areas. Rep. CARDIN offered such a provision as an amendment during Committee markup of H.R. 7.

The Substitute includes provisions to curtail abusive tax shelter schemes. These provisions would prevent tax shelter transactions that have no economic substance, without affecting legitimate business transactions, and would tighten penalties for egregious behavior. The provisions would offset the costs of the Substitute (including both the underlying bill and increased funding for the SSBG).

Congressman DOGGETT offered such an offset during Committee markup of H.R. 7. Corporations increasingly are engaged in aggressive tax avoidance transactions. Those transactions often are very complicated transactions that lack little, if any, business purpose or profit motive. The transactions are very similar in their structure with the accounting gimmicks used by Enron. They both pretend to technically comply with complicated rules, but create results that cannot be justified.

Not surprisingly, large accounting firms, the same people who assisted Enron, sell corporate tax shelters. The Joint Committee on Taxation recommended many of anti-tax shelter provisions in the Substitute.

The major provision of the Substitute would codify and slightly strengthen the ''economic substance doctrine.'' The economic substance doctrine is a court-made rule of law that disallows claimed tax benefits if the benefits arise out of a transaction for which there is no business purpose or profit motive.

The other major provision of the Substitute would not permit legal opinions to be used in order to avoid penalties when courts disallow tax benefits using economic substance analysis. (Under current law, legal opinions provide protection against penalties even when the legal opinions are fairly poor.) All of Enron's tax shelter transactions had legal opinions supporting them.

Mr. Speaker, for the above reasons, I support this bill with the Substitute Amendment.

Mr. TURNER. Mr. Speaker, I rise today in strong support of H.R. 7, the Charitable Giving Act, and to urge my colleagues to do the same.

Let me begin by saying that I value the role of charitable organizations in the delivery and provision of social services. Our country has been made stronger through the good works of people who dedicate their time, efforts, and skills to helping those in need. These organizations have long fed the hungry, clothed the poor, given shelter to the homeless, and helped heal the sick. Their contributions have been absolutely essential for millions of Americans throughout the history of our great nation.

It is time now that we help these charitable organizations continue to help those in need. The bill before us today contains many important provisions that work toward a single goal of encouraging charitable giving in the United States. The bill does this by making it easier for individuals to deduct their charitable contributions from their income taxes, by allowing tax-free distributions from IRAs for charities and by encouraging donations of important items such as food and computers.

I know firsthand about the important role that charitable organizations play in every community. In my own district the Matile Family Foundation, the Dayton Foundation, and the Iddings Foundation have a long and distinguished record of giving and serving the Dayton community. Similarly our community is home to numerous faith-based organizations that also provide important services to those in need, including the Gospel Mission, Revival Center Ministries and St. Mary's Neighborhood Development Corporation.

In May I convened a community and faith-based forum where over 80 individuals from charitable organizations met to discuss partnering with the Federal government on the delivery of social services. I believe the bill before us will help these and many other organizations throughout my congressional district.

As a cosponsor of this important legislation, I am proud to join my colleagues in expressing support for H.R. 7 and urge all Members to vote in favor of it. This critical measure will help ensure that charitable organizations can continue to attract the resources necessary to help our most vulnerable populations by improving the incentives for individuals and corporations to donate to charitable entities.

Mr. EMANUEL. Mr. Speaker, I rise proudly as an original cosponsor of the Charitable Giving Act and also in strong support of Cardin-Doggett substitute.

I signed on as an original cosponsor of H.R. 7 because our Nation's charities are struggling in this weak economy to meet increasing demands with diminishing resources. In response, this bill delivers tax fairness and strong incentives for America's donors to give generously, even those with modest means.

I am pleased that the substitute makes this bill even stronger by taking this opportunity to shut down tax avoidance schemes built into the Tax Code that encourage dishonest corporate transactions and bookkeeping practices. Another improvement is that the substitute pays for the bill. This is critical since the President has asked Congress for another $87 billion for rebuilding Iraq, twice the amount originally anticipated.

I am as pleased as the next person when corporations earn profits. But there is something wrong when tax breaks for working families are outnumbered by corporate subsidies for oil drilling, insurance, nuclear power, commercial real estate, equipment purchases, drug manufacturing, ethanol production, and more.

President Reagan criticized corporate tax subsidies as wasteful and in direct conflict with free market principles and economic growth. In 1986, he issued executive orders to cut back many of these subsidies. Republicans and Democrats should continue working together to follow his lead.

In recent years, however, subsidies have made a comeback. At the same time, corporate income taxes are virtually the lowest among the world's developed countries. The Bermuda scheme is the tip of the offshore iceberg now costing U.S. taxpayers $50 billion or more a year. Taxpayers subsidize overall corporate subsidies worth $125 billion. This amount is equivalent to the income taxes paid by 60 million individuals and families.

Many of these subsidies fail to serve any worthwhile economic or social objective. But since 2001, more loopholes and breaks for special and corporate interests have been added to the code. It is replete with sunsets, phase-ins, phase outs, and gimmicks that encouraged Enron, Tyco, and WorldCom to circumvent tax law. But nothing has been done to make it easier for working families to navigate the Code. There is something wrong when more than 60 percent of Americans found it necessary to pay an accountant or tax preparer to file their taxes in 2002.

Ending offshore havens, gimmicks and tax shelters should go hand in hand with simplification in any tax reform initiative. The Cardin substitute is a first step toward reforming a tax code that's proven more user-friendly to corporations and the wealthy than America's working families. Another important step would be for Congress to consider my proposal to create a Simplified Family Credit that merges the EITC, the child tax credit and the dependent exemption into one easy-to-claim credit. I will continue supporting legislation that simplifies the Code for reward working families as much as corporate interests.

Mr. Speaker, to that end, I am please to vote for the Cardin-Doggett substitute, and in support of the Charitable Giving Act of 2003. This important legislation, in addition to closing unfair tax loopholes, will recreate new incentives for Americans to make charitable donations for an array of worth and important social services in our Nation.

Mr. TERRY. Mr. Speaker, I rise today in support of H.R. 7, the Charitable Giving Act of 2003. I commend Whip BLUNT and Chairman THOMAS for their diligent efforts on this important legislation.

As a cosponsor, I have supported this bill for several reasons.

The American people are the most generous people in the world. It is estimated Americans gave more than 183 billion dollars last year to charitable organizations. Foundations, bequests, and corporations brought charitable giving up to 241 billion dollars.

These donations advanced noble causes in religion, health, science, the environment. To alleviate pain and suffering. To promote culture and world understanding.

For example, in my own district, The Durham Research Center at the University of Nebraska Medical Center, a $77 million, 10-level facility, was completed without tax dollars. It will enable UNMC to enhance its research in a number of areas including cancer, cardiovascular diseases, neurosciences, transplantation biology, genetics and eye research.

Charities and institutions often serve purposes that exceed government efforts to promote the health, safety, and well-being of its citizens, and often with lower costs.

The purpose behind this act is simple. We must ensure the best policies to encourage people to donate to charities. Whether the goal is collecting food for the hungry, shelter for the indigent, or treatment for the addicted, this bill strengthens the existing tax code to encourage charitable donations.

For example, this bill:

Provides 86 million Americans who do not itemize the opportunity to deduct a portion of their charitable contributions—representing more than two-thirds of tax returns filed.

Provides incentives for individuals to give tax-free contributions from their Individual Retirement Accounts (IRAs) for charitable purposes, which will help a wide range of charities.

Raises the cap on corporate charitable contributions from 10% to 20% over 10 years.

Extends current incentives for food donations to apply to even more farmers, restaurants, and corporations to help those in need.

Anne Frank once wrote: "No one has ever become poor by giving." We recognize this sentiment with H.R. 7 and I urge my colleagues to join me in supporting the Charitable Giving Act.

Mr. WOLF. Mr. Speaker, I rise today in support of H.R. 7, the Charitable Giving Act. This legislation takes an important step to help further the efforts begun nearly 40 years when President Johnson declared war on poverty and hunger. Sadly, according to the U.S. Department of Agriculture reports that 13 million kids live in households that do not have an adequate supply of food.

In 2001, the USDA says there were 33.6 million Americans—20 million adults and 13 million children—who were hungry or at risk of hunger. In Matthew 25, Jesus talks about the obligation to feed the hungry. In a world, and especially a nation, as plentiful as ours, it is tragic that even one child is hungry.

Barriers need to be eliminated to allow businesses to do the morally conscionable thing and donate their surplus food. It's outrageous that it is more "cost effective" for a business to throw out or destroy surplus food rather than donate it to a local soup kitchen. The Charitable Giving Act takes important steps to ensure that more of America's abundant food supply ends up in the mouths of America's hungry families, not in landfills. The USDA estimates that 96 billion pounds of food are thrown away each year.

I would like to submit for the RECORD a recent article from the Chicago Tribune titled "Hunger has a new face." This article points out that many of these hungry children live in households in with working parents. As the cost of living in many urban areas continues to increase, the number of working poor is expanding rapidly, hitting single moms particularly hard. As the face of hunger in America changes, we must make sure that our policies continue to meet the needs.

The Charitable Giving Act provides incentives to farmers and small businesses, whose

resources are also constrained in these economic times. I applaud the authors of this bill for their dedication to building a greater America. But our work is not yet done. I want to encourage my colleagues appointed to conference this important legislation to consider the food donation provision contained in the Senate bill—the same food donation provision, I might add, that was introduced earlier this year by my colleague Mr. BAKER from Louisiana.

America's Second Harvest estimates that the Senate version would produce over 878 million new meals by 2013—that's over three times the number of new meals than the House bill will provide. Make no mistake, the bill we have in front of us today is a very good start and is a victory for all those who have hope for a better America. Let us now move forward, and show America that fighting hunger isn't about what side of the aisle you stand on, but rather what kind of humanity we seek to be.

[From the Chicago Tribune, Sept. 1, 2003]

HUNGER HAS A NEW FACE

(By V. Dion Haynes)

BEND, ORE.—Despite working full time as a waitress at an International House of Pancakes restaurant, Crystal Carter regularly must turn to charities and generous friends to feed herself and her three small children.

Likewise, Leslie Ramaekers finds it difficult to stretch the wages from her full-time auto-detailing job to buy enough food. She often skips breakfast and lunch to ensure that her four children can eat.

Randy Malone has it even worse. Laid off 1½ years ago, he has to use his sparse resources to feed his two nieces and nephew, who live with him. Forced to skip meals, Malone has lost 25 pounds.

''I don't normally eat breakfast or lunch. Sometimes for dinner I might get a peanut butter sandwich or a piece of bread,'' said Malone, 42, who was picking up a bag of free groceries from a food pantry in northeast Portland one day this summer.

''I'd rather them eat it than me,'' he added, referred to the children, age 7 to 12.

In a survey, 25 U.S. cities reported on average a 19 percent increase in demand for emergency food assistance from 2001 to 2002. Some city officials say Carter, Ramaekers and Malone represent the new face of hunger in America.

SINGLE MOMS AFFECTED

The ranks of the hungry more and more include single mothers stuck in low-wage jobs, married couples who can't keep up with soaring housing costs and able-bodied people who can't find jobs.

Their predicament forces them every month to grapple with vexing trade-offs: Pay the rent or child care? Buy that prescription for a sick child or pay that overdue electric bill? Put gas in the car or food on the table?

''We're seeing Depression-era food lines in 21st Century America. . . . This is the most food productive nation on the planet, and we should not have hunger,'' said Doug O'Brien, vice president for policy and research at Chicago-based America's Second Harvest, the umbrella organization for the nation's food banks and the largest hunger relief organization in the U.S.

The previous profile of a hungry person, O'Brien said, was ''a homeless, chronically unemployed, mentally ill substance abuser.''

But by 2001, ''we were as likely to see a single mother who's employed as we would a homeless man,'' he added. ''Nationwide, 40 percent of the people we serve come from households where at least one person is working.''

Agriculture Department experts peg the number of hungry or ''food insecure'' people at about 34 million, up from about 30 million in 1995. Hunger and food insecurity are defined broadly—when people are forced to skip a meal or cut back on what they eat because they lack money, when people don't know where their next meal is coming from or when people must visit a soup kitchen or food pantry for emergency assistance.

Demand for emergency food rose dramatically from 2001 to 2002 in about 25 cities polled late last year by the U.S. Conference of Mayors. Requests for food jumped 52 percent in Kansas City, 49 percent in Miami, 28 percent in Chicago, 25 percent in Los Angeles, 14 percent in Cleveland and 10 percent in New Orleans.

STATES STEP UP OUTREACH

The issue has been receiving attention in recent months. Oregon, Wisconsin, Virginia and West Virginia have stepped up their outreach to hungry people who might qualify for assistance from food stamp programs. And two bills have been introduced in Congress to expand the number of children eligible for free school meal programs.

A study released in July by the Center on Hunger and Poverty at Brandeis University suggested that hunger is released to the epidemic of obesity. The study said that low-income families ''may consume low-cost foods with relatively higher levels of calories per dollar to stave off hunger'' rather than more nutritious food when their resources run short.

No state better exemplifies the crisis than Oregon, which has been ranked by the U.S. Department of Agriculture as No. 1 in hunger and food insecurity.

Oregon, which prospered in the 1990s from the dot-com boom and has an image as a recreation-friendly and environmentally conscious state, hardly seems a candidate for hunger capital of the nation.

But the state, which also ranks at or near the top in unemployment, has been grappling with an economic meltdown. If has made drastic spending cuts for schools, health care, social programs and courts to relieve a nearly $3 billion deficit.

As serious as the budget problems are, according to experts, the current crisis is the product of a systemic shift as low-paying, low-skill jobs in the service industry replaced high-paying, low-skill jobs in the timber and fishing industries.

Bend, Ore., reflects that wage gap and economic metamorphosis.

For generations, this region was timber country, with an abundance of family-run mills. But from 1989 to 1997, jobs in the forest industry declined by 47 percent in central Oregon. Now only one family-run mill is left in the region.

During the same time, dozens of golf courses, spas, mountain lake and ski lodges and new housing developments sprang up, transforming central Oregon into a resort and an upscale retirement area.

''A lot of people say it's going to be another Aspen, Colo.,'' said Carter; the IHOP waitress, who often visits an area food pantry to feed her two daughters and son.

''There's no middle class here,'' added Carter. ''Either you have money or you don't.''

Instead of making $17 an hour in a mill, the most people can get around here [in serviced industry jobs] is around minimum wage,'' said Sweet Pea Cole, a coordinator for the Central Oregon Community Action Agency, where Carter gets her free food.

Advocates for the poor say Oregon officials largely were in denial about the state's hunger problem—until this year:

When Gov. Ted Kulongoski took office in January, he made fighting hunger a priority. Kulongoski, a Democrat, is appearing in TV public service announcements to raise awareness.

The governor also is calling for more affordable housing. And he recently signed legislation to refurbish crumbling bridges and highways, which would create 5,000 jobs annually for 10 years.

But some people struggling to put food on the table say the efforts will do little to help them.

''There has to be some way of training people, people who are stuck and struggling and want to do something with their lives,'' said Ramaekers, 28, of Tualatin, Ore., the auto-detail worker and mother of four who skips meals and frequents food banks.

''You're working harder but always staying in the same place.''

Mr. SOUDER. Mr. Speaker, for several years now we have been having the discussion on how best to help faith-based organizations. Very few clear answers have emerged. Today we are here to discuss H.R. 7, the Charitable Giving Act, which addresses the two areas where I believe the government can best assist faith-based and community organizations in their work.

A few months ago I initiated a series of field hearings to talk directly to the faith-based providers of social services. We've put the cart before the horse in this debate, and what we're trying to do with these hearings is to take a step back, and ask the providers what qualities they possess that makes them unique. Time and time again, they are telling me that it is their faith that drives them to do the work that they do, often in undesirable conditions for little or no recognitnition. Our second hearing was held in San Antonio, where Freddie Garcia has built a very successful drug treatment program that is not only faith-base, but faith-saturated. Jack Willome is a San Antonio businessman who volunteers his time to help Victory Fellowship with financial planning. During his testimony at our hearing he recounted a conversation he had had with a friend prior to his involvement with Victory Fellowship. His friend counseled him, "Jack, when you're giving money away, your first objective should be to try to do no harm."

When we as the Congress are debating how we can best support the scores of faith-based organizations working in our neighborhoods, we need to heed that same advice. Do no harm. We know that organizations like Victory Fellowship, Lutheran Social Services, Prison Fellowship, Chicago's Emmaus Ministries and T.E.A.M. III in my hometown of Fort Wayne, Indiana, are helping people every day, and they do not apologize for the role faith plays in their programs. As we start attaching restrictions and qualifications to the money government is wiling to give faith-based organizations, we put ourselves in the position of asking those charities to drain their programs of the very qualities that make them effective providers of social services.

So how can we best help these organizations without asking them to dilute or eliminate their religious character? The Charitable Giving Act, is a good step in the right direction. Research shows that individuals who receive a tax deduction for charitable giving contribute more than individuals who do not receive such tax benefits. By allowing the 86 million Americans who currently do not itemize on their tax returns an opportunity to deduct a portion of their charitable contributions, we are recognizing that the best way to help the private

sector is to encourage more charitable giving by individuals. We know that there are limits on how much money the government is able to spend on social services. Unfortunately, the demand for social services far exceeds the money government is able to spend. It doesn't matter who is in office, the dollars just aren't there.

So, we need to turn to the neighborhood organizations that are providing services, with or without government aid. Americans know which organizations in their communities are making a difference. By encouraging individuals to increase their charitable giving, we improve the likelihood that the dollars are going to go to the organizations that will produce the best results. Jack Willome also testified about the fundraising and fiscal accountability of Victory Fellowship. He said that that 90 percent of Victory Fellowship's budget comes from the giving of people who have benefited from the ministry. As he testified,

> It's the only project I have ever been involved in as a donor where I have total confidence that the organization has the ability to sustain the operations in the new facility, and I don't have to worry about that because of their track record. The financial support of the ministry, guess where it comes from? The people who have come through the front door of that home after—as their characters are being transformed and they become involved in Victory Temple Church and they give financially to the work of the church.''

It makes no difference if the government is involved with a faith-based organization or not. Those charities will be accountable, first and foremost, to their clients and to their donors. The support of the community is perhaps our best indicator of how successful an organization is at improving the lives of their clients.

I believe that the best way we can help the faith-based community is to encourage private sector philanthropy for all individuals who contribute to charitable organizations, not just those who itemize. Approximately two-thirds of tax returns filed do not claim itemized deductions; therefore those taxpayers are not eligible to deduct their charitable contributions. The majority of non-itemizers are low- and middle-income taxpayers—the very taxpayers who would benefit from this piece of legislation.

Here are a few examples of who would benefit from this bill. A non-itemizing, single taxpayer with a taxable income of $45,000 owes about $8,060 in federal income taxes. This legislation would reduce the individual's taxes owed by $62.50 if he or she donated $500 to a charity of his or her choice. Likewise, a family of four with a taxable income of $65,000 would save $125 in taxes for a donation of $1,000 to a local charity. While the savings may seem small, it is certainly better than the current tax policy of providing no benefit to non-itemizers. It is my hope that Congress will revisit this issue in the future to further expand tax relief for individuals and families who contribute financially to the valuable work of faith-based organizations.

The second thing we can do to help the countless faith-based and community organizations serve their communities is to provide these organizations with the training and technical assistance they need in order to serve their clients more effectively. Mark Terrell, CEO of Lifeline Youth and Family Services in Fort Wayne, a program that provides prevention, intervention, and aftercare service for families and children in the Fort Wayne community testified at our Chicago field hearing that

> there needs to be a system put in place that will help both small and large agencies meet the financial reporting requirements that are necessary when using public funds. The desire and ability of these organizations to do great work within a community that desperately needs their help can be undermined or undone when they don't have the skills or resources necessary to meet high-maintenance reporting requirements.

The authorization of a Compassion Capital Fund recognizes the unique contributions of faith-based and community organizations to the provision of social services by providing the resources necessary for these smaller organizations to improve and expand their services. Last year, the Department of Health and Human Services created a Compassion Capital Fund funded with $30 million appropriated by Congress. HHS then took $24.8 million of that appropriation and awarded it in grants to 21 intermediary organizations whose purpose was to help smaller organizations operate and manage their programs more effectively, train staff, and expand the types and scope of the social services they provide to their communities.

Two years ago I stood in this Chamber and told you about Pastor Jesse Beasley. Pastor Beasley was trying to start a youth program for kids to protect them from the drug problem and high murder rate affecting Fort Wayne. Now, two years later, that desire to help improve the lives of his neighbors has led Pastor Jesse Beasley along with several other Fort Wayne clergy to begin a program called T.E.A.M. III, which is an acronym for Touching and Equipping All Mankind. T.E.A.M. III now provides mentoring, a summer feeding program, a workforce development program and other social services. As T.E.A.M. III is working to provide services, they would benefit from the training that a Compassion Capital Fund would provide. They know where the need is, they have the faith to tackle any problem that comes their way, but they may need additional assistance if they desire to apply for a federal grant. There are a lot of small faith-based and community organizations in this country that have the heart for service but lack the finances to hire a CPA or attorney on their staff.

I commend the Ways and Means Committee for including a $150 million Compassion Capital grant fund in this bill. This authorization level will enable the Health and Human Services Department to expand their technical assistance services to greater numbers of faith-based organizations.

The Charitable Giving Act of 2003 is the culmination of several years of hard work, and I am proud to be a cosponsor of this important bill. It contains, in large part, what I believe are the most effective ways the federal government can lend its support to faith-based organizations. As Jack Willome said, it does no harm. It encourages individuals and businesses to make private contributions to organizations that are truly transforming people's lives—not just through assisting people with their physical needs, but also their spiritual needs.

While government can be helpful in alleviating some of the problems our society faces today, it will never have the answers for some of our country's neediest people—people who need more than their physical needs met. They need help spiritually; they need God to fill the void in their lives. Community and faith-based organizations are critical to the stability and health of our country, and they rely on the support of private donations, not government aid. I encourage my colleagues to vote for this legislation. The return on the dollar from private donations resulting from this legislation will be immeasurable. Not only will individual lives be changed, but our entire society will change as crime rates do down, unwed pregnancies decrease, drug rates and suicides diminish and, in time, those same people begin to give back to their communities as others once helped them.

Mr. CRANE. Mr. Speaker, from spiritual counseling to rape crisis centers, charitable organizations are vital to the health and well-being of American citizens. Charity benefits both the giver and receiver in like proportions. The act of giving elevates the heart of the giver; the act of receiving elevates the condition of the recipient.

Charity is a blessed act that should suffer no discouragement from something so punitive as the tax code, which contains absurd, yet very real, disincentives to individuals willing and able to exercise the gift of charity. Such disincentives have terrible consequences in reducing the resources available to private organizations. If our tax code were not so laden with peculiarities and oddities, this legislation would not be needed. Unfortunately, in many cases under current law, a contribution results in a loss of some portion of the charitable deduction.

Mr. Speaker, I am very pleased that two major components of H.R. 7 are based upon legislation I have introduced for many years, the Charitable Giving Tax Relief Act and the IRA Charitable Rollover Incentive Act. The Charitable Giving Tax Relief Act allows non-itemizers to deduct 100 percent of any charitable contributions up to the amount of the standard deduction. Under current law, while non-itemizers receive the standard deduction, only itemizers can take a deduction for their charitable contributions. Approximately two-thirds of tax returns filed do not claim itemized deductions; therefore those taxpayers are not eligible to deduct their charitable contributions. the majority of non-itemizers are low- and middle-income taxpayers. The tax code should provide a tax benefit to all taxpayers, not just those who itemize.

Secondly, I am pleased that H.R. 7 includes language based upon the IRA Charitable Rollover Incentive Act. Under H.R. 7, individuals age 70½ or older will be able to contribute amounts currently held in Individual Retirement Accounts (IRAs) directly to qualified charities without having to first recognize the income for tax purposes and then take a charitable deduction.

The IRA was intended to encourage individuals to save for retirement, but due to the general increase in asset values over the years, many individuals have more than sufficient funds to retire comfortably. Thus it is a common practice for retirees to transfer some of their wealth to charities and, in some cases, that wealth is held in an IRA. Unfortunately, in many cases under current law such a simple arrangement results in a loss of some portion of the charitable deduction. This legislation will give individuals more freedom to allocate their resources as they see fit while providing badly

needed resources to churches, colleges and universities, and other social organizations.

We now have an excellent opportunity to advance sound tax policy and sound social policy by returning to our Nation's historical emphasis on private activities and personal involvement in the well-being of our communities. I commend the authors of this legislation and urge all of my colleagues to support this vitally important bill.

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

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

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

Amendment in the nature of a substitute offered by Mr. CARDIN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Charitable Giving Act of 2003''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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Sec. 518. Modifications to penalty for failure to register tax shelters.
Sec. 519. Modification of penalty for failure to maintain lists of investors.
Sec. 520. Modification of actions to enjoin certain conduct related to tax shelters and reportable transactions.
Sec. 521. Understatement of taxpayer's liability by income tax return preparer.
Sec. 522. Penalty on failure to report interests in foreign financial accounts.
Sec. 523. Frivolous tax submissions.
Sec. 524. Regulation of individuals practicing before the Department of Treasury.
Sec. 525. Penalty on promoters of tax shelters.
Sec. 526. Statute of limitations for taxable years for which listed transactions not reported.
Sec. 527. Denial of deduction for interest on underpayments attributable to nondisclosed reportable and noneconomic substance transactions.

Subtitle B—Affirmation of Consolidated Return Regulation Authority

Sec. 531. Affirmation of consolidated return regulation authority.

TITLE I—CHARITABLE GIVING INCENTIVES

SEC. 101. DEDUCTION FOR PORTION OF CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) IN GENERAL.—Section 170 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) DEDUCTION FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.—

''(1) IN GENERAL.—In the case of an individual who does not itemize deductions for a taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the amount allowable under subsection (a) for the taxable year for cash contributions (determined without regard to any carryover), to the extent that such contributions exceed $250 ($500 in the case of a joint return) but do not exceed $500 ($1,000 in the case of a joint return).

''(2) TERMINATION.—Paragraph (1) shall not apply to any taxable year beginning after December 31, 2005.''.

(b) DIRECT CHARITABLE DEDUCTION.—

(1) IN GENERAL.—Subsection (b) of section 63 (defining taxable income) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the direct charitable deduction.''.

(2) DEFINITION.—Section 63 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) DIRECT CHARITABLE DEDUCTION.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m).''.

(3) CONFORMING AMENDMENT.—Subsection (d) of section 63 is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) the direct charitable deduction.''.

(c) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury shall study the effect of the amendments made by this section on increased charitable giving and taxpayer compliance, including a comparison of taxpayer compliance between taxpayers who itemize their charitable contributions and taxpayers who claim a direct charitable deduction.

(2) REPORT.—Not later than December 31, 2006, the Secretary of the Treasury shall report on the study required under paragraph (1) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 102. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subsection (d) of section 408 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

''(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

''(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

''(B) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement plan other than a plan described in subsection (k) or (p) of section 408—

''(i) which is made on or after the date that the individual for whose benefit the plan is maintained has attained age 70 ½, and

''(ii) which is made directly by the trustee—

''(I) to an organization described in section 170(c), or

''(II) to a split-interest entity.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such plan is maintained, the spouse of such individual, or any organization described in section 170(c).

''(C) CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.—For purposes of this paragraph—

''(i) DIRECT CONTRIBUTIONS.—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

''(ii) SPLIT-INTEREST GIFTS.—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

''(D) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would have been so includible if all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

''(E) SPECIAL RULES FOR SPLIT-INTEREST ENTITIES.—

''(i) CHARITABLE REMAINDER TRUSTS.—Notwithstanding section 664(b), distributions made from a trust described in subparagraph (G)(i) shall be treated as ordinary income in the hands of the beneficiary to whom is paid the annuity described in section 664(d)(1)(A) or the payment described in section 664(d)(2)(A).

''(ii) POOLED INCOME FUNDS.—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)) by reason of a qualified charitable distribution to such fund, and all distributions from the fund which are attributable to qualified charitable distributions shall be treated as ordinary income to the beneficiary.

''(iii) CHARITABLE GIFT ANNUITIES.—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

''(F) DENIAL OF DEDUCTION.—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

''(G) SPLIT-INTEREST ENTITY DEFINED.—For purposes of this paragraph, the term 'split-interest entity' means—

''(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)) which must be funded exclusively by qualified charitable distributions,

''(ii) a pooled income fund (as defined in section 642(c)(5)), but only if the fund accounts separately for amounts attributable to qualified charitable distributions, and

''(iii) a charitable gift annuity (as defined in section 501(m)(5)).''.

(b) MODIFICATIONS RELATING TO INFORMATION RETURNS BY CERTAIN TRUSTS.—

(1) RETURNS.—Section 6034 (relating to returns by trusts described in section 4947(a)(2) or claiming charitable deductions under section 642(c)) is amended to read as follows:

''SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

''(a) TRUSTS DESCRIBED IN SECTION 4947(a)(2).—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

''(b) TRUSTS CLAIMING A CHARITABLE DEDUCTION UNDER SECTION 642(c).—

''(1) IN GENERAL.—Every trust not required to file a return under subsection (a) but claiming a deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including—

''(A) the amount of the deduction taken under section 642(c) within such year,

''(B) the amount paid out within such year which represents amounts for which deductions under section 642(c) have been taken in prior years,

''(C) the amount for which such deductions have been taken in prior years but which has not been paid out at the beginning of such year,

''(D) the amount paid out of principal in the current and prior years for the purposes described in section 642(c),

''(E) the total income of the trust within such year and the expenses attributable thereto, and

''(F) a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to a trust for any taxable year if—

''(A) all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries, or

''(B) the trust is described in section 4947(a)(1).''.

(2) INCREASE IN PENALTY RELATING TO FILING OF INFORMATION RETURN BY SPLIT-INTEREST TRUSTS.—Paragraph (2) of section 6652(c) (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new subparagraph:

''(C) SPLIT-INTEREST TRUSTS.—In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that—

''(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

''(ii) in the case of any trust with gross income in excess of $250,000, the first sentence of paragraph (1)(A) shall be applied by substituting '$100' for '$20', and the second sentence thereof shall be applied by substituting '$50,000' for '$10,000', and

''(iii) the third sentence of paragraph (1)(A) shall be disregarded.

In addition to any penalty imposed on the trust pursuant to this subparagraph, if the person required to file such return knowingly fails to file the return, such penalty shall also be imposed on such person who shall be personally liable for such penalty.''.

(3) CONFIDENTIALITY OF NONCHARITABLE BENEFICIARIES.—Subsection (b) of section 6104 (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: ''In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c).''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to distributions made after December 31, 2003.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2003.

SEC. 103. INCREASE IN CAP ON CORPORATE CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Paragraph (2) of section 170(b) (relating to corporations) is amended by striking ''10 percent'' and inserting ''the applicable percentage''.

(b) APPLICABLE PERCENTAGE.—Subsection (b) of section 170 is amended by adding at the end the following new paragraph:

''(3) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

''For taxable years beginning in calendar year—	The applicable percentage is—
2004	11
2005	12
2006	13
2007	14
2008 through 2011	15
2012 and thereafter	20.''.

(c) CONFORMING AMENDMENTS.—

(1) Sections 512(b)(10) and 805(b)(2)(A) are each amended by striking ''10 percent'' each place it occurs and inserting ''the applicable percentage (determined under section 170(b)(3))''.

(2) Sections 545(b)(2) and 556(b)(2) are each amended by striking ''10-percent limitation'' and inserting ''applicable percentage limitation''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 104. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Paragraph (3) of section 170(e) (relating to special rule for certain contributions of inventory and other property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

''(C) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

''(i) GENERAL RULE.—In the case of a charitable contribution of food from any trade or business (or interest therein) of the taxpayer, this paragraph shall be applied—

''(I) without regard to whether the contribution is made by a C corporation, and

''(II) only to food that is apparently wholesome food.

''(ii) LIMITATION.—In the case of a taxpayer other than a C corporation, the aggregate amount of such contributions for any taxable year which may be taken into account under this section shall not exceed the applicable percentage (within the meaning of subsection (b)(3)) of the taxpayer's aggregate net income for such taxable year from all trades or businesses from which such contributions were made for such year, computed without regard to this section.

''(iii) DETERMINATION OF FAIR MARKET VALUE.—In the case of a qualified contribution of apparently wholesome food to which

this paragraph applies and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such food shall be determined by taking into account the price at which the same or substantially the same food items (as to both type and quality) are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

''(iv) APPARENTLY WHOLESOME FOOD.—For purposes of this subparagraph, the term 'apparently wholesome food' has the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 105. REFORM OF CERTAIN EXCISE TAXES RELATED TO PRIVATE FOUNDATIONS.

(a) REDUCTION OF TAX ON NET INVESTMENT INCOME.—Section 4940(a) (relating to tax-exempt foundations) is amended by striking ''2 percent'' and inserting ''1 percent''.

(b) REPEAL OF REDUCTION IN TAX WHERE PRIVATE FOUNDATION MEETS CERTAIN DISTRIBUTION REQUIREMENTS.—Section 4940 (relating to excise tax based on investment income) is amended by striking subsection (e).

(c) MODIFICATION OF EXCISE TAX ON SELF-DEALING.—The second sentence of section 4941(a)(1) (relating to initial excise tax imposed on self-dealer) is amended by striking ''5 percent'' and inserting ''25 percent''.

(d) MODIFICATION OF EXCISE TAX ON FAILURE TO DISTRIBUTE INCOME.—

(1) CERTAIN ADMINISTRATIVE EXPENSES NOT TREATED AS DISTRIBUTIONS.—Section 4942(g) is amended by striking paragraph (4) and inserting the following new paragraphs:

''(4) LIMITATION ON ADMINISTRATIVE EXPENSES TREATED AS DISTRIBUTIONS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(A), the following administrative expenses shall not be treated as qualifying distributions:

''(i) Any administrative expense which is not directly attributable to direct charitable activities, grant selection activities, grant monitoring and administration activities, compliance with applicable Federal, State, or local law, or furthering public accountability of the private foundation.

''(ii) Any compensation paid to a disqualified person to the extent that such compensation exceeds an annual rate of $100,000.

''(iii) Any expense incurred for transportation by air unless such transportation is regularly-scheduled commercial air transportation.

''(iv) Any expense incurred for regularly-scheduled commercial air transportation to the extent that such expense exceeds the cost of such transportation in coach-class accommodations.

''(B) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after December 31, 2004, the $100,000 amount in subparagraph (A)(ii) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of paragraph (4). Such regulations shall provide that administrative expenses which are excluded from qualifying distributions solely by reason of the limitations in paragraph (4) shall not for such reason subject a private foundation to any other excise taxes imposed by this subchapter.''.

(2) DISALLOWANCE NOT TO APPLY TO CERTAIN PRIVATE FOUNDATIONS.—

(A) IN GENERAL.—Section 4942(j)(3) (defining operating foundation) is amended—

(i) by striking ''(within the meaning of paragraph (1) or (2) of subsection (g))'' each place it appears, and

(ii) by adding at the end the following new sentence: ''For purposes of this paragraph, the term 'qualifying distributions' means qualifying distributions within the meaning of paragraph (1) or (2) of subsection (g) (determined without regard to subsection (g)(4)).''.

(B) CONFORMING AMENDMENT.—Section 4942(f)(2)(C)(i) is amended by inserting ''(determined without regard to subsection (g)(4))'' after ''within the meaning of subsection (g)(1)(A)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 106. EXCISE TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINDER TRUSTS.

(a) IN GENERAL.—Subsection (c) of section 664 (relating to exemption from income taxes) is amended to read as follows:

''(c) TAXATION OF TRUSTS.—

''(1) INCOME TAX.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.

''(2) EXCISE TAX.—

''(A) IN GENERAL.—In the case of a charitable remainder annuity trust or a charitable remainder unitrust that has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.

''(B) CERTAIN RULES TO APPLY.—The tax imposed by subparagraph (A) shall be treated as imposed by chapter 42 for purposes of this title other than subchapter E of chapter 42.

''(C) CHARACTER OF DISTRIBUTIONS AND COORDINATION WITH DISTRIBUTION REQUIREMENTS.—The amounts taken into account in determining unrelated business taxable income (as defined in subparagraph (A)) shall not be taken into account for purposes of—

''(i) subsection (b),

''(ii) determining the value of trust assets under subsection (d)(2), and

''(iii) determining income under subsection (d)(3).

''(D) TAX COURT PROCEEDINGS.—For purposes of this paragraph, the references in section 6212(c)(1) to section 4940 shall be deemed to include references to this paragraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 107. EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.

(a) SCIENTIFIC PROPERTY USED FOR RESEARCH.—

(1) IN GENERAL.—Clause (ii) of section 170(e)(4)(B) (defining qualified research contributions) is amended by inserting ''or assembled'' after ''constructed''.

(2) CONFORMING AMENDMENT.—Clause (iii) of section 170(e)(4)(B) is amended by inserting ''or assembling'' after ''construction''.

(b) COMPUTER TECHNOLOGY AND EQUIPMENT FOR EDUCATIONAL PURPOSES.—

(1) IN GENERAL.—Clause (ii) of section 170(e)(6)(B) is amended by inserting ''or assembled'' after ''constructed'' and ''or assembling'' after ''construction''.

(2) SPECIAL RULE MADE PERMANENT.—Section 170(e)(6) is amended by striking subparagraph (G).

(3) CONFORMING AMENDMENTS.—Subparagraph (D) of section 170(e)(6) is amended by inserting ''or assembled'' after ''constructed'' and ''or assembling'' after ''construction''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 108. ADJUSTMENT TO BASIS OF S CORPORATION STOCK FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) (relating to adjustments to basis of stock of shareholders, etc.) is amended by adding at the end the following new flush sentence:

''The decrease under subparagraph (B) by reason of a charitable contribution (as defined in section 170(c)) of property shall be the amount equal to the shareholder's pro rata share of the adjusted basis of such property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 109. CHARITABLE ORGANIZATIONS PERMITTED TO MAKE COLLEGIATE HOUSING AND INFRASTRUCTURE GRANTS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.), as amended by section 201, is further amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

''(q) TREATMENT OF ORGANIZATIONS MAKING COLLEGIATE HOUSING AND INFRASTRUCTURE IMPROVEMENT GRANTS.—

''(1) IN GENERAL.—For purposes of subsection (c)(3) and sections 170(c)(2)(B), 2055(a), and 2522(a)(2), an organization shall not fail to be treated as organized and operated exclusively for charitable or educational purposes solely because such organization makes collegiate housing and infrastructure grants to an organization described in subsection (c)(7), so long as, at the time of the grant, substantially all of the active members of the recipient organization are full-time students at the college or university with which such recipient organization is associated.

''(2) HOUSING AND INFRASTRUCTURE GRANTS.—For purposes of paragraph (1), collegiate housing and infrastructure grants are grants to provide, improve, operate, or maintain collegiate housing that may involve more than incidental social, recreational, or private purposes, so long as such grants are for purposes that would be permissible for a dormitory of the college or university referred to in paragraph (1). A grant shall not be treated as a collegiate housing and infrastructure grant for purposes of paragraph (1) to the extent that such grant is used to provide physical fitness equipment.

''(3) GRANTS TO CERTAIN ORGANIZATIONS HOLDING TITLE TO PROPERTY, ETC.—For purposes of this subsection, a collegiate housing and infrastructure grant to an organization described in subsection (c)(2) or (c)(7) holding title to property exclusively for the benefit of an organization described in subsection (c)(7) shall be considered a grant to the organization described in subsection (c)(7) for whose benefit such property is held.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to grants made after December 31, 2003.

SEC. 110. CONDUCT OF CERTAIN GAMES OF CHANCE NOT TREATED AS UNRELATED TRADE OR BUSINESS.

(a) IN GENERAL.—Paragraph (1) of section 513(f) (relating to certain bingo games) is amended to read as follows:

''(1) IN GENERAL.—The term 'unrelated trade or business' does not include—

''(A) any trade or business which consists of conducting bingo games, and

''(B) any trade or business which consists of conducting qualified games of chance if the net proceeds from such trade or business are paid or set aside for payment for purposes described in section 170(c)(2)(B), for the promotion of social welfare (within the meaning of section 501(c)(4)), or for a purpose for which State law specifically authorizes the expenditure of such proceeds.''.

(b) QUALIFIED GAMES OF CHANCE.—Subsection (f) of section 513 is amended by adding at the end the following new paragraph:

''(3) QUALIFIED GAMES OF CHANCE.—For purposes of paragraph (1), the term 'qualified game of chance' means any game of chance (other than bingo) conducted by an organization if—

''(A) such organization is licensed pursuant to State law to conduct such game,

''(B) only organizations which are organized as nonprofit corporations or are exempt from tax under section 501(a) may be so licensed to conduct such game within the State, and

''(C) the conduct of such game does not violate State or local law.''

(c) CLERICAL AMENDMENT.—The subsection heading of section 513(f) is amended by striking ''BINGO GAMES'' and inserting ''GAMES OF CHANCE''.

(d) EFFECTIVE DATE.— The amendments made by this section shall apply to games conducted after December 31, 2003.

SEC. 111. EXCISE TAXES EXEMPTION FOR BLOOD COLLECTOR ORGANIZATIONS.

(a) EXEMPTION FROM IMPOSITION OF SPECIAL FUELS TAX.—Section 4041(g) (relating to other exemptions) is amended by striking ''and'' at the end of paragraph (3), by striking the period in paragraph (4) and inserting ''; and'', and by inserting after paragraph (4) the following new paragraph:

''(5) with respect to the sale of any liquid to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use, or with respect to the use by a qualified blood collector organization of any liquid as a fuel.''.

(b) EXEMPTION FROM MANUFACTURERS EXCISE TAX.—

(1) IN GENERAL.—Section 4221(a) (relating to certain tax-free sales) is amended by striking ''or'' at the end of paragraph (4), by adding ''or'' at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

''(6) to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use,''.

(2) CONFORMING AMENDMENTS.—

(A) The second sentence of section 4221(a) is amended by striking ''Paragraphs (4) and (5)'' and inserting ''Paragraphs (4), (5), and (6)''.

(B) Section 6421(c) is amended by striking ''or (5)'' and inserting ''(5), or (6)''.

(c) EXEMPTION FROM COMMUNICATION EXCISE TAX.—

(1) IN GENERAL.—Section 4253 (relating to exemptions) is amended by redesignating subsection (k) as subsection (l) and inserting after subsection (j) the following new subsection:

''(k) EXEMPTION FOR QUALIFIED BLOOD COLLECTOR ORGANIZATIONS.—Under regulations provided by the Secretary, no tax shall be imposed under section 4251 on any amount paid by a qualified blood collector organization (as defined in section 7701(a)(48)) for services or facilities furnished to such organization.''.

(2) CONFORMING AMENDMENT.—Section 4253(l), as redesignated by paragraph (1), is amended by striking ''or (j)'' and inserting ''(j), or (k)''.

(d) CREDIT FOR REFUND FOR CERTAIN TAXES ON SALES AND SERVICES.—

(1) DEEMED OVERPAYMENT.—

(A) IN GENERAL.—Section 6416(b)(2) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

''(E) sold to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use;''.

(B) CONFORMING AMENDMENTS.—Section 6416(b)(2) is amended—

(i) by striking ''Subparagraphs (C) and (D)'' and inserting ''Subparagraphs (C), (D), and (E)'', and

(ii) by striking ''(C), and (D)'' and inserting ''(C), (D), and (E)''.

(2) SALES OF TIRES.—Clause (ii) of section 6416(b)(4)(B) is amended by inserting ''sold to a qualified blood collector organization (as defined in section 7701(a)(48)) for its exclusive use,'' after ''for its exclusive use,''.

(e) DEFINITION OF QUALIFIED BLOOD COLLECTOR ORGANIZATION.—Section 7701(a) is amended by inserting at the end the following new paragraph:

''(48) QUALIFIED BLOOD COLLECTOR ORGANIZATION.—The term 'qualified blood collector organization' means an organization which is—

''(A) described in section 501(c)(3) and exempt from tax under section 501(a),

''(B) registered by the Food and Drug Administration to collect blood, and

''(C) primarily engaged in the activity of the collection of blood.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2004.

SEC. 112. NONRECOGNITION OF GAIN ON THE SALE OF PROPERTY USED IN PERFORMANCE OF AN EXEMPT FUNCTION.

(a) IN GENERAL.—Subparagraph (D) of section 512(a)(3) is amended to read as follows:

''(D) NONRECOGNITION OF GAIN.—

''(i) IN GENERAL.—If property used directly in the performance of the exempt function of an organization described in paragraph (7), (9), (17), or (20) of section 501(c) is sold by such organization, and within a period beginning 1 year before the date of such sale, and ending 3 years (10 years, in the case of an organization described in section 501(c)(7)) after such date, other property is purchased and used by such organization directly in the performance of its exempt function, gain (if any) from such sale shall be recognized only to the extent that such organization's sales price of the old property exceeds the organization's cost of purchasing the other property.

''(ii) STATUTE OF LIMITATIONS.—If an organization described in section 501(c)(7) sells property on which gain is not recognized, in whole or in part, by reason of clause (i), then the statutory period for the assessment of any deficiency attributable to such gain shall not expire until the end of the 3-year period beginning on the date that the Secretary is notified by such organization (in such manner as the Secretary may prescribe) that—

''(I) the organization has met the requirements of clause (i) with respect to gain which was not recognized,

''(II) the organization does not intend to meet such requirements, or

''(III) the organization failed to meet such requirements within the prescribed period.

For the purposes of this clause, any deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

''(iii) DESTRUCTION AND LOSS.—For purposes of this subparagraph, the destruction in whole or in part, theft, seizure, requisition, or condemnation of property, shall be treated as the sale of such property, and rules similar to the rules provided by subsections (b), (c), (e), and (j) of section 1034 (as in effect on the day before the date of the enactment of the Taxpayer Relief Act of 1997) shall apply.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to the sale of any property for which the 3-year period for offsetting gain by purchasing other property under subparagraph (D) of section 512(a)(3) of the Internal Revenue Code (as in effect on the day before the date of the enactment of this Act) had not expired as of January 1, 2001.

SEC. 113. EXEMPTION OF QUALIFIED 501(c)(3) BONDS FOR NURSING HOMES FROM FEDERAL GUARANTEE PROHIBITIONS.

(a) IN GENERAL.—For purposes of section 149(b)(1) of the Internal Revenue Code of 1986, any qualified 501(c)(3) bond (as defined in section 145 of such Code) shall not be treated as federally guaranteed solely because such bond is part of an issue supported by a letter of credit, if such bond—

(1) is issued after December 31, 2003, and before the date which is 1 year after the date of the enactment of this Act, and

(2) is part of an issue 95 percent or more of the net proceeds of which are to be used to finance 1 or more of the following facilities primarily for the benefit of the elderly:

(A) Licensed nursing home facility.

(B) Licensed or certified assisted living facility.

(C) Licensed personal care facility.

(D) Continuing care retirement community.

(b) LIMITATION ON ISSUER.—Subsection (a) shall not apply to any bond described in such subsection if the aggregate authorized face amount of the issue of which such bond is a part, when increased by the outstanding amount of such bonds issued by the issuer during the period described in subsection (a)(1) exceeds $15,000,000.

(c) LIMITATION ON BENEFICIARY.—Rules similar to the rules of section 144(a)(10) of the Internal Revenue Code of 1986 shall apply for purposes of this section, except that—

(1) ''$15,000,000'' shall be substituted for ''$40,000,000'' in subparagraph (A) thereof, and

(2) such rules shall be applied—

(A) only with respect to bonds described in this section, and

(B) with respect to the aggregate authorized face amount of all issues of such bonds which are allocable to the beneficiary.

(d) CONTINUING CARE RETIREMENT COMMUNITY.—For purposes of this section, the term ''continuing care retirement community'' means a community which provides, on the same campus, a consortium of residential living options and support services to persons at least 60 years of age under a written agreement. For purposes of the preceding sentence, the residential living options shall include independent living units, nursing home beds, and either assisted living units or personal care beds.

TITLE II—TAX REFORM AND IMPROVEMENTS RELATING TO CHARITABLE ORGANIZATIONS AND PROGRAMS

SEC. 201. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain

trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

''(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

''(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

''(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

''(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

''(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

''(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

''(ii) such Executive order refers to this subsection.

''(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

''(A) begins on the later of—

''(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

''(ii) the date of the enactment of this subsection, and

''(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

''(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 for any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

''(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

''(6) ERRONEOUS DESIGNATION.—

''(A) IN GENERAL.—If—

''(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

''(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

''(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

''(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

''(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 202. CLARIFICATION OF DEFINITION OF CHURCH TAX INQUIRY.

Subsection (i) of section 7611 (relating to section not to apply to criminal investigations, etc.) is amended by striking ''or'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', or'', and by inserting after paragraph (5) the following:

''(6) information provided by the Secretary related to the standards for exemption from tax under this title and the requirements under this title relating to unrelated business taxable income.''.

SEC. 203. EXTENSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Paragraph (1) of section 7428(a) (relating to creation of remedy) is amended—

(1) in subparagraph (B) by inserting after ''509(a))'' the following: ''or as a private operating foundation (as defined in section 4942(j)(3))''; and

(2) by amending subparagraph (C) to read as follows:

''(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in subsection (c) (other than paragraph (3)) or (d) of section 501 which is exempt from tax under section 501(a), or''.

(b) COURT JURISDICTION.—Subsection (a) of section 7428 is amended in the material following paragraph (2) by striking ''United States Tax Court, the United States Claims Court, or the district court of the United States for the District of Columbia'' and inserting the following: ''United States Tax Court (in the case of any such determination or failure) or the United States Claims Court or the district court of the United States for the District of Columbia (in the case of a determination or failure with respect to an issue referred to in subparagraph (A) or (B) of paragraph (1)),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to pleadings filed with respect to determinations (or requests for determinations) made after the date of the enactment of this Act.

SEC. 204. LANDOWNER INCENTIVES PROGRAMS.

(a) IN GENERAL.—Subsection (a) of section 126 is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

''(10) Landowner initiatives programs to conserve threatened, endangered, or imperiled species, or protect or restore habitat carried out under—

''(A) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.),

''(B) the Fish and Wildlife Act of 1956 (16 U.S.C. 742f), or

''(C) section 6 of the Endangered Species Act (16 U.S.C. 11531 et seq.).''.

(b) EXCLUDABLE PORTION.—Subparagraph (A) of section 126(b)(1) is amended by inserting after ''Secretary of Agriculture'' the following: ''(the Secretary of the Interior, in the case of the landowner incentives programs described in subsection (a)(10) and the programs described in subsection (a)(11) that are implemented by the Department of the Interior)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2003, in taxable years ending after such date.

SEC. 205. MODIFICATIONS TO SECTION 512(b)(13).

(a) IN GENERAL.—Paragraph (13) of section 512(b) (relating to special rules for certain amounts received from controlled entities) is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

''(E) PARAGRAPH TO APPLY ONLY TO EXCESS PAYMENTS.—

''(i) IN GENERAL.—Subparagraph (A) shall apply only to the portion of a specified payment received or accrued by the controlling organization that exceeds the amount which would have been paid or accrued if such payment met the requirements prescribed under section 482.

''(ii) ADDITION TO TAX FOR VALUATION MISSTATEMENTS.—The tax imposed by this chapter on the controlling organization shall be increased by an amount equal to 20 percent of the larger of—

''(I) such excess determined without regard to any amendment or supplement to a return of tax, or

''(II) such excess determined with regard to all such amendments and supplements.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to payments received or accrued after December 31, 2003.

(2) PAYMENTS SUBJECT TO BINDING CONTRACT TRANSITION RULE.—If the amendments made by section 1041 of the Taxpayer Relief Act of 1997 did not apply to any amount received or accrued in the first 2 taxable years beginning on or after the date of the enactment of the Taxpayer Relief Act of 1997 under any contract described in subsection (b)(2) of such section, such amendments also shall not apply to amounts received or accrued under such contract before January 1, 2001.

SEC. 206. SIMPLIFICATION OF LOBBYING EXPENDITURE LIMITATION.

(a) REPEAL OF GRASSROOTS EXPENDITURE LIMIT.—Paragraph (1) of section 501(h) (relating to expenditures by public charities to influence legislation) is amended to read as follows:

''(1) GENERAL RULE.—In the case of an organization to which this subsection applies, exemption from taxation under subsection (a) shall be denied because a substantial part of the activities of such organization consists of carrying on propaganda, or otherwise attempting, to influence legislation, but only if such organization normally makes lobbying expenditures in excess of the lobbying ceiling amount for such organization for each taxable year.''.

(b) EXCESS LOBBYING EXPENDITURES.—Section 4911(b) is amended to read as follows:

''(b) EXCESS LOBBYING EXPENDITURES.—For purposes of this section, the term 'excess lobbying expenditures' means, for a taxable year, the amount by which the lobbying expenditures made by the organization during

the taxable year exceed the lobbying nontaxable amount for such organization for such taxable year.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 501(h)(2) is amended by striking subparagraphs (C) and (D).

(2) Section 4911(c) is amended by striking paragraphs (3) and (4).

(3) Paragraph (1)(A) of section 4911(f) is amended by striking ''limits of section 501(h)(1) have'' and inserting ''limit of section 501(h)(1) has''.

(4) Paragraph (1)(C) of section 4911(f) is amended by striking ''limits of section 501(h)(1) are'' and inserting ''limit of section 501(h)(1) is''.

(5) Paragraphs (4)(A) and (4)(B) of section 4911(f) are each amended by striking ''limits of section 501(h)(1)'' and inserting ''limit of section 501(h)(1)''.

(6) Paragraph (8) of section 6033(b) (relating to certain organizations described in section 501(c)(3)) is amended by inserting ''and'' at the end of subparagraph (A) and by striking subparagraphs (C) and (D).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 207. PILOT PROJECT FOR FOREST CONSERVATION ACTIVITIES.

(a) TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, any qualified forest conservation bond shall be treated as an exempt facility bond under section 142 of such Code.

(2) QUALIFIED FOREST CONSERVATION BOND.—For purposes of this section, the term ''qualified forest conservation bond'' means any bond issued as part of an issue if—

(A) 95 percent or more of the net proceeds (as defined in section 150(a)(3) of such Code) of such issue are to be used for qualified project costs,

(B) such bond is an obligation of the State of Washington or any political subdivision thereof, and

(C) such bond is issued for a qualified organization before December 31, 2006.

(3) LIMITATION ON AGGREGATE AMOUNT ISSUED.—The maximum aggregate face amount of bonds which may be issued under this subsection shall not exceed $250,000,000.

(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection, the term ''qualified project costs'' means the sum of—

(A) the cost of acquisition by the qualified organization from an unrelated person of forests and forest land located in the State of Washington which at the time of acquisition or immediately thereafter are subject to a conservation restriction described in subsection (c)(2),

(B) interest on the qualified forest conservation bonds for the 3-year period beginning on the date of issuance of such bonds, and

(C) credit enhancement fees which constitute qualified guarantee fees (within the meaning of section 148 of such Code).

(5) SPECIAL RULES.—In applying the Internal Revenue Code of 1986 to any qualified forest conservation bond, the following modifications shall apply:

(A) Section 146 of such Code (relating to volume cap) shall not apply.

(B) For purposes of section 147(b) of such Code (relating to maturity may not exceed 120 percent of economic life), the land and standing timber acquired with proceeds of qualified forest conservation bonds shall have an economic life of 35 years.

(C) Subsections (c) and (d) of section 147 of such Code (relating to limitations on acquisition of land and existing property) shall not apply.

(D) Section 57(a)(5) of such Code (relating to tax-exempt interest) shall not apply to interest on qualified forest conservation bonds.

(6) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraphs (2)(C) and (3) shall not apply to any bond (or series of bonds) issued to refund a qualified forest conservation bond issued before December 31, 2006, if—

(A) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

(B) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

(C) the net proceeds of the refunding bond are used to redeem the refunded bond not later than 90 days after the date of the issuance of the refunding bond.

For purposes of subparagraph (A), average maturity shall be determined in accordance with section 147(b)(2)(A) of such Code.

(7) EFFECTIVE DATE.—This subsection shall apply to obligations issued on or after the date of enactment of this Act.

(b) ITEMS FROM QUALIFIED HARVESTING ACTIVITIES NOT SUBJECT TO TAX OR TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Income, gains, deductions, losses, or credits from a qualified harvesting activity conducted by a qualified organization shall not be subject to tax or taken into account under subtitle A of the Internal Revenue Code of 1986.

(2) LIMITATION.—The amount of income excluded from gross income under paragraph (1) for any taxable year shall not exceed the amount used by the qualified organization to make debt service payments during such taxable year for qualified forest conservation bonds.

(3) QUALIFIED HARVESTING ACTIVITY.—For purposes of paragraph (1)—

(A) IN GENERAL.—The term ''qualified harvesting activity'' means the sale, lease, or harvesting, of standing timber—

(i) on land owned by a qualified organization which was acquired with proceeds of qualified forest conservation bonds, and

(ii) pursuant to a qualified conservation plan adopted by the qualified organization.

(B) EXCEPTIONS.—

(i) CESSATION AS QUALIFIED ORGANIZATION.—The term ''qualified harvesting activity'' shall not include any sale, lease, or harvesting for any period during which the organization ceases to qualify as a qualified organization.

(ii) EXCEEDING LIMITS ON HARVESTING.—The term ''qualified harvesting activity'' shall not include any sale, lease, or harvesting of standing timber on land acquired with proceeds of qualified forest conservation bonds to the extent that—

(I) the average annual area of timber harvested from such land exceeds 2.5 percent of the total area of such land, or

(II) the quantity of timber removed from such land exceeds the quantity which can be removed from such land annually in perpetuity on a sustained-yield basis with respect to such land.

The limitations under subclauses (I) and (II) shall not apply to post-fire restoration and rehabilitation or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophes, or which are in imminent danger from insect or disease attack.

(4) TERMINATION.—This subsection shall not apply to any qualified harvesting activity occurring after the date on which there is no outstanding qualified forest conservation bond or any such bond ceases to be a tax-exempt bond.

(5) PARTIAL RECAPTURE OF BENEFITS IF HARVESTING LIMIT EXCEEDED.—If, as of the date that this subsection ceases to apply under paragraph (4), the average annual area of timber harvested from the land exceeds the requirement of paragraph (3)(B)(ii)(I), the tax imposed by chapter 1 of such Code shall be increased, under rules prescribed by the Secretary of the Treasury, by the sum of the tax benefits attributable to such excess and interest at the underpayment rate under section 6621 of such Code for the period of the underpayment.

(c) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED CONSERVATION PLAN.—The term ''qualified conservation plan'' means a multiple land use program or plan which—

(A) is designed and administered primarily for the purposes of protecting and enhancing wildlife and fish, timber, scenic attributes, recreation, and soil and water quality of the forest and forest land,

(B) mandates that conservation of forest and forest land is the single-most significant use of the forest and forest land, and

(C) requires that timber harvesting be consistent with—

(i) restoring and maintaining reference conditions for the region's ecotype,

(ii) restoring and maintaining a representative sample of young, mid, and late successional forest age classes,

(iii) maintaining or restoring the resources' ecological health for purposes of preventing damage from fire, insect, or disease,

(iv) maintaining or enhancing wildlife or fish habitat, or

(v) enhancing research opportunities in sustainable renewable resource uses.

(2) CONSERVATION RESTRICTION.—The conservation restriction described in this paragraph is a restriction which—

(A) is granted in perpetuity to an unrelated person which is described in section 170(h)(3) of such Code and which, in the case of a nongovernmental unit, is organized and operated for conservation purposes,

(B) meets the requirements of clause (ii) or (iii)(II) of section 170(h)(4)(A) of such Code,

(C) obligates the qualified organization to pay the costs incurred by the holder of the conservation restriction in monitoring compliance with such restriction, and

(D) requires an increasing level of conservation benefits to be provided whenever circumstances allow it.

(3) QUALIFIED ORGANIZATION.—The term ''qualified organization'' means an organization—

(A) which is a nonprofit organization substantially all the activities of which are charitable, scientific, or educational, including acquiring, protecting, restoring, managing, and developing forest lands and other renewable resources for the long-term charitable, educational, scientific and public benefit,

(B) more than half of the value of the property of which consists of forests and forest land acquired with the proceeds from qualified forest conservation bonds,

(C) which periodically conducts educational programs designed to inform the public of environmentally sensitive forestry management and conservation techniques,

(D) which has at all times a board of directors—

(i) at least 20 percent of the members of which represent the holders of the conservation restriction described in paragraph (2),

(ii) at least 20 percent of the members of which are public officials, and

(iii) not more than one-third of the members of which are individuals who are or were at any time within 5 years before the beginning of a term of membership on the board, an employee of, independent contractor with respect to, officer of, director of, or held a material financial interest in, a commercial

forest products enterprise with which the qualified organization has a contractual or other financial arrangement,

(E) the bylaws of which require at least two-thirds of the members of the board of directors to vote affirmatively to approve the qualified conservation plan and any change thereto, and

(F) upon dissolution, is required to dedicate its assets to—

(i) an organization described in section 501(c)(3) of such Code which is organized and operated for conservation purposes, or

(ii) a governmental unit described in section 170(c)(1) of such Code.

(4) UNRELATED PERSON.—The term ''unrelated person'' means a person who is not a related person.

(5) RELATED PERSON.—A person shall be treated as related to another person if—

(A) such person bears a relationship to such other person described in section 267(b) (determined without regard to paragraph (9) thereof), or 707(b)(1), of such Code, determined by substituting ''25 percent'' for ''50 percent'' each place it appears therein, and

(B) in the case such other person is a nonprofit organization, if such person controls directly or indirectly more than 25 percent of the governing body of such organization.

(d) REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the pilot project for forest conservation activities under this section. Such study shall examine the extent to which forests and forest lands were managed during the 5-year period beginning on the date of the enactment of this Act to achieve the goals of such project.

(2) SUBMISSION OF REPORT TO CONGRESS.—Not later than six years after the date of the enactment of this Act, the Comptroller General shall submit a report of such study to the Committee on Ways and Means and the Committee on Resources of the House of Representatives and the Committee on Finance and the Committee on Energy and Natural Resources of the Senate.

TITLE III—OTHER PROVISIONS

SEC. 301. COMPASSION CAPITAL FUND.

Title IV of the Social Security Act (42 U.S.C. 601–679b) is amended by adding at the end the following:

''PART F—COMPASSION CAPITAL FUND

''SEC. 481. SECRETARY'S FUND TO SUPPORT AND REPLICATE PROMISING SOCIAL SERVICE PROGRAMS.

''(a) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Secretary may make grants to support any private entity that operates a promising social services program.

''(2) APPLICATIONS.—An entity desiring to receive a grant under paragraph (1) shall submit to the Secretary an application for the grant, which shall contain such information as the Secretary may require.

''(b) CONTRACT AUTHORITY, ETC.—The Secretary may enter into a grant, contract, or cooperative agreement with any entity under which the entity would provide technical assistance to another entity to operate a social service program that assists persons and families in need, including by—

''(1) providing the other entity with—

''(A) technical assistance and information, including legal assistance and other business assistance;

''(B) information on capacity-building;

''(C) information and assistance in identifying and using best practices for serving persons and families in need; or

''(D) assistance in replicating programs with demonstrated effectiveness in assisting persons and families in need; or

''(2) supporting research on the best practices of social service organizations.

''(c) GUIDANCE AND TECHNICAL ASSISTANCE.—The Secretary may use not more than 25 percent of the amount appropriated under this section for a fiscal year to provide guidance and technical assistance to States and political subdivisions of States with respect to the implementation of any social service program.

''(d) SOCIAL SERVICES PROGRAM DEFINED.—In this section, the term 'social services program' means a program that provides benefits or services of any kind to persons and families in need.

''(e) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary $150,000,000 for fiscal year 2004, and such sums as may be necessary for fiscal years 2005 through 2008.''.

SEC. 302. REAUTHORIZATION OF ASSETS FOR INDEPENDENCE DEMONSTRATION.

(a) IN GENERAL.—Section 416 of the Assets for Independence Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended by striking ''and 2003'' and inserting ''2003, 2004, 2005, 2006, 2007, and 2008''.

(b) REMOVAL OF ECONOMIC LITERACY ACTIVITIES FROM LIMITATION ON USE OF AMOUNTS IN THE RESERVE FUND.—Section 407(c)(3) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended by adding at the end the following: ''The preceding sentences of this paragraph shall not apply to amounts used by an entity for any activity described in paragraph (1)(A).''.

(c) ELIGIBILITY EXPANDED TO INCLUDE INDIVIDUALS IN HOUSEHOLDS WITH INCOME NOT EXCEEDING 50 PERCENT OF AREA MEDIAN INCOME.—Section 408(a)(1) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended to read as follows:

''(1) INCOME TEST.—The adjusted gross income of the household—

''(A) does not exceed 200 percent of the poverty line (as determined by the Office of Management and Budget) or the earned income amount described in section 32 of the Internal Revenue Code of 1986 (taking into account the size of the household); or

''(B) does not exceed 50 percent of the area median income (as determined by the Secretary of Housing and Urban Development) for the area in which the household is located.''.

(d) EXTENSION OF TIME FOR ACCOUNT HOLDERS TO ACCESS FEDERAL FUNDS.—Section 407(d) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended—

(1) in the subsection heading, by striking ''WHEN PROJECT TERMINATES''; and

(2) by striking ''upon'' and inserting ''on the date that is 6 months after''.

(e) VERIFICATION OF POSTSECONDARY EDUCATION EXPENSES.—Section 404(8)(A) of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended in the 1st sentence by inserting ''or a vendor, but only to the extent that the expenses are described in a document which explains the educational items to be purchased, and the document and the expenses are approved by the qualified entity'' before the period.

(f) AUTHORITY TO USE EXCESS INTEREST TO FUND OTHER INDIVIDUAL DEVELOPMENT ACCOUNTS.—Section 410 of such Act (title IV of Public Law 105–285; 42 U.S.C. 604 note) is amended—

(1) in subsection (a)(3)—

(A) by striking ''any interest that has accrued'' and inserting ''interest that has accrued during that period''; and

(B) by striking the period and inserting '', but only to the extent that the amount of the interest does not exceed the amount of interest that has accrued during that period on amounts deposited in the account by that individual.''; and

(2) by adding at the end the following:

''(f) USE OF EXCESS INTEREST TO FUND OTHER INDIVIDUAL DEVELOPMENT ACCOUNTS.—To the extent that a qualified entity has an amount that, but for the limitation in subsection (a)(3), would be required by that subsection to be deposited into the individual development account of an individual or into a parallel account maintained by the qualified entity, the qualified entity may deposit the amount into the individual development account of any individual or into any such parallel account maintained by the qualified entity.''.

SEC. 303. SENSE OF THE CONGRESS REGARDING CORPORATE CONTRIBUTIONS TO FAITH-BASED ORGANIZATIONS, ETC.

(a) FINDINGS.—The Congress finds as follows:

(1) America's community of faith has long played a leading role in dealing with difficult societal problems that might otherwise have gone unaddressed.

(2) President Bush has called upon Americans ''to revive the spirit of citizenship . . . to marshal the compassion of our people to meet the continuing needs of our Nation''.

(3) Although the work of faith-based organizations should not be used by government as an excuse for backing away from its historic and rightful commitment to help those who are disadvantaged and in need, such organizations can and should be seen as a valuable partner with government in meeting societal challenges.

(4) Every day faith-based organizations in the United States help people recover from drug and alcohol addiction, provide food and shelter for the homeless, rehabilitate prison inmates so that they can break free from the cycle of recidivism, and teach people job skills that will allow them to move from poverty to productivity.

(5) Faith-based organizations are often more successful in dealing with difficult societal problems than government and nonsectarian organizations.

(6) As President Bush has stated, ''It is not sufficient to praise charities and community groups; we must support them. And this is both a public obligation and a personal responsibility.''.

(7) Corporate foundations contribute billions of dollars each year to a variety of philanthropic causes.

(8) According to a study produced by the Capital Research Center, the 10 largest corporate foundations in the United States contributed $1,900,000,000 to such causes.

(9) According to the same study, faith-based organizations only receive a small fraction of the contributions made by corporations in the United States, and 6 of the 10 corporations that give the most to philanthropic causes explicitly ban or restrict contributions to faith-based organizations.

(b) CORPORATIONS ENCOURAGED TO CONTRIBUTE TO FAITH-BASED ORGANIZATIONS.—The Congress calls on corporations in the United States, in the words of the President, ''to give more and to give better'' by making greater contributions to faith-based organizations that are on the front lines battling some of the great societal challenges of our day.

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

(1) corporations in the United States are important partners with government in efforts to overcome difficult societal problems; and

(2) no corporation in the United States should adopt policies that prohibit the corporation from contributing to an organization that is successfully advancing a philanthropic cause merely because such organization is faith based.

TITLE IV—SOCIAL SERVICES BLOCK GRANT

SEC. 401. RESTORATION OF FUNDS FOR THE SOCIAL SERVICES BLOCK GRANT.

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

(1) On August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) was signed into law.

(2) In enacting that law, Congress authorized $2,800,000,000 for fiscal year 2003 and each fiscal year thereafter to carry out the Social Services Block Grant program established under title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

(b) RESTORATION OF FUNDS.—Section 2003(c)(11) of the Social Security Act (42 U.S.C. 1397b(c)(11)) is amended by inserting '', except that, with respect to fiscal year 2004, the amount shall be $2,800,000,000'' after ''thereafter''.

SEC. 402. RESTORATION OF AUTHORITY TO TRANSFER UP TO 10 PERCENT OF TANF FUNDS TO THE SOCIAL SERVICES BLOCK GRANT.

(a) IN GENERAL.—Section 404(d)(2) of the Social Security Act (42 U.S.C. 604(d)(2)) is amended to read as follows:

''(2) LIMITATION ON AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—A State may use not more than 10 percent of the amount of any grant made to the State under section 403(a) for a fiscal year to carry out State programs pursuant to title XX.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to amounts made available for fiscal year 2004 and each fiscal year thereafter.

SEC. 403. REQUIREMENT TO SUBMIT ANNUAL REPORT ON STATE ACTIVITIES.

(a) IN GENERAL.—Section 2006(c) of the Social Security Act (42 U.S.C. 1397e(c)) is amended by adding at the end the following: ''The Secretary shall compile the information submitted by the States and submit that information to Congress on an annual basis.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to information submitted by States under section 2006 of the Social Security Act (42 U.S.C. 1397e) with respect to fiscal year 2004 and each fiscal year thereafter.

TITLE V—ABUSIVE TAX SHELTERS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Abusive Tax Shelter Shutdown and Taxpayer Accountability Act of 2003''.

SEC. 502. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress hereby finds that:

(1) Many corporate tax shelter transactions are complicated ways of accomplishing nothing aside from claimed tax benefits, and the legal opinions justifying those transactions take an inappropriately narrow and restrictive view of well-developed court doctrines under which—

(A) the taxation of a transaction is determined in accordance with its substance and not merely its form,

(B) transactions which have no significant effect on the taxpayer's economic or beneficial interests except for tax benefits are treated as sham transactions and disregarded,

(C) transactions involving multiple steps are collapsed when those steps have no substantial economic meaning and are merely designed to create tax benefits,

(D) transactions with no business purpose are not given effect, and

(E) in the absence of a specific congressional authorization, it is presumed that Congress did not intend a transaction to result in a negative tax where the taxpayer's economic position or rate of return is better after tax than before tax.

(2) Permitting aggressive and abusive tax shelters not only results in large revenue losses but also undermines voluntary compliance with the Internal Revenue Code of 1986.

(b) PURPOSE.—The purpose of this title is to eliminate abusive tax shelters by denying tax attributes claimed to arise from transactions that do not meet a heightened economic substance requirement and by repealing the provision that permits legal opinions to be used to avoid penalties on tax underpayments resulting from transactions without significant economic substance or business purpose.

Subtitle A—Provisions Designed to Curtail Tax Shelters

SEC. 511. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In applying the economic substance doctrine, the determination of whether a transaction has economic substance shall be made as provided in this paragraph.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects and, if there are any Federal tax effects, also apart from any foreign, State, or local tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) SUBSTANTIAL NONTAX PURPOSE.—In applying subclause (II) of paragraph (1)(B)(i), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

''(D) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(E) TREATMENT OF LESSORS.—In applying subclause (I) of paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease, the expected net tax benefits shall not include the benefits of depreciation, or any tax credit, with respect to the leased property and subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 512. PENALTY FOR FAILING TO DISCLOSE REPORTABLE TRANSACTION.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6707 the following new section:

''SEC. 6707A. PENALTY FOR FAILURE TO INCLUDE REPORTABLE TRANSACTION INFORMATION WITH RETURN OR STATEMENT.

''(a) IMPOSITION OF PENALTY.—Any person who fails to include on any return or statement any information with respect to a reportable transaction which is required under section 6011 to be included with such return or statement shall pay a penalty in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amount of the penalty under subsection (a) shall be $50,000.

''(2) LISTED TRANSACTION.—The amount of the penalty under subsection (a) with respect to a listed transaction shall be $100,000.

''(3) INCREASE IN PENALTY FOR LARGE ENTITIES AND HIGH NET WORTH INDIVIDUALS.—

''(A) IN GENERAL.—In the case of a failure under subsection (a) by—

''(i) a large entity, or

''(ii) a high net worth individual,

the penalty under paragraph (1) or (2) shall be twice the amount determined without regard to this paragraph.

''(B) LARGE ENTITY.—For purposes of subparagraph (A), the term 'large entity' means, with respect to any taxable year, a person (other than a natural person) with gross receipts in excess of $10,000,000 for the taxable year in which the reportable transaction occurs or the preceding taxable year. Rules similar to the rules of paragraph (2) and subparagraphs (B), (C), and (D) of paragraph (3) of section 448(c) shall apply for purposes of this subparagraph.

''(C) HIGH NET WORTH INDIVIDUAL.—For purposes of subparagraph (A), the term 'high net worth individual' means, with respect to a reportable transaction, a natural person whose net worth exceeds $2,000,000 immediately before the transaction.

''(c) DEFINITIONS.—For purposes of this section—

''(1) REPORTABLE TRANSACTION.—The term 'reportable transaction' means any transaction with respect to which information is required to be included with a return or statement because, as determined under regulations prescribed under section 6011, such transaction is of a type which the Secretary determines as having a potential for tax avoidance or evasion.

''(2) LISTED TRANSACTION.—Except as provided in regulations, the term 'listed transaction' means a reportable transaction which is the same as, or substantially similar to, a transaction specifically identified by the Secretary as a tax avoidance transaction for purposes of section 6011.

''(d) AUTHORITY TO RESCIND PENALTY.—

''(1) IN GENERAL.—The Commissioner of Internal Revenue may rescind all or any portion of any penalty imposed by this section with respect to any violation if—

''(A) the violation is with respect to a reportable transaction other than a listed transaction,

''(B) the person on whom the penalty is imposed has a history of complying with the requirements of this title,

''(C) it is shown that the violation is due to an unintentional mistake of fact;

''(D) imposing the penalty would be against equity and good conscience, and

''(E) rescinding the penalty would promote compliance with the requirements of this title and effective tax administration.

''(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may be delegated only to the head of the Office of Tax Shelter Analysis. The Commissioner, in the Commissioner's sole discretion, may establish a procedure to determine if a penalty should be referred to the Commissioner or the head of such Office for a determination under paragraph (1).

''(3) NO APPEAL.—Notwithstanding any other provision of law, any determination under this subsection may not be reviewed in any administrative or judicial proceeding.

''(4) RECORDS.—If a penalty is rescinded under paragraph (1), the Commissioner shall place in the file in the Office of the Commissioner the opinion of the Commissioner or the head of the Office of Tax Shelter Analysis with respect to the determination, including—

''(A) the facts and circumstances of the transaction,

''(B) the reasons for the rescission, and

''(C) the amount of the penalty rescinded.

''(5) REPORT.—The Commissioner shall each year report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

''(A) a summary of the total number and aggregate amount of penalties imposed, and rescinded, under this section, and

''(B) a description of each penalty rescinded under this subsection and the reasons therefor.

''(e) PENALTY REPORTED TO SEC.—In the case of a person—

''(1) which is required to file periodic reports under section 13 or 15(d) of the Securities Exchange Act of 1934 or is required to be consolidated with another person for purposes of such reports, and

''(2) which—

''(A) is required to pay a penalty under this section with respect to a listed transaction,

''(B) is required to pay a penalty under section 6662A with respect to any reportable transaction at a rate prescribed under section 6662A(c), or

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction,

the requirement to pay such penalty shall be disclosed in such reports filed by such person for such periods as the Secretary shall specify. Failure to make a disclosure in accordance with the preceding sentence shall be treated as a failure to which the penalty under subsection (b)(2) applies.

''(f) COORDINATION WITH OTHER PENALTIES.—The penalty imposed by this section is in addition to any penalty imposed under this title.''.

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6707 the following:

''Sec. 6707A. Penalty for failure to include reportable transaction information with return or statement.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns and statements the due date for which is after the date of the enactment of this Act.

SEC. 513. ACCURACY-RELATED PENALTY FOR LISTED TRANSACTIONS AND OTHER REPORTABLE TRANSACTIONS HAVING A SIGNIFICANT TAX AVOIDANCE PURPOSE.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662 the following new section:

''SEC. 6662A. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERSTATEMENTS WITH RESPECT TO REPORTABLE TRANSACTIONS.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has a reportable transaction understatement for any taxable year, there shall be added to the tax an amount equal to 20 percent of the amount of such understatement.

''(b) REPORTABLE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'reportable transaction understatement' means the sum of—

''(A) the product of—

''(i) the amount of the increase (if any) in taxable income which results from a difference between the proper tax treatment of an item to which this section applies and the taxpayer's treatment of such item (as shown on the taxpayer's return of tax), and

''(ii) the highest rate of tax imposed by section 1 (section 11 in the case of a taxpayer which is a corporation), and

''(B) the amount of the decrease (if any) in the aggregate amount of credits determined under subtitle A which results from a difference between the taxpayer's treatment of an item to which this section applies (as shown on the taxpayer's return of tax) and the proper tax treatment of such item.

For purposes of subparagraph (A), any reduction of the excess of deductions allowed for the taxable year over gross income for such year, and any reduction in the amount of capital losses which would (without regard to section 1211) be allowed for such year, shall be treated as an increase in taxable income.

''(2) ITEMS TO WHICH SECTION APPLIES.—This section shall apply to any item which is attributable to—

''(A) any listed transaction, and

''(B) any reportable transaction (other than a listed transaction) if a significant purpose of such transaction is the avoidance or evasion of Federal income tax.

''(c) HIGHER PENALTY FOR NONDISCLOSED LISTED AND OTHER AVOIDANCE TRANSACTIONS.—

''(1) IN GENERAL.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' with respect to the portion of any reportable transaction understatement with respect to which the requirement of section 6664(d)(2)(A) is not met.

''(2) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(A) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which paragraph (1) applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(B) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of subparagraph (A).

''(d) DEFINITIONS OF REPORTABLE AND LISTED TRANSACTIONS.—For purposes of this section, the terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).

''(e) SPECIAL RULES.—

''(1) COORDINATION WITH PENALTIES, ETC., ON OTHER UNDERSTATEMENTS.—In the case of an understatement (as defined in section 6662(d)(2))—

''(A) the amount of such understatement (determined without regard to this paragraph) shall be increased by the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements for purposes of determining whether such understatement is a substantial understatement under section 6662(d)(1), and

''(B) the addition to tax under section 6662(a) shall apply only to the excess of the amount of the substantial understatement (if any) after the application of subparagraph (A) over the aggregate amount of reportable transaction understatements and noneconomic substance transaction understatements.

''(2) COORDINATION WITH OTHER PENALTIES.—

''(A) APPLICATION OF FRAUD PENALTY.—References to an underpayment in section 6663 shall be treated as including references to a reportable transaction understatement and a noneconomic substance transaction understatement.

''(B) NO DOUBLE PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662B or 6663.

''(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any tax treatment included with an amendment or supplement to a return of tax be taken into account in determining the amount of any reportable transaction understatement or noneconomic substance transaction understatement if the amendment or

supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.

''(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).

''(5) CROSS REFERENCE.—

''For reporting of section 6662A(c) penalty to the Securities and Exchange Commission, see section 6707A(e).''

(b) DETERMINATION OF OTHER UNDERSTATEMENTS.—Subparagraph (A) of section 6662(d)(2) is amended by adding at the end the following flush sentence:

''The excess under the preceding sentence shall be determined without regard to items to which section 6662A applies and without regard to items with respect to which a penalty is imposed by section 6662B.''

(c) REASONABLE CAUSE EXCEPTION.—

(1) IN GENERAL.—Section 6664 is amended by adding at the end the following new subsection:

''(d) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—

''(1) IN GENERAL.—No penalty shall be imposed under section 6662A with respect to any portion of a reportable transaction understatement if it is shown that there was a reasonable cause for such portion and that the taxpayer acted in good faith with respect to such portion.

''(2) SPECIAL RULES.—Paragraph (1) shall not apply to any reportable transaction understatement unless—

''(A) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with the regulations prescribed under section 6011,

''(B) there is or was substantial authority for such treatment, and

''(C) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

A taxpayer failing to adequately disclose in accordance with section 6011 shall be treated as meeting the requirements of subparagraph (A) if the penalty for such failure was rescinded under section 6707A(d).

''(3) RULES RELATING TO REASONABLE BELIEF.—For purposes of paragraph (2)(C)—

''(A) IN GENERAL.—A taxpayer shall be treated as having a reasonable belief with respect to the tax treatment of an item only if such belief—

''(i) is based on the facts and law that exist at the time the return of tax which includes such tax treatment is filed, and

''(ii) relates solely to the taxpayer's chances of success on the merits of such treatment and does not take into account the possibility that a return will not be audited, such treatment will not be raised on audit, or such treatment will be resolved through settlement if it is raised.

''(B) CERTAIN OPINIONS MAY NOT BE RELIED UPON.—

''(i) IN GENERAL.—An opinion of a tax advisor may not be relied upon to establish the reasonable belief of a taxpayer if—

''(I) the tax advisor is described in clause (ii), or

''(II) the opinion is described in clause (iii).

''(ii) DISQUALIFIED TAX ADVISORS.—A tax advisor is described in this clause if the tax advisor—

''(I) is a material advisor (within the meaning of section 6111(b)(1)) who participates in the organization, management, promotion, or sale of the transaction or who is related (within the meaning of section 267(b) or 707(b)(1)) to any person who so participates,

''(II) is compensated directly or indirectly by a material advisor with respect to the transaction,

''(III) has a fee arrangement with respect to the transaction which is contingent on all or part of the intended tax benefits from the transaction being sustained, or

''(IV) as determined under regulations prescribed by the Secretary, has a continuing financial interest with respect to the transaction.

''(iii) DISQUALIFIED OPINIONS.—For purposes of clause (i), an opinion is disqualified if the opinion—

''(I) is based on unreasonable factual or legal assumptions (including assumptions as to future events),

''(II) unreasonably relies on representations, statements, findings, or agreements of the taxpayer or any other person,

''(III) does not identify and consider all relevant facts, or

''(IV) fails to meet any other requirement as the Secretary may prescribe.''

(2) CONFORMING AMENDMENT.—The heading for subsection (c) of section 6664 is amended by inserting ''FOR UNDERPAYMENTS'' after ''EXCEPTION''.

(d) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 461(i)(3) is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 1274(b)(3)(C)''.

(2) Paragraph (3) of section 1274(b) is amended—

(A) by striking ''(as defined in section 6662(d)(2)(C)(iii))'' in subparagraph (B)(i), and

(B) by adding at the end the following new subparagraph:

''(C) TAX SHELTER.—For purposes of subparagraph (B), the term 'tax shelter' means—

''(i) a partnership or other entity,

''(ii) any investment plan or arrangement, or

''(iii) any other plan or arrangement,

if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax.''

(3) Section 6662(d)(2) is amended by striking subparagraphs (C) and (D).

(4) Section 6664(c)(1) is amended by striking ''this part'' and inserting ''section 6662 or 6663''.

(5) Subsection (b) of section 7525 is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 1274(b)(3)(C)''.

(6)(A) The heading for section 6662 is amended to read as follows:

''SEC. 6662. IMPOSITION OF ACCURACY-RELATED PENALTY ON UNDERPAYMENTS.''

(B) The table of sections for part II of subchapter A of chapter 68 is amended by striking the item relating to section 6662 and inserting the following new items:

''Sec. 6662. Imposition of accuracy-related penalty on underpayments.

''Sec. 6662A. Imposition of accuracy-related penalty on understatements with respect to reportable transactions.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 514. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

''SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

''(A) there is a lack of economic substance (within the meaning of section 7701(m)(1)) for the transaction giving rise to the claimed tax benefit or the transaction was not respected under section 7701(m)(2), or

''(B) the transaction fails to meet the requirements of any similar rule of law.

''(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(2) APPLICABLE RULES.—The rules of paragraphs (3), (4), and (5) of section 6707A(d) shall apply for purposes of paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).''

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after February 13, 2003.

SEC. 515. MODIFICATIONS OF SUBSTANTIAL UNDERSTATEMENT PENALTY FOR NONREPORTABLE TRANSACTIONS.

(a) SUBSTANTIAL UNDERSTATEMENT OF CORPORATIONS.—Section 6662(d)(1)(B) (relating to special rule for corporations) is amended to read as follows:

''(B) SPECIAL RULE FOR CORPORATIONS.—In the case of a corporation other than an S corporation or a personal holding company (as defined in section 542), there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

''(i) 10 percent of the tax required to be shown on the return for the taxable year (or, if greater, $10,000), or

''(ii) $10,000,000.''

(b) REDUCTION FOR UNDERSTATEMENT OF TAXPAYER DUE TO POSITION OF TAXPAYER OR DISCLOSED ITEM.—

(1) IN GENERAL.—Section 6662(d)(2)(B)(i) (relating to substantial authority) is amended to read as follows:

''(i) the tax treatment of any item by the taxpayer if the taxpayer had reasonable belief that the tax treatment was more likely than not the proper treatment, or''.

(2) CONFORMING AMENDMENT.—Section 6662(d) is amended by adding at the end the following new paragraph:

''(3) SECRETARIAL LIST.—For purposes of this subsection, section 6664(d)(2), and section 6694(a)(1), the Secretary may prescribe a list of positions for which the Secretary believes there is not substantial authority or there is no reasonable belief that the tax treatment is more likely than not the proper tax treatment. Such list (and any revisions thereof) shall be published in the Federal Register or the Internal Revenue Bulletin.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 516. TAX SHELTER EXCEPTION TO CONFIDENTIALITY PRIVILEGES RELATING TO TAXPAYER COMMUNICATIONS.

(a) IN GENERAL.—Section 7525(b) (relating to section not to apply to communications regarding corporate tax shelters) is amended to read as follows:

''(b) SECTION NOT TO APPLY TO COMMUNICATIONS REGARDING TAX SHELTERS.—The privilege under subsection (a) shall not apply to any written communication which is—

''(1) between a federally authorized tax practitioner and—

''(A) any person,

''(B) any director, officer, employee, agent, or representative of the person, or

''(C) any other person holding a capital or profits interest in the person, and

''(2) in connection with the promotion of the direct or indirect participation of the person in any tax shelter (as defined in section 1274(b)(3)(C)).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to communications made on or after the date of the enactment of this Act.

SEC. 517. DISCLOSURE OF REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 6111 (relating to registration of tax shelters) is amended to read as follows:

''SEC. 6111. DISCLOSURE OF REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—Each material advisor with respect to any reportable transaction shall make a return (in such form as the Secretary may prescribe) setting forth—

''(1) information identifying and describing the transaction,

''(2) information describing any potential tax benefits expected to result from the transaction, and

''(3) such other information as the Secretary may prescribe.

Such return shall be filed not later than the date specified by the Secretary.

''(b) DEFINITIONS.—For purposes of this section—

''(1) MATERIAL ADVISOR.—

''(A) IN GENERAL.—The term 'material advisor' means any person—

''(i) who provides any material aid, assistance, or advice with respect to organizing, promoting, selling, implementing, or carrying out any reportable transaction, and

''(ii) who directly or indirectly derives gross income in excess of the threshold amount for such aid, assistance, or advice.

''(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A), the threshold amount is—

''(i) $50,000 in the case of a reportable transaction substantially all of the tax benefits from which are provided to natural persons, and

''(ii) $250,000 in any other case.

''(2) REPORTABLE TRANSACTION.—The term 'reportable transaction' has the meaning given to such term by section 6707A(c).

''(c) REGULATIONS.—The Secretary may prescribe regulations which provide—

''(1) that only 1 person shall be required to meet the requirements of subsection (a) in cases in which 2 or more persons would otherwise be required to meet such requirements,

''(2) exemptions from the requirements of this section, and

''(3) such rules as may be necessary or appropriate to carry out the purposes of this section.''

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 6111 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6111. Disclosure of reportable transactions.''

(2)(A) So much of section 6112 as precedes subsection (c) thereof is amended to read as follows:

''SEC. 6112. MATERIAL ADVISORS OF REPORTABLE TRANSACTIONS MUST KEEP LISTS OF ADVISEES.

''(a) IN GENERAL.—Each material advisor (as defined in section 6111) with respect to any reportable transaction (as defined in section 6707A(c)) shall maintain, in such manner as the Secretary may by regulations prescribe, a list—

''(1) identifying each person with respect to whom such advisor acted as such a material advisor with respect to such transaction, and

''(2) containing such other information as the Secretary may by regulations require.

This section shall apply without regard to whether a material advisor is required to file a return under section 6111 with respect to such transaction.''

(B) Section 6112 is amended by redesignating subsection (c) as subsection (b).

(C) Section 6112(b), as redesignated by subparagraph (B), is amended—

(i) by inserting ''written'' before ''request'' in paragraph (1)(A), and

(ii) by striking ''shall prescribe'' in paragraph (2) and inserting ''may prescribe''.

(D) The item relating to section 6112 in the table of sections for subchapter B of chapter 61 is amended to read as follows:

''Sec. 6112. Material advisors of reportable transactions must keep lists of advisees.''

(3)(A) The heading for section 6708 is amended to read as follows:

''SEC. 6708. FAILURE TO MAINTAIN LISTS OF ADVISEES WITH RESPECT TO REPORTABLE TRANSACTIONS.''

(B) The item relating to section 6708 in the table of sections for part I of subchapter B of chapter 68 is amended to read as follows:

''Sec. 6708. Failure to maintain lists of advisees with respect to reportable transactions.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions with respect to which material aid, assistance, or advice referred to in section 6111(b)(1)(A)(i) of the Internal Revenue Code of 1986 (as added by this section) is provided after the date of the enactment of this Act.

SEC. 518. MODIFICATIONS TO PENALTY FOR FAILURE TO REGISTER TAX SHELTERS.

(a) IN GENERAL.—Section 6707 (relating to failure to furnish information regarding tax shelters) is amended to read as follows:

''SEC. 6707. FAILURE TO FURNISH INFORMATION REGARDING REPORTABLE TRANSACTIONS.

''(a) IN GENERAL.—If a person who is required to file a return under section 6111(a) with respect to any reportable transaction—

''(1) fails to file such return on or before the date prescribed therefor, or

''(2) files false or incomplete information with the Secretary with respect to such transaction,

such person shall pay a penalty with respect to such return in the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the penalty imposed under subsection (a) with respect to any failure shall be $50,000.

''(2) LISTED TRANSACTIONS.—The penalty imposed under subsection (a) with respect to any listed transaction shall be an amount equal to the greater of—

''(A) $200,000, or

''(B) 50 percent of the gross income derived by such person with respect to aid, assistance, or advice which is provided with respect to the reportable transaction before the date the return including the transaction is filed under section 6111.

Subparagraph (B) shall be applied by substituting '75 percent' for '50 percent' in the case of an intentional failure or act described in subsection (a).

''(c) RESCISSION AUTHORITY.—The provisions of section 6707A(d) (relating to authority of Commissioner to rescind penalty) shall apply to any penalty imposed under this section.

''(d) REPORTABLE AND LISTED TRANSACTIONS.—The terms 'reportable transaction' and 'listed transaction' have the respective meanings given to such terms by section 6707A(c).''.

(b) CLERICAL AMENDMENT.—The item relating to section 6707 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''tax shelters'' and inserting ''reportable transactions''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns the due date for which is after the date of the enactment of this Act.

SEC. 519. MODIFICATION OF PENALTY FOR FAILURE TO MAINTAIN LISTS OF INVESTORS.

(a) IN GENERAL.—Subsection (a) of section 6708 is amended to read as follows:

''(a) IMPOSITION OF PENALTY.—

''(1) IN GENERAL.—If any person who is required to maintain a list under section 6112(a) fails to make such list available upon written request to the Secretary in accordance with section 6112(b)(1)(A) within 20 business days after the date of the Secretary's request, such person shall pay a penalty of $10,000 for each day of such failure after such 20th day.

''(2) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by paragraph (1) with respect to the failure on any day if such failure is due to reasonable cause.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 520. MODIFICATION OF ACTIONS TO ENJOIN CERTAIN CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Section 7408 (relating to action to enjoin promoters of abusive tax shelters, etc.) is amended by redesignating

subsection (c) as subsection (d) and by striking subsections (a) and (b) and inserting the following new subsections:

''(a) AUTHORITY TO SEEK INJUNCTION.—A civil action in the name of the United States to enjoin any person from further engaging in specified conduct may be commenced at the request of the Secretary. Any action under this section shall be brought in the district court of the United States for the district in which such person resides, has his principal place of business, or has engaged in specified conduct. The court may exercise its jurisdiction over such action (as provided in section 7402(a)) separate and apart from any other action brought by the United States against such person.

''(b) ADJUDICATION AND DECREE.—In any action under subsection (a), if the court finds—

''(1) that the person has engaged in any specified conduct, and

''(2) that injunctive relief is appropriate to prevent recurrence of such conduct,

the court may enjoin such person from engaging in such conduct or in any other activity subject to penalty under this title.

''(c) SPECIFIED CONDUCT.—For purposes of this section, the term 'specified conduct' means any action, or failure to take action, subject to penalty under section 6700, 6701, 6707, or 6708.''

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 7408 is amended to read as follows:

''SEC. 7408. ACTIONS TO ENJOIN SPECIFIED CONDUCT RELATED TO TAX SHELTERS AND REPORTABLE TRANSACTIONS.''

(2) The table of sections for subchapter A of chapter 67 is amended by striking the item relating to section 7408 and inserting the following new item:

''Sec. 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions.''

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day after the date of the enactment of this Act.

SEC. 521. UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY INCOME TAX RETURN PREPARER.

(a) STANDARDS CONFORMED TO TAXPAYER STANDARDS.—Section 6694(a) (relating to understatements due to unrealistic positions) is amended—

(1) by striking ''realistic possibility of being sustained on its merits'' in paragraph (1) and inserting ''reasonable belief that the tax treatment in such position was more likely than not the proper treatment'',

(2) by striking ''or was frivolous'' in paragraph (3) and inserting ''or there was no reasonable basis for the tax treatment of such position'', and

(3) by striking ''UNREALISTIC'' in the heading and inserting ''IMPROPER''.

(b) AMOUNT OF PENALTY.—Section 6694 is amended—

(1) by striking ''$250'' in subsection (a) and inserting ''$1,000'', and

(2) by striking ''$1,000'' in subsection (b) and inserting ''$5,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to documents prepared after the date of the enactment of this Act.

SEC. 522. PENALTY ON FAILURE TO REPORT INTERESTS IN FOREIGN FINANCIAL ACCOUNTS.

(a) IN GENERAL.—Section 5321(a)(5) of title 31, United States Code, is amended to read as follows:

''(5) FOREIGN FINANCIAL AGENCY TRANSACTION VIOLATION.—

''(A) PENALTY AUTHORIZED.—The Secretary of the Treasury may impose a civil money penalty on any person who violates, or causes any violation of, any provision of section 5314.

''(B) AMOUNT OF PENALTY.—

''(i) IN GENERAL.—Except as provided in subparagraph (C), the amount of any civil penalty imposed under subparagraph (A) shall not exceed $5,000.

''(ii) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subparagraph (A) with respect to any violation if—

''(I) such violation was due to reasonable cause, and

''(II) the amount of the transaction or the balance in the account at the time of the transaction was properly reported.

''(C) WILLFUL VIOLATIONS.—In the case of any person willfully violating, or willfully causing any violation of, any provision of section 5314—

''(i) the maximum penalty under subparagraph (B)(i) shall be increased to the greater of—

''(I) $25,000, or

''(II) the amount (not exceeding $100,000) determined under subparagraph (D), and

''(ii) subparagraph (B)(ii) shall not apply.

''(D) AMOUNT.—The amount determined under this subparagraph is—

''(i) in the case of a violation involving a transaction, the amount of the transaction, or

''(ii) in the case of a violation involving a failure to report the existence of an account or any identifying information required to be provided with respect to an account, the balance in the account at the time of the violation.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring after the date of the enactment of this Act.

SEC. 523. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

''SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

''(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

''(1) such person files what purports to be a return of a tax imposed by this title but which—

''(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

''(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

''(2) the conduct referred to in paragraph (1)—

''(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(B) reflects a desire to delay or impede the administration of Federal tax laws.

''(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

''(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

''(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

''(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

''(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(ii) reflects a desire to delay or impede the administration of Federal tax laws.

''(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

''(i) a request for a hearing under—

''(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

''(II) section 6330 (relating to notice and opportunity for hearing before levy), and

''(ii) an application under—

''(I) section 6159 (relating to agreements for payment of tax liability in installments),

''(II) section 7122 (relating to compromises), or

''(III) section 7811 (relating to taxpayer assistance orders).

''(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

''(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

''(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

''(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.''

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

''(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking ''(A)'' and inserting ''(A)(i)'';

(B) by striking ''(B)'' and inserting ''(ii)'';

(C) by striking the period at the end of the first sentence and inserting ''; or''; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

''(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).''

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing''.

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing'', and

(2) in subsection (c), by striking ''and (e)'' and inserting ''(e), and (g)''.

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

''(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted

under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

''Sec. 6702. Frivolous tax submissions.''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 524. REGULATION OF INDIVIDUALS PRACTICING BEFORE THE DEPARTMENT OF TREASURY.

(a) CENSURE; IMPOSITION OF PENALTY.—

(1) IN GENERAL.—Section 330(b) of title 31, United States Code, is amended—

(A) by inserting '', or censure,'' after ''Department'', and

(B) by adding at the end the following new flush sentence:

''The Secretary may impose a monetary penalty on any representative described in the preceding sentence. If the representative was acting on behalf of an employer or any firm or other entity in connection with the conduct giving rise to such penalty, the Secretary may impose a monetary penalty on such employer, firm, or entity if it knew, or reasonably should have known, of such conduct. Such penalty shall not exceed the gross income derived (or to be derived) from the conduct giving rise to the penalty and may be in addition to, or in lieu of, any suspension, disbarment, or censure.''

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to actions taken after the date of the enactment of this Act.

(b) TAX SHELTER OPINIONS, ETC.—Section 330 of such title 31 is amended by adding at the end the following new subsection:

''(d) Nothing in this section or in any other provision of law shall be construed to limit the authority of the Secretary of the Treasury to impose standards applicable to the rendering of written advice with respect to any entity, transaction plan or arrangement, or other plan or arrangement, which is of a type which the Secretary determines as having a potential for tax avoidance or evasion.''

SEC. 525. PENALTY ON PROMOTERS OF TAX SHELTERS.

(a) PENALTY ON PROMOTING ABUSIVE TAX SHELTERS.—Section 6700(a) is amended by adding at the end the following new sentence: ''Notwithstanding the first sentence, if an activity with respect to which a penalty imposed under this subsection involves a statement described in paragraph (2)(A), the amount of the penalty shall be equal to 50 percent of the gross income derived (or to be derived) from such activity by the person on which the penalty is imposed.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 526. STATUTE OF LIMITATIONS FOR TAXABLE YEARS FOR WHICH LISTED TRANSACTIONS NOT REPORTED.

(a) IN GENERAL.—Section 6501(e)(1) (relating to substantial omission of items for income taxes) is amended by adding at the end the following new subparagraph:

''(C) LISTED TRANSACTIONS.—If a taxpayer fails to include on any return or statement for any taxable year any information with respect to a listed transaction (as defined in section 6707A(c)(2)) which is required under section 6011 to be included with such return or statement, the tax for such taxable year may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the time the return is filed. This subparagraph shall not apply to any taxable year if the time for assessment or beginning the proceeding in court has expired before the time a transaction is treated as a listed transaction under section 6011.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SEC. 527. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONDISCLOSED REPORTABLE AND NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163 (relating to deduction for interest) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) INTEREST ON UNPAID TAXES ATTRIBUTABLE TO NONDISCLOSED REPORTABLE TRANSACTIONS AND NONECONOMIC SUBSTANCE TRANSACTIONS.—No deduction shall be allowed under this chapter for any interest paid or accrued under section 6601 on any underpayment of tax which is attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

Subtitle B—Affirmation of Consolidated Return Regulation Authority

SEC. 531. AFFIRMATION OF CONSOLIDATED RETURN REGULATION AUTHORITY.

(a) IN GENERAL.—Section 1502 (relating to consolidated return regulations) is amended by adding at the end the following new sentence: ''In prescribing such regulations, the Secretary may prescribe rules applicable to corporations filing consolidated returns under section 1501 that are different from other provisions of this title that would apply if such corporations filed separate returns.''

(b) RESULT NOT OVERTURNED.—Notwithstanding subsection (a), the Internal Revenue Code of 1986 shall be construed by treating Treasury regulation §1.1502–20(c)(1)(iii) (as in effect on January 1, 2001) as being inapplicable to the type of factual situation in 255 F.3d 1357 (Fed. Cir. 2001).

(c) EFFECTIVE DATE.—The provisions of this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 370, the gentleman from Maryland (Mr. CARDIN) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. CARDIN).

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

Mr. Speaker, this amendment adds two important provisions to the underlying legislation. As I mentioned during general debate, I support the underlying bill. I think a good compromise has been reached on some very important issues, including the elimination of the employment discrimination provisions and a compromise in regards to foundations' administrative costs. I think this bill will help nonprofit, faith-based organizations consistent with our tradition of church and State.

The two additions that my amendment adds are very important to this legislation. The Republican whip pointed out that this legislation has been developed among Democrats and Republicans in a bipartisan way and in cooperation with the other body, particularly Senator LIEBERMAN and Senator SANTORUM. All I ask is that the Members consider this amendment and vote on it by their convictions. Both provisions have bipartisan support.

The first provision adds an additional $1.1 billion to the next fiscal year for the social services block grant, taking it from $1.7 billion to $2.8 billion. This is not a novel concept. I see the gentlewoman from Connecticut (Mrs. JOHNSON) here who was very instrumental in the social services block grant program and in the welfare reform legislation. When we passed welfare reform in 1996, we reduced the social services block grant from $2.8 billion to $2.38 billion, but we also included in that legislation a commitment to our States that in 2003 we would reinstate the level at $2.8 billion. That is exactly what this amendment would do.

Number two, this amendment is consistent with the other body. They have already put the money in their reported bill. It puts us together with the other body at $2.8 billion for next year.

Now, what is the social services block grant? Why is it so relevant to the legislation that is before us? If we ask the faith-based groups as to what is the most important funding source for them to be able to do their work, they will tell us it is the social services block grant program. It provides funding for day care for low-income families, for offering counseling services to at-risk children, nutritional assistance to the elderly, and providing community-based care to the disabled.

I need not tell my colleagues the fiscal restraints that our States are currently confronting, with record deficits, and they are forced to cut these very programs that the social services block grant program helps them to fund. For my own State of Maryland, this amendment will mean $20 million; for the State of California, $132 million; for the State of Texas, $81 million; New York, $73 million; Florida, $63 million. If we take a look at our major faith-based institutions such as Catholic Charities, United Jewish Community, Lutheran Services, Salvation Army, in each one of those cases they rely in large part on government assistance to fund these community-based programs. For Catholic Charities it is over 650 percent; 62 percent of their support comes from governmental grants. The social services block grant program is key. This amendment allows us to live

up to our commitment that we made in 1996 to restore the level to what it was in 1996.

The second part of this amendment is for fiscal responsibility. I think there is not a person in this body who has not lamented the fact that we now have over $500 billion annual deficit that we are adding to the national debt, and that does not include the $87 billion the President has requested for Iraq and Afghanistan. We have a fiscal responsibility as legislators to make sure we do not add more to that national debt. That is why the other body reached out to find a revenue offset to the bill that they reported.

My amendment is not original. We have taken basically the provisions that were included in the other body to say that if you are doing a tax shelter you should not get the benefit. The courts are already doing that, and the revenues that it will generate will offset the revenues that are lost under this bill so that we do not add to the deficit.

Now, I have gotten some material this morning and I have listened to the debate as to why this would not be a good idea. I have heard that there was a sheet put out that said this was extremely controversial. I then listened to why it was extremely controversial, considering it received 95 votes in the other body. The first reason that my colleague said is that it would be administratively difficult. Well, this is currently being done by the courts on a case-by-case basis. We have a responsibility as the legislature to clarify this law. We should not be doing tax policy in our courts. That is our responsibility.

I have not heard one complaint against the fact that tax shelters should be outlawed and there should be penalties for tax shelters. This bill deals with it in a responsible way.

The second point I have heard is that it is retroactive. Now, let me tell my colleagues, the date in this bill is what we have done by tradition in this body since I have been here and well before that. When a bill is noted by a committee, they use that as the effective date, and that is exactly what is in the bill that was reported by the other body. We incorporate that same date. Now, if that is retroactivity, the other side has been guilty of it many, many times. So let us be at least straightforward in the debate. Let people vote their convictions. We should pay for the bill and we should provide help to the faith-based organizations in our States through the social services block grant that many of us have supported in the past.

Mr. Speaker, I urge my colleagues to support the amendment.

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

Mr. THOMAS. Mr. Speaker, I rise in opposition to the substitute, I claim the time in opposition, and I yield myself such time as I may consume.

Mr. Speaker, perhaps I should address the gentleman from Maryland's last point first. This is not about the date of enactment. Pick any date one wants. What normally happens is that if we now say something that was legitimate is no longer legitimate, we do it on what we say is a prospective basis. From now on, you are put on notice; you cannot do this any more. That is not what his amendment, or his substitute, says.

What his substitute says is that it is applicable to taxable years beginning before, on, or after the date of enactment. It is not the date of enactment that we are concerned about; it is the fact that if this language is adopted in the substitute it means that when it does become effective, behavior that has already taken place, which was legitimate at the time that it took place, is now no longer allowed. That is called retroactive. As a matter of fact, if it were in the area of criminal law, it would be unconstitutional. But since it is in the area of civil law, it may be immoral, it may be unfair, it may be wrong, but the government can do that.

I personally think in the area of tax law, we should never have a retroactive procedure. It is one of the primary reasons I voted against the 1986 tax bill. It had a number of retroactive provisions.

How in the world are citizens supposed to trust the actions of government if when they conduct perhaps an irrevocable decision of a financial nature under the Tax Code, the time at which it was carried out was legal, several years later the Congress says it is no longer permissible, and we can go back and deal with it retroactively? How more fundamentally unfair can government be than that?

That is what is in here. It is not over the date; it is over what happens when the date becomes effective. Prospectively, we can go to the substance of what the amendment contains, which is unacceptable, but the fact that it can reach back and deal negatively with behavior which was acceptable at the time that it was carried out on its face should be rejected.

In addition to that, there is much discussion about how we need to make sure that these various lifesavers are available to the States in carrying out very useful and needed purposes dealing with those individuals who are in need. So if we are talking about lifesavers, the question is this: are we talking about lifesavers or are we talking about orange lifesavers, or perhaps cherry lifesavers, or perhaps lime lifesavers? I think we have to really visit what we have done in this year alone.

In the tax bill, we have already passed at the insistence of the Senate a tax bill which contains $20 billion of gifts distributed to the States. Half of it, $10 billion, was to go to Medicaid. The other half, $10 billion, was totally flexible. It is available for social services block grants or any other services that States might want to use it for within their jurisdiction. They got $5 billion of it in July, they are getting another $5 billion this month.

But in addition to that, earlier money that we had provided, almost $6 billion, is still unspent in Federal TANF money that is available for welfare, child care, other social services. And to make sure that it would be available and could be used, we did not limit ourselves to the modest percentage under the appropriations bill, we passed a welfare bill that said you get the full 10 percent. The welfare bill may hit rocky shoals in the Senate; we are providing it here again. Not a 4 percent, not a 5 percent, but a full 10 percent transfer capability. If, in fact, what we are now doing is not arguing that the States need lifesavers, they want a particular flavor of lifesaver; Members have to ask themselves is it really something that we need to do when there is more than enough money in the system, transferability is not a question; it is just that they want a particular flavor of lifesaver their way. And, if, in fact, they are going to fund it under a structure which reaches back and penalizes taxpayers when at the time they conducted the behavior it was legal, I would say, boy, that is overreaching, especially when the underlying bill, the key part that we are looking at, not welfare payments or social services block grants, but the charitable giving which is at the heart of the bill, is the same in both bills.

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The stuff they are adding is really beyond the narrow focus of what this bill is all about and that is charitable giving.

So for all those reasons, I would urge Members, notwithstanding the appeals that are going to be made to tell you that there is more than enough money in the system, underscoring more than $6 billion in TANF money that still has not been spent by the States available to be transferred for the very purposes, they argue they want to force more money on the States.

Mr. Speaker, I reserve the balance of the time, and I ask unanimous consent that the remainder of my time be controlled by the gentleman from Missouri (Mr. BLUNT), the cosponsor of the underlying bill.

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

There was no objection.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I will yield to the gentleman for purposes of a colloquy on my time.

Mr. Speaker, I am sure the gentleman intended no deceit of the House in complaining of one of the 16 effective dates listed in the bill, the only one of the 16 that has a date that is retroactive; isn't that correct?

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

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

Mr. THOMAS. Mr. Speaker, is the gentleman referring to the effective date on page 76 of his substitute?

Mr. DOGGETT. There are effective dates throughout the bill. There is one effective date that applies on February 13 of this year. They are all specific dates on transactions this year with the exception of the last one, which is totally retroactive. The very last one on page 121 is totally retroactive and copies, as I understand it, verbatim language that the gentleman from California (Mr. THOMAS) introduced last year in his international tax bill. It was not, apparently, ''fundamentally unfair'' last year when you introduced it.

There is one thing that is consistent because whether it is retroactive, prospective, past, present or future, the indifference of the Committee on Ways and Means to corporate tax abuse is consistent.

Mr. THOMAS. Might I respond or was the gentleman simply making a statement while the gentleman from California stood? The gentleman indicated in his opening statement that he would yield time for colloquy.

Mr. CARDIN. Mr. Speaker, I believe I control the time.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. CARDIN) controls the time.

Mr. CARDIN. Mr. Speaker, I have no objection to the gentleman from California (Mr. THOMAS) getting time from the gentleman from Missouri (Mr. BLUNT) to respond.

Mr. THOMAS. I tell the gentleman that the gentleman from Texas (Mr. DOGGETT) rose and said he would yield to me on his time. That tells you about the way they operate.

Mr. CARDIN. Mr. Speaker, I yield myself 30 seconds.

To clarify some of the points that my chairman made, when he referred to the States having all this TANF money that is left over, let me point out that the States are currently spending more money every year in TANF funds than they currently receive and that they have obligated almost all of their money. The 10 percent transfer authority has been approved every year. That is nothing new. So when he mentions these issues I think we need to clarify that. And on the effective dates we are following the tradition of this House under Republican leadership. There is really nothing new this year.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, I want to review the history of this block grant. I am sorry that tempers have been lost.

I really think we need to spend a few minutes looking at the history of this block grant because what happened was this: It was $2.8 billion before welfare reform, and then we reduced it as part of a welfare reform. Many of us were unhappy about that, those of us who were able eventually to be able to improve welfare reform with child care and also with health care. The promise then was made that this money would be returned to the States after 5 years. Then a few years later it was reduced to $1.7 billion.

Money was taken from this block grant to pay for transportation, totally unrelated. So we have a commitment to the States to return the money for this block grant, money that goes for child abuse prevention, Meals on Wheels, home care for the disabled, child care, adoption services and domestic violence programs. The Senate has done this. And now apparently the leadership on the Republican side is urging everybody within your ranks to march once again in unison in opposition to the gentleman from Maryland's (Mr. CARDIN) proposal.

That is inconsistent with what we have pledged, inconsistent with the bill that the gentlewoman from Connecticut (Mrs. JOHNSON) and I and others have introduced year after year, inconsistent with the position taken by a majority of the Republicans on the Committee on Ways and Means.

So why are you today again not fulfilling a promise that you essentially made? Oh, the argument is there is money in TANF. The gentleman from Maryland (Mr. CARDIN) has already answered that. What is happening in TANF now is that more is being spent than is being provided. It is not a good excuse.

The excuse is given, well, we provided billions to the States recently. They needed this money, not for the block grant but for other purposes. So I urge support for the Cardin amendment for these important purposes; and I close with this in terms of fiscal responsibility. Look, we try to pay for this. You are digging a deeper hole.

If you do not like everything that is in the Cardin proposal, come up with your own. But you insist time after time bringing up bills that cost billions of dollars, and you have sunset the provision for the deductions for those who do not itemize. You know that sunset will never be allowed to persist. We are not going to take away from deductions from nonitemizers after 2 years. You know that. So this bill is really going to cost $20 billion more or less, and the Democrats have said we will step up to the plate and we will be fiscally responsible. And you as part of the leadership are again asking the Republicans to march in lockstep against fiscal responsibility.

You should be in support of this bill, in support of the Cardin amendment.

Mr. BLUNT. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I am very pleased that the underlying parts of the Cardin substitute is of course the bill that we have on the floor today. The bill is provided for in the budget document we voted on some time ago. This is well within the amount that we had set aside for tax reduction. But this tax reduction multiplies many times the good things that are done for people with the money spent and the good things are done for society when you encourage people to give their money to others, to help others.

Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise today in opposition to the substitute amendment and in strong support of the underlying legislation which will help provide necessary relief for our Nation's charities.

Our tax code should encourage, not hinder individuals from giving generously to organizations to help people in need.

In the wake of September 11, more Americans than ever answered the call to help a neighbor in need even while many were facing financial hardships on their own.

Americans are a generous people. Our laws should help people to keep more of their money so they can invest it in charitable organizations that reflect their values. But we also need to take practical steps to help make it easier for individuals and corporations to give, and this legislation accomplishes this goal by helping nonitemizers to deduct charitable contributions, by raising the cap on corporate charitable contributions and allowing people to donate their individual retirement accounts to charity tax free.

I am also pleased the underlying bill includes the reauthorization of a program that allows low income working Americans the opportunity to build assets through matched savings accounts, known as Individual Development Accounts, to purchase a home, expand educational opportunity, or start a small business. IDAs have been very effective in Pennsylvania and other States in helping lower income individuals to access the American dream.

The underlying bill is a good bill and I urge my colleague to oppose the substitute amendment and support the bill.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I support this substitute. We have the largest deficit in American history which just 2 years ago was the largest surplus in American history, and we ought to do something about it, and this substitute helps pay for the cost of this bill.

Let me just say that I think, Mr. Speaker, the Republican leadership in this House has very misplaced priorities. I think the American people would agree with me.

If you in America this year make $1 million sitting safely at home here in the continental United States in dividend income, you will get a $230,000 tax break. But under this bill the Republican leadership would say to servicemen and women serving in Iraq and to

their families that if you are killed in Iraq this year and in service to your country and if Congress happens to increase deaths benefits to your family, to your widow, then we want to tax those benefits.

The bill on the other side of this Capitol did not do that. I am puzzled and perplexed and, frankly, deeply disappointed and somewhat angered that the Republican leadership would be willing to give a $230,000 tax break to somebody making $1 million a year in dividend income, but they want to have higher taxes on death benefits for servicemen and women who might be killed in Iraq.

Secondly, those same folks who want to give that huge tax break, $230,000 worth, to someone sitting here safely in the U.S., actually wants to put a cap on the amount of money that can be deducted for tax purposes for National Guardsmen and Reservists, the costs that they incur trying to serve their country as they travel to and from places where our Nation has asked them to travel to, they will only be able to deduct $1,500 in taxes under this bill, according to the Republican leadership.

Now, Mr. Speaker, we are at war today, a war on terrorism, and I think it sends a horrible message to our servicemen and women in harm's way today that if you are in the Guard or Reserves we will be stingy on letting you get tax benefits to cover your cost of serving the country, but let us help those folks making $1 million a year on dividend income.

Mr. BLUNT. Mr. Speaker, I am sure the gentleman knows we sent that legislation to the Senate already.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON from Connecticut. Mr. Speaker, I thank the gentleman for yielding me time.

This is a very important bill that we are considering today. It allows people to contribute more to their local United Way agencies, their local YWCAs, their local church programs, that it can be very effectively focused on serving the families and individuals, meeting the needs of people in their own community. That is what is so wonderful about charitable giving. So this is an important bill that we need to move forward.

I am a very strong advocate of the social services block grant. I am glad in this bill we do reaffirm by law that States will have the right to transfer 10 percent of their TANF money to other purposes. Now, in the appropriations bill earlier this year, we dropped that to 5 percent. So it is significant that we beef that back up in this law and the States do routinely use this transfer capability to better fund whatever programs they think are important to them. And for many States this is the way they use all of their TANF money and for many States they actually do not use all of their TANF money.

There are some that use all of their TANF money and this social services block grant expansion is extremely important for that reason. On the other hand, the Senate bill does have an expansion in it and in conference we will be able to work on that. The problem with this bill is that it moves forward on an issue that we need to move forward in conference on, but it does it by adopting a pay-for that is real an unwise pay-for.

The provisions in this bill that try to deal with tax shelters would put forward a whole new concept as one of its tests, the concept of a risk-free rate of return. Now, we have had trouble implementing the tax shelter law. The States at first interpreted some of the provisions of that law in varied ways. They are now moving toward consistent interpretation. We are now moving toward consistency in the courts, and so this is a particularly bad time to now change the law, putting in a concept that has had no judicial interpretation and is not in and of itself clear; that is, the concept of a risk-free rate of return.

□ 1345

In addition, our own Assistant Secretary of the Treasury, Pam Olson, has stated that codifying the economic substance doctrine could be counterproductive and would drive tax shelters further underground.

We have a solution to this problem in the American Jobs Creation Act, H.R. 2896, and I urge the body to solve this problem at that time and oppose the motion to recommit.

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

Let me just point out to my friend from Connecticut that the transfer authority will have no impact on her State since her State's obligated all of their TANF funds.

Let me point out to my friend from Missouri (Mr. BLUNT), if we want to do something for the military, the bill is sitting at the desk from the other body. We could take it up and get it done before we leave here this afternoon.

Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Massachusetts (Mr. TIERNEY).

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

Mr. Speaker, I rise today to add a word of caution to my colleagues about this legislation and to support the Democratic substitute. Everybody in this body supposedly supports charities and the important work that they do.

At the same time, however, the Federal Government is currently projected to run the largest deficits in history. The need for assistance in education and health care and housing among low and moderate income Americans is great, and unfortunately, there is little evidence that this bill is going to do anything to address those needs. I fear that larger deficits are going to occur and the result of this bill is going to serve as an excuse to cut programs already inadequately funded.

At a minimum, this bill should contain an offset. In analysis of a similar bill that is in the Senate, the Congressional Research Service report estimated that the charitable deduction for nonitemizers would yield only 12 cents of additional giving for every dollar of revenue lost to the Treasury, 12 cents. CRS concluded that the vast majority of the cost of the deduction would go to subsidizing existing donations rather than generating new gifts.

The charitable donations generated by this bill will support many good causes, but that same Budget and Policy Priorities report indicated that no more than 10 percent of all charitable giving will directly benefit the poor. The largest recipient of the funds by far would be religious institutions, and while religious giving is commendable, the Center for Budget and Policy Priorities also reported that only 6 percent of donations to religious institutions end up in services to the poor.

My point is that this bill proposes to reduce Federal revenues by $13 billion over the next 10 years. Yet only a few cents of each dollar will actually translate into charitable works to help the neediest Americans. Given the projected $500 billion deficit next year and well over $3.3 trillion debt over the next 10 years, I think colleagues need to decide whether or not this is the best way to spend $13 billion rare dollars.

This country has tremendous needs. America's charities can obviously help, but it is unrealistic to think that America's charities are going to feed the hungry, house the homeless and heal the sick left behind by this Congress. No Child Left Behind, underfunded by $8 billion; housing assistance that served 20,000 less families for the first time in 30 years; Head Start only serves 60 percent of the children who need it and only 3 percent of the children who need early Head Start; and Americans without health care number 42 million.

We are in a tough fiscal time, Mr. Speaker, as a result of the failed economic policies of this administration. The need is great. We have to decide if this is the best way to spend $13 billion.

Mr. BLUNT. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. HERGER), a member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, I respectfully oppose the substitute to H.R. 7 offered by the gentleman from Maryland (Mr. CARDIN). I oppose the tax increases included in the substitute. As the Subcommittee on Human Resources chairman, I also oppose increased funding in the substitute for the Social Services Block Grant.

First, such funding is really a welfare, not a charitable giving, issue. In the House welfare reform bill passed in February, we continued record welfare

funding despite 50 percent caseload decline since 1996. We even proposed more than $2 billion in increased funds for child care to support more parents in work and other activities. We already have proposed increased funding for welfare and related benefits in our welfare bill.

Second, Members will recall we just gave States $20 billion in May in the jobs and growth tax relief bill. Of that, $10 billion can be spent however States choose, including for social services.

Third, last week the General Accounting Office reported that States have $5.6 billion in unspent welfare funds today.

Mr. Speaker, this Congress has been very generous in terms of funding, including for the very types of services my good friend from Maryland (Mr. CARDIN) addresses as part of the welfare reform bill.

One final point, we know many are insisting on more funds in exchange for continued welfare reforms. Providing more funds without achieving such reforms would inadvertently undermine the potential for getting a welfare reform deal done this year. We should resist anything that does that.

I urge opposition to the substitute and support for the underlying bill.

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

I am curious why my friend from California points out that the Social Services Block Grant is not part of this legislation, even though all the faith-based nonprofit groups say it is very important to them, why the underlying bill provides transfer authority to the Social Services Block Grant from TANF if it is not relevant to this legislation. Maybe the gentleman from California will try to answer that.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I thank my good friend for yielding time to me.

I rise today in support of the substitute to H.R. 7. This bill permits taxpayers who do not itemize deductions on their tax returns to deduct up to $250 in charitable donations, which is a good thing. It permits tax-free charitable contributions from IRAs, another good thing to do. It increases the amount corporations may contribute to charity, a good thing to do, and it reduces the administrative expenses that foundations may count towards a required charitable contribution, a good thing to do. This bill also cuts in half the current excise tax on foundations' investment, a good thing to do.

Charitable organizations provide life-enhancing programs that Oregonians and Americans would otherwise do without: soup kitchens, food pantries, health care clinics, domestic violence shelters. The list is endless. These organizations make the lives of millions of Americans a little better and a little easier. This bill helps charities carry out their missions.

It lessens the tax burden on charitable trusts, will allow more money to be focused on helping people. Providing tax incentives to individuals and corporations will encourage giving to charity. These are both great and noble goals.

However, these tax incentives come at a cost, and given the current budget outlook, Congress should show fiscal responsibility by passing a bill with an offset provision for the cost. This substitute does that by simply stopping abusive tax shelter schemes. So we get two good things out of this.

First of all, we are going to close loopholes in the current tax law, and we are going to give charitable organizations incentives, and we can make this a revenue-neutral bill by doing both of those. At a time when our budget deficit is out of control, this offset provision is imperative.

The Democratic substitute allows us to encourage charitable giving and stop tax shelter schemes at the same time. Both good things to do.

I urge my colleagues to vote yes to help charitable organizations and yes to stopping abusive tax shelters.

Mr. BLUNT. Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina (Mr. WILSON), my colleague and assistant whip.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman very much for yielding me the time.

Mr. Speaker, as a long-time volunteer for charitable organizations, I rise in opposition to this amendment and encourage all of my colleagues to vote no.

The proper level of Social Services Block Grant funding is a welfare reform question, not a charitable giving issue. The House-passed welfare bill holds SSBG funding constant at $1.7 billion but allows States to transfer up to 10 percent of annual Federal Temporary Assistance for Needy Families, TANF, funds to the SSBG.

This same 10 percent transfer provision has been included in H.R. 7. Adding more funds for the SSBG will make welfare reauthorization, as indicated by the gentleman from California (Mr. HERGER), even less unlikely by providing more funds without updating work requirements.

GAO estimates States today have almost $6 billion in unspent Federal TANF funds available for welfare, child care, and other social services. The 1996 welfare reform law has already resulted in more SSBG spending.

I strongly support the underlying bill, H.R. 7, and want to thank the gentleman from Missouri (Mr. BLUNT), our majority whip, for his leadership on this critical issue. This bill gets to the heart of what it means to be an American. We are a compassionate Nation where neighbors look out for one another. This bill helps institutions that have been historically successful in helping the less fortunate and encourages all Americans to increase their charitable giving.

H.R. 7 is an important bill for America we should pass without this amendment. I urge my colleagues to support H.R. 7 and vote no on the amendment.

Mr. CARDIN. Mr. Speaker, may I inquire as to the time that remains?

The SPEAKER pro tempore (Mr. WHITFIELD). The gentleman from Maryland (Mr. CARDIN) has 10½ minutes remaining. The gentleman from Missouri (Mr. BLUNT) has 15 minutes remaining.

Mr. CARDIN. Mr. Speaker, I reserve the balance of our time.

Mr. BLUNT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the distinguished majority whip for recognizing me, and it is a real pleasure for me to be able to rise and speak in support of the underlying bill and against the substitute.

One of the things that I have learned over and over again as I traveled around my congressional district, and indeed throughout the State of Florida and within the United States, and that is that some of the greatest work helping the needy and the unfortunate in our Nation, and indeed throughout the history of our Nation, has always been performed by a whole host of different charitable groups, the most significant of which, of course, is religious groups, but many nonreligious groups or groups with very loose religious affiliations.

I think one of the most important provisions in our tax law, which has been the ability to tax deduct charitable donations, has encouraged a lot of people. It has encouraged me to give and to give generously, and I think it has helped strengthen our Nation, make our Nation a better place and extending one of the provisions of this bill, and that is one of the main things I rise and speak in support of, extending that provision to nonitemizers I think is something actually long overdue.

Regarding the issue that is under debate in the substitute regarding the Social Services Block Grant, while indeed this may be a very worthwhile issue, as I understand it we are increasing the funding in this in the underlying appropriation and to tack on an additional amount of this magnitude I think is, at this time, unnecessary and inappropriate, and therefore, I would strongly encourage all of my colleagues on both sides of the aisle to vote no on the substitute and vote yes on the underlying bill.

Mr. CARDIN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

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

I believe there are three very important issues in this debate. First, the gentleman from Maryland (Mr. CARDIN) has proposed a bipartisan initiative to complement the good intention of the sponsors of this measure to help children, especially abused children, in the

State of Texas. This proposal was good enough for every one of our Republican colleagues across the Capitol to support as a part of this bill. It was in the bill when it came from the Senate, and it is being stripped out today in a way that I think is indifferent to the needs of many children and many others who the sponsors of this bill say they want to help.

The second issue is: is the bill good enough to be paid for? When this bill arrived from the Senate it was paid for. It was a fiscally-responsible bill, and that responsibility has also now been stripped from the bill. How will our children and our grandchildren pay for the debt to which this bill contributes, piled upon, more debt atop even more debt? Our Nation is headed in the direction of the economic disaster of Argentina. We are mortgaging our prosperity—leaving our children and our grandchildren the hope of holding out a tin cup and begging for charity themselves to pay off this National debt unless we pay now for proposals like this.

□ 1400

Mr. Speaker, that is why the bipartisan sponsor of this measure, the gentleman from Tennessee (Mr. FORD), says he is ready to pay for it. That is why Mr. J.C. Watts, the Republican sponsor of this measure in the last Congress, told our committee he was willing to pay for it. Why do today's Republican sponsors of this bill not put their money where their mouth is? If they are so concerned about charity, how about financing this bill instead of shifting more of the burden to future generations?

And the third equally important issue: we can pay for this and at the same time correct a gross injustice in our tax system.

In 1999 an Austin constituent drew my attention to Forbes magazine. It prouldly bears the title proudly ''The Capitalist Tool,'' and it published this cover story, ''Tax Shelter Hustlers, Respectable Accountants Are Peddling Dicey Tax Loopholes.''

In 1999 after I introduced legislation and we had a hearing great sympathy was expressed by the Republican members of the Committee on Ways and Means, but no action. Absolutely nothing was done about a problem that one Texas multinational told my office was receiving at one point a cold call every day trying to con them into these abusive corporate tax shelters. It had become an industry for major accounting firms like Arthur Andersen to engage in promoting these corporate tax shelters.

With the passage of several additional years and one corporate scandal after another, still no remedial action in the House, there has been some hope that this problem might be addressed because this year, not in a Democratic bill, but in the tax bill that President Bush offered, the Republican Members of the Senate added essentially the same tax shelter language that the gentleman from Maryland (Mr. CARDIN) and I are offering today in that tax bill. The Republican Senate passed it overwhelmingly. Yet it was stripped out by the same House Committee on Ways and Means that has consistenly turned a blind eye to this abuse since at least 1999.

So the Senate put it in again in this charitable giving bill to pay for it—to be fiscally responsible. They sent legislative language over here similar to that the gentleman from Maryland (Mr. CARDIN) and I are proposing, and today we hear Republican colleagues in the House tell us that although it was good enough for all of the Senate Republicans it is not good enough for us. ''We think it is difficult.'' ''We think it is challenging.'' ''We think it is confusing.''

Well, it is not ''confusing'' to anyone other than to those who are the so-called respectable accountants, who choose to use challenging, confusing tax gimmicks so their well-healed clients can avoid paying their fair share of taxes. This unfairly doged ''fair share of taxes'' is believed to run as high as $10 billion a year. When one of those corporations does not pay its fair share, the rest of us have to pay the difference and this is wrong. We can correct this abuse today in the same way that the Republican Senate corrected it, and on behalf of all honest taxpayers, I hope we will.

Mr. BLUNT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a member of the Committee on Ways and Means and a leader on this issue.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is disconcerting when someone from the other side tries to tell us we are not taking care of problems when we are. Members will find that what was just stated was taken care of in a different bill. But I rise to support the basic bill, H.R. 7.

It contains a provision to permit restaurant owners to deduct cost of food donated to hunger relief charities. The United States Department of Agriculture estimates that 96 billion pounds of edible food are wasted and dumped in landfills each year. If even 1 percent of that food was redirected from landfills to local charities, it will significantly reduce the number of people who have a difficult time getting food on their table. We are talking about wholesome and nutritious food that is left over at grocery stores and restaurants, and even those trays of foods that are left at the end of the night at receptions that we all attend. It is a shame for that food to go to waste.

With the tax incentives included in this bill, companies will have an added incentive to make sure that this food goes to a good cause, the hungry. I also want to talk about the provisions in the bill that help foundations. I work with many of the Texas-based foundations to make sure this bill does the good it is supposed to do without harming foundations like the Meadows Foundation in Dallas, which has allocated $25 million for grants for 2003, including a $3 million emergency loan fund available to assist agencies that are facing crises. That is a lot of money from one foundation. I am glad to say the money pretty much stays in the State of Texas.

One of my favorite projects of the Meadows Foundation is the Wilson District, which is a nonprofit community established by the foundation in 1981 to restore and preserve some of the last Victorian structures in Dallas. Its mission is to provide rent-free office space. We need to pass this bill and help our foundations and our charities.

I also want to talk about the provisions in this bill that help foundations. I worked with many of the Texas-based foundations to make sure that this bill does the good it is supposed to do without harming foundations like the Meadows Foundation based in Dallas.

The Meadows Foundation has allocated $25 million toward grants for the year 2003, including a $3 million emergency loan fund available to assist those agencies that are facing crisis situations.

This is a lot of money from one foundation and I'm glad to say that the money pretty much stays in Texas.

One of my favorite projects of the Meadows Foundation is the Wilson district.

It is a nonprofit community established by the foundation in 1981 to restore and preserve some of the last Victorian structures in Dallas but its mission is to provide rent-free office space to nonprofit charitable organizations.

Groups like the Greater Dallas Community of Churches, the Suicide and Crisis Center, the United Negro College Fund, the Center for Housing Resources, and Dallas Reads are all able to have office space that lets them focus on the good and charitable works they do without having to worry about the rent, the light bill or other office space concerns.

It is this direct charitable work by foundations that I felt needed to be protected in this bill.

I thank Chairman THOMAS and the majority whip for working to be sure that necessary changes were made to this bill.

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

Mr. Speaker, let me say, as we look at this substitute again, that this is a substitute that really encompasses the bill and that suggests we add other things to the bill that I think can be better handled in other pieces of legislation.

The effort to work with the Treasury Department and the administration on tax shelters is in a bill which should be before the committee at any time.

The social services block grant, I think, better fits another bill.

This is a bill about charitable giving. It is a tax bill. We specifically eliminated the things about program delivery from a similar bill that the House passed last year because we wanted to focus on charitable giving. We did not want to focus on other programs. We

wanted our focus to be on those things that changed the character of our communities because they encouraged people to assist others in their community.

The House passed bills that really give the States $20 billion already, $10 billion is for Medicare costs, and $10 billion is totally flexible to the States. There is another $9 billion that is available to the States because of unspent TANF funds and welfare reform funds. That is $19 billion States could spend for these purposes.

This bill is well within the amount of money we set aside this year in the budget, which I think all of the proponents of the substitute probably also oppose the budget; but the budget did pass, and it set aside money for tax relief. This is tax relief that does not just cost the Federal Government money, but it truly does encourage people to invest their money in the things they care about, in the charities they care about, in the communities they care about, in the individuals and families they care about that are assisted there. That is what this bill is about.

This bill is not about trying to codify some very technical tax policy retroactive or not that, as I understand it, not being a member of the Committee on Ways and Means, as I understand the tax policy, would suggest that it is interpreted differently in almost every circuit of the country, you cannot invest money or spend money if you are a business that you would not invest in if the Tax Code did not exist.

Most businesses wish the Tax Code did not exist, but it does exist and it does affect the bottom line. It does affect decisionmaking. How many Americans would buy a home if there was no Tax Code incentive to buy that home?

Do we want to say we cannot make any decisions in the country, make it illegal to make any decisions in the country based on tax policy? How many decisions are made by Americans every single day based upon the tax policy of the country? This is a very complicated thing. It does not belong on this bill.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Texas (Mr. SAM JOHNSON), and that as a member of the Committee on Ways and Means, he may control that time.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from Missouri that the gentleman from Texas control the balance of the time and be given the right to close debate?

There was no objection.

Mr. CARDIN. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I support the substitute because I think we ought to be sensitive about the largest deficit in American history. I would also like to go back to something mentioned that the gentleman from Missouri (Mr. BLUNT) responded to. I said I have a concern about this bill. It limits the amount of money that National Guardsmen and Reservists can charge off as tax deductions when they have expenses serving their country, such as going overnight to their local reserve location.

I also object to the fact that this bill will actually provide increased taxes on military death benefits if we increase those benefits, for example, for our Iraqi troops today.

The gentleman from Missouri (Mr. BLUNT) responded by saying that bill we have sent to the Senate. I would like to clarify the rest of that story. That bill, to my knowledge, is sitting at the Speaker's desk today, and it has been sitting there since March. I would be happy to yield to the gentleman if he would be willing to work on a unanimous consent basis to bring that bill from the Speaker's desk today, and before we leave because of the impending rain, we could actually provide increased tax benefits to our servicemen and -women. If the gentleman would agree to a unanimous consent request, we could do it that way; or the Republican leadership can vote for our motion to recommit, which would provide those increased military benefits today.

What bothers me is the reason that bill is being held up there is it seems some in the Republican leadership have more interest in tax breaks for people who renounce their citizenship than in tax benefits to Guardsmen and Reservists and men and women serving very patriotically and at great risk to their lives in Iraq and Afghanistan today. I do not think that reflects the values of the American people.

Mr. CARDIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, first let me reiterate what I said earlier. I support the underlying bill. I think the gentleman from Missouri (Mr. BLUNT) and the gentleman from Tennessee (Mr. FORD) have done an excellent job in bringing forth an excellent bill, and I compliment them for that.

I noticed that many of the speakers on the opposition side of my amendment were speaking in support of the underlying bill which I support and which is incorporated in the amendment that I offer. I want to make it clear if Members support the underlying bill, they can certainly support this amendment, as the gentleman from Tennessee (Mr. FORD) supports this amendment.

So let me deal with the points which have been made in opposition to this amendment. I hope Members will take this into consideration when voting on the amendment.

First, the issue of relevancy has been waged as to why the social services block grant is included in this underlying bill. As pointed out, the underlying bill includes the TANF legislation giving authorization for the transfer of social services block grants. If it is relevant for the body of the bill, it is certainly relevant for our amendment.

Secondly, if we ask the charitable groups as to what will help them the most in carrying out the social functions that we want them to do, they all support the increasing of the social services block grant. The next issue which has been raised is do the States really need this and are the funds really necessary? After all, we have TANF reserves.

As I pointed out, the States are spending more every year in TANF funds than they are receiving from the Federal Government. They are running deficits right now.

□ 1415

In regards to the multiyear authorization, almost all those funds have been committed. If you look at the deficits our States are currently confronting in their budgets, it is just intuitive that we know they need the money. Lastly, this was a commitment we made when we passed welfare reform, that we would restore the social services block grant funds in 2003. Congress should live up to its commitment. They should adopt that amendment.

Then I hear criticisms about the offset. I hear that it is going to be hard to enforce. It is our responsibility to clarify the law. Currently it is being implemented by the court on a case-by-case basis. That is certainly not in the best interest of tax policy. It is our responsibility to do that. The way that we have drafted this in regards to effective dates, et cetera, is consistent with the prior policy of this body in passing tax legislation. We frequently note dates and that is exactly what the other body did. This is very consistent.

Then lastly, Mr. Speaker, I have heard just about every Member lament the fact that we are adding to the national debt and we have to do something about it, that we have to exercise fiscal restraint. When are we going to do it? Here is an easy one, my colleagues. This is an easy one. Closing a loophole that if you ask any tax accountant or tax attorney, they will tell you it is the right thing to do. Shelters do not help our economy. That is why the courts are taking it on when we should be taking it on and that is why the other body passed it in their legislation. It is time for us to stand up to our responsibility, to do the right thing. This is a bipartisan bill. Both of these recommendations have been brought forward with bipartisan support, both the increase in the social services block grant and the funding mechanism. It passed the other body by a vote of 95 to 5.

The last point I make, Mr. Speaker, is that we have a lot of work to do between now and adjournment. The more work we put in conference, the less likely it is going to come out of conference. Here is our chance to really make it likely that we could enact a bill that is going to help our charitable groups by moving closer to the other body consistent with the policy of this

body, consistent with both Democrats and Republicans. I urge my colleagues to continue the tradition of this legislation which has moved in a bipartisan manner and look at this amendment objectively. I hope you will vote with me. Vote your conscience. Vote in support of the Cardin amendment.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

It is impossible for me to figure out why we need an amendment when this bill passed the Committee on Ways and Means unanimously. Our country's charities are facing a crunch. This bill is targeted for all charities. So it does not need amending. This is a tax cut with a punch and it will spur investment in organizations that make a difference in the places we live and work. The basic bill is what we should vote for, not the amendment.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman from Texas (Mr. SAM JOHNSON) for yielding me this time and for being here to represent the committee on this bill. I want to thank the committee for voting the bill out of committee unanimously and my chief cosponsor the gentleman from Tennessee (Mr. FORD) and all of the other bipartisan cosponsors that have gotten behind this bill. This will make a difference in the charitable community. I am confident that our commitment to this bill will be so great today that we will be able to move quickly to a conference, quickly to the President's desk and begin to see the impact of this bill right away. Certainly I urge my colleagues to reject the substitute, reject any further efforts to delay this measure. Let us get this bill passed today, get it headed toward a final conclusion and toward the President's desk.

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

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 370, the previous question is ordered on the bill and on the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. CARDIN).

The question is on the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. CARDIN).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 203, nays 220, not voting 11, as follows:

[Roll No. 506]

YEAS—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Berry
Cubin
Forbes
Gephardt
McIntyre
Miller (FL)
Platts
Rohrabacher
Rush
Stearns
Thompson (CA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1447

Ms. ROS-LEHTINEN, Mr. LOBIONDO and Mr. TAUZIN changed their vote from ''yea'' to ''nay.''

Mr. MOLLOHAN and Mr. MURTHA changed their vote from ''nay'' to ''yea.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. TANCREDO. Mr. Speaker, on rollcall No. 506. I inadvertently voted "yea." I would like the RECORD to reflect I meant to vote "nay."

The SPEAKER pro tempore (Mr. TERRY). 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. NEAL OF MASSACHUSETTS

Mr. NEAL of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. NEAL of Massachusetts. I am opposed to this bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. NEAL of Massachusetts moves to recommit the bill HR. 7 to the Committee on Ways and Means with instructions that the Committee report the same back to the House forthwith with the following amendment:

At the end of the bill insert the following new titles (and conform the table of contents accordingly):

TITLE IV—TAX RELIEF FOR WORKING FAMILIES

Subtitle A—Child Tax Credit

SEC. 401. ACCELERATION OF INCREASE IN REFUNDABILITY OF THE CHILD TAX CREDIT.

(a) ACCELERATION OF REFUNDABILITY.—

(1) IN GENERAL.—Section 24(d)(1)(B)(i) of the Internal Revenue Code of 1986 (relating to portion of credit refundable) is amended by striking ''(10 percent in the case of taxable years beginning before January 1, 2005)''.

(2) ADVANCE PAYMENT.—Subsection (b) of section 6429 of such Code (relating to advance payment of portion of increased child credit for 2003) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) section 24(d)(1)(B)(i) applied without regard to the first parenthetical therein.''.

(3) EARNED INCOME INCLUDES COMBAT PAY.—Section 24(d)(1) of such Code is amended by adding at the end the following new sentence: ''For purposes of subparagraph (B), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.''.

(b) EFFECTIVE DATES.—

(1) SUBSECTIONS (a)(1) AND (a)(3).—The amendments made by subsections (a)(1) and (a)(3) shall take effect on October 1, 2003, and apply to taxable years ending on or after such date.

(2) SUBSECTION (a)(2).—The amendments made by subsection (a)(2) shall take effect as if included in the amendments made by section 101(b) of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 402. REDUCTION IN MARRIAGE PENALTY IN CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(b)(2) of the Internal Revenue Code of 1986 (defining threshold amount) is amended—

(1) by inserting ''($115,000 for taxable years beginning in 2008 or 2009, and $150,000 for taxable years beginning in 2010)'' after ''$110,000'', and

(2) by striking ''$55,000'' in subparagraph (C) and inserting ''½of the amount in effect under subparagraph (A)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003, and apply to taxable years ending on or after such date.

SEC. 103. APPLICATION OF EGTRRA SUNSET TO THIS SECTION.

Each amendment made by this title shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

Subtitle B—Uniform Definition of Child

SEC. 411. UNIFORM DEFINITION OF CHILD, ETC.

Section 152 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 152. DEPENDENT DEFINED.

''(a) IN GENERAL.—For purposes of this subtitle, the term 'dependent' means—

''(1) a qualifying child, or

''(2) a qualifying relative.

''(b) EXCEPTIONS.—For purposes of this section—

''(1) DEPENDENTS INELIGIBLE.—If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year,such individual shall be treated as having no dependents for any taxable year of such individual beginning in such calendar year.

''(2) MARRIED DEPENDENTS.—An individual shall not be treated as a dependent of a taxpayer under subsection (a) if such individual has made a joint return with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

''(3) CITIZENS OR NATIONALS OF OTHER COUNTRIES.—

''(A) IN GENERAL.—The term 'dependent' does not include an individual who is not a citizen or national of the United States unless such individual is a resident of the United States or a country contiguous to the United States.

''(B) EXCEPTION FOR ADOPTED CHILD.—Subparagraph (A) shall not exclude any child of a taxpayer (within the meaning of subsection (f)(1)(B)) from the definition of 'dependent' if—

''(i) for the taxable year of the taxpayer, the child's principal place of abode is the home of the taxpayer, and

''(ii) the taxpayer is a citizen or national of the United States.

''(c) QUALIFYING CHILD.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying child' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) who has the same principal place of abode as the taxpayer for more than one-half of such taxable year,

''(C) who meets the age requirements of paragraph (3), and

''(D) who has not provided over one-half of such individual's own support for the calendar year in which the taxable year of the taxpayer begins.

''(2) RELATIONSHIP TEST.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if such individual is—

''(A) a child of the taxpayer or a descendant of such a child, or

''(B) a brother, sister, stepbrother, or stepsister of the taxpayer or a descendant of any such relative.

''(3) AGE REQUIREMENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(C), an individual meets the requirements of this paragraph if such individual—

''(i) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

''(ii) is a student who has not attained the age of 24 as of the close of such calendar year.

''(B) SPECIAL RULE FOR DISABLED.—In the case of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during such calendar year, the requirements of subparagraph (A) shall be treated as met with respect to such individual.

''(4) SPECIAL RULE RELATING TO 2 OR MORE CLAIMING QUALIFYING CHILD.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and subsection (e), if (but for this paragraph) an individual may be and is claimed as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

''(i) a parent of the individual, or

''(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year.

''(B) MORE THAN 1 PARENT CLAIMING QUALIFYING CHILD.—If the parents claiming any qualifying child do not file a joint return together, such child shall be treated as the qualifying child of—

''(i) the parent with whom the child resided for the longest period of time during the taxable year, or

''(ii) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.

''(d) QUALIFYING RELATIVE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying relative' means, with respect to any taxpayer for any taxable year, an individual—

''(A) who bears a relationship to the taxpayer described in paragraph (2),

''(B) whose gross income for the calendar year in which such taxable year begins is less than the exemption amount (as defined in section 151(d)),

''(C) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which such taxable year begins, and

''(D) who is not a qualifying child of such taxpayer or of any other taxpayer for any taxable year beginning in the calendar year in which such taxable year begins.

''(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if the individual is any of the following with respect to the taxpayer:

''(A) A child or a descendant of a child.

''(B) A brother, sister, stepbrother, or stepsister.

''(C) The father or mother, or an ancestor of either.

''(D) A stepfather or stepmother.

''(E) A son or daughter of a brother or sister of the taxpayer.

''(F) A brother or sister of the father or mother of the taxpayer.

''(G) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

''(H) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has as such individual's principal place of abode the home of the taxpayer and is a member of the taxpayer's household.

''(3) SPECIAL RULE RELATING TO MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1)(C), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

''(A) no one person contributed over one-half of such support,

''(B) over one-half of such support was received from 2 or more persons each of whom, but for the fact that any such person alone did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year,

''(C) the taxpayer contributed over 10 percent of such support, and

''(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

''(4) SPECIAL RULE RELATING TO INCOME OF HANDICAPPED DEPENDENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year shall not include income attributable to services performed by the individual at a sheltered workshop if—

''(i) the availability of medical care at such workshop is the principal reason for the individual's presence there, and

''(ii) the income arises solely from activities at such workshop which are incident to such medical care.

''(B) SHELTERED WORKSHOP DEFINED.—For purposes of subparagraph (A), the term 'sheltered workshop' means a school—

''(i) which provides special instruction or training designed to alleviate the disability of the individual, and

''(ii) which is operated by an organization described in section 501(c)(3) and exempt from tax under section 501(a), or by a State, a possession of the United States, any political subdivision of any of the foregoing, the United States, or the District of Columbia.

''(5) SPECIAL SUPPORT TEST IN CASE OF STUDENTS.—For purposes of paragraph (1)(C), in the case of an individual who is—

''(A) a child of the taxpayer, and

''(B) a student,

amounts received as scholarships for study at an educational organization described in section 170(b)(1)(A)(ii) shall not be taken into account in determining whether such individual received more than one-half of such individual's support from the taxpayer.

''(6) SPECIAL RULES FOR SUPPORT.—For purposes of this subsection—

''(A) payments to a spouse which are includible in the gross income of such spouse under section 71 or 682 shall not be treated as a payment by the payor spouse for the support of any dependent,

''(B) amounts expended for the support of a child or children shall be treated as received from the noncustodial parent (as defined in subsection (e)(3)(B)) to the extent that such parent provided amounts for such support, and

''(C) in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

''(e) SPECIAL RULE FOR DIVORCED PARENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (c)(4) or (d)(1)(C), if—

''(A) a child receives over one-half of the child's support during the calendar year from the child's parents—

''(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

''(ii) who are separated under a written separation agreement, or

''(iii) who live apart at all times during the last 6 months of the calendar year, and

''(B) such child is in the custody of 1 or both of the child's parents for more than ½ of the calendar year,

such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) are met.

''(2) REQUIREMENTS.—For purposes of paragraph (1), the requirements described in this paragraph are met if—

''(A) a decree of divorce or separate maintenance or written separation agreement between the parents applicable to the taxable year beginning in such calendar year provides that—

''(i) the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, or

''(ii) the custodial parent will sign a written declaration (in such manner and form as the Secretary may prescribe) that such parent will not claim such child as a dependent for such taxable year, and

''(B) in the case of such an agreement executed before January 1, 1985, the noncustodial parent provides at least $600 for the support of such child during such calendar year.

''(3) CUSTODIAL PARENT AND NONCUSTODIAL PARENT.—For purposes of this subsection—

''(A) CUSTODIAL PARENT.—The term 'custodial parent' means the parent with whom a child shared the same principal place of abode for the greater portion of the calendar year.

''(B) NONCUSTODIAL PARENT.—The term 'noncustodial parent' means the parent who is not the custodial parent.

''(4) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENTS.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

''(f) OTHER DEFINITIONS AND RULES.—For purposes of this section—

''(1) CHILD DEFINED.—

''(A) IN GENERAL.—The term 'child' means an individual who is—

''(i) a son, daughter, stepson, or stepdaughter of the taxpayer, or

''(ii) an eligible foster child of the taxpayer.

''(B) ADOPTED CHILD.—In determining whether any of the relationships specified in subparagraph (A)(i) or paragraph (4) exists, a legally adopted individual of the taxpayer, or an individual who is placed with the taxpayer by an authorized placement agency for adoption by the taxpayer, shall be treated as a child of such individual by blood.

''(C) ELIGIBLE FOSTER CHILD.—For purposes of subparagraph (A)(ii), the term 'eligible foster child' means an individual who is placed with the taxpayer by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

''(2) STUDENT DEFINED.—The term 'student' means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

''(A) is a full-time student at an educational organization described in section 170(b)(1)(A)(ii), or

''(B) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in section 170(b)(1)(A)(ii) or of a State or political subdivision of a State.

''(3) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.

''(4) BROTHER AND SISTER.—The terms 'brother' and 'sister' include a brother or sister by the half blood.

''(5) TREATMENT OF MISSING CHILDREN.—

''(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of subsection (c)(1)(B) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

''(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

''(i) the deduction under section 151(c),

''(ii) the credit under section 24 (relating to child tax credit),

''(iii) whether an individual is a surviving spouse or a head of a household (as such terms are defined in section 2), and

''(iv) the earned income credit under section 32.

''(C) COMPARABLE TREATMENT OF CERTAIN QUALIFYING RELATIVES.—For purposes of this section, a child of the taxpayer—

''(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who was (without regard to this paragraph) a qualifying relative of the taxpayer for the portion of the taxable year before the date of the kidnapping,

shall be treated as a qualifying relative of the taxpayer for all taxable years ending during the period that the child is kidnapped.

''(D) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).

''(6) CROSS REFERENCES.—

''For provision treating child as dependent of both parents for purposes of certain provisions, see sections 105(b), 132(h)(2)(B), and 213(d)(5).''.

SEC. 412. MODIFICATIONS OF DEFINITION OF HEAD OF HOUSEHOLD.

(a) HEAD OF HOUSEHOLD.—Clause (i) of section 2(b)(1)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

''(i) a qualifying child of the individual (as defined in section 152(c), determined without regard to section 152(e)), but not if such child—

''(I) is married at the close of the taxpayer's taxable year, and

''(II) is not a dependent of such individual by reason of section 152(b)(2) or 152(b)3), or both, or''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(b)(2) of the Internal Revenue Code of 1986 is amended by striking subparagraph (A) and by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

(2) Clauses (i) and (ii) of section 2(b)(3)(B) of such Code are amended to read as follows:

''(i) subparagraph (H) of section 152(d)(2), or

''(ii) paragraph (3) of section 152(d).''.

SEC. 413. MODIFICATIONS OF DEPENDENT CARE CREDIT.

(a) IN GENERAL.—Section 21(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''In the case of an individual who maintains a household which includes as a member one or more qualifying individuals (as defined in subsection (b)(1))'' and inserting ''In the case of an individual for which there are 1 or more qualifying individuals (as defined in subsection (b)(1)) with respect to such individual''.

(b) QUALIFYING INDIVIDUAL.—Paragraph (1) of section 21(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) QUALIFYING INDIVIDUAL.—The term 'qualifying individual' means—

''(A) a dependent of the taxpayer (as defined in section 152(a)(1)) who has not attained age 13,

''(B) a dependent of the taxpayer who is physically or mentally incapable of caring for himself or herself and who has the same

principal place of abode as the taxpayer for more than one-half of such taxable year, or

''(C) the spouse of the taxpayer, if the spouse is physically or mentally incapable of caring for himself or herself and who has the same principal place of abode as the taxpayer for more than one-half of such taxable year.''.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 21(e) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) PLACE OF ABODE.—An individual shall not be treated as having the same principal place of abode of the taxpayer if at any time during the taxable year of the taxpayer the relationship between the individual and the taxpayer is in violation of local law.''.

SEC. 414. MODIFICATIONS OF CHILD TAX CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 24(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c)) who has not attained age 17.''.

(b) CONFORMING AMENDMENT.—Section 24(c)(2) of the Internal Revenue Code of 1986 is amended by striking ''the first sentence of section 152(b)(3)'' and inserting ''subparagraph (A) of section 152(b)(3)''.

SEC. 415. MODIFICATIONS OF EARNED INCOME CREDIT.

(a) QUALIFYING CHILD.—Paragraph (3) of section 32(c) of the Internal Revenue Code of 1986 is amended to read as follows:

''(3) QUALIFYING CHILD.—

''(A) IN GENERAL.—The term 'qualifying child' means a qualifying child of the taxpayer (as defined in section 152(c), determined without regard to paragraph (1)(D) thereof and section 152(e)).

''(B) MARRIED INDIVIDUAL.—The term 'qualifying child' shall not include an individual who is married as of the close of the taxpayer's taxable year unless the taxpayer is entitled to a deduction under section 151 for such taxable year with respect to such individual (or would be so entitled but for section 152(e)).

''(C) PLACE OF ABODE.—For purposes of subparagraph (A), the requirements of section 152(c)(1)(B) shall be met only if the principal place of abode is in the United States.

''(D) IDENTIFICATION REQUIREMENTS.—

''(i) IN GENERAL.—A qualifying child shall not be taken into account under subsection (b) unless the taxpayer includes the name, age, and TIN of the qualifying child on the return of tax for the taxable year.

''(ii) OTHER METHODS.—The Secretary may prescribe other methods for providing the information described in clause (i).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 32(c)(1) of the Internal Revenue Code of 1986 is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (C), (D), (E), and (F), respectively.

(2) Section 32(c)(4) of such Code is amended by striking ''(3)(E)'' and inserting ''(3)(C)''.

(3) Section 32(m) of such Code is amended by striking ''subsections (c)(1)(F)'' and inserting ''subsections (c)(1)(E)''.

SEC. 416. MODIFICATIONS OF DEDUCTION FOR PERSONAL EXEMPTION FOR DEPENDENTS.

Subsection (c) of section 151 of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) ADDITIONAL EXEMPTION FOR DEPENDENTS.—An exemption of the exemption amount for each individual who is a dependent (as defined in section 152) of the taxpayer for the taxable year.''.

SEC. 417. TECHNICAL AND CONFORMING AMENDMENTS.

(1) Section 2(a)(1)(B)(i) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(2) Section 21(e)(5) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''paragraph (2) or (4) of'' in subparagraph (A), and

(B) by striking ''within the meaning of section 152(e)(1)'' and inserting ''as defined in section 152(e)(3)(A)''.

(3) Section 21(e)(6)(B) of such Code is amended by striking ''section 151(c)(3)'' and inserting ''section 152(f)(1)''.

(4) Section 25B(c)(2)(B) of such Code is amended by striking ''151(c)(4)'' and inserting ''152(f)(2)''.

(5)(A) Subparagraphs (A) and (B) of section 51(i)(1) of such Code are each amended by striking ''paragraphs (1) through (8) of section 152(a)'' both places it appears and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(B) Section 51(i)(1)(C) of such Code is amended by striking ''152(a)(9)'' and inserting ''152(d)(2)(H)''.

(6) Section 72(t)(2)(D)(i)(III) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(7) Section 72(t)(7)(A)(iii) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(8) Section 42(i)(3)(D)(ii)(I) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(9) Subsections (b) and (c)(1) of section 105 of such Code are amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(10) Section 120(d)(4) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(11) Section 125(e)(1)(D) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(12) Section 129(c)(2) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(13) The first sentence of section 132(h)(2)(B) of such Code is amended by striking ''151(c)(3)'' and inserting ''152(f)(1)''.

(14) Section 153 of such Code is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(15) Section 170(g)(1) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(16) Section 170(g)(3) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(17) Section 213(a) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(18) The second sentence of section 213(d)(11) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(19) Section 220(d)(2)(A) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(20) Section 221(d)(4) of such Code is amended by inserting ''(determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof)'' after ''section 152''.

(21) Section 529(e)(2)(B) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(22) Section 2032A(c)(7)(D) of such Code is amended by striking ''section 151(c)(4)'' and inserting ''section 152(f)(2)''.

(23) Section 2057(d)(2)(B) of such Code is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(24) Section 7701(a)(17) of such Code is amended by striking ''152(b)(4), 682,'' and inserting ''682''.

(25) Section 7702B(f)(2)(C)(iii) of such Code is amended by striking ''paragraphs (1) through (8) of section 152(a)'' and inserting ''subparagraphs (A) through (G) of section 152(d)(2)''.

(26) Section 7703(b)(1) of such Code is amended—

(A) by striking ''151(c)(3)'' and inserting ''152(f)(1)'', and

(B) by striking ''paragraph (2) or (4) of''.

SEC. 418. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2003, and apply to taxable years ending on or after such date.

Subtitle C—Customs User Fees

SEC. 421. FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Subtitle A of the Internal Revenue Code of 1986 is amended by inserting after chapter 55 the following new chapter:

''CHAPTER 56—FEES FOR CERTAIN CUSTOMS SERVICES

''Sec. 5896. Imposition of fees.

''SEC. 5896. IMPOSITION OF FEES.

''(a) IN GENERAL.—The Secretary shall charge and collect fees under this title which are equivalent to the fees which would be imposed by section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) were such section in effect after September 30, 2003.

''(b) COLLECTION AND DISPOSITION OF FEES, ETC.—References in such section 13031 to fees thereunder shall be treated as including references to the fees charged under this section.''

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle A of such Code is amended by adding at the end the following new item:

''Chapter 56. Fees for certain customs services.''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003.

TITLE V—ARMED FORCES TAX FAIRNESS

Subtitle A—Improving Tax Equity For Military Personnel

SEC. 501. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

''(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

''(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

''(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

''(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

''(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

''(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

''(D) SPECIAL RULES RELATING TO ELECTION.—

''(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

''(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.''.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 502. EXCLUSION FROM GROSS INCOME OF CERTAIN DEATH GRATUITY PAYMENTS.

(a) IN GENERAL.—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.''.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 134(b)(3) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 503. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting '', or'', and by adding at the end the following new paragraph:

''(8) qualified military base realignment and closure fringe.''.

(b) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (as in effect on the date of the enactment of this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure.

''(2) LIMITATION.—With respect to any property, such term shall not include any payment referred to in paragraph (1) to the extent that the sum of all of such payments related to such property exceeds the maximum amount described in clause (1) of subsection (c) of such section (as in effect on such date).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 504. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) IN GENERAL.—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting '', or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law'' after ''section 112'',

(2) by inserting in the first sentence ''or at any time during the period of such contingency operation'' after ''for purposes of such section'',

(3) by inserting ''or operation'' after ''such an area'', and

(4) by inserting ''or operation'' after ''such area''.

(b) CONFORMING AMENDMENTS.—

(1) Section 7508(d) is amended by inserting ''or contingency operation'' after ''area''.

(2) The heading for section 7508 is amended by inserting ''or contingency operation'' after ''combat zone''.

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting ''or contingency operation'' after ''combat zone''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 505. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking ''or widowers'' and inserting '', widowers, ancestors, or lineal descendants''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 506. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

''(4) CLARIFICATION OF CERTAIN BENEFITS.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 134(b)(3)(A), as amended by section 502, is amended by inserting ''and paragraph (4)'' after ''subparagraphs (B) and (C)''.

(2) Section 3121(a)(18) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(3) Section 3306(b)(13) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(4) Section 3401(a)(18) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(d) NO INFERENCE.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2003.

SEC. 507. CLARIFICATION RELATING TO EXCEPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC. ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.

(a) IN GENERAL.—Subparagraph (B) of section 530(d)(4) (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking ''or'' at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

''(iv) made on account of the attendance of the designated beneficiary at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined by section 2005(e)(3) of title 10, United States Code, as in effect on the date of the enactment of this section) attributable to such attendance, or''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 508. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

''(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

''(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

''(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

''(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

''(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

''(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

''(ii) such Executive order refers to this subsection.

''(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

''(A) begins on the later of—

''(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

''(ii) the date of the enactment of this subsection, and

''(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

''(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under any provision of this title, including sections 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), and 2522, with respect to any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

''(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

''(6) ERRONEOUS DESIGNATION.—

''(A) IN GENERAL.—If—

''(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

''(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

''(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

''(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

''(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

SEC. 509. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.

(a) DEDUCTION ALLOWED.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

''(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.''.

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

''(E) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses, determined at a rate not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period during which such individual is more than 100 miles away from home in connection with such services.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

SEC. 510. TAX RELIEF AND ASSISTANCE FOR FAMILIES OF SPACE SHUTTLE COLUMBIA HEROES.

(a) INCOME TAX RELIEF.—

(1) IN GENERAL.—Subsection (d) of section 692 (relating to income taxes of members of Armed Forces and victims of certain terrorist attacks on death) is amended by adding at the end the following new paragraph:

''(5) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty, except that paragraph (3)(B) shall be applied by using the date of the death of the astronaut rather than September 11, 2001.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 5(b)(1) is amended by inserting '', astronauts,'' after ''Forces''.

(B) Section 6013(f)(2)(B) is amended by inserting '', astronauts,'' after ''Forces''.

(3) CLERICAL AMENDMENTS.—

(A) The heading of section 692 is amended by inserting ''**, ASTRONAUTS,**'' after ''**FORCES**''.

(B) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended by inserting '', astronauts,'' after ''Forces''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to any astronaut whose death occurs after December 31, 2002.

(b) DEATH BENEFIT RELIEF.—

(1) IN GENERAL.—Subsection (i) of section 101 (relating to certain death benefits) is amended by adding at the end the following new paragraph:

''(4) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty.''.

(2) CLERICAL AMENDMENT.—The heading for subsection (i) of section 101 is amended by inserting ''OR ASTRONAUTS'' after ''VICTIMS''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid after December 31, 2002, with respect to deaths occurring after such date.

(c) ESTATE TAX RELIEF.—

(1) IN GENERAL.—Section 2201(b) (defining qualified decedent) is amended by striking ''and'' at the end of paragraph (1)(B), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) any astronaut whose death occurs in the line of duty.''.

(2) CLERICAL AMENDMENTS.—

(A) The heading of section 2201 is amended by inserting ''**, deaths of ASTRONAUTS,**'' after ''**FORCES**''.

(B) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended by inserting '', deaths of astronauts,'' after ''Forces''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2002.

Subtitle B—Other Provisions

SEC. 521. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC. 7528. INTERNAL REVENUE SERVICE USER FEES.

''(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

''(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

''(2) other similar requests.

''(b) PROGRAM CRITERIA.—

''(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

''(A) shall vary according to categories (or subcategories) established by the Secretary,

''(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

''(C) shall be payable in advance.

''(2) EXEMPTIONS, ETC.—

''(A) IN GENERAL.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

''(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

''(i) made after the later of—

''(I) the fifth plan year the pension benefit plan is in existence, or

''(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

''(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

''(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

''(i) PENSION BENEFIT PLAN.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

''(ii) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has

at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

''(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

''(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

''Category	Average fee
Employee plan ruling and opinion ..	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200.

''(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2013.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

''Sec. 7528. Internal Revenue Service user fees.''.

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provision of law, any fees collected pursuant to section 7528 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 522. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking ''satisfy liability for payment of'' and inserting ''make payment on'', and

(B) by inserting ''full or partial'' after ''facilitate''.

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting ''full'' before ''payment''.

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

''(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 523. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

''SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

''(3) EXCLUSION FOR CERTAIN GAIN.—

''(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

''(B) COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2003, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

''(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

''(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

''(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

''(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

''(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

''(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

''(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

''(iii) complies with such other requirements as the Secretary may prescribe.

''(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

''(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

''(7) INTEREST.—For purposes of section 6601—

''(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

''(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(c) COVERED EXPATRIATE.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

''(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

''(A) the individual—

''(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

''(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

''(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

''(1) EXEMPT PROPERTY.—This section shall not apply to the following:

''(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

''(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

''(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

''(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

''(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

''(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

''(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

''(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

''(D) APPLICABLE PLANS.—This paragraph shall apply to—

''(i) any qualified retirement plan (as defined in section 4974(c)),

''(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

''(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

''(e) DEFINITIONS.—For purposes of this section—

''(1) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes citizenship, and

''(B) any long-term resident of the United States who—

''(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

''(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

''(2) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

''(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

''(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

''(A) the individual shall not be treated as having sold such interest,

''(B) such interest shall be treated as a separate share in the trust, and

''(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

''(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

''(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

''(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

''(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

''(i) paragraph (1) and subsection (a) shall not apply, and

''(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

''(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

''(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

''(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

''(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

''(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

''(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

''(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

''(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

''(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

''(E) TAX DEDUCTED AND WITHHELD.—

''(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

''(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

''(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

''(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

''(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

''(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

''(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

''(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

''(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

''(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

''(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

''(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

''(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

''(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

''(B) OTHER DETERMINATIONS.—For purposes of this section—

''(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

''(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

''(I) the methodology used to determine that taxpayer's trust interest under this section, and

''(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

''(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

''(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(h) IMPOSITION OF TENTATIVE TAX.—

''(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

''(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

''(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

''(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

''(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

''(1) IMPOSITION OF LIEN.—

''(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

''(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

''(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

''(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

''(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

''(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

''(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

''(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

''(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

''(A) the gift, bequest, devise, or inheritance is—

''(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

''(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

''(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

''(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).''.

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

''(19) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).''.

(B) SAFEGUARDS.—

(i) TECHNICAL AMENDMENTS.—Paragraph (4) of section 6103(p) of the Internal Revenue Code of 1986, as amended by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961), is amended by striking ''or (17)'' after ''any other person described in subsection (l)(16)'' each place it appears and inserting ''or (18)''.

(ii) CONFORMING AMENDMENTS.—Section 6103(p)(4) (relating to safeguards), as amended by clause (i), is amended by striking ''or (18)'' after ''any other person described in subsection (l)(16)'' each place it appears and inserting ''(18), or (19)''.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(B) TECHNICAL AMENDMENTS.—The amendments made by paragraph (2)(B)(i) shall take effect as if included in the amendments made by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961).

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

''(g) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after February 5, 2003.''.

(2) Section 2107 is amended by adding at the end the following new subsection:

''(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.''.

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

''(F) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.''.

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting ''or 877A'' after ''section 877''.

(B) The second sentence of section 6039G(e) is amended by inserting ''or who relinquishes

United States citizenship (within the meaning of section 877A(e)(3))'' after ''877(a))''.

(C) Section 6039G(f) is amended by inserting ''or 877A(e)(2)(B)'' after ''877(e)(1)''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after February 5, 2003.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after February 5, 2003, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

Mr. NEAL of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. NEAL) is recognized for 5 minutes in support of his motion.

Mr. NEAL of Massachusetts. Mr. Speaker, my motion is indeed very simple. It adds two matters to this charity tax bill: tax benefits for our military families and an enhanced child tax credit.

Both the Senate and House versions provide much-needed military tax relief, including the expansion of combat zone filing rules and clarification of dependent care benefits, as well as relief for families of as the *Columbia* Space Shuttle astronauts. But the Senate bill is better in several ways. It would not tax any increase in death benefits, whereas the House bill would; it provides a 10-year extension of tax relief from the gains on the sale of a residence by a military member, whereas the House bill only provides 5 years; and the Senate bill has no limit on the deduction for overnight travel expenses of the National Guard and Reserve members, whereas the House limits this deduction.

Mr. Speaker, at a time when our Reservists are being told that 1-year deployments will quickly turn into 2, when our brave soldiers are facing even longer periods of absence from family and home, this Congress should, at a minimum, provide some relief for those families. The delay is inexcusable.

Secondly, Mr. Speaker, this motion to recommit will add the Senate-passed child tax credit bill. Since June we have debated whether 12 million children in low-income families are worthy of the same enhanced tax credit as children of wealthier families, and one, indeed, that they have already received. While President Bush said the child credit must be given to low-income Americans as well, there has been resistance from the majority in this institution. In fact, I might quote two: ''Ain't going to happen,'' said one of the leaders. ''All but dead,'' said another, in a quote last week.

The conferees have never even met, and every vote to revive this legislation thus far has failed. But today we have a chance to pass the Senate version, which eliminates one terrible flaw. Under the House bill, 200,000 military families who were formerly ineligible for enhanced tax credit would receive it, even though they served honorably in Iraq and Afghanistan and other combat zones.

Before we leave here today in anticipation of Isabel, let us resolve ourselves to do something good for these families. Let us encourage more charitable giving, let us provide much-needed tax relief to the families of our brave soldiers, and let us heed President Bush's call to help those struggling families at the bottom of the ladder with the same benefits that those at the top have already received.

I hope there will be broad support for this motion to recommit.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, this issue is simple, but important, to our military families. If you want to support increased tax benefits for the loved ones who have lost a soldier, sailor, airman or Marine in Iraq, then you should vote for this motion to recommit. If you want to help Guardsmen and Reservists who take money out of their own pocket to serve our country to travel over 100 miles and stay in hotels to do the duty that our country asked them to do, if you want to help those people with tax benefits on those expenses, then you ought to vote ''yes'' on this motion to recommit.

Mr. Speaker, I think the American people would be offended to find out why we have to support this motion to recommit. For 6 months there has been a bill sitting in this Chamber at the Speaker's desk that would provide these benefits, earned benefits, to our servicemen and -women and to the families of servicemen and -women killed in combat.

But do you know why that bill has been held up by the House Republican leadership? Because the military tax benefits are paid for by closing the loophole of tax benefits for those who leave this country and renounce their American citizenship in order not to pay taxes.

Let me repeat that. A bill has been held up for 6 months at the Speaker's desk. We could pass it by unanimous consent today if the Republican leadership would work with us on it. But for 6 months it has been held up. We are holding up military benefits because the Republican House leadership is more interested in protecting tax benefits for those who would renounce their American citizenship.

Mr. Speaker, that offends every American value that I have ever been taught. I think that goes against the grain of every patriotic speech that has been given on the floor this year saluting the sacrifices of our servicemen and -women.

I know we all intend to support our servicemen and -women, but in Congress we should be judged not by what we say, but by what we do.

Right now, on a bipartisan basis, we can vote to provide increased military tax benefits to those who have not only served our country, but the families of those who have died for our country.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, first of all, I want to compliment the gentleman from Massachusetts for structuring this motion to recommit actually as a motion to recommit, rather than one which cannot be honored. So what we do is we look at the content of the motion to recommit, rather than the key words that determine whether or not he is serious. The gentleman from Massachusetts, by the way he has structured his motion to recommit, is serious.

If in fact the House is judged on what we do, rather than what we say, all you have to do is go back to last March when this House passed the provisions which deal directly with this issue. Way before hurricane season, the House of Representatives said a child credit should be $1,000 and it should stay at $1,000 for the rest of the decade. If the Senate bill is better, why does the Senate bill contain a snap-back to $700 in December of 2004, right after the election?

If the Senate bill is better, the House bill said marriage penalty, now, for the rest of the decade. The Senate bill says marriage penalty eliminated in 2010. They say, therefore, helping the military. The bill we passed last March offers more help dollar-wise and substance-wise to the military than the one they are proposing now.

So I think it is fairly ironic that they are asking us to do what we have done.

The argument that the conference on this bill has not met should not be directed to the House; it should be directed to the other body, because the other body chairs that conference. No call has been made.

What we need to do for the rest of the afternoon is simple: vote ''no'' for 15 minutes, vote ''yes'' for 5 minutes, and we can beat the hurricane home.

Ms. JONES of Ohio. Mr. Speaker, I want to take this opportunity to support my colleague

from Massachusetts who has offered this motion to recommit H.R. 7 to the Ways and Means Committee with instructions to incorporate provisions that have not received the attention they deserve from this Congress.

I am speaking of course about the child tax credit that Democrats have been calling to strengthen, only to see our calls fall on deaf ears, despite the clear benefits such action will have on strengthening our stagnant economy.

This plea was ignored while Congress went on vacation, it was ignored while a tax cut that increased our Federal deficit to new highs was signed into law, it was ignored while young men and women were sent to fight in Iraq, and is being ignored while the Congress is being asked to consider authorizing even more money for Iraq operations. It is being ignored while those very men and women who we sent to Iraq could benefit from action expanding the child tax credit to lower income families.

In a time where a saying like ''I support the troops'' is a common mantra among Congressional leaders on both sides of the aisle, in both chambers of Congress, and among all walks of life and ideologies, I call on my colleagues in the House of Representatives to put your money where your mouth is and support this motion to recommit that will bring much needed, much appreciated, and much deserved tax relief to Americans who will most benefit from it.

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

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. NEAL of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9, rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 201, noes 221, not voting 12, as follows:

[Roll No. 507]

AYES—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Berry
Cubin
Forbes
Gephardt
Hoyer
McIntyre
Miller (FL)
Platts
Rohrabacher
Rush
Stearns
Thompson (CA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1515

Mrs. MYRICK changed her vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 13, not voting 13, as follows:

[Roll No. 508]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle

Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—13

Doggett
Hill
Kanjorski
Kleczka
Kucinich
McDermott
Mollohan
Murtha
Pascrell
Stark
Stenholm
Taylor (MS)
Tierney

NOT VOTING—13

Berry
Blumenauer
Cubin
DeFazio
Forbes
Gephardt
McIntyre
Miller (FL)
Platts
Rohrabacher
Rush
Stearns
Thompson (CA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1526

Ms. JACKSON-LEE of Texas changed her vote from ''nay'' to ''yea''.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

PERSONAL EXPLANATION

Mr. THOMPSON of California. Mr. Speaker. I was not present for rollcall votes 506, 507, and 508, held earlier this afternoon on the Charitable Giving Act (H.R. 7). Had I been present, I would have voted ''yes'' on the Cardin Substitute (No. 506). I would have voted ''yes'' on the Motion to Recommit (No. 507). I would have voted ''yes'' on Final Passage (No. 508).

AUTHORIZING SPEAKER TO POSTPONE VOTES ON MOTIONS TO INSTRUCT CONFEREES CONSIDERED TODAY UNTIL TUESDAY, SEPTEMBER 23, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to postpone further proceedings on any record vote ordered on the question of agreeing to a motion to instruct conferees considered today until Tuesday, September 23, 2003.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to the gentleman from Texas (Mr. DELAY), the distinguished majority leader, for the purposes of informing the House for the following week and perhaps thereafter.

Mr. DELAY. I appreciate the distinguished whip, the gentleman from Maryland (Mr. HOYER), for yielding to me.

Mr. Speaker, I would like to make all Members aware that the House has completed voting for the day and for the week. We will take any votes called for on the three pending motions to instruct next week.

Regarding next week's schedule, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. At that time we expect to consider several measures under suspension of the rules, and any votes called on those measures will be rolled until after 6:30 p.m.

On Wednesday the House will meet for legislative business at 10 a.m. We expect to begin consideration of H.R. 2557, the Water Resources Development Act of 2003.

Members should also be aware that we may be considering conference reports at any time next week. We have a growing list of bills that could be ready. These include but are not limited to the fiscal year 2004 Homeland Security Appropriations Act, the fiscal 2004 Department of Defense Appropriations Act, and the Department of Defense authorization bill for fiscal 2004.

In addition, I would like to note that despite the great efforts of the House to complete all appropriations bills by the end of the fiscal year, we will have to consider a continuing resolution next week.

Finally, I would like to note for all Members that we do not plan to have votes next Friday, September 26.

Mr. Speaker, I thank gentleman for yielding.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

If I might, I would like to start with the general and then go to the specific for next week. I know that there are some of our colleagues who are trying to plan schedules for not only next week but weeks out and I know there has been a lot of discussion going on.

Can the leader tell me what he anticipates the schedule will be generally speaking in the month of October? My presumption is that we are going to be here through the end of October, as the Senate has not passed some of the bills and sent them to us. Our anticipation is that we will be here at least that long.

Can the gentleman tell us what he anticipates to be the schedule for the weeks of October? We know that the Senate is taking off one of those weeks. I think the first full week of October they will be taking off. I think Members would find it very useful if the gentleman could give us his thoughts on what our schedule would be.

Mr. Speaker, I yield to the gentleman.

□ 1530

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding.

I do not want to prejudge the Committee on Appropriations' work, but I think in dealing with the Senate, the House and with both sides of the aisle it looks like everybody is coming together in a consensus around a continuing resolution that might run us to October 31, and that should be a very

real signal to our Members that we will probably be in session to at least October 31.

However, trying to figure out exactly what weeks we will and will not work depends a lot on the work that we still have pending. Any day now we anticipate receiving from the administration a supplemental appropriations bill. Obviously, the Committee on Appropriations will go immediately to work on that, but I am informed that it may take at least two, three, even four weeks with hearings and things that need to be done, I think all Members want to really look at that supplemental and make sure that we are doing the right thing, and I cannot say today that, definitively, we would be off the week that the Senate has taken off, but I am hoping that working over the weekend and through the week next week, we ought to be able to give Members some sort of idea as to what the month of October might look like.

Mr. HOYER. Mr. Speaker, reclaiming my time, I appreciate the leader's comments, and I understand when we get down towards the end of the session you are not sure exactly how the business will flow and you have got to make decisions as that occurs.

I understand the week of October 6, which is I guess a week and a half from today, I hate to try to pin the gentleman down, but Members obviously are trying to figure out when they get requests in their districts to do things, whether or not that October 6 date, again because the Senate's going to be off, is a probable time that they may be able to work in the District or whether it is too problematic for them to make any kinds of plans. I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman for yielding. Let me just correct the gentleman. The week of October 6 is 2½ weeks from today, and I really believe that it is going to hinge on what the supplemental looks like and what the Committee on Appropriations thinks that their schedule might be in order to get the supplemental to the floor as quickly as possible, giving the Members every opportunity to look at the bill and participate in it.

My thinking is that if we can get that supplemental to the floor of the House by that week of October 6, we could very well be here voting on that supplemental.

Mr. HOYER. I understand. I thank the gentleman. Would it be fair for Members to presume, absent further notice, that we will be meeting, as we have been meeting, on the Tuesday evening, Thursday night schedule? I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. As the gentleman knows, the House has been very active this year, and we have gotten a lot of our business done, and there is very important business left, but the requirement for floor time is getting less and less, and we do not want to keep Members here any longer than they have to be. So, yes, we anticipate that the schedule would run at least Tuesday through Thursdays in the weeks ahead, but that could be adjusted, too.

Mr. HOYER. I thank the gentleman for his comments. Now, if I could go to the specifics.

Mr. DELAY. Mr. Speaker, would the gentleman yield?

Mr. HOYER. I am glad to yield.

Mr. DELAY. I do not want Members to misunderstand me. Also, it is coming to the end of the session, and as the gentleman knows, I would not encourage Members to make a lot of plans for Mondays and Fridays, plans that cannot be broken because as we get to the end of the session, the weeks could very well get longer.

Mr. HOYER. Reclaiming my time, I understand what the leader is saying.

On the appropriations conference reports, the gentleman mentioned a number of conference reports, Homeland Security and DOD and the DOD authorization. Is there a possibility that the legislative branch appropriation conference report could come to the floor next week as well or any other conference reports?

Mr. DELAY. If the gentleman would yield, the gentleman is correct. We are in conference on legislative branch, and we also are in conference on the military construction. Both of those could very well be ready for action next week. The appropriators are working hard, and it looks like they are doing their business once we get into conferences. So, yes, military construction and legislative branch could very well be up next week.

Mr. HOYER. I thank the gentleman. The other conference report, there are many others, but one that we are very interested in is the labor-health-education conference report. Does the leader have any insight as to when that might be considered on the floor?

Mr. DELAY. If the gentleman would yield, we certainly want to try to get moving on this most important piece of legislation as soon as possible. Unfortunately, the other body has trampled on the constitutional prerogatives of the House in initiating tax provisions in their bill.

The bill that the other body has passed has been blue-slipped appropriately by the Committee on Ways and Means, and until this blue-slip issue is resolved, I just cannot give the gentleman any sort of prediction as to when we would appoint conferees.

Mr. HOYER. Reclaiming my time, is that on the issue of overtime pay for working Americans?

Mr. DELAY. No. If the gentleman would yield, my understanding is it is over the issue of raising Customs fees.

Mr. HOYER. Mr. Speaker, I understand. Reclaiming my time, there is another conference report that we have been talking about now for a couple of weeks, and that is the FAA conference report, the reauthorization, which the authorization I think expires on September 30, if I am correct. Can the gentleman tell the body and the Members the status of that conference report?

Mr. DELAY. If the gentleman would yield, the current FAA authorization, as the gentleman knows, expires at the end of this month, and obviously we need to keep that program going. The best way to do this would be to pass the FAA conference report, and we hope to find a way. We have been working very hard on it for the last 2 weeks. We still hope to find a way to do that conference report next week.

Mr. HOYER. Reclaiming my time, I thank the gentleman for his observation on that, and we want to try to help him find a way, but as the gentleman knows, one of the provisions in that, which suggests privatizing the air traffic controllers, is a very controversial item I think on both sides of the aisle very frankly, but giving my colleague the information I think it is appropriate for him to have, I think beyond that and perhaps the training of the attendants, which we think is also very important for our homeland security and air traffic security purposes, but for those two I think we are pretty much in agreement.

So if we can facilitate perhaps on that which we are in agreement, moving the bill, we would be glad to try to help on that effort.

Mr. DELAY. Mr. Speaker, if the gentleman would yield, the gentleman is absolutely correct, and the chairman and ranking member of the Committee on Transportation and Infrastructure are working very hard, and hopefully, we will have a resolution by next week.

Mr. HOYER. I thank the gentleman for his comments.

There is another bill, as we all know, that the authorization of which is expiring the end of this month, and that is the Transportation Efficiency Act 21. TEA–21, as we refer to it, is expiring. That has been in consideration. I know there is a lot of controversy about how much investment ought to be authorized in that bill. Can the gentleman tell us the status of that particular piece of legislation, which is so critical to the welfare of our country? I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

It is my understanding that two bills were introduced today extending the funding for transportation infrastructure for the next 5 months in one bill and 6 months in another bill. We hope to have one of those bills to the floor by next week. The Committee on Transportation and Infrastructure is working very hard to prepare that bill for floor consideration, and the gentleman is absolutely right. It is critical to keep highway funding flowing, particularly going into the winter season. We want to get as much construction finished in the northern States now before the winter completes, and there are a lot of contracts of construction out there right now.

So it is vitally important for us to extend the highway program while we are working on a more comprehensive 6-year highway bill.

Mr. HOYER. Mr. Speaker, so the gentleman thinks that may be on the floor next week?

Mr. DELAY. We are working hard to get it to the floor next week because we only have, starting off next week, I think we have 10 days before the end of this fiscal year.

Mr. HOYER. Mr. Speaker, reclaiming my time, next to last issue I would bring up, I think I heard the gentleman say this, but I want to make sure the Members understand, is it the gentleman's understanding, and is it his intention, that if we adopt a CR, is it next week that he thinks we may do that, that the date set in that CR for continuing funding would be until the 31st of October? I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

While I heard there is growing support for a CR that carries us through to October 31, to my knowledge no final decisions have been made on that, but a decision on it is getting closer and closer.

Mr. HOYER. Mr. Speaker, last question, and I know it would disappoint my colleague if I did not pursue this issue, but Senator GRASSLEY in the other body was quoted as saying he expects the Democrats to keep the heat on on this issue, so we do not want to disappoint him either.

I say that facetiously, but we really do care about the child tax credit. It appears that the conference is meeting. It appears that there is significant disagreement between the House and the Senate, but there appears that there is, in this limited area, that is, extending the child tax credit to those families who are making between $10- and $26,000, of which there are some 6½ million families, 12 million children affected by this and 200,000 military families, there appears to be agreement on this issue.

One of the disagreements is apparently that there are some of us who are willing to make it permanent, but want to at least see it active this year, but one of the problems apparently that the gentleman expressed last week was if we cannot make it permanent, we apparently cannot do it. I would hope, because I think we could do it very quickly on this floor and would not take much time of the body, that the gentleman would bring to the floor the Senate bill, which has the child tax credit, and that we might pass that or, alternatively, simply do a limited bill, send it to the Senate, and they could take it off the desk and pass it, but in either event, it would facilitate getting to those 6½ million families the same kind of assistance that we have already given to others who have received a refund of the child tax credit. I know the gentleman anticipated that question. I know he has an answer.

Mr. DELAY. Mr. Speaker, if the gentleman will yield, I have enjoyed my time in this institution working with the gentleman on institution matters, and I know the gentleman has strongly-held beliefs of protecting the prerogatives of this institution and the will of the House, and I just say to the gentleman under this issue, his words ''extending the child tax credit'' are critical. This House has spoken on that issue. This House has considered the Senate bill he mentions. This House has rejected that Senate bill as flawed, and this House has expressed itself because it wants to extend the child tax credit beyond the next election, and we expressed it in passing with a very good vote a bill and sent it to the other body.

I just would recommend that the gentleman direct his comments and his strategy toward the other body. All they have to do is pick up the House bill and the gentleman will get everything that he has asked for.

Mr. HOYER. Mr. Speaker, reclaiming my time, I understand what the gentleman said, but when one really addresses this issue in a way that reflects I think an honest analysis of it, there is disagreement between the two bodies on the proposal we made in the House and the proposal that has been made in the Senate. There is, however, no disagreement, not a scintilla of difference, between the two houses on whether or not assistance ought to be given to these 6½ million people, families and 12 million children, 200,000 military families this year. The only issue is do we want to do it further and keep it. Very frankly, I would want to do it at least this year, and then I will fight to do it next year and the year after, and our side of the aisle will fight side by side with the gentleman trying to make that permanent, but because there is no disagreement on that issue but there is disagreement, as the gentleman points out, between our body and the other body on other issues included in the bill to which the gentleman refers, these 6½ million families are paying the price.

What I am saying respectfully to the leader is that on the issue that I have brought up, there is no disagreement, as I understand it, with Republicans, with Democrats in the House or with Republicans or Democrats in the Senate, and because we have agreement on that, we ought to act, and I would urge the majority leader to seriously consider requesting that the chairman of the Committee on Ways and Means, and we ought to protect our jurisdiction, we ought to initiate that bill but because we have agreement, I would hope we would do so. I would yield.

Mr. DELAY. Mr. Speaker, if the gentleman would yield, I would just mention to the gentleman we do have a disagreement. The gentleman is correct. Everyone in this House wants to accelerate the child tax credit that is already on its way for the 6½ million families. The disagreement in this House is on my colleague's side. They would like to allow that to expire, and these 6½ million families would have their taxes increased the following year. We think that is a horrible policy, and we would like to, if they get this tax break, that they can count on this tax break for more than 1 year. This tax credit. It is not a tax break. This tax credit for more than a year.

Mr. HOYER. Mr. Speaker, reclaiming my time if that, as the gentleman posits, is the disagreement, then I would say to the leader that I think I can in the next 96 hours get my side of the aisle to agree with his side of the aisle to pass that as a permanent extension. The problem we have is not between our bodies on that issue as I said. I think my party would join. These are folks who make between $10- and $26,000 who are trying to support their children, put them into school, get them through and make them good citizens. We want to help that, my colleague wants to help that, but we are not doing it. We are not doing it because there is a disagreement between the two bodies.

I think it is incorrect to characterize our side of the aisle as wanting this to expire. What we want to do is pass, and if there is disagreement between the bodies, we at least want to take one step, even if we cannot take five steps, because that one step will help those families. I would be glad to yield to the distinguished chairman of the Committee on Rules.

□ 1545

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

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

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding, and I simply would like to say at this moment we have seen the distinguished majority leader and the distinguished minority whip in their first year in these important positions go through an exchange of issues on which there was quite a bit of agreement and the most recent one some disagreement.

I would like to point out to my colleagues that 216 years ago today, the framers signed the U.S. Constitution and began that laborious task of ensuring its ratification. And to hear the distinguished majority leader talk about exercising our constitutional prerogatives as the first branch of government is very inspiring to me, and I know will continue to inspire all of those who have worked so hard to ensure the success of this, the greatest deliberative body known to man.

Mr. HOYER. Mr. Speaker, reclaiming my time, I want the gentleman to know as the representative of the original adopters of that extraordinary document who were then later pleased to welcome to our ranks those who serve under that Constitution our distinguished citizens from Texas and distinguished citizens that California. And I had the opportunity of hearing the majority leader speak today at a ceremony at the National Archives at

which we unveiled the newly ensconced and protected charters of freedom, the Constitution of the United States preceded by the Declaration of Independence and followed closely by the Bill of Rights, those three extraordinary documents which stand as probably the most powerful statements of a free people and of liberty and justice and a government of laws and not of men. They will be preserved from the elements as they have been preserved from those who would undermine their principles and their reality.

I want to congratulate the leader for his comments today at that ceremony.

Mr. DREIER. Mr. Speaker, if the gentleman would continue to yield, I know I speak on behalf of my colleague from Texas when I say we both appreciate that the gentleman from Maryland (Mr. HOYER) welcomed us into the Union.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). The Chair reminds Members it is inappropriate for Members of the House to characterize the actions of the Senate in their remarks.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 2557, WATER RESOURCES DEVELOPMENT ACT OF 2003

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

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week, the week of September 22, to grant a rule which could limit the amendment process for floor consideration of H.R. 2557, the Water Resources Development Act of 2003. The Committee on Transportation and Infrastructure ordered the bill reported on July 23, 2003, and filed its report with the House on September 5, 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules up in room 312 here in the Capitol by 1 p.m. by Tuesday, September 23. Members should draft their amendments to the text of the bill as reported by the Committee on Transportation and Infrastructure.

Mr. Speaker, Members are reminded that earlier in the year the Committee on Transportation and Infrastructure set forth a specific process regarding the submission of projects for inclusion in the Water Resources Development Act. The Committee on Rules does not intend to accord priority to amendments that have not gone through the aforementioned process.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 367

Mr. WALSH. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H. Res. 367.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. AKIN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. RYAN of Ohio. Mr. Speaker, I offer a privileged motion.

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

The Clerk read as follows:

Mr. RYAN of Ohio moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

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 preceeding provisions of this instruction, not later than the second legislative day after adoption of this motion.

Mr. RYAN of Ohio (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Ohio (Mr. RYAN) and a member of the opposing party each will control 30 minutes.

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

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Today I am offering a motion to instruct conferees on the child tax credit. I thank all Members of Congress, especially the gentlewoman from Connecticut (Ms. DELAURO), for initially offering her leadership on this motion.

Mr. Speaker, the tax bill that was passed by Congress neglected 12 million children in America's low-income working families by cutting them out of the child tax credit plan.

My motion to instruct does a few things. It instructs the conferees to agree to the Senate language that provides for tax credit checks to be mailed immediately to low-income families. It also provides that the tax credit be extended to personnel in combat zones in Iraq, Afghanistan and elsewhere; and the conferees could easily accomplish these changes and bring up a final bill within 2 days which is what the motion calls for.

In Ohio, the House Committee on Government Reform and Oversight states that over 25,000 working families were cut out of this provision. These are families who work hard. They do pay taxes. Unlike what many Members have said during the debate in the last few months, these individuals may not pay income tax, but they pay property tax, sales tax, they pay user fees, they pay tolls to get on the roads; and so they do contribute to the economy. They do pay taxes.

I was having an interesting conversation with a Republican friend who was listening to this debate happen because this is not the first time we have had this debate in the Chamber, and he said they do not pay taxes. I said they do pay taxes. They pay sales tax and property tax. He said give them a rebate on their property tax. My question to him is what is the difference?

Mr. Speaker, these people need help, and we have not done enough for them in this Chamber. We have an opportunity with this bill to make and have real impact on low-income families.

One last example that this bill, this motion, would help those military families that we talk so much about. One example that we have, an E–5 or E–6 sergeant, 6 years of service, two children, making $29,000 a year. If he does not serve in combat, both of his children qualify for the credit. They get the thousand-dollar credit. If he is in combat for 6 months, his or her credit drops to $450. I do not think there is a

person in this Chamber who would say we are doing enough to help our military personnel in combat.

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

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

Mr. Speaker, as was indicated earlier in the debate, or the colloquy, between the majority leader and the minority whip, this House on June 12 passed a tax relief measure which provided for the extension of the child tax credit. Let us look at the current law and see what we would be extending if that particular measure were to pass the other body and go on to the President for his signature.

Who is getting that child tax credit under current law: any family that pays income tax as long as their income does not exceed certain levels, and even families who do not pay income taxes receive the child tax credit so long as they earn at least $10,500. These families receive a check from the government equal to 10 percent of their income over $10,500.

Military families serving overseas also get the child tax credit subject to the same rules. So-called wealthy families do not get the child tax credit. The child credit is reduced and eventually eliminated for single parents with incomes over $75,000 and for married couples with incomes over $110,000.

Mr. Speaker, this House has acted, and on June 12 of this year passed a bill which calls for the extension of the child tax credit through 2010. It does other things as well. Along with passing the extension of the child tax credit, we eliminated the marriage penalty in the child credit, celebrated the increase in the refundable child credit, provided tax relief and enhanced tax fairness for members of the Armed Forces. We suspended in that same piece of legislation the tax exempt status of designated terrorist organizations, and provided tax relief for astronauts who die on space missions.

Mr. Speaker, I would say to the gentleman from Ohio (Mr. RYAN) that the call for action belongs and should be focused and aimed to the other side of this building. They are in the chairman's seat of the child tax credit conference, and it is they who should act.

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

Mr. RYAN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I know of no issue that most clearly shows the differences between the Republican and the Democratic parties than does this issue.

President Bush came to Ohio on Labor Day. He stood and he talked about the child tax credit. It was reported in the paper that he said folks here in Ohio can use this $400 per child tax credit to buy clothing for their children, to buy school supplies. What the President did not say to the citizens of Ohio is that the Republican Party is excluding 500,000 children in Ohio, children from low-income families, children from families who are most in need of help, and yet they apparently do not count. We are told that they should not get this benefit because their parents do not pay income taxes.

□ 1600

Well, they pay payroll taxes. They pay property taxes. They pay all sorts of other kinds of taxes. Why is it that my Republican colleague focus only on the income tax? Do they not know that a dollar being given for the payroll tax is just as difficult for that poor family to pay as a dollar on an income tax?

Mr. Speaker, 500,000 children in the State of Ohio. Now, people need to be very clear. These are children whose moms and dads work. Sometimes they may work two or more jobs. They just simply do not make enough to have to pay income tax. Think about that. If you are a resident of Ohio and you make $60,000 a year and have two children, you get $800, $400 per child. But if you are a family that lives next door to the $60,000 family and you only make $25,000 and you have got two children, they get nothing. They get zero under this plan. It does not make sense. I think it is cruel hearted. I think it is hard hearted to react to the children in this manner.

Mr. Speaker, I call upon the President to exert his influence so that the next time he comes back to Ohio he can say he cared about all of Ohio's children, even the poor kids.

I think this is a matter of values. And for those of us in this Chamber who support family values, I would like to quote from the New Testament. Jesus said, ''As often as you have done it unto the least of these, you have done it unto me.''

What we are talking about here today are the poorest kids. We are talking about the poorest kids, the kids whose moms and dads work but who struggle. We are talking about the kids who need clothing for school, who need school supplies, who need all kinds of other essentials that their moms and dads may not be able to provide to them unless we do the right thing in this Chamber and provide this rebate, this tax credit for all the children.

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

Mr. RYAN of Ohio. Mr. Speaker, I yield myself as such time as I may consume.

Mr. Speaker, I have a couple points that I would like to make in addition to thanking the gentleman from Ohio (Mr. STRICKLAND) for his comments and his leadership on this particular bill.

The child tax credit of which we are talking about adding on to, the additional funding that it would take only accounts for 1 percent of the final bill that we passed, 1 percent out of a $350 billion bill. This would have been $3.5 billion. And when you take a step back and you look at the overall picture, you will see that this type of investment of only 1 percent of the entire bill would have much more value to the economy, would put more back per person that would receive the money than the money that we were giving in the same amount, actually much, much more, to the top 1 or 2 percent.

These people are actually going to go out and spend the money. They are going to go out to the store, as Mr. STRICKLAND stated, and they are going to spend it because they do not have a lot. But if you give $93,000 back to someone who makes a million dollars, they are not going to buy anything new that they do not already have.

So I think it is important when we talk about this also to talk about the portion that is an economic stimulus part of this bill.

Mr. Speaker, I reserve the balance of my time and the right to close.

The SPEAKER pro tempore (Mr. LINDER). The gentleman has that right.

Mr. CANTOR. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, again, I think this is the nineteenth time that we have been through this discussion on a non-binding motion to instruct conferees. And at this time, again, I would reiterate the need to focus the urging of action towards the other side of this Capitol that chair the conference committee on the child tax credit.

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

Mr. RYAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I would like to say we will be asking for your help and your support to encourage the leaders in the United States Senate to also help us with this particular provision. I think it is a good piece of legislation. I think there are thousands and thousands and thousands of young kids throughout the United States of America today, Mr. Speaker, who this would benefit.

It would be a direct impact into our economy. We still need a boost. There are still not jobs being created. It is still a jobless recovery. And this is an opportunity for all the campaign speeches about being compassionate. I cannot think of a better opportunity for the President of the United States to use his power, for the leaders in this Congress to use their power, for the leaders in the other body to use their power to make sure that this motion passes and that we inject some more money back into the economy and start giving it to people who will go out and spend it.

I believe there is a real slant in the policies that are coming out of not only this Chamber, but the other Chamber, and also coming out of the administration.

One example that I would like to use, not necessarily affecting this particular piece of legislation, but one similar, the earned income tax credit. One, the audits of working poor in 2001

from the IRS increased by 48.6 percent. Those applying for the earned income tax credit had a 1 in 47 chance of getting audited. Those making more than $100,000 a year had a 1 in 208 chance of getting audited. I think this is indicative and illustrates the point that the policies we are getting out of this Chamber and out of this Congress and from the President are clearly slanted towards the top 1, 2, 3, 4, 5 percent and against those people who are working poor or living in poverty.

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

The SPEAKER pro tempore (Mr. LINDER). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Ohio (Mr. RYAN).

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

Mr. RYAN of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the order of the House of earlier today, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. STENHOLM. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Mr. STENHOLM moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(P) Section 450C (relating to authorization of reimbursement for all medicare part B services furnished by Indian hospitals and clinics).

(Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services).

(R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system).

(S) Section 459 (relating to increase in medicare payment for certain home health services).

(T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005).

(4) The House insist upon the following provisions of the House bill:

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medicaid disproportionate share hospital (DSH) payments).

Mr. STENHOLM (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Texas (Mr. STENHOLM) and the gentleman from Illinois (Mr. SHIMKUS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. STENHOLM).

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

Mr. Speaker, all of us in this body have an enormous responsibility to the American people as we put together a bill that will shape the lives of 40 million current Medicare recipients and the millions more that will be retiring in the near future. This bill will make changes that will have profound effects on all Medicare beneficiaries and particularly on the one in four who live in rural America. Rural beneficiaries have different health care needs and delivery systems than those living in urban areas and Congress has a responsibility to pass a Medicare prescription drug reform bill that is responsive to their needs.

The motion to instruct conferees that I am offering today will put the House on record in support of a conference report that addresses the unique challenges facing seniors and health care providers in rural areas as much as possible. The motion would instruct conferees to agree to the following:

Guaranteed prescription drug coverage through a Medicare fallback option in areas where private drug plans are not available.

The best provisions improving Medicare payments to health care providers in rural areas that were included in the Senate bill or the House bill.

Reject the cut in payments to hospitals in the House bill which will adversely affect hospitals in rural areas and undercut the benefits of the rural health care improvements.

Rural beneficiaries have consistently had less access to Medicare managed care plans. Since 2000, rural beneficiaries have been four times more likely than urban beneficiaries to lack a private plan option. This problem of low market penetration in rural areas by private insurance plans may be even more pronounced for a drug-only insurance plan. This motion would address this problem by calling on the conferees to accept a guaranteed fallback plan be offered through traditional Medicare that would be offered in areas where fewer than two private plans have entered to ensure that all seniors have access to this benefit.

The House bill does not include a fallback provision to ensure that seniors have prescription drug coverage in areas where private plans choose to not participate. Instead, the House bill allows the Secretary to pay the drug-only plans whatever it takes to entice them to offer plans. Because premiums for prescription drug coverage are based on what the plans are paid, plans that take the bribe to participate may have significantly higher premiums than those operating in more competitive areas. With one in four seniors residing in rural areas, it is extremely important that we not exclude rural seniors from having a prescription drug benefit, which is a very real risk if we do not provide a guaranteed fallback plan for seniors in areas where private plans are not available. To deny seniors in rural America the prescription

drug benefit option is to deny them access to quality health care.

The motion also calls on conferees to provide the strongest package possible for rural health care by taking the best of the House and Senate bills. Because of the very high proportion of elderly in rural areas, Medicare is a very large and critical source of payment for rural health care providers. Both the House and Senate bills would provide many important improvements in payments to rural health care providers. Unfortunately, there have been reports that assistance to rural health care providers is being held hostage in conference negotiations for leverage on other issues. This motion will send a clear message that the health care needs of rural America should not be used as leverage to advance an agenda on Medicare.

The House bill offers assistance to health care providers in rural areas with one hand but takes away that assistance with the other hand through a reduction in payments to hospitals, which will be particularly harmful to rural hospitals. I am sure that all of us in this body who have talked to our local hospitals as I have done have heard about the challenges that our hospitals face, higher medical malpractice premiums, an increase in the uninsured population, and uncompensated care and cutbacks at the State and local levels. Reducing payments to hospitals could jeopardize the financial life of rural providers and undercut the benefits of the rural health care improvements in the bill. The benefits of improving payments to rural health care providers and increasing access to health care in rural areas will be negated if the hospital in a rural community is forced to close its doors. We must provide equal access to care for all Medicare beneficiaries, regardless of where they live. A vote for this motion is a vote to make sure that seniors and health care providers in rural America are treated fairly by the current Medicare system and the new prescription drug benefit.

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

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

Mr. Speaker, this motion would allow the Department of Health and Human Services to offer a Medicare prescription drug plan. There is no need for this type of government-run fallback because the House-passed legislation already guarantees that every Medicare beneficiary will have a choice of at least two Medicare prescription drug plans. My colleague represents rural Texas. I represent rural Illinois. We know that one of the problems in the past was Medicare plans leaving rural areas. I think the benefit of what we have crafted is that it broadens the scope of the region, so it brings in urban and suburban and rural areas.

The motion also instructs conferees to recede to the Senate and remove the hospital market basket update adjustment contained in the House bill.

□ 1615

I would note for my colleagues that we are not cutting hospital reimbursement. We are reducing the increase they are going to receive. According to the Medicare Payment Advisory Commission, MedPAC, the nonpartisan panel of experts that advises Congress on Medicare policy, hospitals make a 10 percent profit for Medicare inpatient services and a 5 percent profit, on average, for all services provided to Medicare patients. MedPAC unanimously advised Congress to increase payments by 3 percent, which is what the House bill does. This is often referred to as market basket minus 0.4 percent.

Finally, this motion would instruct conferees to accept every rural provider increase contained in both bills. This budget-busting motion would mean the cost of the entire package would greatly exceed the $400 billion allocated under the budget resolution for Medicare prescription drugs which would jeopardize our ever getting to a final bill. Obviously, in our budget resolution we passed a bill for prescription drugs at $400 billion. If we go above that amount, we will raise to a point of order, and really we will have no resolution to this.

This motion is unnecessary. The House has already recognized the need to ensure that rural Medicare providers are paid fairly. In fact, the House-passed bill contains a $24.9 billion increase in payments to rural providers which would help rural hospitals and physicians, among others, continue to provide care to rural Americans. Let me just say that again. I traveled all through the August break to many of the rural hospitals. They do not have the numbers to be able to bring to bear all the benefits; so they really need this increase, and this rural increase of $24.9 billion is real dollars to rural hospitals, and I know my colleague knows the need for an increase in rural hospital coverage.

I would also note that conferees have reached agreement in a bipartisan, bicameral basis on a number of issues that will be reopened under this motion. Do we really want to tell the conferees to start over all from scratch? I do not because we want to see success in this Medicare prescription drug bill, and we want to finally get help to the seniors who have asked for it.

Mr. Speaker, we should allow the conferees to work out the differences between both bills. Since both Chambers have made a significant commitment on helping rural providers, I have every confidence that they will develop sound policy.

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

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding me this time, a real hero and champion of rural health care, especially in west Texas.

Mr. Speaker, I join my colleagues in instructing the Medicare prescription drug conferees to remember our Nation's 9.3 million rural Medicare beneficiaries as they continue their critical deliberations. The way this bill currently stands is nothing more than the old bait and switch. The Republican leadership has used smoke and mirrors to trick our seniors into thinking that they are getting a Medicare prescription drug plan, when in reality they are forcing them to seek medication from private insurance companies and HMOs that will set the price and set the benefits. This HMO enrichment plan does not even pretend to address the needs of rural America.

Mr. Speaker, as my colleagues know, over 80 percent of rural health care beneficiaries today live in an area that insurance companies do not and will not serve, and it is worse than that in my district. Not one single insurance company in the United States of America has signed up for the plan that is being proposed by our friends on the other side of the aisle.

Just what has history shown us about what happens when insurance companies get involved in Medicare? Medicare+Choice, the great managed care experiment of our Nation's seniors, should have been named Medicare Minus Choice. After all it has been a total disaster. Between 1998 and 2003, the number of Medicare+Choice plans dropped in the United States by more than half. And in Texas, in our State, over 313,000 Medicare+Choice seniors have been dropped by insurance companies since 1999 alone, dropped straight in the grease in Texas because they do not want to serve rural America. Rural seniors do not have access to private insurance plans, not the same as our urban seniors, and knowing this, we must include a Government fallback option for areas served by less than two plans. And there are no plans in east Texas, no plans in rural America.

Mr. Speaker, we also need to eliminate the premium support provisions in H.R. 1 that are scheduled to take place in 2010. It is unconscionable to market this prescription drug bill as an equitable bill and universal, when these folks who stay in traditional fee-for-service Medicare will see significant premium increases under the competition program. There is no competition in rural America, and there is no service in rural America.

Rural seniors have not gotten a fair deal. On average, they are in poorer health, have lower incomes, face higher out-of-pocket medical spending than seniors in urban areas, and they are not addressed. They need our help, and yet, all we are doing with this bill is compounding the inequity rural seniors already endure.

I implore my colleagues to join me in instructing the Medicare conferees to honor our rural seniors. Rural seniors need health care. Rural seniors need our representation. The HMOs already have all that covered.

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

Let me just respond to my colleague. The private sector already does manage the Medicare system. The private sector is already involved in Medicare. They have been doing the job now. They can do it again. If we mandate, as in our bill, that there would be two providers and, again, expand the area of coverage from cities to suburbs out to the rural areas, we will have coverage. I would remind folks $24.9 billion for rural hospitals is real money.

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

Mr. SHIMKUS. I yield to the gentleman from Texas.

Mr. SANDLIN. Mr. Speaker, how can we assume that coverage would be available in my district or in rural America when it is not available now, and countrywide it is not available in 80 percent of rural districts covered where we have Medicare-covered folks?

Mr. SHIMKUS. Mr. Speaker, reclaiming my time. Mr. Speaker, it is my time.

The SPEAKER pro tempore (Mr. LINDER). The gentleman from Illinois (Mr. SHIMKUS) controls the time.

Mr. SHIMKUS. Mr. Speaker, reclaiming my time, it is because it is on a county-by-county basis. What this Medicare bill does is set up at least at a minimum two coverage areas that would cover the cities, the suburban areas, and out to the rural areas. That way we bring in a bigger pool. But I will also say again $24.9 billion to rural hospitals we jeopardize if we go off in an opportunity to start instructing conferees and distract from this debate.

Let me say one other thing about this legislation. I know my good friends and colleagues are budget watchers, and the idea is that we have a budget that has $400 billion for prescription drug benefit coverage. Anything other than what we have going down the track would probably be risen to a point of order because what they are going to do is expand the cost structure.

Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. SAM JOHNSON) be allowed to control the balance of my time.

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

There was no objection.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I cannot believe we are arguing over this because there are some misnomers here, I think. When they come up with this motion to instruct, we are asking to accept the Senate's position on a government-run prescription drug delivery structure, and the CBO has estimated that that government-run provision will lead to higher prices for beneficiaries and taxpayers in over $8 billion in higher costs. That is a giveaway to the pharmaceutical industry.

This talk about seniors not having a benefit in rural areas is just not right. Both CBO and CMS agree that numerous drug plans will be available and more than 95 percent of the beneficiaries will voluntarily sign up for the benefit. These nonpartisan actuaries have no axe to grind and are in agreement on that point.

Furthermore, any action to approve the other body's position provides unprecedented inflationary increases to hospitals and other health care providers which will force the conference, as my colleague has said, to exceed the $400 billion allocation in the budget resolution, thereby jeopardizing the whole program. It will also undo bicameral, bipartisan decisions that conferees have already resolved. The motion is completely unnecessary because both bills already require prescription drug plans to assume financial risk in delivering prescription benefits to provide a fallback to guarantee all seniors have access to prescription drug plans. It does not matter whether they live in a city or in a country. Both CBO and CMS, as I said, agree that more than 95 percent of beneficiaries will voluntarily sign up.

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

Mr. STENHOLM. Mr. Speaker, I yield myself 1 minute.

To respond to my friend from Texas, this is not a budget-busting amendment. We fully expect the conferees to live within the $400 billion. We have a different idea of the prioritization than what the majority party has, and we are just expressing that today. And also, when the House has a chance to vote, Members on both sides can see whether or not the priorities we believe are the most important should be considered by the conferees. And also with the emphasis on government-run, let me remind my friend from Texas that it is only if the private system fails in rural America, will we have a return to a Medicare plan. Only if it fails. We worry because of the past history of private plans in rural America. We worry that they may not work, and we think it would be irresponsible for us not to provide a fallback. That is our opinion. It is not government- mandated, and these little speech lines that keep flowing out, this is a different idea, a different opinion, and we just expressed it today.

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

The premise behind the Stenholm motion is simple. One fourth of all Medicare beneficiaries live in rural areas, and they are getting the short end of the stick. Rural hospitals are closing, and there are not enough rural hospitals to begin with. Twenty-five percent, as I said, 25 percent of all Medicare beneficiaries live in rural areas; 90 percent of all physician specialists practice in urban areas. Senior and disabled Americans who need care simply are not getting it in time. That is more than a problem. It is a tragedy. Because of the high proportion of elderly in rural areas, Medicare plays a particularly important role in those areas. Inadequate Medicare reimbursement means inadequate access. There is no cushion. Our responsibility to rural Medicare enrollees is the same as our responsibility to urban Medicare enrollees. They paid in Medicare throughout their working years in exchange for health care security during their retirement. It is the covenant between the Government and its people.

Now that those people are retired, their health care should be reliable. It should be affordable. It should be easily accessible. To meet that responsibility, we need to pay rural providers enough to stay in business. It is that simple.

Unfortunately, Mr. Speaker the House bill tries to have it both ways. It invests in rural hospitals. That is good. Then it squeezes blood from them by cutting reimbursement across the board. One cannot do it both ways. It makes no sense, no sense, to undermine our own efforts to help rural providers and by extension rural beneficiaries, the whole point, by simultaneously increasing and then cutting hospital reimbursement, not to mention the negative impact on urban and suburban hospitals.

This motion, the Stenholm motion, simply instruct conferees to eliminate the hospital cut. This motion instruct conferees to ensure that no senior ends up without access to prescription drug benefits. That is what this whole exercise is all about. H.R. 1 sets the stage for two scenarios when it comes to areas traditionally underserved by HMOs. Neither of those scenarios is acceptable from a public health perspective or, as the gentleman from Texas (Mr. STENHOLM) points out, a fiscal perspective.

First, to lure an HMO to provide drug coverage in a rural or other underserved area, in a sense this Congress bribes them. Knowing the Federal Government is prepared to cover virtually all of an insurer's risk in order to attract them to a rural area, I wonder how many private plans will not hold out for this sweetheart deal? Of course they will.

□ 1630

Of course, they will. But if no plan takes the bait, then seniors in that area just do not get drug coverage.

There are many provisions in H.R. 1 and S. 1 about which Members can reasonably disagree, but do any of us really want to pass a bill that plays that kind of game? The possibility that some seniors would not have access or they will have to shower almost unlimited tax dollars on HMOs to ensure that access, why would we ever think of going down that road?

Fundamentally, the Stenholm motion instructs conferees to take the best of both bills when it comes to bolstering access to care and ensuring access to coverage in our Nation's rural

areas. It warns that the hospital cut included in H.R. 1 short-circuits the bill's provider provision, rural provider provisions, and the Federal fallback omitted from H.R. 1 is crucial if our goal truly is to fill the drug coverage gap in Medicare.

Mr. Speaker, I urge my colleagues to vote for the Stenholm motion.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am kind of getting worried about us wanting to spend more money. It seems like every time I turn around, we do that. This particular proposal spends more money. In fact, I think my colleagues forget over there that we put in $27 billion extra for rural, just for rural, and if you look at some of the statistics, Iowa, for instance, has a 5.5 percent increase and plus-up on Medicaid. I think Iowa is rural. Oklahoma has a 5.7 percent increase and a 5.9 percent increase on Medicaid. I think that is rural, for the most part.

As I go through these notes, it seems to me that the States that you call rural and are not getting anything, they are getting more. Montana gets a 5.7 increase. It is impossible for me to figure out why you think the rural areas are getting stiffed. South Dakota, 5.4 percent increase; Tennessee, 5.3 percent, and so on. I can go on and on.

But the thing is that the Senate provision, or the provision, that you are trying to affirm results in higher costs; and it is a complete and utter giveaway. I think that it is time that we got a little bit of fiscal responsibility in this House and stopped spending money.

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

Mr. STENHOLM. Mr. Speaker, I yield 3½ minutes to the gentleman from Iowa (Mr. BOSWELL).

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

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

Mr. Speaker, it is my pleasure to be here. This is a very dear thing to people in my State. The gentleman made a reference to Iowa. I think if you get into the print though, you will find out that we give the 5-whatever percent, but then we take a piece of it back in the market basket thing.

So what happens here? When we are in the last position, it is a bad place to be. It is my understanding that no matter where you live, you pay the same as we go into this. We pay the same, but we do not get the same benefit.

This is doing us a lot of harm. We understand the impact this has on the older folks. Everybody thinks that just applies to them, but it applies to the whole community. When you cannot recruit doctors, you cannot retain doctors; you cannot recruit nurses, you cannot retain nurses; you cannot get technicians, you cannot retain them. You just go right on down to the mess halls, as we used to say in the Army and the Air Force. It affects the whole community, from the oldest to the youngest. You cannot buy equipment. It does not cost any less in Iowa and the rural areas than somewhere else. It is a very serious matter, and it needs attention.

So I hope that this will be accepted, that we will instruct to go and make sure that reimbursement rate is taken care of, and some equity, fairness, will take place. It is unfair discrimination, pure and simple, against States like mine, which rank last in the Nation in reimbursement, and many other areas throughout the Nation.

I find out down in Texas, there are areas out there that are as bad as we are. Yet overall, as we put all the numbers together, we go to the bottom, a rate that is less than half what the top rate is in the Nation. Something is awry. Something is wrong. We pay the same, but we cannot have the same.

Wait a minute, this is the United States of America. If we all pay the same, why do we not have the same treatment? That is not going on, and here is a chance to make that right.

So I am very hopeful, I am very hopeful, that we will not pass up this opportunity. We get to the underlying bill, the prescription drug side, that is another argument, and it affects everybody across the country. It does not affect just those of us getting a very bad shake on the reimbursement rate for Medicare. It affects everybody. I think we will keep that out in front of us for some time. I do not think that is going to go away.

But this might be the chance, this might be the chance for some parity, some equity, an opportunity to have some fairness when it comes to Medicare reimbursement.

I hope that those that have the last say on this when it comes back to us to either vote it up or vote it down will take this very, very seriously and try to treat all Americans alike. We need fairness. We pay the same, we ought to have the same result. It is a national program; it is not just for individual areas.

It is kind of interesting, I would say to the gentleman from Texas (Mr. STENHOLM), talking to you and realizing out in some of the rural areas in Texas, and I am sure it is the same in parts of your district as well, that, no, it is not so. But, anyway, it certainly is in some of the rural areas, and Texas is Texas.

Mr. Speaker, it is time for fairness. We are all Americans. We are 50 States, and we are not getting treated the same. Iowa would like to be treated as everybody else. We do not want anything extra. Just treat us the same. We stand up and pay the same; we ought to be treated the same.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will tell you what: let us correct the record. You did get a market basket adjustment of minus 0.4 percent, but the number I quoted you was the number at the end, which was a 5.5 percent increase. That is 2.1 percent more than current law. That does not count the 5.5 percent increase in additional allotments for Medicaid. Iowa is not being mistreated. When I hear talk about let us treat everybody equal, I think of Canada and their socialist program of medicine, which has not worked; and that is why Canadians come down here for medicine.

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

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I am just amazed when I listen to the Republican side, because they are just so bent on the ideology of this, and I think that the motion of the gentleman from Texas (Mr. STENHOLM) and what the Democrats are saying is look at this situation practically.

If you listen to what the gentleman from Texas (Mr. STENHOLM) has said in the motion to instruct, it essentially says, look, we know those of us who are in rural areas, I am not, but we know these HMOs and these private plans are not working, for the most part, and if someone tries to get their prescription drugs through an HMO or managed care private plan, in many cases it is not going to be available, and they are not going to have access to it.

It is the Republicans that basically are trying to impose an ideology and saying we must privatize, we must go this route, this is no alternative. All the gentleman from Texas (Mr. STENHOLM) is saying is in a situation where the HMOs or the private plans are not available, we still have to guarantee drug coverage for those seniors in those rural areas that cannot get it through these private HMOs or other private plans. So let us have the Senate fallback that says you can get your prescription drugs through traditional Medicare.

Now, I just do not understand why the Republicans keep insisting from an ideological point of view, well, we cannot do that; you have to privatize. They went so far as to suggest we have private contractors that provide Medicare services now, but that is the Federal Government as the ultimate insurer contract with some private company to provide the service.

What you have done in this House bill is say that if you as an individual cannot find a private plan, you are out of luck. All the gentleman from Texas (Mr. STENHOLM) is saying with this motion to instruct is let us have a fallback. Let us have an alternative for these people in rural areas when they cannot get the HMO to provide the service. What could make more sense?

Mr. Speaker, it is the same thing as far as the reimbursement rate is concerned. I heard the colleagues on the

Republican side say there is no cutback effectively in the reimbursement rate. Certainly there is. Many of us went to meet with the oncologists today, the cancer doctors; and they were talking about the negative impact on cancer victims because of this reimbursement rate. We have got to change that as well. Just follow the gentleman from Texas (Mr. STENHOLM). It is the practical way to do this, with this motion.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. TANNER).

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

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

Mr. Speaker, what we are talking about here is no less than a matter of life and death. All of the medical technology in the world is not going to help somebody who cannot access the system. When you are talking about Tennessee, you are talking about 47 percent of the acute care hospitals in rural Tennessee are losing money. In the House bill you cut the market basket to those hospitals.

There is no way that one can deny the fact that somebody is going to die needlessly because they do not have a hospital or an emergency medical room within 50, 60 or 70 miles, simply because they live in a rural area. You can argue about it, but there is no denying that it will happen. Somebody will die in rural America, because if this House bill goes through, you are going to see acute care hospitals in rural areas close, not to mention the fact that there are people involved.

I think my friend, the gentleman from New Jersey (Mr. PALLONE), talked about the fallback provision. Because we live in a place where you do not need a blinker signal on your car because the guy behind you knows where you are going to turn off, we do not have a lot of choice. And that is what we are talking about here. We are talking about life and death in rural America.

You may not live in rural America; but you have a cousin, an aunt or uncle, a brother, sister, or somebody that does; and these people are going to be irreversibly adversely affected if we do not accept the motion of the gentleman from Texas (Mr. STENHOLM).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Tennessee is kind of an interesting State, because they get a 5.3 percent increase; and it does not include six Tennessee critical access hospitals which are rural which are paid exactly what their costs are. Now, this bill is all-encompassing. It takes care of people. It does not let people die, and it does not spend the Treasury of the United States to zero.

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

Mr. STENHOLM. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, let me first of all say that what we have before us is two bills. Neither one is worth the paper they are written on, and they are not going to respond to the issues that confront us.

The approach that the gentleman from Texas (Mr. STENHOLM) is providing is to try to look at what is best and try to make something happen. The gentleman from Texas (Mr. SAM JOHNSON), I know he is from Texas also, and I am from Texas, and I have counties that right now do not have any access to any type of health care because they have chosen to leave, they were not making the profits they wanted, and we are having a rough time.

That bill is not going to be responsive. You are saying you are concerned about being fiscally responsible. My God, you are taking money from cancer, which is kind of robbing Peter to pay Paul. You are taking money from people dying from cancer to try to fill another need. We are here to tell you there are needs on both sides. That bill does not meet those needs.

So one of the things we have to come to grips with is we have a problem before us, and you are choosing not to deal with it directly, and you are choosing to play games with Americans.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just make a couple of observations. The hospitals' payments include some of the payments for beneficiaries. It is not just all hospital costs. I think that we have to consider the fact that the United States Senate, which according to what this proposal embodies, puts the government fully at risk.

□ 1645

There is little incentive to control costs, and I think that the provisions have to lead to higher prices for beneficiaries and taxpayers, and it is a complete and utter giveaway. I think that we have to defeat this motion.

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

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

Mr. Speaker, this motion to instruct conferees is not a budget buster. It is a red herring to suggest that we are going to bust the budget at $400 million. I support that, and those of us who support this resolution support that. It is a red herring.

One of the things my friend from Texas does not seem to want to acknowledge is that there are many hospitals, as the gentleman from Iowa (Mr. BOSWELL) pointed out, there are many hospitals that have not enjoyed the increases that hospitals in the bigger towns have enjoyed over the last 20 years. And when you have not gotten the increases that some have gotten and you have gotten a lesser amount of reimbursement, you are hurting. That is why we believe the Senate provisions are fairer to those hospitals.

The gentleman is totally correct when he says they get less of an increase, no one is getting cut; but when you have a baseline that is too low, it is important that you get a chance to compete on a level playing field with those hospitals who enjoy a little better situation. We have argued for that for years, but unsuccessfully. Now we notice that there is bipartisan support for acknowledging that rural hospitals and many inner city hospitals have the same problem and that we should, in fact, recognize and begin to correct that disparity.

Regarding the pharmaceutical benefits and the going back to a government program, only if it fails will we go back to a Medicare government program. But some of us, myself included, are very skeptical that private businesses are going to be as interested in rural areas with less people as they are in urban areas; and, therefore, a fall-back is critical to us. But it does not do what the gentleman said it did. It is only if it fails; only if it fails will we have a fall-back.

Now, in conclusion, it is difficult for me, and I will not miss the opportunity to say that to be lectured by my friend from Texas on fiscal responsibility, I say to the gentleman, that is a joke. For the gentleman to have supported and continue to support the economic game plan of his side of the aisle that has given us the largest deficits in the history of our country, $689 billion and going up, and I know this because my friend from Texas voted for the last bill that increased the deficit another $12 billion. I did not, and I will get criticized. But I think it is time for us to be fiscally responsible, but I find that it is only when it is convenient. If it is a tax cut, it is great. But if it is being fair to rural hospitals, that is a no-no.

As to the child tax credit, the debate that went on before this, let me point out that every single dime of tax dollars that have been collected on the Social Security system are being spent for current operating expenses. Really, we are borrowing, in addition to that, $560 billion. Differentiating between Social Security taxes and income taxes is a joke, a joke. Just because it was done for 40 years is no longer reason for us to continue to do it.

But do not lecture me on fiscal responsibility. Do not let staff feed the little notes in saying here is what it does and here is what it does not, because this motion does not bust the $400 million budget. We live within it. We only ask the conferees to make the changes. Yes, it will be difficult. Yes, you cannot do what you want to do. You cannot do the things that you want to do in total, but it is a reasonable compromise; and that is what conferences between the House and the Senate are all about. It is taking the differences and working them out in a

very, very good and concise way. But do not lecture us on budget. Go somewhere else. Argue the philosophical. That is a fair shot. The gentleman and I philosophically disagree apparently on the direction that this ought to be. That is a fair shot, and we will argue that. But this amendment does not bust the budget. It offers some, we hope, constructive suggestions; and I hope that the House will in an overwhelming vote say to the conferees, we believe this has merit, take a look at it, and let us pass it.

Mr. Speaker, this amendment is not what is important. It is what comes back, because that is what is, in fact, going to be affecting lives. And in rural areas, this is a critical difference from a hospital's standpoint. If we cannot do what this amendment does, we are going to continue to have real problems in rural areas, and anybody that represents a rural area needs to take a good hard look and hopefully join in support of this amendment.

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

The SPEAKER pro tempore (Mr. LINDER). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. STENHOLM).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the order of the House of earlier today, further proceedings on this motion will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. RODRIGUEZ. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Mr. RODRIGUEZ moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1588 be instructed to agree to the provisions contained in subtitle F of title VI of the Senate amendment (relating to naturalization and family protection for military members).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Texas (Mr. RODRIGUEZ) and a member from the majority party each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. RODRIGUEZ).

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

I rise today to join my colleagues in expressing my support for the brave men and women who are risking their lives to defend our Nation. I rise to urge my colleagues to express that support by voting in favor of my motion to instruct conferees.

When hostilities broke out in Iraq, the first military member to die in combat was Marine Lance Corporal Jose Gutierrez, an immigrant from Guatemala who volunteered to serve his adopted country. He died an American hero, but he did not die an American citizen.

Lance Corporal Gutierrez was only the first of 13 noncitizen soldiers killed in Operation Iraqi Freedom. Thousands of noncitizen soldiers are currently serving in Iraq, and only 37,000 are noncitizen soldiers who serve in the Nation's Armed Forces.

The motion I am offering today expresses the continued support of the House for the Armed Forces Naturalization Act which passed, by the way, on June 4 by a vote of 414 to 5. The House has already gone on record in support of the bill to give immigrants serving in our Armed Forces more rapid naturalization and to establish protections for their families if they are killed in action.

The 37,000 immigrant soldiers have already met the same rigorous evaluation as U.S. citizens before their enlistment. In fact, the military's criteria are more challenging than the naturalization requirements demanded by the Department of Homeland Security.

Besides meeting the qualifications for military service, noncitizen soldiers have passed an even more important test: they have proven their loyalty to the United States by pledging to defend our Nation and our values with their bodies, their minds, and their lives. Their service in defense of our Nation and our country and their willingness to put their lives on the line speaks to their devotion to the United States.

Mr. Speaker, I urge my colleagues to support this small token of gratitude as a demonstration to these 37,000 Americans who are brave soldiers, to show that we appreciate their patriotism.

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

Mr. SMITH of Texas. Mr. Speaker, I claim the time in opposition to the motion, and I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct conferees addresses the military naturalization provisions that were included in the Department of Defense authorization bill.

On June 4, this Chamber passed H.R. 1954, the Armed Forces Naturalization Act of 2003, with overwhelming support from both sides of the aisle. This military naturalization measure has a number of good provisions. It was sent to the Senate for consideration where it was passed favorably out of the Senate Judiciary Committee. While the Senate has not taken up H.R. 1954, similar provisions were included in the Senate-passed DOD authorization bill.

The motion before us today urges conferees to adopt the provisions contained in the Senate-passed DOD authorization bill. I think this motion underscores the importance of this military naturalization legislation to both Houses and to Republicans and Democrats alike.

However, the Senate should move this bill separately rather than include it in the DOD authorization. This would give the committees with relevant jurisdiction an opportunity to fully examine the differences between the House- and the Senate-passed version and to make informed decisions about these naturalization provisions.

Most of us agree that we should expedite the naturalization process for those who have served our country and provide immigration benefits to family members of those who died. I believe H.R. 1954 accomplished those goals.

I would like to point out, however, some of the reasons why I am concerned about supporting the Senate version contained in the DOD authorization bill. First, H.R. 1954, as passed by the House, grants permanent resident status to the immediate relatives of U.S. citizen soldiers and soldiers granted posthumous citizenship if they die as a result of injuries incurred during active duty. The provisions supported by this motion to instruct conferees would only grant benefits to immediate family members if a soldier died in combat. The family of a soldier who died in training or in being transported to the front would not be granted these citizenship provisions.

Second, H.R. 1954, as passed by the House, allows the spouse of a soldier granted posthumous citizenship to immediately naturalize. This is another important provision omitted from the Senate provisions supported by this motion.

Third, H.R. 1954, as passed by the House, does not grant expedited naturalization during peacetime to a soldier who is discharged less than honorably. I do not believe we should extend the benefits of expedited naturalization to an individual discharged less than honorably, yet the Senate language does not make this distinction.

Finally, Mr. Speaker, I would like to add my concerns about the provisions that benefit illegal aliens in the Senate language supported by this motion. By contrast, H.R. 1954, as passed by the House, does not grant benefits to illegal aliens. By adopting the motion to instruct conferees, we would grant benefits to those illegal aliens, and I do not think this sets a good precedent.

I am heartened that many of us agree on providing important reforms to the naturalization process for military personnel. However, it is my hope that the Senate will take up this legislation separately so that we can resolve some important policy differences between these bills in an appropriate context.

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

Mr. RODRIGUEZ. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I thank the gentleman from Texas (Mr. RODRIGUEZ) for yielding me this time.

Throughout the United States' history of armed conflict, noncitizens have worn our military uniforms and fought in our battles. In fact, one of my uncles served in the Korean War while a legal permanent resident.

Today, approximately 3 percent of our military are legal permanent residents, but not citizens. Of that 3 percent, more than 37,000 noncitizen soldiers are currently serving on active duty in the U.S. Armed Forces. Many of the U.S. casualties in Operation Iraqi Freedom and many of the soldiers who continue to risk their lives to bring stability to Iraq are noncitizens.

I am a strong supporter of measures that provide opportunities for legal permanent residents serving in our military to become U.S. citizens. These individuals are making enormous sacrifices. Without being citizens and without having the protection that that status gives them, these immigrant men and women are willing to risk their own lives to defend this Nation.

□ 1700

The least we can do is give them something in return. What this motion to instruct does is instruct the conferees to accept the Senate provisions that expedite the naturalization process for members serving in the U.S. military and the selected reserves.

The Senate provision also protects spouses, children, and parents of soldiers killed in action by preserving their ability to file for permanent residence in the United States.

The provisions are an effective way to show those noncitizens serving in our Armed Services that their efforts are appreciated. The provisions provide noncitizen soldiers with the opportunity to apply for citizenship after 2 years of military service instead of the 3-year requirement currently in law.

The provisions waive naturalization fees and provide for naturalization proceeds to take place overseas. It also allows for the spouse, children, and parents of legal permanent resident soldiers killed in action to apply for citizenship.

I am pleased that the Senate provisions deem the parents of soldiers killed in action to petition for immediate family status. When the House version of this bill was considered, I was concerned that parents of legal permanent resident soldiers killed in combat were not eligible for citizenship if they were outside the United States at the time their child was killed. Those same parents would be eligible if they were here in the United States and it made no sense. A parent is a parent whether they happen to have gone to their home country for a short time or whether they are in the process of waiting for a visa application renewal or whether some other circumstance prevented them from being in the United States when their child was killed in combat.

I am pleased the Senate provision of this bill made these provisions an important part of their bill.

Again, I support the motion to instruct conferees on the National Defense Authorization Act for Fiscal Year 2004. I urge my colleagues to support this legislation and benefit noncitizens who are serving in our Armed Services and protecting the freedoms that we hold so dear.

Mr. SMITH of Texas. Mr. Speaker, I have no other speakers, and I reserve the balance of my time.

Mr. RODRIGUEZ. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. SOLIS), who has also authored legislation in this area.

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

Ms. SOLIS. Mr. Speaker, I thank the gentleman from Texas (Mr. RODRIGUEZ) for putting this motion to instruct conferees on H.R. 1588, which I am in strong support of.

Earlier in the year several Members of this House came together to work on legislation because we knew immediately that we were seeing many of our young soldiers coming back in body bags. But one thing that differentiated some of the soldiers, and I wanted to point out a photograph of one of the soldiers that was fallen in my district, Francisco Martinez Flores. He was 2 weeks shy of his citizenship.

They granted him posthumous citizenship which means nothing. It stays there in the grave. It does nothing for his family who now has to go through hurdles to make sure that they at least get some semblance of assistance for their well-being here in our country. But if you ask their parents they did not say for one minute, son, do not go and serve your country. He took that upon himself, and they are very proud of him, and we are all very proud of him.

We want to protect all of our soldiers. But there should not be any barriers when we send young men and women, as this 19-year-old went abroad in Iraq. In the first 2 weeks he was there he fell. That was it. His tank fell over the Euphrates River there and his parents never saw him again.

We are working hard to see that these families stay whole, and one of the things that we can demonstrate through this legislation or this motion to instruct is to help preserve that family unit, that they also get the respect that their sons and daughters may not have. In this case, this young man.

I have another picture over here that illustrates a family who is also in that predicament. They have a son who is serving right now in Iraq. The parents are not totally naturalized but they are going through the process. If their son is not returned, who knows what their fate will be as well. But we have thousands of soldiers like that.

Our bill that we had originally proposed would have covered 37,000 men and women who are legal permanent residents that are currently serving in the war, and a good number of our soldiers are also serving as reservists, over 23,000. Nobody is asking them why is it that you are serving? You are not here legally.

They are here legally. They have their green cards. But one thing differentiates them. They do not have that citizenship. They leave their jobs as teachers, as firefighters, as plumbers, as people who helped to build our country. They do not know if they are going to come back and their families are contacting us.

What we would like to see is that there is some assurance, that there is some guarantee for them and their families that they are granted the ability to become naturalized citizens. When I hear the word ''illegal'' it breaks my heart because we do not ask these soldiers to come forward whether or not they are illegal. They were legal residents. They are technically legal residents. And if their families give us the opportunity for their sons and daughters to serve, should we not at least give them the opportunity to grant them some protections that our great country can offer because they are fighting for our freedom every single day. At this moment we know that there are many that are in harm's way.

Mr. Speaker, I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) from the Committee on the Judiciary for his work in recognizing this issue. We worked very hard with several other Members of this House on a bipartisan level, and I would like to thank him for his concerted effort in working with us.

I am also concerned now that this bill or components of the bill are now being placed on hold. And I would ask that Members of our House consider the bigger picture here, and that is these soldiers that are waiting to see that we take action on this motion, and that we do something, that we do the right thing. We sent them out in harm's way, and now it is time for us to take care of them.

Mr. RODRIGUEZ. Mr. Speaker, I reserve the right to close.

Mr. SMITH of Texas. Mr. Speaker, I do not have any further speakers, and I yield back the balance of my time with the understanding that the gentleman from Texas (Mr. RODRIGUEZ) has the right to close.

Mr. RODRIGUEZ. Mr. Speaker, let me take this opportunity first of all to thank the gentleman from Texas (Mr. SMITH). I want to appeal to him. I know that even in the case of the example that I had indicated and that is Marine Lance Corporal Jose Gutierrez, who came here illegally, who was one of the

first killed, he came here illegally. We also have another young man, the majority of who are here, by the way, legally.

We have another young man, and I want to pinpoint in case because this is a sad story. This is Army Private Juan Escalante. It just came out in the paper in Seattle. The young man served in Iraq, and I want to give the gentleman a copy of the article because I think it is important to note. He is a 19-year-old. And I will read part of this.

He is like many of the other soldiers, sailors and airmen settling into civilian life except for the one key fact that Private Escalante is an illegal immigrant. Unlike the tens and thousands of noncitizen soldiers, of which we have 37,000 soldiers that have served our country with so-called green cards, military folks, President Bush has also praised their service, by the way, according to the newspaper. And Escalante fits into an entirely new separate area and I would hope that you would kind of take these cases into consideration.

Here we have a soldier who at the age of 4, at the age of 4 he was brought here by his parents. So he has been here and he is now 19 serving our country in Iraq. He has gotten the combat patch and the whole thing. And now his parents and himself are being looked at for being sent back.

When he graduated from high school he bought a fake green card and joined the Army. And you might say, well, that is fraudulent. But we have had a lot of other fraudulent cases in which people have joined the Army and lied about their age. And he trained as a mechanic, and he later on was deployed to Iraq. Escalante says that he has volunteered and he has enjoyed the work and is extremely proud to have served our country during Iraq and during that particular war. And now he finds himself in a situation where his family is being sent back.

Immigration lawyers and experts argue that the law has long allowed noncitizens who have served honorably during a time of combat, and I know the gentleman is familiar with this, to be eligible for naturalization under Executive Order 13269 signed by President Bush on July 3, 2002. It provides for expedient naturalization for those active during Operation Enduring Freedom.

I would ask the gentleman on that particular case that he please look at and see if he can help that young man, in addition to helping the 37,000 that are here. But I would also want to just go back and say that Mr. Escalante indicated that in the dialogue on this issue is something that is extremely of concern to a lot of other veterans that are out there.

So as we postpone and continue to postpone this, it is important.

Mr. SMITH of Texas. Mr. Speaker, will the gentleman yield?

Mr. RODRIGUEZ. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Speaker, I think we ought to clarify for the record that only a legal permanent resident can serve in the Armed Services. Someone who is in the country illegally cannot serve in the armed forces. They have to be a legal permanent resident. We may have given the impression that some individuals were here illegally and were allowed to serve but that is not government policy.

Mr. RODRIGUEZ. Mr. Speaker, I know that might not be government policy, but we do have them and we do have the cases. I mentioned to the gentleman Mr. Escalante who served and defended and he has been here since the age of 4. His parents might have violated the law but he has been here since the age of 4. And wherever he came from, I am not sure if he is from Mexico or Central America or whatever, but I know that when you look at a person at the age of 4, are you going go to say that he violated the law?

Mr. SMITH of Texas. If the gentleman would continue to yield, we have looked at some of those cases and have found in almost every instance they had taken advantage of some legalization program so that when they actually enlisted they were legal permanent residents. I just would not want us to give the false impression that people who were in the country illegally can expect to enlist in the Armed Services.

Mr. RODRIGUEZ. I understand that, but the fact is the reality is that we do have and there is 37,000. By the way, that is nothing new. For example, similar action has been taken in past history where we had 143,000 noncitizen military participants in World War I and World War II. We had 31,000 members in the Korean War. We had an additional 100,000 who fought in Vietnam and in the Persian Gulf. These have all been noncitizens.

Mr. SMITH of Texas. If the gentleman would continue to yield, that is exactly right, but they are all legal permanent residents. They are not illegal immigrants.

Mr. RODRIGUEZ. But the majority of them, those 37,000, are still not citizens.

Mr. SMITH of Texas. I understand that, I acknowledge that. They are legal permanent residents. They are not citizens, but they also are not in the country illegally.

Mr. RODRIGUEZ. The gentleman is correct in that, but I did want to mention this, too. But for all the others, the 37,000 that are here, the legal permanent residents that are here and fighting and defending, we want to be able to not give them anything extra except expedite what everyone else has to go through. That is to also help them through their waivers in allowing them an opportunity to waive the fees, and I think the gentleman would be supportive of that. The gentleman would also, I think, be supportive of reducing the waiting period for citizenship, and I think the gentleman would also be supportive of allowing them to proceed as quickly as possible when they are overseas.

One of the problems when they are overseas is that they cannot move forward on their citizenship. So it is important for us to do that. I think we owe them at least that amount to be able to do that. I would hope the gentleman would help us out in that way, in terms of that.

□ 1715

Mr. SMITH of Texas. Mr. Speaker, we will be happy to help out, and I have to point out to the gentleman that all of the provisions which we support were in the House-passed bill, and I am surprised that this motion we are considering now would actually endorse some provisions that I consider to be not as good for individuals who are serving in the military who we want to grant citizenship to.

I mentioned in my opening statement a while ago, for example, that the Senate bill that is endorsed by this motion requires them to have served in the military 2 years. The House bill that I support requires them to have only served 1 year. The House bill says that they could be killed while in training, while on their way to the front lines. The Senate bill that this motion endorses says they have to be killed in combat, and the Senate bill that this motion supports says they can be awarded citizenship even if they were dishonorably discharged.

Mr. RODRIGUEZ. Mr. Speaker, reclaiming my time, I know what the differences are, but there is a game that is being played, and the reason why we are doing this is we need to push forward on this, both the Senate and the House is controlled by Republicans, and so my colleagues can make it happen. We can move forward on this, and we can push forward on this, and the importance is to look at those 37,000, and as the gentleman indicated, these are persons, the majority, with the exception maybe of one or two or three of the two that I mentioned, that are all permanent residents and here now legally but need to move forward on the citizenship.

What we are saying is we have got to go and do everything we can to help them out since they have been willing to come forward. The reason why we have this motion is to basically also indicate the importance of moving forward on this act instead of playing games with the Senate and arguing that the Senate has 2 years and we have 1 year, et cetera.

The bottom line is that will not get them the opportunity to move forward and become citizens, and we have got to make that happen.

So the responsibility falls on the leadership both in the House and in the Senate, and in this case, they are both controlled by Republicans. So it becomes real important that we move forward.

The other thing is that the Senate version contains the reservists. We

have 12,000 reservists that also fall in that category, and as my colleague well knows, we have reservists doing full-time duty now, and it is important for us to also recognize that. So we have soldiers that we have asked them to be weekend soldiers, but they are spending time down there all year. So it becomes real important that we move forward on this as quickly as possible, and I want to ask that my colleagues consider the motion and ask that we come because when all is said and done, if this does not occur, then the only ones we can hold responsible is both the House and the Senate and, in this case, controlled by the Republican party and the administration.

So I would ask my colleagues for serious consideration of some passage that would allow expediting the citizenship process because they have to qualify even more so. To be in the military, they have to have had a GED or high school. They have to have, as I already indicated, the leadership and loyalty to this country and demonstrated that, and so I think we have a unique opportunity to send a real positive message to both the people that are serving our military, and both the reservists as well as the active duty, because they have all been out there for us and are willing to continue to defend our country, and we ought to be willing to move forward, and if they served honorably, then we ought to see what we can do to help them out in the process of becoming citizens and to have 37,000 people in the military that are not citizens yet and have trouble as the case that I have here before on Private Escalante, then we need to see how we can make some exceptions in those cases, and I would hope that we have that flexibility in order for that to happen.

Mr. FROST. Mr. Speaker, I am here today to join my colleagues in asking the House conferees of the Defense Authorization bill (H.R. 1588) to accept the Citizenship for America's troop's provision that Senator KENNEDY included in the Senate's bill.

Ever since the war against Saddam Hussein began, politicians and commentators have noted that many brave soldiers were risking their lives for America despite the fact that they are not citizens. As many have pointed out, some of these non-citizen soldiers were among the first brave men and women to fall. Some were born in Mexico before joining the U.S. military—like Pfc. Francisco Martinez Flores, Cpl. Jose Angel Garibay and Lance Cpl. Jesus Suarez del Solar. Others were born in Guatemala—like Lance Cpl. Jose Gutierrez. But all died fighting for a country where they couldn't even cast a vote.

Of course, this is not a new problem. In the last Congress—in May of 2002, to be precise—I first introduced legislation to help remove the obstacles these brave soldiers face on their path to citizenship. And I re-introduced my bill in this Congress one week before our country went to war in Iraq.

But months and months have passed, and still this Congress has not acted. So while the citizenship provision in the Senate bill is not identical to my original legislation, I fully support it. It is the quickest way to honor the brave soldiers who have shown the willingness to make the ultimate sacrifice for the country they dearly wish to be citizens of. Members of the military who risk their lives to defend this Nation deserve better than the bureaucratic and financial burdens that now stand between them and citizenship. And they deserve better than the waiting game they've had to endure since I first proposed legislation like this more than a year ago.

So, Mr. Speaker, I again urge the House managers to not play politics with this issue. Accept the Kennedy language and do the right thing for our troops.

It is the only way to get this done in a timely fashion. Our legal permanent resident troops have already waited for far too long.

Mr. BACA. Mr. Speaker, I rise in support of the Rodriguez motion to instruct the conferees on the Defense Reauthorization Act.

I support his motion because I strongly believe that we must expedite the citizenship process for immigrants that serve in the United States military.

If they wear the American flag on their uniform everyday and proudly fight for this nation then I believe offering them citizenship is the least we can do.

Thirty-seven thousand immigrants soldiers risk their lives everyday in defense of our Nation. These patriots may be of different nationalities but they share the same commitment to defend the United States.

As a Nation, we must respect and honor those who are willing to fight and die for ideals of democracy and the ideals of the United States of America, regardless of their nationality. If we trust immigrants to die protecting this Nation then we must trust them to become American citizens.

The Senate bill has provisions to allow these immigrant soldiers to become citizens after two years, rather than three and I support that.

The Senate provision also allows immigrant soldiers to fulfill citizen requirements at U.S. facilities abroad and I support that.

Currently, immigrant soldiers serving over seas are required to take leave, spend their own money and travel back to the U.S. to fulfill their citizenship requirements. The process is slow archaic, and wrong. No one should be punished for serving this Nation.

I served this Nation proudly and I am the child of immigrants. I know the love that my parents had for this Nation, and I know the love that I have for this Nation, and no one should be punished for wanting to proudly serve this country. No one should be punished simply because they were not lucky enough to be born on United States soil.

We owe anyone who is willing to fight for this Nation the opportunity to quickly and expeditiously become a United States citizen.

We are asking something simple—allow these proud immigrants to become citizens. At a time when we are fighting enemies abroad and at home, why deny those that are the most loyal their wish to become Americans.

On behalf of the 37,000 immigrant soldiers and families, I urge my colleagues to support the Rodriguez motion to instruct.

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

GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this motion to instruct.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. RODRIGUEZ).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, and the earlier order of the House of today, further proceedings on this motion will be postponed.

ADJOURNMENT FROM THURSDAY, SEPTEMBER 18, 2003 TO MONDAY, SEPTEMBER 22, 2003

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow, September 18, 2003, it adjourn to meet at noon on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 23, 2003

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 22, 2003, it adjourn to meet at 12:30 p.m. on Tuesday, September 23, 2003, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SMITH of Texas. 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 Texas?

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 SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

(Mr. DOGGETT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from 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 Texas (Mr. HENSARLING) is recognized for 5 minutes.

(Mr. HENSARLING 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 Indiana (Mr. CHOCOLA) is recognized for 5 minutes.

(Mr. CHOCOLA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to speak in honor of Historically Black Colleges and Universities.

HBCUs are indeed special to me, since it was when I was 16 years old that I left home to attend the University of Arkansas at Pine Bluff, which was AM&N College at that time. The University of Arkansas at Pine Bluff ended up being very significant to my entire family. As time went on, my six brothers and sisters also attended the University of Arkansas at Pine Bluff, as well as nieces and nephews and a number of cousins. When I look around my office, there are a number of individuals who have attended Historically Black Colleges and Universities, such as Wilberforce, UAPB, Morehouse, Howard, and Jackson State. The reality is that for thousands and thousands of individuals, without these institutions being available, well equipped, ready, and prepared, many of the individuals who have managed to rise above the individuality of their circumstances would have never been able to do so.

Before the Civil War, higher education for black students was virtually non-existent, except for a minor few like Frederick Douglass, who did receive schooling but often in hostile, informal settings or were forced to teach themselves. But as Frederick Douglass said, "If there is no struggle, there is no progress." And progress was made. The Morrill Land-Grant Act gave federal lands to the States for the purposes of opening colleges and universities and with great success many institutions were created. However, only a few were open to African Americans. In 1890, 28 years later, this issue was addressed and the second Morrill Land-Grant Act was passed and specified that states must either make their schools open to both blacks and whites or allocate money for segregated black colleges to serve as an alternative to white schools. A total of 16 exclusively black institutions received 1890 land-grant funds.

Today, there are 103 black colleges, recognized by the Department of Education, because they were founded before 1964. Today, there are about 270,000 students attending black colleges and universities and thousands of students graduating annually from black colleges. The Historically Black Colleges and Universities have produced 35 percent of all black lawyers, 50 percent of all black engineers and 65 percent of all black physicians. No school sends more blacks to medical school than New Orleans' Xavier University, and, while HBCUs constitute only 3 percent of the country's institutions of higher education, 28 percent of all blacks who receive bachelor's degrees earn them from black institutions.

As it is evident by the number of African Americans who receive a degree from one of the Historically Black Colleges and Universities, these institutions also play an important role in the communities which they serve. Black Colleges are the social, economic and political beacon within the communities in which they are located. For instance, the University of Arkansas at Pine Bluff has a bell tower on the campus, which is the tallest structure in that area. It stands as a symbol of educational opportunity and hope for the African Americans growing up around the University, in that area. HBCUs are necessary, not just for young African Americans, not just for the communities where they are, but also because they are an incredibly important part of American history. During the next few weeks as the Committee on Education and the Workforce address the issue of Higher Education as we reauthorize the Higher Education Act, I shall endeavor to ensure that the Historically Black Colleges and Universities are not forgotten and receive the attention they deserve.

Mr. Speaker, education is the great equalizer, and, in the last few decades, having a college degree has been more than important to finding a job with a livable wage and reasonable benefits. HBCUs have made it possible for thousands of African Americans, including myself, to grasp and take part in seeking the American dream.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

(Mrs. BLACKBURN 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 gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

(Mr. NORWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 5 minutes.

(Ms. BALDWIN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL 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 Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

(Mr. CUNNINGHAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING MR. OSCAR PETERSLIE AS WISCONSIN'S OUTSTANDING OLDER WORKER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, tonight I rise to honor my good friend Oscar Peterslie who received the Outstanding Older Worker award in the State of Wisconsin for 2003 by the Experience Works Prime Time Awards Program. Experience Works, a nonprofit focused on employment, training and community services for older workers, began the Prime Time Awards Program 6 years ago, and Oscar is the first winner from La Crosse, Wisconsin.

I applaud Oscar who, at the age of 81, currently works more than 40 hours per

week as an assistant manager for the Pearl Ice Cream Parlor at 207 Pearl Street in La Crosse, Wisconsin. The La Crosse community is fortunate to have an old-fashioned ice cream parlor such as Pearl's. I cannot think of a better place to bring my two sons, Johnny and Matthew, on a warm summer evening to enjoy their special homemade ice cream and candy.

Oscar, his son TJ, daughter-in-law Michelle and their daughters always offer a warm greeting to customers that walk through their door. Moreover, for several years I have had the pleasure of living down the block from the ice cream parlor on historic Pearl Street, allowing me to frequently stop over for my favorite homemade chocolate ice cream, a convenience that has put considerable pressure on my belt line.

The work that Oscar, TJ, and Michelle do in the La Crosse community helps make western Wisconsin a special place to live and to raise a family.

In addition to Oscar's work at the ice cream parlor, he has contributed significantly to our country and local businesses in Wisconsin. During World War II, he was a Marine sergeant in the Pacific Theater. After the war, he managed the A & P grocery store in La Crosse for 21 years and then became a real estate agent until 1993.

It is apparent that service to our community has always been important to Oscar Peterslie. He remains active in numerous community activities and services as a member of the La Crosse Masonic Temple, Badger Lodge number 345. He is also widely known as a Shriner's clown, brightening the faces of both young and old as he works the parades with his infamous 3-foot harmonica.

Mr. Speaker, may everyone learn from the service and dedication shown by this noble and honorable man, Oscar Peterslie, Wisconsin's Outstanding Older Worker for 2003. Oscar has made a difference in the La Crosse community and created a chocolate ice cream addiction I do not think I will ever be able to break.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mrs. MUSGRAVE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

CONGRATULATING THE WOMEN'S NATIONAL BASKETBALL LEAGUE CHAMPION DETROIT SHOCK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. KILPATRICK) is recognized for 5 minutes.

Ms. KILPATRICK. Mr. Speaker, I rise today to commend the Women's National Basketball Association Championship team the Detroit Shock. Last night, over 22,000 people came to our stadium in Auburn Hills and watched the women's national basketball team win the championship in beating the two-time champions Los Angeles women's team.

I just want to say how important Title IX is in the rearing of these young women all over America who participate in women's sports and how important it is.

I want to commend Bill Laimbeer, the coach of the team, and for bringing them forward and to bringing another spirit to our team.

So you go get them, women. We are proud of you all over the country. Let us move forward the Women's National Basketball Association that will give young women opportunities to move forward and have the confidence they need to tackle the problems of the world. Congratulations to you, Detroit Shock. We look forward to your next year. You go, girls.

UPDATE ON THE MIDDLE EAST

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 address disturbing developments in the Middle East, including setbacks on the Israeli-Palestinian road map, as well as new information on serious efforts to undermine peace and threaten American troops.

Mr. Speaker, despite international efforts to corral his influence, it is no secret that Yasser Arafat continues to exert enormous influence over the Palestinian government. Israel has come to grips with Arafat's ability to derail the peace process and recently issued a decision to take steps to remove Arafat from power.

In response, several Arab Nations yesterday introduced a resolution at the United Nations aimed to condemn Israel for this decision to thwart these efforts. The United States was forced to use its veto power and reject the resolution.

Mr. Speaker, the world must recognize that Arafat is a roadblock to peace and that no peaceful settlement is a possibility between Israelis and Palestinians as long as he remains in power. I commend my government and specifically U.N. Representative John Negraponte for recognizing the threat Arafat poses and the importance of Israel's decision and then vetoing the damaging U.N. resolution.

Unfortunately, while the U.S. diplomatic corps was working yesterday to support Israel and her interests, the Bush administration or at least it has been reported, Mr. Speaker, that the Bush administration announced it would reduce loan guarantees to Israel. This reported decision comes in protest to Israel's decision to build a barrier wall to prevent suicide bombers from crossing into Israel from the West Bank.

□ 1730

This is a careless decision by the administration and only undercuts Israel's authority and ability to protect its citizens from suicide attacks.

Furthermore, the loan guarantees will allow Israel to rebuild after years of violence and economic decline and are critical to Israel's future.

Mr. Speaker, I hope that the report of this decision by the administration is either not accurate or, if it is, it is a decision that would be reversed. Because I do think it is a tremendous mistake; and I would oppose, and I hope that my colleagues in the Congress would oppose, any cut back in the low guarantees as suggested.

In related Middle East news, evidence has surfaced that Syria is continuing its efforts to incite violence against Israel and is turning a blind eye to Islamic militants who slip across Syrian borders to kill American soldiers in Iraq.

Yesterday, during testimony before a House Committee on International Relations subcommittee, U.S. Under secretary of State for Arms Control John Bolton reiterated concerns that Syria refuses to cooperate with U.S. forces in the Middle East and has continued its support of terrorist groups in pursuit of weapons of mass destruction.

However, Under Secretary Bolton stopped short of recommending specific punitive action against Syria. When questioned by Members of the subcommittee, Under secretary Bolton stated that the administration has ''no opinion'' on legislation introduced here in the House that would place economic sanctions against Syria.

While I commend Under secretary Bolton for his strong statements on Syria, the administration cannot stand by and continue to allow Syria to harbor and support terrorists without economic penalty.

Mr. Speaker, I urge the President to step forward and throw his support behind H.R. 1828, which is a bipartisan bill I have co-sponsored along with Democrats and Republicans, the Syria Accountability and Lebanese Sovereignty Restoration Act. This legislation holds Syria accountable for its actions and would give the President the tools to impose penalties on Syria unless it corrects its behavior immediately.

The Bush administration must show Syria that there are consequences for supporting terrorism and undermining peace in the region.

Mr. Speaker, in closing, I urge the Bush administration to continue to serve as a strong ally to Israel both at the U.N. and here at home. It is critical to our role in the region that the United States maintain its steadfast support of Israel and efforts to protect Israeli citizens from harm and terrorism. And as part of that role, the United States must take decisive action against Nations who seek to corrode peace talks and promote violence

against American soldiers stationed in Iraq.

The SPEAKER pro tempore (Mr. KLINE). Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

(Mr. MARIO DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

(Mr. BURGESS 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 Florida (Mr. FEENEY) is recognized for 5 minutes.

(Mr. FEENEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE BATTLE OF ANTIETAM (SHARPSBURG), SEPTEMBER 17, 1862, ''THE BLOODIEST DAY OF THE CIVIL WAR''

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I rise this evening to commemorate the single bloodiest day in American combat history—the Battle of Antietam—September 17th, 1862. We are a product of our history and we can learn a lot from this terrible day in 1862.

On this day 141 years ago, nearly 100,000 Americans met at Antietam creek near Sharpsburg, Maryland. In a battle that lasted less than twelve hours, over 23,000 Americans lay dead or wounded.

More than twice as many Americans were killed or mortally wounded in combat at Antietam as in the War of 1812, the Mexican War, and the Spanish-American War combined. Amazingly more Americans were killed or wounded at Antietam than on June 6, 1944—D Day on the Normandy beaches in World War II.

	Union	Confederate	Total
Killed	2,100	1,550	3,650
Wounded	9,550	7,750	17,300
Missing	750	1,020	1,770
Total	12,400	10,320	22,720

CHRONOLOGY OF THE BATTLE—WHAT HAPPENED

On September 17, Union Major General George McClellan confronted Lee's Army of Northern Virginia at Sharpsburg, Maryland. At dawn, Hooker's Corps mounted a powerful assault on Lee's left flank. Attacks and counterattacks swept across Miller's cornfield and fighting raged throughout the day around the Dunker church. After repeated delays a Union corps under Burnside finally got into action and attempted to cross the stone bridge over Antietam creek and roll the Confederate right.

Union General Ambrose Burnside's corps of 12,000 men tried to cross the 12 foot wide bridge over Antietam creek for 4 hours. About 450 Georgian sharpshooters took up positions behind trees and boulders on a steep wooded bluff overlooking the bridge. Greatly outnumbered the Confederates drove back several Union advances toward the bridge.

CONFEDERATE EYEWITNESS: BURNSIDE BRIDGE

Lieutenant Theodore T. Fogle, 2nd Georgia Infantry: ''At a bridge on the Antietam Creek our Regiment and the 20th Ga., in all amounting to not over 300 muskets held them in check for four hours and a half and then we fell back only because our ammunition was exhausted, but we suffered badly, eight cannon just 500 yards off were pouring grape shot, shell and canister into us and our artillery could not silence them. We held our post until Major William Harris ordered us to fall back. Our Col. (Col. Holmes) . . . was killed about half an hour before. . . .

''We went into the fight with only 89 muskets and had eight officers and 35 men killed and wounded. So many of the men were shot down that the officers filled their places and loaded and fired their guns.''

After horrific losses the union forces finally punched through and moved on Sharpsburg. But General McClellan had hesitated too long, allowing General Lee to consolidate his vulnerable forces and counterattack into Burnside's flank and rear. McClellan then hesitated once again, failing to pursue a retreating Lee. The opportunity for total victory was gone.

The Union's General McClellan hesitated many times that day. He lacked the courage to accept short term sacrifice even when it meant the long term salvation of the nation. As a result, the Confederate Army escaped that day and the war lasted another three bloody years.

This day in history reminds us that decisive leadership can save lives, end wars and prevent future attacks.

Today, we must continue to recognize that the survival of our nation is again challenged. President Bush and our military leaders have shown that they have the courage to face the reality of our world.

Last Friday at Fort Stewart Georgia President Bush said: ''We are not waiting for further attacks on our citizens. We are striking our enemies before they can strike us again. Wars are won on the offensive—and America and its friends are staying on the offensive.''

By taking the fight to our enemies we are diminishing our foes, securing our people and building the hope of people across the globe.

We owe the security of our nation and our way of life to the hosts of Americans who have unselfishly served and died. We are blessed to have those soldiers in our ranks once again and we are blessed that their leaders understand what is at stake for the nation and the world.

IRAQ PRINCIPLES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this Special Order.

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

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I rise this afternoon to begin the Congressional Black Caucus's Special Order to address the President's proposal to spend an additional $87 billion for the war in Iraq.

Mr. Speaker, since the President addressed the Nation on September 7 regarding the war in Iraq, the Congressional Black Caucus has carefully evaluated the current state of where we are in Iraq and established a set of principles that we believe should be our guide as we move forward.

Before I get into the substance of our principles, I want to recognize the diligent work of the Congressman from North Carolina (Mr. WATT) for his leadership in drafting these principles and working very carefully with other members of the caucus to come to consensus. He willingly took on the task of synthesizing and framing the views of 39 Members of Congress. That is not an easy task. The Congressman from North Carolina (Mr. WATT) handled it masterfully. I also want to thank all the members of the Congressional Black Caucus who helped us to get where we are today. It truly was a team effort.

Mr. Speaker, in October of last year, the Congressional Black Caucus issued a statement of principles with respect to any decision to go to war with Iraq. Although most of us were prepared to support broad-based international action sanctioned by the United States National Security Council, we opposed the unilateral first strike by the United States without first receiving clearly demonstrated evidence of an imminent threat of attack upon the United States.

At that time the Bush administration had not presented us with the evidence that we needed, both constitutionally and morally, to support its plan. It has not done so, I must note, to this day.

We argued last year that absent clear evidence of an imminent threat to the people of the United States, a unilateral first strike against Iraq would undermine the international moral authority of the United States that is so critical in our struggle against terrorism.

We were deeply apprehensive that the Middle East would be destabilized, that unilateral U.S. action would commit this Nation to a long-term and, perhaps, indefinite foreign engagement that would cost America dearly both in American lives and in national resources.

Last year's concerns have now become this year's harsh realities, realities that we must face as a Nation and that we must overcome.

On almost a daily basis we hear regretfully about American soldiers who are being killed or injured in Iraq. The Bush administration has been unable or unwilling to truly internationalize the process toward restoring control of Iraq to the Iraqi people. As a Nation, we are already scores of billions of dollars poorer than we were last October. Now the Bush administration has presented the Congress with another $87 billion check that it is asking us to sign. There is no question that we, along with our other colleagues in the Congress, will do everything within our power to support and protect our troops and provide for their families. That is a paramount concern for us, always has been and always will be. Our duty in this regard is clear.

Nevertheless, before the Congress of the United States provides the President with the authority to spend more of the American people's money on Iraq, we have a constitutional responsibility to demand a clear, comprehensive, and publicly articulated analysis of the Bush administration's management of our involvement both past and present.

The administration does not even pretend that this $87 billion proposal will be its final request for funds. Before I proceed, I would like to make two points that I recently read in The Washington Post. In this particular piece it was noted that the $87 billion request by the President is three times the amount of money the Federal Government will spend on elementary and secondary education this year, and two times as much as the budget for homeland security. The article also noted research from Yale economic researcher William Nordhaus, which noted that the $166 billion that has been spent, or requested, exceeds the inflation-adjusted cost of the Revolutionary War, the War of 1812, the Mexican War, the Civil War, the Spanish American War, and the first Persian Gulf War combined, and approaches the $191 billion inflation-adjusted cost of World War I.

Mr. Speaker, I note these facts and the professor's research to say if left unquestioned, approving this $87 billion would amount to another blank check. That cannot be allowed to happen.

To state the matter gently, the administration has suffered serious damage to its credibility on the subject of Iraq. As a first step toward repairing this loss of trust, the American people and their elected representatives deserve to know in far greater detail the information that convinced the President to go to war.

In addition, the President must provide us with a far more detailed game plan for the future. He should outline his reasoned predictions as to the personnel and funding that will be required to complete our involvement in Iraq and the manner in which these burdens and the authority to address them will be shared with the United Nations. The President should provide an accounting of the previously appropriated funds which this administration has expended in Iraq, including details of all Federal contracts. The President should explain to the Congress and the American people how the additional $87 billion in funding that he has now requested will be spent.

The Bush administration should provide the Congress with the information that will allow us to evaluate and vote separately upon the funding requested for the protection and support of our troops as distinguished from the funding that the President wishes to apply to the rebuilding of Iraq. We also deserve a full accounting of the Iraqi resources, both recovered and anticipated, that properly can be utilized to reduce the U.S. burden.

Above all, our troops and the American people as a whole deserve to know the President's exit strategy. We need to know the criteria for success that must be met before the President will agree to bring our men and women home.

We ask these questions of the Bush administration with the respect that should exist between coequal branches of our government. Those in the world who oppose America should not underestimate either our national unity or our resolve. Nevertheless, both in Baghdad and in my hometown of Baltimore, these are hard times for the American people, times that demand hard answers to hard questions.

Mr. Speaker, we who serve the people in the Congress of the United States would not be fulfilling our constitutional responsibility if we were to hand the President another blank check. We must have some accountability for the American people's money.

Mr. Speaker, it gives me great pleasure to yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), chairman emeritus of the Congressional Black Caucus.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to voice my concerns about the President's request for $87 billion to pursue the administration's aims in Iraq. While I strongly support our troops and I stand here as a strong American, and I support the President when it is reasonable and I will continue to support those brave Americans who are getting themselves in harm's way to defend our Nation, I think we must ask ourselves some fundamental questions.

To this end, the Congressional Black Caucus has issued a statement of principles as to the war in Iraq. I embrace these principles fully. I was Chair of the caucus when we adopted our principles concerning the war, and we still hold those principles dear. I am deeply concerned about the cost of the war and the cost of the psyche of the people of this Nation. I am also concerned about the economic price tag the war is exacting on the taxpayers. We are shifting the cost of engagement to our children and grandchildren. We are burdening ourselves with a debt that is not only mind boggling; it is also unconscionable.

Mr. Speaker, keep in mind that the $87 billion in new funding that the President is requesting from Congress includes more than twice the 2004 budget for the Department of Homeland Security. It is also roughly triple the proposed appropriations for highways and roads. Keep in mind that the combined projected costs of the theaters of operations in Iraq and Afghanistan through September 2004 is $166 billion. That includes the $87 billion.

□ 1745

The President has not provided Congress with sufficient details about how the proposed funding will be spent. The information we have been given is vague, perhaps purposely so. Therefore, we are not able to separately evaluate the proposed funding for the protection and maintenance of our troops and proposed funding for rebuilding Iraq. In my view, Congress should vote on these funding proposals separately.

Back home, people think that the greatest attention we can give the troops is to bring them home. They really do not want more money spent in Iraq. Moreover, the administration has not articulated an exit strategy, nor has it given us a blueprint or a plan for bringing our troops home. That is what the people want. It was said in the days of old, ''My people perish for a lack of knowledge.'' We are left in that position. Without the information, we are groping in the dark. The American people deserve better and so does Congress. We should not give a blank check one more time for the President to spend with his friends.

Mr. CUMMINGS. Mr. Speaker, I yield to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, I think it is important to put some of the numbers in perspective. I serve on the Committee on the Budget and have looked at these numbers from the perspective of the budget. To put these in perspective, let us begin with the first Persian Gulf war, Desert Storm. The total cost of that war, $61.1 billion. Because we had international cooperation, we paid 12 percent of that cost, $7.4 billion. 12 percent. The first supplemental that we have already spent in the current Iraqi conflict, $79 billion. We have been asked for $87 billion more, a total of $166 billion. If we had had international cooperation, 12 percent of $166 billion is $20 billion. Because of the administration's decision to go it alone and attack unilaterally, a $20 billion problem has become a $166 billion problem. And so I commend the chairman of the Congressional Black Caucus for asking what efforts will be made to develop the multilateral force that can share in this burden.

In addition, because we are already into deficit spending, this administration should articulate how the costs of

the war will be borne. If we are going to just borrow the money, then we have to recognize the context of borrowing additional money. In early 2001, budget projections were that within 10 years, we would run up a $5 trillion surplus, enough to pay off the entire national debt, meaning that we would have no interest on the national debt after about 2013. Because we have gone back to deficit spending instead of paying off the national debt, we have increased the national debt such that the interest on the national debt that we will be paying by 2013, instead of zero, will be about as much as we are spending for national defense. In that context, if we are going to borrow the money, let us recognize that we are going to have to pay interest on $166 billion at around 4 percent interest. That equals to over $6.5 billion a year, over $100 million every week, just in interest, without paying off the principal, just in interest for as far as the eye can see.

Let us put some of these numbers also in perspective as to what we spend on other priorities. $166 billion between the supplemental we have spent and the request that is before us. $166 billion. The Department of Education every year, we appropriate less than $60 billion. Transportation, $51.5 billion. Homeland Security Department, $35.8 billion. Those three departments combined, Education, Transportation, Homeland Security, less than $166 billion.

Let us put it into another perspective. In our budget, we expect this year to receive $790 billion in individual income tax. That is everybody's individual income tax, $790 billion. About 20 percent of the request and the supplemental, prior supplemental, amount to 20 percent of the entire individual income tax revenue. With these numbers in hand, the CBC's request for a coherent accounting of the funds is appropriate. It is especially appropriate when you consider the prior claims by this administration, such as the cost of the war will be paid by the oil revenues. Those projections turned out to be false. Therefore, this request needs to be supported by specific plans and documentation detailing how the prior supplemental was spent, exactly how this request will be spent, how it will be paid for, including the question of whether we will get multilateral help, what likelihood there will be for future supplemental appropriations to support the war effort. Those questions need to be answered before we can intelligently consider the request before us.

I want to thank the chairman of the Congressional Black Caucus for bringing these questions to the forefront to make sure that we have this information before we vote.

Mr. CUMMINGS. Mr. Speaker, I yield to the distinguished gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, I am so glad that we have this hour to be able to let Americans know the things they need to know about their government. I think it is important since the gentleman from Virginia just finished talking about what this effort and what I call mismanagement has cost the American people and that it will cost the American people. We need to make sure that we understand that we are deficit spending. This is not surplus money. This is deficit spending money. It is like for some of us Americans that are receiving these credit cards through the mail saying that all you have to do is sign the back and call this 1–800 number, you are automatically qualified for $2,000 and you go out and you spend that $2,000 at a rate of like 23 percent interest rate. That is the kind of deficit spending that we have right now. We need to continue to have a dialogue on this.

I am very disturbed by some of the things that I am hearing out of this White House and out of the majority party as it relates to the efforts in Iraq. At the top of the week, we had the majority leader of this House on the Republican side saying that he is upset that the White House has not said more and the Defense Department has not said more about the accomplishments in Iraq. I would beg to differ. Yes, there have been some accomplishments in Iraq, but I would beg to differ by the fact that we have troops that do not even have armor in Iraq. I serve on the Committee on Armed Services. We authorize billions, $480 something billion annually to the Department of Defense. I remember asking some of the individuals in the Department of Defense, Secretary Wolfowitz to be exact, do our troops have adequate body armor? I was told, yes, the front line troops will have adequate body armor. Right now we have troops that are at Walter Reed Hospital and at Bethesda Hospital with wounds that went through the body armor, bullets that went through the body armor that were supposed to protect them.

I think it is also important for us to understand that if this Congress does not start asking the hard questions to this White House and to the Department of Defense we are going to continue to have these special appropriations. We just gave $78 billion 6 months ago. We are giving $87 plus billion very soon and it will be more to come. When I say that this is going on, this is just not a convenience issue, this is hurting Leave No Child Behind in education, this is hurting social services. I have seen people brought to the table and called out for mismanagement for far less than the billions of dollars that have been mishandled in this war as it relates to contract services. I think it is important that we have to ask the tough questions. I am so glad that the media and some Members of this Congress have called Vice President CHENEY out on the fact that the connection he claimed in the Sunday show this past Sunday, saying that Saddam Hussein had something to do with 9/11. I am glad to hear that the President said that is not true today at a press conference before I came on the floor. The reason why that was corrected in a 3-day period or in a 4-day period is that this Congress questioned that. Democrats questioned what the Vice President said. That is why it is important that we have a democracy. That is why it is important no matter what party you are in if you are a Member of this Congress that you must speak out on issues that you know when that information is inaccurate. Intelligence in the past has been stated about chemical weapons, things of that nature. It has been several months now since we have been in Iraq and there are very little chemical weapons to show for our efforts. We have to ask the hard questions on what is the real rebuilding plan for Iraq. We have yet to see that. Our minority leader the gentlewoman from California (Ms. PELOSI), the gentleman from Pennsylvania (Mr. MURTHA), who is ranking member on the Committee on Appropriations, asked for that yesterday. As of right now, the last I checked, we still have not received it. That is the reason why we have to continue to push for these questions so that it is not a rubber stamp.

The reason why this administration went to the U.N. before they took their preemptive strike or before we took our preemptive strike on Iraq is because the American people said that they wanted them to go to the U.N. Even though they went to the U.N. and we danced and we changed the name of French fries here in the Capitol to freedom fries and did all of these peripheral things, we still went in by ourselves and now we are paying the price. We are now having to go back and say, oh, we like the French. Oh, we feel that Germany and others, we feel that you are good people. We need your help.

If we do not replace diplomacy on the executive branch, then we are in for a costly, costly, long stay in Iraq. It is no longer good enough, Mr. President, for you to say, we're going to be in Iraq as long as we have to be in Iraq. That is not an appropriate answer. An appropriate answer is saying, we are having real negotiations with the Security Council at the U.N., that I am instructing the Secretary of State that we are going to do everything in our power to continue to get more troops in our coalition. You may ask and there are, give or take, 115,000, 125,000 U.S. troops right now on the soil in Iraq. Some 13,000 coalition forces. But last night I saw Secretary Rumsfeld said, oh, we have 60,000 Iraqi police officers that are a part of our security force now. We have to make sure that we are clear. We cannot use metaphors. We cannot allow the Department of Defense nor this White House nor the leadership of this Congress to wiggle out of the tough questions.

I am just as patriotic as the next person. And just because we ask the question of this government that every last

one of us have been voted on to be here to represent our constituents, individuals should not be called out. General Shinseki had to resign because he said this war would cost anywhere from $120 billion to $130 billion. Others who have said of an accurate account if we went into this thing by ourselves of what it would cost had to resign. We in this Congress are the only individuals who cannot be fired. We only can be fired by the people, by the American people, and not by an executive action.

So I ask you, and I implore, and I am so glad that the Congressional Black Caucus has taken this stand to be the conscience of this Congress once again. It may not be the appropriate thing in the light of those individuals who consider themselves self-appointed patriots on behalf of our men and women in uniform, but it was this caucus, Democratic Caucus, that are fighting for those individuals who make under $26,000 to be able to receive a child tax credit, including those individuals that are over there fighting, their children. Republicans said no and are still saying no and say that the bill will not come up. We are saying that we are willing to put the facts and figures here.

I almost feel like a member of the other party who always talked about deficit spending, or used to talk about it. We no longer talk about it now because it is not important. I think it is important that we continue to raise the tough questions, that we continue to be able to ask for an accounting as it relates to private contracts that are being let. This peripheral, this information that is generic about maintenance and reconstruction and turning on the power and making sure they have water and schools, without defining it, can no longer be accepted by this Congress. So it is important that we focus on the fine details. I am so glad that we are here.

Mr. CUMMINGS. I am glad the gentleman raised the issue of the opportunity, that we must take the opportunities that we have to speak out with regard to what is happening in our country.

□ 1800

And the fact is that he is right. Before the war the Congressional Black Caucus raised some very crucial questions, some folks were hollering the word ''unpatriotic,'' and we made it very clear, as we make it clear today that we support our troops 1 million percent. We want them to be at their very best. We want them to be well-equipped. At the same time, we want to make sure that the crucial questions are asked because after all, the people that we represent are the ones who will end up paying the bill. But not only them but their children and their children's children and their children's children's children will be paying this bill.

Mr. Speaker, I yield to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, to our distinguished chairman, who continues to keep us focus in speaking to the needs our constituents, I thank the gentleman from Maryland (Mr. CUMMINGS).

I rise as one of the 39 members of the Congressional Black Caucus. We represent over 26 million Americans all over this country. The majorities of our districts are not African American. Some are. Most are not. And collectively we call ourselves the conscience of the Congress and the conscience of these United States.

Over the last 10 days after the President's announcement, my office has been inundated with my constituents asking me, What are you going to say? What are you going to do? Are you going to give them a blank check? You already did that. Will you speak up?

And I am so proud of my colleagues in the Congressional Black Caucus for organizing this action tonight because it us who have been charged by God to speak out, to work in a bipartisan way in the interests of the people of this great country. I represent over 680,000 people, as many of my colleagues do, and 11 different communities in the State of Michigan. Some of God's finest. Some have served in the Armed Forces. Some have families who have died in the Armed Forces. All of them want us to fight to protect our right of democracy that so many have fought and died for in this country. We come here today and I as a member of the Committee on Appropriations where I hope much of this discussion will be had, and I want to say just from the outset the President proposes and the Congress disposes, and that is our constitutional right; that we as Members of this House, 435 of us, must demand that the committees of jurisdiction receive the supplemental request, that we are able to hold hearings on this request, and that we be able to get information so that we can make those intelligent decisions that our constituents sent us here to do. We have the time. We must act, as the Constitution allows us to, that the appropriate committees, the Select Committee on Homeland Security, that the appropriate committees, the Committee on Appropriations, Defense Subcommittee, authorization, all those committees that are involved, the members, and some of those committees have 60 or 70 people on them, must have an opportunity to hear and see and act on this supplemental request. I implore our leadership to make sure that that happens. Eighty-seven billion dollars now. Less than 6 months ago we gave them $79 billion because we said we had to do that. The President requested it and we were at war. Unilaterally first striking a country. We have never done that in the history of our country. We call it the Department of Defense because we defend our country. We do not strike a country. Somebody said we ought to change that to the War Department. I am not quite there yet. We must solve this crisis. And it is an international crisis. It was then and it still is. That, as my colleague has mentioned, is why we are footing much of the bill, and we know this will not be the last supplemental unless we are able to bring in the international community.

There was no intelligence given to this Member and others before our unilateral first strike that said Osama bin Laden and Saddam Hussein were connected. Osama bin Laden, we already know we must find and rid out the terrorists and the terrorism that he has perpetuated on the world, which is why this is an international crisis that we find ourselves in. Osama bin Laden on the one hand, Saddam Hussein on the other, never at all before this unilateral first strike was there any connection, intelligence-wise, that connected the two together. Now, 5½, 6 months later, we are not sure.

The President says that Iraq is the epicenter of terrorism now. The way that we have disrespected the Muslim religion and any religion in this country, we have to think about that. To them it is a religious war. There is something different about a religious war. They think they are in jihad as we read and discuss.

It is so critical at this time that we, as the world leaders, sit down and try to work out in an international way the problems of the world. Terrorism has to stop. No one in the world is safe as long as terrorism is allowed to rear its ugly head wherever it must strike. We already heard $166 billion should they be successful in getting this. As was mentioned, that is three times more than we spend on education for our children. It is two times more than the Department of Homeland Security has today, and it is nearly three times more than we spend on our transportation budget today.

We have got to protect our troops. We have got to make sure that they are safe. And the parents are saying bring their children home, 18 to 25 years old. Some not properly trained. Some do not have the proper equipment. We are a better Nation than that. That is why the Congressional Black Caucus have come together tonight to talk to America about what we think must happen, and we want the people to fax, write, call, and e-mail their Congresspeople and let them know how they feel. We want the people to fax, call, e-mail and write the White House, let them know how they feel. The power is in the people of America. It always has been and always will be.

So I want to put in the RECORD at this time the principles, the principles that the Congressional Black Caucus adopted on March 18, 2003, and the reassuring of the principles we adopted today and present to the people today. These are the principles that the Congressional Black Caucus must see as we talk about this $87 billion of the people's tax dollars.

We affirm our stated principles from March of this year. We also affirm our principles from October of 2002. Despite the President's failure to follow our original statement of principles in his decisions leading to the war, we express our full resolve to support and protect our troops and their families. We, the members of the Congressional Black Caucus, believe that the administration should provide an accounting of all funds expended to date that were provided previously appropriated by the Congress, which is the $79 million for Iraq and Afghanistan, including details about all contracts for work related to Iraq and Afghanistan. We know that there is a problem with many no-bid contracts given out right now, billions of dollars. We want an accounting of that money.

We believe that the President should provide sufficient details about how the proposed funding will be spent to enable Congress and its committees to evaluate separately funding proposed for the protections and maintenance of our troops and funding proposed for rebuilding Iraq. We, the members of the Congressional Black Caucus, as was mentioned, believe our troops should be protected and secure. We also believe that the humanitarian assistance that we are contemplating, some $20 billion, needs further scrutiny. The investment in their infrastructure when our electric grids are breaking down, we need that here. We need it for our schools. We need it for our health centers.

We, the members of the Congressional Black Caucus, believe that the President should provide full details about how the efforts will be paid for, including a full accounting of Iraqi resources, recovered and anticipated, and how the President proposes to use those resources to reduce or to reimburse the U.S. obligation.

We, the members of the Congressional Black Caucus, believe the President should provide full details about the future obligations of the United States personnel, funding, and decision-making and about how responsibility and authority for these obligations will be shared with the United Nations and/or other nations going forward.

We, the members of the Congressional Black Caucus, believe the administration should provide to Congress full details of information relied on by the President in his decision to go to war in that first unilateral strike earlier this year.

We believe the President should provide details of the criteria he will expect to be met before bringing U.S. troops home and what the exit strategy must be.

Those are the principles that 39 members of the Congressional Black Caucus today present to the President and to our American citizens across this country. They are simple. We want a response. We want it timely. And the 26 million people that we represent want to hear from him.

I thank the gentleman from Maryland (Mr. CUMMINGS) for his leadership.

THE CONGRESSIONAL BLACK CAUCUS PRINCIPLES REGARDING PRESIDENT BUSH'S $87 BILLION SUPPLEMENTAL REQUEST

We reaffirm our Statement of Principles issued in October 2002.

Despite the President's failure to follow our original Statement of Principles in his decisions leading to the war, we express our full resolve to support and protect our troops and their families.

The Administration should provide an accounting of all funds expended to date that were previously appropriated by the Congress, including details about all contracts for work in or related to Iraq.

The President should provide sufficient details about how the proposed funding will be spent to enable Congress and its Committees to evaluate separately funding proposed for the protection and maintenance of our troops and funding proposed for rebuilding Iraq. Congress should vote on these funding proposals separately.

The President should provide full details about how the efforts will be paid for, including a full accounting of Iraqi resources (recovered and anticipated) and how the President proposes to use those resources to reduce or reimburse the U.S. obligation.

The President should provide full details about the future obligations of the United States (personnel, funding and decisions making) and about how responsibility and authority for these obligations will be shared with the United Nations and/or other nations going forward.

The Administration should provide to Congress full details of information relied on by the President in his decision to go to war.

The President should provide details of the criteria he will expect to be met before bringing US troops home and of his exit strategy.

CONGRESSIONAL BLACK CAUCUS PRINCIPLES ON MILITARY ACTION IN IRAQ

1. We oppose a unilateral first-strike action by the United States without a clearly demonstrated and imminent threat of attack on the United States.

2. Only Congress has the authority to declare war.

3. Every diplomatic option must be exhausted.

4. A unilateral first-strike would undermine the moral authority of the United States, result in substantial loss of life, destabilize the Mideast region and undermine the ability of our nation to address unmet domestic priorities.

5. Further, any post-strike plan for maintaining stability in the region would be costly and would require a long-term commitment.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for her statement. And we reiterate that these questions that have been raised are basic questions that if anybody were dealing with a family issue, a serious family issue, these are the kinds of questions, Mr. Speaker, that anybody, any reasonable person would ask, and we reiterate that we hope the President will answer these questions as soon as possible.

Speaking of common sense, I yield to the gentleman from South Carolina (Mr. CLYBURN) who hails from South Carolina and also is a previous chair of the Congressional Black Caucus and now serves as a vice chairman of our Democratic Caucus.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman for yielding. I want to thank the chairman for the tremendous leadership he has given to the Congressional Black Caucus on this and other issues.

Earlier today, I joined the House Democratic leadership in sending a letter to the gentleman from Illinois (Speaker HASTERT) requesting a detailed accounting of the money being spent on the Iraq War effort. The public disclosure that we are requesting must include shining the light on closed-door lucrative contracts being awarded to Halliburton, Bechtel and other friends of this administration.

In today's Washington Post, there is an article that says that $1.7 billion has already been awarded to Bechtel, and they stand to receive millions more in no-bid contracts.

Mr. Speaker, I think that this is outrageous. Outrageous not just because of the issue itself but because there are two underlying issues that I think that this administration must confront before we send any additional money to conduct this effort in Iraq. And I want to share with the public those two concerns of mine.

First of all, I do not know if the public realizes it or not, but a law that we authorized last April provides for imminent danger pay of $75 a month and $150 a month in family separation allowances for our soldiers serving in Afghanistan and Iraq. That law expires on September 30. I do not believe that we ought to give one moment of consideration to any additional funding to conduct this war in Iraq until we extend this law so that those men and women who are putting their lives on the line, who are in imminent danger, who have been separated from their families receive compensation for doing so.

□ 1815

The Defense Department is saying that we cannot afford to continue this pay. I believe that the troops serving overseas ought to be our top priority, and we ought not talk about any additional expenditures until we make sure that they are taken care of.

The second thing I want us to consider before we start discussing any additional funds for Iraq is this issue involving disability pay for our veterans.

Mr. Speaker, it is interesting to me that if you were to look at a 20-year veteran who may have served 1 year in Iraq or Afghanistan and comes home unharmed, that veteran will receive retirement benefits. But the 20-year veteran who serves for 20 years and gets injured in Iraq, comes home with a missing limb and becomes eligible for disability pay, that disability pay is deducted from his or her retirement pay; and, therefore, he or she stands in the same light as a person who never got injured in the first place, though that person's ability to make a living for himself or herself and his or her family diminishes greatly because of that injury.

We in this Congress need to correct that issue before we send one additional soldier to fight in Iraq or Afghanistan, and this Congress is refusing to deal with that. Yet we hear that those of us who disapprove spending additional expenditures until we do this do not support our troops.

This is not supporting our troops, when we put them in harm's way and we bring them back home and do not adequately support their life's existence. Something about this is bad wrong. I get the phone calls in my office. I have a young lady spending almost full time dealing with this issue. We believe that until it is resolved, we ought not be talking about any additional funds for Iraq.

So until this administration faces up to these three issues, gives us a light shining on these contracts, does something about extending eminent pay allowances and family separation for our men and women, and does something about this disabled American veterans tax that we are putting on these people returning home with their injuries, I am not going to support any additional expenditures in Iraq.

Mr. CUMMINGS. Mr. Speaker, it is my pleasure to yield to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman, the chairperson of the Congressional Black Caucus. I am honored to join my colleagues in a very thoughtful presentation and edification of our principles.

I rise to say two things, that Congress has to be, if you will, the arbiter, the moral compass, the standard by which we make determinations to save lives in America. It is imperative before we vote for the $87 billion that we have full congressional hearings, that we separate the vote on the support for the troops as well as distinguishing that from the rebuild on Iraq.

We are truly committed to our troops and saving lives, protecting them and responding to their family needs; but we cannot give a blank check of $87 billion to this administration without a detailed plan and exit strategy, as well as an understanding of who our allies will be.

Lastly, I believe it is imperative that we not give up on understanding where the weapons of mass destruction are and what was the nuclear capacity or threat at the time that we all made a conscious decision or one of conscience to protect this land in voting for the resolution in 2002. The American people have to have hearings on the understanding of the weapons of mass destruction.

So I support my colleagues and thank them very much for giving me the opportunity to share in support of this Special Order on very important decisions that this Congress will make over the next weeks and days. I look forward to a town hall meeting in my community on this very issue.

Mr. CUMMINGS. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the Chair of the Congressional Black Caucus for yielding. We all owe him particular gratitude for the way in which this entire session he has brought this caucus together on this floor on important issues, none more important than the issue before us today.

If I were to summarize what I have to say today, it would be that the troops have become an abstract concept. I want to deconstruct the concept. The proposition that I want to put forward is that two inexcusable errors by the administration are endangering our troops in Iraq: first, the rush to war without allies, and, secondly, the inexcusable failure to plan for the peace.

The context of what I want to speak about further is a young man whose funeral I went to a couple of weeks ago, Darryl Dent, 21 years old, due home several times, extended each time. Dead.

I believe that the Darryl Dents, who are mounting up every day, are unnecessarily mounting up; and I want to make that case today.

I want to congratulate the Chair once again on his ''Statement of Principles as to War against Iraq'' that the caucus issued before that war. The most important principle has been vindicated, that a unilateral first strike action by the United States without a clearly demonstrated and indicated threat of attack on the United States, that notion that you do not do that kind of strike unless you know you are in imminent danger, has been fully vindicated by multiple failures of the administration.

I want to spell out what those failures are. First, the failure to form a pre-war and a post-war alliance to provide adequate civilian and military assistance to our troops in the field and to the people of Iraq after the war; the failure to secure the peace; the failure to prepare for the probability of an Iraqi resistance. What did we think they were going to do, just melt into the woodwork? Or, finally, to understand that once there was the chaos of war, we would draw in terrorist elements following the war, the failure to prepare for what U.S. commanders now themselves now call a guerilla war in Iraq. Was all of this necessary, Mr. Speaker? I think not.

It comes up now in the context of an astonishing request. Nobody expected $87 billion more. What is that, for this year alone?

I want to talk about the troops through Darryl Dent, because I think the words need to be humanized. The only people who have been asked to sacrifice for this war are the military. We certainly have not been asked to sacrifice a thing, whether we are rich or poor, since we are getting tax cuts thrown at us.

The greatest hardship has been on the people we call the Weekend Warriors. You will notice that the Congressional Black Caucus does not feel defensive at all about indicating that we support the troops. We do not need to come forward and let everybody make sure you know we support the troops. That is a truism, particularly since the troops are disproportionately African American.

Mr. Speaker. Yes, we do support them. That is a given as well.

We also believe that once you destroy somebody's country, you invade somebody's country, you ought to fix it up and not simply leave it in chaos. That is the obligation that comes once you invade somebody's country. That is an obligation, by the way, under the U.N. charter.

Winning the war in Iraq was a virtual given. But we had a special obligation not to engage in a war of choice unless we were in imminent danger the moment we decided to have a volunteer Army, because that Army we knew from the outset would be composed disproportionately of Weekend Warriors.

We were under a particular obligation to make sure that we did not call people who we gave to understand that, yes, in the event of a war of last resort you will be called up, but basically there was not much chance that you would be called up. We had no right to go into a war of choice unless we had no other choice. They were prepared to fight a defensive war, they were prepared to fight this war of choice, but it is unfair that we have asked them to do that. They are all surprised. They are as astonished as anybody is. And we are having a snowball effect.

We are having a snowball effect on the troops, on their families, on small businesses, and on employers. We know it, because employers and families are beginning to escalate their use of the mechanism in the Defense Department that allows you to ask for particular troops to come home because of emergency or hardship. Businesses are using that as well. We know it because families are organizing to bring the troops home, for goodness' sake.

And we know one other thing: we had better not get up ever again and declare that we can fight a war on two fronts. We now know we cannot fight a war on two fronts without substantial aid from substantial allies using a military force composed so disproportionately of Weekend Warriors, of people in the Reserves, of people in the National Guard. Nobody can fail to understand that now, particularly when the commanders are calling for troops. They call them ''foreign troops,'' but what they mean is they need reinforcements.

We know they need reinforcements because of the horror stories we are hearing, for example, of people coming home after a year of service and being called back after a few weeks on the job. How long do you think you will have a volunteer Army when you are

treating troops this way? How long? Not long.

In particular, we ought to remember who the National Guard is. They perform triple duty: homeland defense now in the age of domestic terrorism, which is what Americans are truly afraid of; natural disasters, like the hurricane that is bearing down upon us; and, of course, the regular military duty that so many of them are engaged in now. We had better hope and pray we do not need the National Guard at home, because they simply are unavailable to us at the moment.

The administration changed the rules of the game once these young people were signed up and in the field. Now they find that commanders can decide when and if they will go home. They are getting extension after extension of duty, and they are getting back-to-back service, all of which they were promised would almost never happen.

Where does this spring from? From the go-it-alone attack on Iraq that this administration did, against all of the advice of our allies, indeed, of the whole world. The way in which we have handled Iraq has already wrecked American foreign policy and its relations with its allies.

Yes, I support the Congressional Black Caucus statement of principles. I also believe it is time to do more than ask tough questions. It is time to do more than talk about the troops, as if they were some inanimate body. It is time to come to grips with our duty to protect the troops, not only in the field, but here at home, against policies that could wreck the volunteer forces on which we have become so dependent in an age when we do not use the draft.

Mr. Speaker, I again thank the chairman for his leadership.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentlewoman and all of the members of the Congressional Black Caucus for participating in this discussion this evening.

□ 1830

Mr. CUMMINGS. Mr. Speaker, I believe that history will be the judge, and I think it will shine a very favorable light on the Congressional Black Caucus for raising the questions that have been raised. These are basic, fundamental questions.

It is interesting that the gentlewoman from the District of Columbia (Ms. NORTON) raised the issue of our troops. It just reminded me that one of the first soldiers to die in the war just so happened to live a few blocks from me, a young man who simply wanted to be the best that he could be; and he joined the Marines, and the reason why he joined the Marines was because he could not get scholarship money to go to college. But he joined the Marines and gave the best that he had, and he became one of the best helicopter specialists in the entire Marine Corps.

So we must never forget the young people who are suffering in 120 degree-plus weather. We must never forget those who have given the ultimate sacrifice, their lives, for this country. We must never forget them, ever. We must never separate them from what is going on here today, for they are the people that we care so much about and we love so dearly.

At the same time, I think we owe them a certain level of support, the highest level of support. We must do that. At the same time, we must be, this country, that is the President, must answer crucial basic questions about the taxes that are paid. I have often said, Mr. Speaker, that one can get Republicans and Democrats to agree on one thing, and that is for sure, and that is that the tax dollars of our citizens must be spent in an effective and efficient manner. I do believe that it is our duty. It is not only our duty; it is our responsibility to ask the questions of how those dollars are spent. It is the duty of every citizen to require of us in town hall meetings, and when they meet us at the supermarket, to be able to ask us the question of how are our dollars being spent.

And as we stand here today and as we look at this total $166 billion, I promise my colleagues that I do not think that one of us can truly say how they are being spent, because our President has not told us. This Chamber should be packed with Members trying to get answers to those very crucial questions.

CELEBRATING HISPANIC HERITAGE MONTH

The SPEAKER pro tempore (Mr. RENZI). Under the Speaker's announced policy of January 7, 2003, the gentleman from Illinois (Mr. WELLER) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELLER. Mr. Speaker, on behalf of the majority in the Congress, I take the well this evening to, of course, celebrate Hispanic Heritage Month, to celebrate the independence day for our Central American allies. It is my privilege to be before the House of Representatives today to discuss these important events.

Hispanic Heritage Month is September 15 through October 15. It is a month-long national celebration in recognition of the countless contributions and sacrifices that our Nation's largest minority community has bestowed upon our country over the last 4 centuries. This week we not only recognize Central American independence from Spain, but we also celebrate the common bond of democracy our countries share that allows us all to be here today.

Es gran mes de celebracion porque elogiamos la independencia de cinco paises centro: El Salvador; Costa Rica; Honduras; Guatemala; y Nicaragua. Nuestros amigos y companeros.

As with every July 4th, when we celebrate our Nation's independence from Great Britain, it is fitting to note that while the five Central American nations declared their independence from the Spanish crown on September 15, 1821, the quest for independence actually began 11 years earlier on that exact date when the then Viceroyalty of New Spain, today Mexico, declared her independence from la Madre Patria, the Mother-Fatherland, as Latinos sometimes affectionately refer to Spain.

When independence finally came to Spain's largest American colony in 1821, its vast territory stretched all the way south to the present Costa Rican-Panamanian border and continued northward to the present day California-Oregon border and included the American Southwest.

In addition, the future of the Philippines, Guam, as well as the other Spanish island possessions in the Pacific, which were administered directly from Mexico City before the end of Spanish sovereignty on the American mainland, would also be directly affected by the independence movement that began on this date, September 15 in 1810.

In the years that followed Mexico's independence, which was officially celebrated on the 16th of September, and not on Cinco de Mayo, like some believe, five of the six Central American provinces would also come together in 1823 to form the United Provinces of Central America. Subsequently, Mexico's northern provinces of Alta California, Nuevo Mexico, and Tejas y Coahuila would later come under the Stars and Stripes as a result of the Mexican-American War. Out of these three immense territories, the present-day borders of 10 American States would later be carved out. Hence, there are 10 stars out of the 50 on our national flag, one out of five on our national flag that has a direct tie to this specific date, September 15, the independence day of the former provinces of New Spain. Somos todos hermanos y hermanas.

It is clear that our Nations share many common bonds and values. It is also evident that we stand together, committed to freedom and democracy, proud that all five nations have freely elected governments committed to democracy and the rule of law. There is no better system than democracy, and we in the Republican Congress stand ready to work with the freely elected leaders of our Central American allies to strengthen democracy throughout the Western Hemisphere.

All five nations in Central America are well led by able leaders who again are freely elected. The Republic of El Salvador is President Flores and is represented well here in Washington by His Excellency Ambassador Leon. Republic Costa Rica is well led by a freely elected President, His Excellency President Pacheco and is well served and well represented here in Washington by His Excellency Ambassador Daremblum. The Republic of Honduras is ably led by a freely elected President, His Excellency President Maduro

and is well represented here in Washington by Ambassador Canahuat.

The Republic of Guatemala is ably served and well led by a freely elected and democratically elected President, His Excellency President Partillo and well represented here in Washington, Guatemala is, by Ambassador Arenalas. And last, and of course equally important, is the Republic Nicaragua, a country that is well led by a freely elected and democratically elected President, His Excellency President Balanos and is well represented here in Washington by Ambassador Marias.

Again, El Salvador, Costa Rica, Honduras, Guatemala, Nicaragua, all led by freely elected, democratically elected presidents and well represented here in Washington by their diplomatic corps; but they share our values. They share our values and support for democracy.

Last, recognizing that we have a great opportunity, an opportunity to integrate the economies of the five nations of Central America and the United States with the Central American Free Trade Agreement. It is a great opportunity for all of our nations.

Central America represents the United States' largest export market. There are 34 million people who live in Central America, with a combined gross domestic product of almost 57 billion U.S. dollars. The United States exports to Central America total over $9 billion, which includes such product items as machinery, high-tech goods, motor vehicles, chemicals, energy, food, agricultural products, textiles, apparel, paper, and fertilizer. In fact, it is important to note that the five Central American nations today represent more trade for the United States' trading partners than the trade we currently have with the nations of India, Russia, and Australia combined. Clearly, our allies are a key part of our economy and important trading partners.

U.S. services exports to Central America today total over $2 billion and include such top services such as aviation, telecom, tourism, banking and financial services. Such exports to the region have grown by 42 percent since 1996. Think about that. Service exports to Central America have grown by 42 percent in 7 years. Every dollar that we as Americans spend on a good produced in Central America has yielded $1.36 in demand for American goods from and purchases by our Central American allies and friends.

The Central American Free Trade Agreement offers tremendous opportunity for American workers and businesses, but it also stands to offer a model for a regional trade agreement and will be a key building block for the Free Trade Agreement of the Americas. We must align ourselves with our Latin American friends to compete in today's global economy.

Es claro que tenemos gran oportunidad para todos los paises en Centro America y los Estados Unidos para integrar mas nuestras economias con el Acuerdo de Libre Cambio Americano Centro. Esta semana sus negociadores y nuestros negociadores tienen un reunion en Managua, Nicaragua, para clarificar este acuerdo y para terminarlo para la ratificacion temprano en dos mil cuatro por el Congreso de los Estados Unidos.

Our nations have much to gain by reducing barriers between our economies. We agree that free trade will create jobs and new opportunities for the citizens of all our nations. We agree that CAFTA, the Central American Free Trade Agreement, must be mutually beneficial and fair to all six nations, ours as well as theirs. We in the Western Hemisphere can and must work together to compete in the global economy.

Again, my colleagues and I extend our congratulations to our Central American neighbors on their independence day and recognize our Hispanic and Latino citizens during this month-long celebration of Hispanic Heritage Month. We stand with you in solidarity for freedom; we stand with you in solidarity for democracy; we stand with you in solidarity for trade.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUSH (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. STEARNS (at the request of Mr. DELAY) for today after 1:00 p.m. and the balance of the week on account of attending his son's wedding.

Mr. MILLER of Florida (at the request of Mr. DELAY) for today on account of attending a funeral.

Mr. PLATTS (at the request of Mr. DELAY) for today on account of attending a memorial service in the district for a soldier killed in Iraq.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CUMMINGS) to revise and extend their remarks and include extraneous material:)

Mr. DOGGETT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. BALDWIN, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

(The following Members (at the request of Mr. SMITH of Texas) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. KIRKPATRICK, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon sighed by the Speaker:

H.R. 13. An act to reauthorize the Museum and Library Services Act, and for other purposes.

H.R. 659. An act to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.

H.R. 978. An act to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

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

S. 678. An act to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters' organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

ADJOURNMENT

Mr. WELLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Thursday, September 18, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4294. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Emissions From New Marine Diesel Engines [AMS-FRL-7561-4] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4295. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment for the Carbon Monoxide National Ambient Air Quality Standard for the Phoenix Metropolitan Area, Arizona [AZ-094-FOAa; FRL-7561-5] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4296. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Federal Plan Requirements for Commercial and Industrial Solid Waste Incinerators Constructed on or Before November 30, 1999 [AD-FRL-7562-1] (RIN: 2060-AJ28) received

September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4297. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Asbestos [OAR-2002-0082, FRL-7561-2] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4298. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608 of the Clean Air Act; Correction [FRL-7560-9] (RIN: 2060-AF36) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4299. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — FM Table of Allotment, FM Broadcast Stations, (Sonora, Texas) [MB Docket No. 03-88, RM-10464] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4300. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Fm Broadcast Stations, (Port St. Joe and Eastpoint, Florida) [MB Docket No. 03-21, RM-10632; RM-10696] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4301. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast (Anchorage, Alaska) [MM Docket No. 00-99, RM-9858] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4302. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Arms Export Control Act on the export of goods or technology; to the Committee on International Relations.

4303. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting a report strengthening certain sanctions against missile technology proliferation activities; to the Committee on International Relations.

4304. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report to Congress on the status of consultations on the imposition of sanctions for chemical weapons; to the Committee on International Relations.

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. TAUZIN: Committee on Energy and Commerce. H.R. 1813. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture, and for other purposes (Rept. 108–261, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2572. A bill to authorize appropriations for the benefit of Amtrak for fiscal years 2004 through 2006, and for other purposes (Rept. 108–274). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 3038. A bill to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002 (Rept. 108–275). Referred to the Committee on the Whole House of the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 3034. A bill to amend the Public Health Service Act to reauthorize the National Bone Marrow Donor Registery, and for other purposes; with an amendment (Rept. 108–276). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. FORBES, Mr. KING of Iowa, Mr. FEENEY, Mr. CARTER, Mr. GALLEGLY, Mr. GOODLATTE, Mrs. BLACKBURN, Mr. BARTLETT of Maryland, Mr. JENKINS, and Ms. HART):

H.R. 3106. A bill to strengthen the law enabling the United States to expeditiously remove terrorist criminals, to add flexibility with respect to the places to which aliens may be removed, to give sufficient authority to the Secretary of Homeland Security and the Attorney General to remove aliens who pose a danger to national security, and for other purposes; to the Committee on the Judiciary.

By Mr. CLAY (for himself, Mrs. JONES of Ohio, Mr. WATT, Ms. WATERS, Ms. KILPATRICK, Mr. MEEKS of New York, Mr. FATTAH, Ms. KAPTUR, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. LANTOS, Ms. WATSON, Mr. WYNN, Mr. EMANUEL, Ms. MILLENDER-MCDONALD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. FORD, Ms. JACKSON-LEE of Texas, Mr. VAN HOLLEN, Mr. KUCINICH, Ms. SOLIS, Mr. CONYERS, Ms. MAJETTE, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. CUMMINGS, Mr. PAYNE, Mr. TOWNS, Mrs. CHRISTENSEN, Ms. LEE, Mr. RANGEL, Mr. JACKSON of Illinois, Ms. CARSON of Indiana, Ms. CORRINE BROWN of Florida, and Ms. NORTON):

H.R. 3107. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Ways and Means.

By Mr. BOEHNER (for himself, Mr. THOMAS, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. SAM JOHNSON of Texas, and Mr. PORTMAN):

H.R. 3108. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER (for himself, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. NUNES, and Mr. MENENDEZ):

H.R. 3109. A bill to require the Secretary of the Treasury to mint coins in commemoration of Celia Cruz;

to the Committee on Financial Services.

By Mr. BONILLA:

H.R. 3110. A bill to specify locations where certain citizens and nationals of Mexico may be removed from the United States into Mexico; to the Committee on the Judiciary.

By Mr. BURR (for himself, Ms. ESHOO, Mr. UPTON, Ms. DEGETTE, Ms. SLAUGHTER, Mr. RUSH, Mr. INSLEE, Mr. ABERCROMBIE, Mr. SIMMONS, Mr. DEUTSCH, Mr. CASE, Mr. SHAYS, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Mr. LINDER, Mr. NORWOOD, and Mr. EHLERS):

H.R. 3111. A bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EHLERS:

H.R. 3112. A bill to amend title 23, United States Code, to establish programs to facilitate international and interstate trade; to the Committee on Transportation and Infrastructure.

By Mr. FLAKE:

H.R. 3113. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY:

H.R. 3114. A bill to provide that adjustments in rates of pay for Members of Congress may not exceed any cost-of-living increases in benefits under title II of the Social Security Act; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA:

H.R. 3115. A bill to prevent a State or unit of local government from using Federal funds to assist prosecutors unless the State or unit provides information to the Department of Homeland Security on individuals convicted of crimes for use by the Department in identifying immigration violations by such individuals, and for other purposes; to the Committee on the Judiciary.

By Mr. FOSSELLA:

H.R. 3116. A bill to amend the September 11th Victim Compensation Fund of 2001 to extend the deadline for filing a claim to December 31, 2004; to the Committee on the Judiciary.

By Mr. FOSSELLA:

H.R. 3117. A bill to amend certain provisions of title 5, United States Code, relating to disability annuities for law enforcement officers, firefighters, and members of the Capitol Police; to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES (for himself, Mr. LATOURETTE, Mr. BURR, Mr. TURNER of Ohio, Mr. COBLE, Mr. ISAKSON, Mr. OBERSTAR, Mr. TAYLOR of North Carolina, Mr. MCINTYRE, Mr. BALLANCE, Mr. HOBSON, Mr. HOLDEN, Mr. PEARCE, Mr. BEAUPREZ, and Mrs. MYRICK):

H.R. 3118. A bill to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia; to the Committee on Transportation and Infrastructure.

By Mr. HULSHOF (for himself, Mr. POMEROY, Mr. NUSSLE, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. STENHOLM, Mrs. EMERSON, Mr. GRAVES, Mr. SKELTON, Mr. AKIN, and Mr. BOEHNER):

H.R. 3119. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for biodiesel used as a fuel; to the Committee on Ways and Means.

By Ms. LEE:

H.R. 3120. A bill to provide for the dissemination of information on irradiated foods used in the school lunch programs and to ensure that school districts, parents, and students retain the option of traditional, non-irradiated foods through such programs; to the Committee on Education and the Workforce.

By Mr. MCINNIS:

H.R. 3121. A bill to override the income tax treaty with Barbados; to the Committee on Ways and Means.

By Mrs. MILLER of Michigan:

H.R. 3122. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to direct the Secretary of the department in which the Coast Guard is operating to issue a regulation prohibiting a vessel with a ballast water tank from entering the Great Lakes if more than 5 percent of the capacity of the tank contains ballast water; to the Committee on Transportation and Infrastructure.

By Mr. NADLER (for himself, Ms. JACKSON-LEE of Texas, Mr. RODRIGUEZ, Mr. SERRANO, Mr. DOOLEY of California, Mr. CASE, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. DELAHUNT, Mr. GREEN of Texas, Ms. MCCOLLUM, Mr. BERMAN, Mr. TIERNEY, Mr. WEINER, and Mr. ENGEL):

H.R. 3123. A bill to amend the Immigration and Nationality Act to exempt certain elderly persons from demonstrating an understanding of the English language and the history, principles, and form of government of the United States as a requirement for naturalization, and to permit certain other elderly persons to take the history and government examination in a language of their choice; to the Committee on the Judiciary.

By Mr. OTTER:

H.R. 3124. A bill to designate the facility of the United States Geological Survey and the United States Bureau of Reclamation located at 230 Collins Road, Boise, Idaho, as the ''F.H. Newell Building''; to the Committee on Transportation and Infrastructure.

By Mr. PAUL (for himself, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. DUNCAN, Mr. GOODE, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. FEENEY, Mr. MILLER of Florida, Mr. OTTER, and Mr. NORWOOD):

H.R. 3125. A bill to protect the Second Amendment to the United States Constitution; to the Committee on International Relations.

By Mr. PEARCE:

H.R. 3126. A bill to provide that no court or judge shall dismiss any part of the Constitution or Bill of Rights as a legal defense in court; to the Committee on the Judiciary.

By Ms. PRYCE of Ohio (for herself and Mr. MURTHA):

H.R. 3127. A bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ:

H.R. 3128. A bill to amend title 49, United States Code, to ensure that States do not use certain information to suspend or revoke a commercial driver's license of an individual; to the Committee on Transportation and Infrastructure.

By Mr. SCHIFF:

H.R. 3129. A bill to permit States to require insurance companies to disclose Holocaust-era insurance information; to the Committee on Financial Services.

By Mr. SULLIVAN (for himself, Mr. PITTS, Mr. DEMINT, Mrs. MUSGRAVE, and Mr. BURGESS):

H.R. 3130. A bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations; to the Committee on Education and the Workforce.

By Mrs. TAUSCHER (for herself and Mr. BELL):

H.R. 3131. A bill to require a report on reconstruction efforts in Iraq; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself and Mr. HILL):

H.R. 3132. A bill to require amounts appropriated under any Act making emergency supplemental appropriations for the reconstruction of Iraq and Afghanistan and the war on terrorism for fiscal year 2004 to be made available in allotments and in accordance with certain reporting requirements; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. SHAYS):

H.R. 3133. A bill to preserve the ability of States, Indian tribes, municipalities, and air pollution control agencies to protect the public health and the environment by affording them discretion as to whether or not to implement new source review revisions promulgated by the Environmental Protection Agency on August 27, 2003; to the Committee on Energy and Commerce.

By Mr. WALSH (for himself, Mr. JONES of North Carolina, Mr. LIPINSKI, Mr. GILLMOR, Mr. LATOURETTE, Mr. UPTON, Mr. QUINN, Mr. GOODE, Ms. KAPTUR, and Mr. CARSON of Oklahoma):

H.R. 3134. A bill to amend title 10, United States Code, and title III of the Federal Property and Administrative Services Act to require certain prospective government contractors to employ at least 50 percent of their employees in the United States; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 3135. A bill to amend the Truth in Lending Act to require a store in which a consumer may apply to open a credit or charge card account to display a sign, at each location where the application may be made, containing the same information required by such Act to be prominently placed in a tabular format on the application; to the Committee on Financial Services.

By Mr. WEINER (for himself and Mr. RANGEL):

H.R. 3136. A bill to amend the Immigration and Nationality Act to reduce the annual income level at which a person petitioning for a family-sponsored immigrant's admission must agree to provide support in a case where a United States employer has agreed to employ the immigrant for a period of not less than one year after admission or where the sponsored alien is under the age of 18; to the Committee on the Judiciary.

By Mr. WEINER:

H.R. 3137. A bill to prohibit assistance or reparations to Cuba, Libya, North Korea, Iran, Saudi Arabia, and Syria; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURTHA:

H.J. Res. 68. A joint resolution proposing an amendment to the Constitution of the United States relating to school prayer; to the Committee on the Judiciary.

By Mr. MANZULLO (for himself, Mr. STENHOLM, Mr. ROGERS of Michigan, Mr. HILL, Mr. GREEN of Wisconsin, and Mr. HINOJOSA):

H. Con. Res. 285. Concurrent resolution expressing the concern of the Congress regarding the detrimental impact on the United States economy of the manipulation by foreign governments of their currencies; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland:

H. Con. Res. 286. Concurrent resolution congratulating Fort Detrick on 60 years of service to the United States; to the Committee on Armed Services.

By Mr. LANTOS (for himself, Mr. HYDE, Mr. BEREUTER, and Mr. WEXLER):

H. Res. 372. A resolution expressing the condolences of the House of Representatives in response to the murder of Swedish Foreign Minister Anna Lindh; to the Committee on International Relations.

By Ms. SLAUGHTER (for herself and Mrs. CAPITO):

H. Res. 373. A resolution expressing the sense of Congress with respect to the Women's United Soccer Association; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. BARTLETT of Maryland, Mr. BURGESS, and Mr. OTTER.

H.R. 290: Mr. SANDERS, Mr. CANTOR, and Mr. ROSS.

H.R. 299: Mr. HINCHEY.

H.R. 303: Mr. LATHAM.

H.R. 331: Mrs. CAPITO.

H.R. 339: Ms. PRYCE of Ohio, Mr. SAXTON, Mr. TOWNS, Mr. HENSARLING, Mrs. MUSGRAVE, Mrs. NORTHUP, Mr. SIMMONS, Mr. RYAN of Wisconsin, Mr. PETRI, Mr. KNOLLENBERG, Mr. MCINNIS, Mr. SHAW, and Mrs. EMERSON.

H.R. 369: Ms. PRYCE of Ohio and Mr. COSTELLO.

H.R. 371: Mr. ROGERS of Alabama and Mr. GOODE.

H.R. 391: Ms. GINNY BROWN-WAITE of Florida.

H.R. 490: Mr. DEFAZIO.

H.R. 548: Mr. SMITH of Texas and Mr. RUPPERSBERGER.

H.R. 571: Mrs. MUSGRAVE, Mrs. NORTHUP, Ms. JACKSON-LEE of Texas, and Mr. GALLEGLY.

H.R. 673: Mr. JENKINS.

H.R. 677: Ms. LINDA T. SANCHEZ of California, and Mr. MATSUI.

H.R. 687: Mr. LATHAM, Mr. SHIMKUS, and Mr. TURNER of Ohio.

H.R. 728: Mr. MCINNIS.

H.R. 742: Mr. CRAMER, and Mr. HOSTETTLER.

H.R. 745: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 785: Mr. CASE, Mrs. MUSGRAVE, Mr. PRICE of North Carolina, Mr. MARSHALL, Mr. BISHOP of New York, Mr. SCOTT of Virginia, and Mr. GOODE.

H.R. 791: Mr. MCCRERY, Mr. FOLEY, Mr. DOOLITTLE, and Mr. VITTER.

H.R. 819: Mr. CALVERT.

H.R. 833: Mr. PLATTS and Mr. BOYD.

H.R. 834: Mrs. CAPITO and Mr. CLAY.

H.R. 837: Mr. NUSSLE.

H.R. 839: Mr. MENENDEZ and Mr. STENHOLM.

H.R. 844: Mr. DOGGETT and Mr. ISRAEL.

H.R. 870: Mr. UPTON, Mr. BLUNT, Mr. MICA, and Mr. BISHOP of Georgia.

H.R. 872: Mr. COLLINS and Mr. TAYLOR of North Carolina.

H.R. 876: Mr. BARTON of Texas, Mr. MATHESON, Mr. NUSSLE, Mr. KING of Iowa, and Mrs. TAUSCHER.

H.R. 969: Mr. FROST.

H.R. 1005: Mr. MATHESON.

H.R. 1078: Ms. SLAUGHTER.

H.R. 1093: Mr. SCHIFF.

H.R. 1102: Mr. TURNER of Texas.

H.R. 1105: Mr. KLECZKA and Mr. BRADY of Pennsylvania.

H.R. 1108: Mr. STARK.

H.R. 1117: Mr. MCCOTTER.

H.R. 1151: Mr. BLUMENAUER.

H.R. 1155: Mr. BACHUS and Mr. GERLACH.

H.R. 1162: Mr. LANTOS.

H.R. 1205: Mr. SANDERS.

H.R. 1207: Mr. MCNULTY.

H.R. 1306: Mr. ISRAEL.

H.R. 1359: Mr. GUTIERREZ.

H.R. 1421: Ms. SLAUGHTER.

H.R. 1422: Ms. BERKLEY.

H.R. 1430: Ms. KILPATRICK, Ms. BERKLEY, and Mr. MATSUI.

H.R. 1448: Mr. GUTIERREZ.

H.R. 1472: Mr. HOEFFEL.

H.R. 1478: Mr. UDALL of Colorado.

H.R. 1500: Mr. NETHERCUTT.

H.R. 1501: Ms. MCCOLLUM, Mr. HONDA, Mr. LANTOS, Mrs. TAUSCHER, and Mr. STARK.

H.R. 1508: Mr. WEINER and Mr. PASTOR.

H.R. 1513: Mr. MICHAUD.

H.R. 1551: Mrs. LOWEY.

H.R. 1626: Mr. JENKINS.

H.R. 1634: Mr. UDALL of New Mexico and Mr. MILLER of North Carolina.

H.R. 1689: Mr. MEEKS of New York.

H.R. 1708: Mr. HALL, Mr. STENHOLM, and Mr. HONDA.

H.R. 1726: Mr. ACKERMAN, Mr. CALVERT, and Mr. MCGOVERN.

H.R. 1738: Mr. RAHALL.

H.R. 1752: Mr. SANDERS.

H.R. 1760: Mr. ANDREWS, Mr. FALEOMAVAEGA, Mr. MCGOVERN, Ms. LINDA T. SANCHEZ of California, Mr. WEXLER, Mr. MORAN of Virginia, Ms. ROYBAL-ALLARD, Mr. STARK, and Mrs. JONES of Ohio.

H.R. 1784: Mr. SOUDER and Mr. DOGGETT.

H.R. 1828: Mr. CHABOT, Mr. ROYCE, and Mr. CUMMINGS.

H.R. 1892: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. WEXLER.

H.R. 1900: Mr. HINCHEY, Mr. MILLER of North Carolina, Mr. KIRK, Mr. ALLEN, Mr. CROWLEY, Mr. DOGGETT, Mr. ENGEL, Mr. FOSSELLA, Mr. HAYWORTH, Mr. KLECZKA, Mr. LYNCH, Mr. ROGERS of Kentucky, Mr. QUINN, Mr. STARK, Mr. WALSH, Mr. GONZALEZ, Ms. PELOSI, Mr. PASTOR, Mr. HINOJOSA, Ms. SOLIS, Mr. ORTIZ, Mr. DEUTSCH, Mr. BAKER, Mrs. NAPOLITANO, Mr. MENENDEZ, Mr. CHABOT, Mr. REYES, Mr. SHIMKUS, Mr. BOSWELL, Mr. JOHN, Mr. MOLLOHAN, Mr. TAYLOR of Mississippi, Mr. BASS, Mr. EDWARDS, Mr. FOLEY, Mr. HOEFFEL, Ms. KAPTUR, Mr. MURTHA, Mr. HONDA, Mr. HULSHOF, Mr. VAN HOLLEN, Mr. WELDON of Pennsylvania, Mr. CAMP, Mr. COLLINS, Mr. KILDEE, Mr. SAM JOHNSON of Texas, Mr. SAXTON, Mr. SESSIONS, Mr. STUPAK, Mr. BRADY of Texas, Mr. BURNS, Mr. OSBORNE, Mr. SULLIVAN, Mr. KLINE, Mr. DOOLITTLE, Mr. KING of Iowa, Mr. BOOZMAN, Mr. NETHERCUTT, Mr. BONILLA, Mr. SIMMONS, Mr. BOEHNER, Mrs. MILLER of Michigan, Mr. SHUSTER, Ms. HARRIS, Mr. ROGERS of Michigan, Mr. CANTOR, Mr. PORTER, Mr. ROGERS of Alabama, Mr. GERLACH, Mr. BARRETT of South Carolina, and Mr. INSLEE.

H.R. 1914: Mr. MCKEON, Mr. HOEKSTRA, Mr. LATOURETTE, Mr. REHBERG, Ms. ROS-LEHTINEN, Mr. SHUSTER, Mr. TIBERI, Mr. OSBORNE, Mr. PORTER, Mr. THORNBERRY, Mr. TIAHRT, Mr. CUNNINGHAM, Ms. GINNY BROWN-WAITE of Florida, Mr. BOOZMAN, Mr. GINGREY, Mr. KENNEDY of Minnesota, and Mr. LINDER.

H.R. 1934: Mr. VAN HOLLEN.

H.R. 1943: Mr. TOOMEY, Mr. SHUSTER, Mr. WELDON of Pennsylvania, Mr. MURPHY, Mr. GREENWOOD, Mr. KIND, Ms. HOOLEY of Oregon, Mr. BLUMENAUER, and Mr. ADERHOLT.

H.R. 1951: Mr. UDALL of New Mexico and Mr. VAN HOLLEN.

H.R. 1958: Mr. CAPUANO.

H.R. 2034: Mr. SAXTON, Mr. TOWNS, Ms. BERKLEY, Mr. SIMMONS, and Mr. GALLEGLY.

H.R. 2094: Mr. GALLEGLY.

H.R. 2118: Mr. SANDLIN, Mrs. BIGGERT, Mr. COLLINS, Mr. BERRY, Ms. DUNN, and Mr. LEWIS of Georgia.

H.R. 2178: Mr. HAYWORTH.

H.R. 2182: Ms. LINDA T. SANCHEZ of California and Mr. GREEN of Texas.

H.R. 2246: Mr. MOORE and Mr. BISHOP of New York.

H.R. 2256: Mr. HOLT.

H.R. 2295: Mr. HOLDEN.

H.R. 2314: Mr. SERRANO, Mr. GEORGE MILLER of California, Mr. PAYNE, and Mr. FROST.

H.R. 2321: Mr. GRIJALVA.

H.R. 2329: Mr. FILNER.

H.R. 2371: Mr. KUCINICH, Mr. MICHAUD, Mr. GEORGE MILLER of California, Mr. STARK, Ms. NORTON, Mr. LANTOS, and Mr. GRIJALVA.

H.R. 2385: Mr. BISHOP of Utah.

H.R. 2394: Ms. CORRINE BROWN of Florida, Mr. FORD, Ms. LINDA T. SANCHEZ of California, Mr. UDALL of New Mexico, and Mr. COOPER.

H.R. 2418: Mr. RANGEL and Mr. KUCINICH.

H.R. 2470: Mr. CUMMINGS and Mr. ANDREWS.

H.R. 2494: Mr. CLYBURN.

H.R. 2510: Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. BECERRA, Mr. LANTOS, Ms. MILLENDER-MCDONALD, Mrs. TAUSCHER, Mr. MATSUI, Mr. BERMAN, Mr. CARDOZA, Mr. POMBO, Ms. HARMAN, Ms. LORETTA SANCHEZ of California, Mr. FILNER, Mr. STARK, Ms. LOFGREN, Ms. ESHOO, Ms. WATSON, Ms. SOLIS, Mr. FARR, Mrs. CAPPS, Mr. HONDA, Ms. ROYBAL-ALLARD, Mr. BACA, Mr. THOMPSON of California, Mr. SCHIFF, Mr. DOOLEY of California, Mr. DREIER, Mrs. NAPOLITANO, Ms. LINDA T. SANCHEZ of California, Ms. WOOLSEY, Mr. SHERMAN, Mrs. DAVIS of California, Ms. PELOSI, Mr. DOOLITTLE, and Ms. WATERS.

H.R. 2553: Mr. RUPPERSBERGER and Ms. LINDA T. SANCHEZ of California.

H.R. 2577: Mr. BONILLA.

H.R. 2579: Mr. HULSHOF, Mr. JENKINS, Ms. SLAUGHTER, and Mr. FILNER.

H.R. 2632: Mr. FORD and Mr. PASCRELL.

H.R. 2665: Mr. HOLDEN.

H.R. 2670: Mr. HINCHEY.

H.R. 2702: Mr. WEXLER and Ms. WOOLSEY.

H.R. 2703: Mr. GREENWOOD, Mr. PLATTS, and Mr. HOEFFEL.

H.R. 2704: Mr. GREENWOOD, Mr. PLATTS, and Mr. HOEFFEL.

H.R. 2705: Mr. BOUCHER.

H.R. 2719: Mr. JEFFERSON, Mr. BONNER, Ms. KAPTUR, Mr. GREEN of Texas, Mr. HOLDEN, Mr. BALLENGER, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mrs. JONES of Ohio, Ms. LOFGREN, Mr. BAIRD, and Mr. SMITH of New Jersey.

H.R. 2720: Ms. KAPTUR, Mr. GUTIERREZ, and Mr. DOGGETT.

H.R. 2722: Ms. HART.

H.R. 2724: Mr. GRIJALVA and Ms. NORTON.

H.R. 2759: Mr. HOLDEN, Mr. KENNEDY of Rhode Island, Mr. DOOLEY of California, and Ms. CORRINE BROWN of Florida.

H.R. 2768: Mrs. LOWEY, Mr. NADLER, Mr. LYNCH, Mrs. CUBIN, Ms. VELAZQUEZ, and Mr. UDALL of New Mexico.

H.R. 2830: Mr. MCHUGH and Mr. QUINN.

H.R. 2839: Mr. ENGLISH.

H.R. 2843: Mr. HASTINGS of Florida.

H.R. 2850: Mr. SCHIFF.

H.R. 2871: Mr. PLATTS.

H.R. 2885: Mr. KINGSTON, Mr. PLATTS, and Mr. BEAUPREZ.

H.R. 2898: Mrs. WILSON of New Mexico.

H.R. 2902: Mr. BEAUPREZ, Mr. HEFLEY, and Mr. KIND.

H.R. 2903: Mr. BEAUPREZ, Mr. HEFLEY, and Mr. KIND.

H.R. 2906: Mr. BISHOP of Utah.

H.R. 2924: Mr. PETERSON of Minnesota.

H.R. 2928: Mr. DEFAZIO, Mrs. KELLY, Mr. SHUSTER, and Mr. ACKERMAN.

H.R. 2978: Mr. GRAVES, Mr. SANDLIN, Mr. MCHUGH, Mr. REHBERG, Mr. PAUL, and Mr. SCOTT of Georgia.

H.R. 2998: Mr. EMANUEL, Mr. LIPINSKI, Mr. BROWN of Ohio, Mr. STRICKLAND, Mr. SNYDER, Mr. FRANKS of Arizona, Mrs. JOHNSON of Connecticut, Mr. NEY, Mrs. LOWEY, Ms. WOOLSEY, Mr. OSBORNE, Mr. GEORGE MILLER of California, and Mr. BAKER.

H.R. 3002: Mr. ISAKSON.

H.R. 3004: Ms. DELAURO.

H.R. 3011: Mr. DOOLITTLE, Mr. MATSUI, Mr. HONDA, Ms. LOFGREN, Mr. DREIER, Mrs. NAPOLITANO, Ms. LINDA T. SANCHEZ of California, Mrs. BONO, Mr. GEORGE MILLER of California, Mr. NUNES, Mr. RADANOVICH, Mrs. DAVIS of California, Mr. FARR, Mr. FILNER, Mr. DOOLEY of California, Ms. LORETTA SANCHEZ of California, Mr. ISSA, Mr. COX, Mr. GARY G. MILLER of California, Mr. SHERMAN, Mr. ROHRABACHER, Mrs. TAUSCHER, and Mr. ROYCE.

H.R. 3015: Mr. RAMSTAD, Mr. JEFFERSON, Mr. WEXLER, Mr. SANDLIN, Mr. NETHERCUTT, Mr. VITTER, Mrs. NAPOLITANO, Mr. WELDON of Florida, and Mr. KILDEE.

H.R. 3042: Mr. ENGLISH.

H.R. 3054: Ms. NORTON and Mr. SCHIFF.

H.R. 3061: Mr. DEUTSCH and Mr. WEXLER.

H.R. 3078: Mr. BERMAN, Mr. NADLER, Mr. DAVIS of Illinois, Mr. BROWN of Ohio, Mr. BACA, Mr. STARK, and Mr. RODRIGUEZ.

H.R. 3079: Mr. CANTOR, Mr. FOLEY, and Mr. FEENEY.

H.R. 3083: Mrs. CUBIN.

H.R. 3099: Mr. DELAHUNT, Mr. LANTOS, Mr. GRIJALVA, Mr. MARSHALL, and Mr. HASTINGS of Florida.

H.J. Res. 46: Mr. COLE, Mr. ENGLISH, and Mr. LUCAS of Oklahoma.

H.J. Res. 62: Mr. ROTHMAN.

H. Con. Res. 56: Mr. FROST and Mr. KIND.

H. Con. Res. 155: Ms. LINDA T. SANCHEZ of California.

H. Con. Res. 165: Ms. LINDA T. SANCHEZ of California, Mr. STARK, and Mr. FRANK of Massachusetts.

H. Con. Res. 176: Ms. LOFGREN.

H. Con. Res. 194: Ms. ESHOO and Mr. SCHIFF.

H. Con. Res. 196: Mr. STARK and Ms. SLAUGHTER.

H. Con. Res. 240: Mr. ENGEL, Mr. OWENS, and Mrs. TAUSCHER.

H. Con. Res. 254: Mr. LIPINSKI and Mr. KLECZKA.

H. Con. Res. 267: Mr. BROWN of Ohio.

H. Con. Res. 269: Ms. SCHAKOWSKY, Ms. LEE, Mr. KUCINICH, Mr. PAYNE, Mr. SANDERS, and Mr. CROWLEY.

H. Con. Res. 280: Mr. BAKER, Mr. QUINN, Mr. SIMMONS, Mr. GARY G. MILLER of California, and Mr. BROWN of South Carolina.

H. Res. 60: Mrs. BIGGERT and Mr. SMITH of Washington.

H. Res. 157: Mr. STARK and Mr. FARR.

H. Res. 300: Mr. HALL and Mr. BEAUPREZ.

H. Res. 355: Mr. ISAKSON.

H. Res. 357: Mrs. MILLER of Michigan, Mr. CALVERT, Mr. CARSON of Oklahoma, Mr. LEWIS of California, Mr. WICKER, Mr. HAYWORTH, Mr. SCHROCK, Mr. WAXMAN, Mr. COSTELLO, Mrs. MUSGRAVE, Mr. WELDON of Pennsylvania, and Ms. GRANGER.

H. Res. 362: Mr. ETHRIDGE, Mr. OTTER, Mr. PUTNAM, Mr. GILCHREST, Mr. BOUCHER, Mr. GORDON, Mr. TIBERI, Mr. STRICKLAND, Mr. BARTLETT of Maryland, Mr. OBERSTAR, Mr. TERRY, Mr. QUINN, Mr. COBLE, Mr. BOYD, Mr. WELLER, Mr. UPTON, Mr. GREEN of Wisconsin, Mr. ABERCROMBIE, Mr. HOLDEN, Mr. BISHOP of Georgia, and Mr. BURNS.

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. 1078: Mr. AKIN and Mrs. MUSGRAVE.

H. Res. 367: Mr. WALSH.

United States *of* America

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PROCEEDINGS AND DEBATES OF THE *108th* CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, WEDNESDAY, SEPTEMBER 17, 2003 *No. 128*

Senate

The Senate met at 8:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, ruler of all nature, enlist our strength today to make a good and just world. Give us moral courage that will produce clear thinking and clean living. Stimulate our minds so that our affections will reside in heavenly places. Lord, lead us so surely that one day we may stand before You unashamed. Give Your Senators today fresh vigor to meet the challenges of our time. Give them Your wisdom to choose the hard right. May we never think of You as absent from our world. We pray in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SANTORUM. Mr. President, this morning the Senate will resume consideration of the House message accompanying S. 3, the partial-birth abortion ban bill. The Senate will continue that debate until 10:30 this morning. At 10:30, the Senate will begin consideration of the Interior appropriations bill. Amendments are expected on that legislation. Therefore, rollcall votes will occur throughout the day.

In addition, the Senate may consider judicial nominations that are on the Executive Calendar cleared for action. Therefore, if necessary, rollcall votes will be scheduled on those nominations throughout the day as well.

I thank all Members for their attention.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 3, which the clerk will report.

The assistant legislative clerk read as follows:

Message from the House of Representatives to accompany S. 3, an act to prohibit the procedure commonly known as partial-birth abortion.

The PRESIDENT pro tempore. Under the previous order, the time until 10:30 a.m. will be equally divided between the Senator from Pennsylvania, Mr. SANTORUM, and the Senator from California, Mrs. BOXER, or their designees.

The Senator from California.

Mrs. BOXER. I thank the Chair.

Mr. President, I thank my colleague for agreeing to a time split this morning where I will speak for 30 minutes and, at the end of that time, Senator SANTORUM will speak for 30 minutes, and then we each expect to have other Senators speaking. We will figure out at that point how to divide the time.

We are here this morning because there is a strong disagreement between the House and the Senate on the issue of Roe v. Wade, a Supreme Court decision that occurred in 1973 which ruled that it was unconstitutional to take away a woman's right to choose and that found a privacy right in the Constitution.

The Senate has gone on record several times supporting the Roe decision. In S. 3, the bill that was brought to us by the Senator from Pennsylvania and others, which for the first time banned an approved medical procedure—the first time ever—without a health exception, Senator HARKIN added an amendment to support Roe. I will show you what that amendment was and what the debate is about.

Senator HARKIN's language in S. 3 that was disagreed to by the House is the following:

It is the sense of the Senate that—

(1) the decision of the Supreme Court in Roe v. Wade—

And it cites the ruling—

was appropriate and secures an important right; and

(2) such decisions should not be overturned.

This is the simple language that the Senator from Iowa, who spoke quite eloquently last night, made part of S. 3.

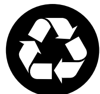
The Senate had a debate about the Harkin amendment. It was an extensive debate about why it is important that a woman's right to choose remain the law of the land, why it is important that the Court not overturn it.

The House, which says it very much wants to ban the procedure that is banned in S. 3 without a health exception, could have simply taken the Senate bill and sent it off to the President, and we would have had the argument about this underlying bill in the Supreme Court, where it is going to go, by the way, where I believe it will be ruled unconstitutional because the centerpiece of Roe is that a woman's health and life must always be protected.

Let's look at the language in Roe which provides for the woman's health to always be protected and why, to those of us who believe Roe v. Wade was rightly decided, it is so important.

The important point about Roe, which people sometimes don't get, is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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that it is a very modest decision, a very moderate decision. It balances all the interests in a way that is fair. It says that in the early stages of a pregnancy, a woman has a right to decide whether to carry this child to term. She makes that decision after searching her soul, talking to her family, her doctor, her God.

Guess what. Government isn't in the picture, Senators are not in the picture, Congresspeople are not in the picture, Senator BOXER is not in the picture, when a woman is making this decision. Neither is Senator SANTORUM nor Senator FRIST nor Senator STEVENS nor Senator DASCHLE. As far as this Senator is concerned—and I represent the largest State in the Union—that is the way it should be.

I support everyone making their own decision as Roe states they should have the right to do in the early stages of a pregnancy. In the late stages of a pregnancy, after viability—that is when a fetus can live outside the womb—this is what the Court said in Roe:

The State, in promoting its interest in the potentiality of human life, may, if it chooses, regulate, and even proscribe—

Meaning ban—

abortion, except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.

It is a very sensible law. After viability, any State in the Union can ban abortion but always making an exception for the life and health of a woman.

We have a decision, that I believe was very carefully thought out, that balances everyone's views, or let's say the majority of views, and indeed the majority of the people support Roe. In my particular State, it is overwhelming, but it is a strong majority across the country.

Here is why it is so important. I guess my colleagues said: Why is Senator BOXER having us vote to disagree with what the House did? The House tossed out the support of Roe in S. 3 and said: We don't want it. Therefore, the two bodies will go to conference.

Why do I want to take the time and have a debate about Roe? First of all, it is a very serious worry to many people in this country that with the Supreme Court at roughly a 5-to-4 vote on Roe, we could lose this right, and with the Senate now only having 52, 53, or 54 people in favor of Roe, which is diminishing, this is a problem. With the House anti-choice, this is a problem. They believe that making sure people understand what Roe actually did, what the decision actually did, is very important. So I think for that reason, to remind all of us what Roe v. Wade actually said and actually did, it is important.

The other reason is, the underlying bill goes completely against Roe. Why? Because Roe v. Wade said, yes, the State—meaning the Government—can even go so far as banning abortion but always having an exception for the life and health of the mother. This bill makes no exception for the health of the mother.

Now, why is this important? What could happen to a woman if she cannot have the particular procedure that is being banned, as Members of the Senate and the House play doctor, and for the first time decide that they are going to outlaw a procedure?

Let us look at what could happen to a woman's health. The night before last I put in documentation, letters, that laid out these problems. This is what doctors tell us could happen if the procedure that is banned in this bill cannot be used to save the health of a woman. I want everyone to think about whether they want their wife, their daughter, their sister, their friend, their aunt, or anyone else they love to go through this.

A woman might have a hemorrhage, a hemorrhage that could get worse and worse and could lead to serious, long-term damage. Her uterus could rupture, meaning she may well never have another child. She could get blood clots, and everyone knows how serious that is. She could have an embolism, a stroke, damage to nearby organs, even paralysis. This is what doctors tell us.

We do not have one OB/GYN in the Senate. The OB/GYNs tell us these are the things that could happen if a safe procedure that is recognized is not available to a woman, and yet this bill, S. 3, bans this procedure, does not give a whit about this in the end because there is no health exception. Believe me, my colleagues tried to offer very tight health exceptions and oh, no, the other side would not give an inch—no health exception.

This is what could happen to a woman, and the only saving grace of S. 3 is that it has the Roe language in it that we support in Roe. What does that say? It says to the Supreme Court across the street that even though the Senate passed S. 3 and banned a procedure, it also at the same time said, do not overturn Roe. Roe has a clear statement that the health of the mother must always be protected.

I hope everyone on the other side votes for this. I have heard it is possible because there is a technicality here. If this amendment or this motion to disagree goes down, then there will be no conference and the bill cannot go forward. I hope all my colleagues on the other side vote for this, I really do, because I want a strong signal to go out that this Senate disagreed with what the House did when they said strip out the Roe language.

If everyone on the other side, or a lot of my colleagues on the other side, vote with us and we get a strong vote, that sends a message to the conferees that most of the people wanted to keep the Roe language. I trust they will come back after conference with the Roe language. Send this bill into conference with a strong vote for Roe, and we expect Roe will come back in the bill.

I think it is important to look at what happened before Roe so I am going to read a couple of statements. Dr. Douglas Black, Concord, NH, was then—pre-Roe, pre-1973—an OB/GYN. He did his specialty training in New York City from 1959 to 1963. During that time he saw hundreds of botched back-alley abortions, and many women died. But that was only the tip of the iceberg. For every one woman who died, there were many others who were rendered pelvic cripples. He said it was not a pretty sight, and he remembers doing hysterectomies on 13-year-old girls. Also, he and others were often unable to treat women until the women told police where they had gotten the abortion.

Dr. Black says:

I can vividly remember pot-bellied, cigar-chomping detectives picking on some young, very sick kid, bleeding excessively, with shaking chills of fever and a high temperature.

That is what it was like pre-Roe. That is why Senator HARKIN offered this amendment. That is why the Senate voted for it and that is why we disagree with the House stripping out this amendment supporting Roe.

Let me read another one. This one is from Philadelphia, PA, Dr. Louis Gerstley. Dr. Gerstley has been an obstetrician and gynecologist since the early 1950s. From 1956 through 1967, he worked at the Philadelphia General Hospital, where a 32-bed ward was kept purely for the end results of badly botched abortions. Imagine that, they had beds set aside for women who had to go to the back alleys and sneak and pass dollar bills across a table to some back-alley abortionist. The beds were constantly filled, and Dr. Gerstley saw women who were sick, who were dying, and who died.

He remembers one 22-year-old woman in particular who came into the ward suffering from septic shock from a botched abortion. He and others worked on her for 6 hours and finally decided to give her a hysterectomy to save her life. The procedure was performed without anesthesia because she had no blood pressure and no pulse. The patient died. Dr. Gerstley has said:

I never want to see that again.

He opposes the criminalization of abortion. That is why we are here, because we want a strong vote going into conference that Roe v. Wade should not be reversed.

Let us look at Senator HARKIN's language again. It is very temperate, very clear, and very important. It is worth a debate. I appreciate the fact that we have a debate about Roe.

It is the sense of the Senate that the decision of the Supreme Court in Roe v. Wade was appropriate and secures an important right; and such decisions should not be overturned.

It is very simple, very elegant.

We do not want back-alley people, who are not doctors, who are not trained, to touch a young girl in trouble, or anyone who deserves to have their health protected. Their health must be protected. That is why Roe is so important.

Dr. Robert Prince from Dallas, TX, has been an OB/GYN since 1958. At the end of his third year of medicine, he did a research fellowship in Nashville, TN. One of his duties was to perform autopsies. Since abortions were illegal, any death attributed to an abortion required an autopsy. In his own words:

> My first case was that of a 20-year-old college student, who had been brought into the emergency room by her boyfriend for vaginal bleeding. She had gone to a nurse's aide, who had attempted to place a catheter in the cervix to effect an abortion. A vital blood vessel was damaged, and the patient was in shock when she arrived at the emergency room. . . . In a clinic setting, this patient would have survived in spite of the injury . . . if abortions were legal, she would have survived. How often did this happen in the pre-Roe years? Multiply the scenario by a thousand.

Rollyn Carlson, Austin, TX, was 20 years old in the summer of 1971 and pregnant. She decided to have an abortion and found an office in Mexico on the other side of the Texas border. After the abortion, she bled heavily and ran a high fever for 3 days. She was one of the lucky ones. She married and had two children. She now has a teenage daughter and is concerned about her. What if she got pregnant? What if she needed an abortion? Rollyn worries that if abortion is illegal, her daughter would have to have an illegal abortion and could die.

Here is the point. People in our country can make their own decisions in a personal, private, difficult moral, sometimes religious, decision. Some will decide to have the child, to keep the child, to love the child. Some will decide to put the child up for adoption. Some will decide to have a legal abortion in the early stages.

Under Roe v. Wade, if a person waits until the end, that is a time when the State can step in, always, and say, no—but always protecting the health and the life of the woman. Again, that is why Roe is so important. That is why being pro-choice is so important, because it says that I respect you. I will do anything I can to protect your right to decide however you want to decide. I will not force you to decide the way I want you to decide.

I wasn't elected to be God. I am a Senator. I was elected to respect you and respect your freedom and to pass laws that balance your rights with other rights. Roe v. Wade was that type of decision. It is very important that it not be overturned. It is very important that it be part of this law that is in front of us because the law that is in front of us makes an exception for the health of a woman.

If we have the Roe language, we are sending a signal that, yes, a majority wants to ban this procedure. They couldn't get the votes to have an exception for health, but we still support Roe. That is why this is important. This is not some technical matter that we voice vote. This is a moment in time where we can discuss and debate the wisdom of the Harkin amendment, which is very clear and simply says Roe is important.

I want to read this. Some of the stories are very hard. This woman's name is Romanita, from Pittsburgh, Pa. Romanita married and had three children, one, her daughter Norma, with spinal bifida. Her husband was a heroin addict and had left the home. One day he showed up and he raped her. He then disappeared and she found that she was pregnant. She sought an illegal abortion and experienced bleeding for 2 weeks. She lived to tell the tale.

Again, our being here is not frivolous. I hope the other side will not paint it as such. We have so many issues facing our country today that are so important. We have an economy that has lost 3 million jobs in the last couple of years. We have deficits as far as the eye can see. We have to deal with that. We have environmental laws that have been rolled back. We have to deal with that. We have our young men and women in Iraq in terrible danger, without much help from the international community, unfortunately. We have a request for $87 billion. We have to deal with that. We have to work that out in a way that protects the troops and yet makes sure we have some kind of exit strategy and we are not turning our back on the needs of our own people. We want to make sure procurement reform is done, so when Iraq is rebuilt it is done in a way that is fair.

All those issues are before us. I don't come to the floor in a frivolous manner because I am working on all those issues. I have an important hearing today that involves a big industry in my State that is in some kind of trouble. We are having a hearing about that. So, no, I have come here early in the morning because I want to make the case to my colleagues as to why we are calling for a vote on this issue of Roe v. Wade. We are asking our colleagues to strongly disagree with what the House did when they stripped out the Harkin language. We want to send a strong message—hopefully, a very large number of votes will come our way on this one—to the conferees: Keep the Harkin language in the bill, please. We know we differ with the House. But we are right on this one.

I thank you, Mr. President, and I thank my colleague from Pennsylvania for being so gracious as to allow me to open this debate. I know he will have a vigorous dissent, and I respect that. I suspect we will dissent on this matter many times in the future if we are both here to be able to do that. Of course that is up to the people of our States.

I yield the remainder of my time and yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Pennsylvania.

Mr. SANTORUM. I would like to ask a question of the Senator from California. I know she has to leave, so I will not take long. The Senator from California and the Senator from Iowa for the last few days have been using the figure 5,000 women a year who died from abortion prior to Roe v. Wade. I have before me, which I will enter into the RECORD, a chart titled "Maternal Mortality, Vital Statistics of the United States, 1942 to 1974." This chart tracks the total maternal deaths in the country and total abortion deaths in the country.

I ask unanimous consent that the chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 2.—MATERNAL MORTALITY: VITAL STATISTICS OF THE UNITED STATES, 1942–1974*

Year	Total abortion deaths			Other maternal deaths			Total maternal deaths		
	White	Non-White	Total	White	Non-White	Total	White	Non-White	Total
1942	917	314	1,231	4,598	1,438	6,036	5,515	1,752	7,267
1943	853	312	1,165	4,610	1,422	6,032	5,463	1,734	7,197
1944	695	201	986	3,953	1,421	5,473	4,468	1,622	6,369
1945	602	286	888	3,520	1,260	4,780	4,122	1,546	5,668
1946	535	225	760	3,272	1,121	4,493	3,807	1,346	5,253
1947	385	200	585	3,170	1,223	4,393	3,555	1,423	4,978
1948	321	175	496	2,432	1,194	3,626	2,753	1,369	4,122
1949	236	158	394	1,863	959	2,822	2,099	1,117	3,216
1950	193	123	316	1,680	964	2,644	1,873	1,087	2,960
1951	170	133	303	1,608	901	2,509	1,778	1,034	2,812
1952	196	124	320	1,428	862	2,290	1,624	986	2,610
1953	162	132	294	1,317	774	2,091	1,479	906	2,385
1954	156	131	287	1,124	694	1,818	1,280	825	2,105
1955	150	116	266	984	651	1,635	1,134	767	1,901
1956	138	83	221	880	601	1,481	1,081	684	1,702
1957	126	134	260	871	615	1,486	997	749	1,746
1958	136	123	259	802	520	1,322	938	643	1,581
1959	138	146	284	789	515	1,304	927	661	1,588
1960	147	142	289	789	501	1,290	936	643	1,579
1961	163	161	324	734	515	1,249	897	676	1,573
1962[1]	149	148	305	658	467	1,160	807	615	1,465
1963[1]	161	107	280	636	512	1,186	797	619	1,466
1964	117	130	247	634	462	1,096	751	592	1,343

TABLE 2.—MATERNAL MORTALITY: VITAL STATISTICS OF THE UNITED STATES, 1942–1974*—Continued

Year	Total abortion deaths			Other maternal deaths			Total maternal deaths		
	White	Non-White	Total	White	Non-White	Total	White	Non-White	Total
1965	106	129	235	550	404	954	656	533	1,189
1966	96	93	189	509	351	860	605	444	1,049
1967	76	84	160	495	332	827	571	416	987
1968	58	75	133	426	300	726	484	375	859
1969	65	67	132	398	271	669	463	338	801
1970	57	71	128	388	287	675	445	358	803
1971	43	56	99	337	232	569	380	288	668
1972	38	32	[2] 70(83)	342	200	542	380	232	612
1973	15	21	[2] 36(51)	259	182	441	274	203	477
1974	13	14	[2] 27(47)	244	191	435	257	205	462
1975					Not yet available				

*Statistics in Table 2 are published by the National Center for Health Statistics (NCHS) of the Department of HEW in Vital Statistics of the United States, Part II—Mortality. These figures are derived from death certificates.

[1] In 1962 and 1963 New Jersey did not report race classification. The white and non-white figures do not include the state of New Jersey, but the totals for each category do.

[2] Beginning in 1972 CDC in Atlanta has kept records on abortion-related maternal mortality (figures in parentheses). The CDC figures are slightly higher because of special investigative work into particular cases and causes. For the years 1972, 1973, and 1974 these figures are subdivided into legal at, respectively, 21, 24 and 23; illegal at 40, 19 and 6; and spontaneous at 22, 8, 18. See CDC Abortion Surveillance, 1973, Figure 6; CDC Abortion Surveillance, 1974 (in press).

Mr. SANTORUM. In the year prior to Roe v. Wade, 1972, the total maternal deaths in the United States—total maternal deaths from all causes—was 612. According to the Centers for Disease Control, the total abortion-related deaths were 83. So I ask the Senator from California how they can continue to use the number 5,000, when the official statistics of the United States say the total number of maternal deaths in the country were 612, and those related to abortion were 83?

Mrs. BOXER. Let me say to my friend, one death is too many, if it is your wife. We could debate the numbers. I gave you cases, cases, cases here. A woman who was raped and had to go get an illegal abortion. I have so many more of these.

I have the data and I have the sources. I will, before the end of the morning, have them printed in the RECORD. But, again, there are varying estimates. I have never heard the one, 83, as being a serious estimate.

Be that as it may, Roe v. Wade says that you always protect the life and health of a woman. That is a basic disagreement you and I have.

Mr. SANTORUM. I appreciate the basic disagreement. I think we are allowed to disagree on our opinions. We are not allowed to argue and disagree with the facts. The facts are what they are. This is from the Centers for Disease Control. These are numbers out of the abstract. I will be happy to give them to the Senator. But these are from the National Center for Health Statistics of the Department of HEW. This was in 1975, so that is from the Department of Health, Education and Welfare at the time. These were the official statistics of the United States.

Again, I am not challenging the remarks of the Senator that every life is important. But I think presenting accurate evidence is also important if we are going to have a discussion about what the case was. Let's look at the case of abortion-related deaths. In 1942 there were 1,231; total maternal deaths were 7,267. Every single year, without fail, every single year, the total number of maternal deaths went down because medicine improved. The total number of abortion-related deaths went down. Why? Every year, I believe, without fail—there are 1 or 2 years where it popped back up and dropped back down—it went down almost in a direct line and was continuing to go down. So the idea that Roe v. Wade is saving even—in 1973 there were 36. The bottom line is that very few—given the number of pregnancies that were occurring in those years—very few women died as a result of ''botched'' abortions. The idea that thousands and thousands were—well, I will quote for you Bernard Nathanson, who was an abortion doctor at that time. He says:

> How many deaths are we talking about when abortion was illegal? In NARAL [that's the National Abortion Rights Action League] we generally emphasize the drama of the individual case.

You heard the Senator from California come back when I said the statistics are wrong.

> We talk about the individual case, not the mass statistics. But when we spoke about the latter it was always 5,000 to 10,000 deaths a year. I confess I knew these figures were totally false and I suppose the others did too if they stopped to think about it. But in the morality of our revolution it was a useful figure, widely accepted, so why go out of our way to correct it with honest statistics?

The bottom line is we are making a policy decision based on, hopefully, factual evidence. I want to make that clear.

A couple of other things about what the Senator from California said and last night the Senator from Iowa said, that a majority of Americans support Roe v. Wade. Maybe if you asked the question, ''Do you support Roe v. Wade?'' a majority of Americans would say, ''Yes, it is the law of the land.'' Most people, if it is the law, generally comply with the law and so most people say it is probably fine, although if you describe what the law is without saying it is Roe v. Wade and ask if they agree, you find that a majority of Americans do not agree with Roe v. Wade.

In fact, there was a study done a couple of months ago by the Center for the Advancement of Women. Faye Wattleton, a very well known abortion rights advocate, formerly affiliated with Planned Parenthood—I believe the head of Planned Parenthood—instituted a study this summer, and they asked the question about abortion to women—not to men, to women. They found that 17 percent of women in America—this is a pro-choice group—17 percent of women in America said abortion should be banned, period—never legal. Another 34 percent said it should be against the law except in the case of rape, incest, and life of the mother. If you add 17 and 34—I will get one of the pages to add that up for me—it is 51; 51 percent of American women are either against abortion, period, or only in the case of rape, incest, and life of the mother, which if you ask people in this Chamber if you are against abortion except in the case of rape, incest, and life of the mother, you are considered pro-life. Most people in this Chamber who are pro-life are for the exception of rape, incest, and life of the mother.

So the majority of American women, according to an abortion rights group—who, by the way, described the results of this as ''disappointing''—don't agree with Roe v. Wade. A majority of American women do not agree.

Let me broaden that even further. They asked this question, as an option: It should be available but under stricter limits than now. In other words, it should be less available than Roe v. Wade allows. Add another 17 percent to that. Now we are up to 68 percent of women in this country who believe Roe v. Wade is wrong; 68 percent of women disagree with Roe v. Wade.

Now, the fourth category was: It should be generally available to those who want it. This is a very tricky thing. It should be generally available. It did not say, it should be what Roe v. Wade is, the law: It shall be available for any reason at any time. That is what Roe v. Wade is. This idea that this is a moderate, reasonable provision, Roe v. Wade, is nonsense.

Roe v. Wade and its subsequent decisions have established an absolute right to an abortion at any point in time. The Senator from California says the State can prohibit abortions, late-term abortions. I asked the Senator, and I have asked her more than once in these debates, and today—she has not provided any evidence—I asked her to give me one example where an abortion was stopped in this country under Roe v. Wade, an example where someone wanted an abortion and, because of the Supreme Court decisions, was barred. It does not happen. Why? The Senator says, well, there is this health exception that is very important. There always has to be a health exception.

Look at the Supreme Court cases that define what a health exception is.

According to Doe v. Bolton, the companion case to Roe v. Wade, health means any health: Mental health, physical health, economic health, stress, distress. Anything that could possibly affect mental or physical health is a health exception.

What does that mean? This is an exception that swallows the rule. The health exception means that abortion is legal, period, up until the moment that the child is completely separated.

The point of the partial-birth abortion debate is the child is all but separated. The child is completely delivered except for the head. And you do not believe Roe v. Wade is extreme? Under Roe v. Wade, this Supreme Court said that 3 inches from separation still is covered by Roe v. Wade. At 38 weeks, 3 inches from being born, you can still kill your child.

It was interesting, when the Senator from California went through the different options a woman has. She said you can deliver your child and take it home, you can deliver your child and give it up for adoption, or you can terminate the pregnancy. She did not say—she used the term ''child'' in the first two instances, but in the third instance it is ''terminated pregnancy,'' as if the child does not exist.

The third option is to kill your child. That is the option. It is very stark. It sounds rather cold, chilly, but it is.

In the extreme nature of Roe v. Wade, if really known by the American public, these numbers I have been reading would be even higher—this 30 percent that says it should be generally available.

If you ask the question, Should it be available for all circumstances at any time up to the moment of separation, including up to 39½ weeks, I daresay the number of people who would be supportive of Roe v. Wade, which is the law, would be in the very low double digits and, I would hope, single digits. But I don't know that. I have not seen any polling on that because no pollster asks the question of what the law really is. They put it in fuzzy terms to gather more people. But even with this fuzzy language, even written in a way for the pro-choice groups to get the best number they possibly can, two-thirds of the American people oppose Roe v. Wade.

I find it remarkable the Senator from Iowa last night got up and called my opposition to this extreme when two-thirds—I said of people, two-thirds of American women—say what the Senator from Iowa is doing is extreme, is wrong, is not what they believe. He does not represent them. His extreme views—and they are extreme, not by my definition, not by my morality, not by my theology, but looking at what the American public believes. Extreme means out of the mainstream, on the edge.

If you look at the polling data now on abortion, Roe v. Wade is on the edge; it is not where the American public is. One of the reasons for that, I happen to believe, is medical science. I saw a TV commercial the other day of what I think is called the 4–D sonogram, where you can actually see these 3– or 4–D images—I don't know what they are—but color images of a child in the womb. I saw an article in the paper talking about how they can see a baby in the womb smile and have facial expressions. It gave rise to a study or discussion as to whether children of the womb feel pain, or how much.

It is very hard for the American public—and I know this is a battle that people usually internalize, and most people do not talk about abortion—when they see those images, see this little baby in the womb. There is a commercial. It is a GE commercial, and I thank them for the courage to run the commercial. I know it was incredible the amount of heat they got. From whom? From these organizations that call themselves women's rights organizations, pressuring General Electric to pull the ad.

These are women's rights organizations that don't want women to know what is going on within their own body, but they are women's rights organizations. They want to hide facts from the very people they want to, ''give rights to.'' They don't want them to see. They want to keep the deception to the very people whose rights they say they are protecting.

But General Electric, to their credit, kept the ad about this incredible new technology. At the end of the ad, you see this closeup of this baby in the womb—this little face—and then it dissolves into the face of the baby, subsequently, after the baby is born—the same face. It is not a different baby. It is not one baby in the womb and another baby in its mother's arms a couple months later. It is the same baby.

But the other side, the ''women's rights'' organizations, don't want you to know that. They don't want you to see that. They don't want you to understand what abortion is.

The reason I have been so passionate about the issue of partial-birth abortion is because, for a long time in this country, the whole debate about abortion was about the rights of women only—only. You never saw the baby because in an abortion, you do not see the baby. In partial-birth abortion, you cannot miss the baby. It is a baby. It is moving. This baby would otherwise be born alive because of the late-term nature of when these abortions are done. We are being called extreme because we do not want to allow a procedure which allows the baby—who would otherwise be born alive, who in 99 percent of the cases is healthy, with a healthy mother—to be delivered in a breach position, and have a pair of scissors thrust into the back of the baby's head, when they are literally inches away from being born? We are extreme if we want to stop that?

George Orwell, in 1984, could not have thought we could twist the English language so much that such horrendous actions would be twisted to somehow we would be the extremists in trying to defend the rights of these little children not to be treated in such a horrible fashion.

No. No. We are going to proceed. And we are going to proceed with this debate on the motion to disagree with House amendments. And I make a request of every one of my colleagues from both sides of the aisle to vote to disagree with the House amendment. Why? Because that is the way you get to conference.

This is a procedural motion. I never, in my 9 years, recall that we ever had a debate about what is strictly a procedural motion to go to conference. But some point is trying to be made, which, frankly, escapes me, that somehow if we vote for the disagreement, somehow we are arguing that we are for the Senate version versus the House version. What we are for is a bill that will be passed by both Chambers and signed by the President, and that will be the original contents of S. 3, which I suspect will pass here and pass, hopefully, by a very large margin.

I want to go through some of the points the Senator from California made. She talks about the medical evidence, and she put a chart up of all of the things that could go wrong with a woman in the cases of not having a partial-birth abortion available. I think we just need to review the facts. Again, you are entitled to your own opinion. You are not entitled to your own facts.

Five thousand people dying from abortion prior to Roe v. Wade a year—factually incorrect, unsupportable. We have people who were involved in the movement, as I commented earlier, who said they made up the number. Yet 30 years later, they are still using the number in spite of the National Center for Health Statistics, the Federal agency at the time that was responsible for keeping track of the number of maternal deaths, deaths of mothers due to abortion, saying—actually, there were two organizations. One was the Center for Disease Control. They said 83. They just began that year keeping track. And then the National Center for Health Statistics said 70. So somewhere between 70 and 83, not 5,000.

You are not entitled to your own facts to influence the decisionmaking of the American public or Members of Congress. If you are going to make your argument, you are entitled to your opinion. I can respect your opinion. A lot of people hold that opinion in this country, and it should be represented here, but it should be represented honestly. It should be an honest debate about what the case was before Roe v. Wade, and an honest debate as to what the case is now. I would argue that neither has been put forward by the other side.

They exaggerate claims of what was going on before. They minimize what is going on now. They minimize the real

effects of Roe v. Wade. You never hear them talk about the 1.3 million abortions a year that go on. I am not talking about 5,000 or 83. I am talking about 1.3 million children die from abortion in this country—a third of all pregnancies; somewhat less than a third now. Thankfully, it has come down. But for roughly a third of all children conceived in this country, their lives end before they have a chance to enjoy the freedoms this country provides.

Last night, I had a discussion of how this country on this issue is out of whack, how we have put the liberty rights of a woman above the life rights of her child. As I said last night, the last time we did that in this country was back in the early 1800s. We put the liberty rights of the slave owner above the life rights of the slave.

I refer and have referred to the Roe v. Wade decision as Dred Scott II because it is the second time in the history of this country we have taken the fundamental premise of our country—the founding document of our country, the Declaration of Independence, which said, ''We hold these truths to be self-evident''—back then we actually used very lofty terms such as ''truths,'' absolute things that we all agreed on, the truth. They believed there was a truth and that you could actually find what that truth is.

We said: We hold these truths to be self-evident that all men are created equal—all—and that they are endowed by our Creator with certain inalienable rights. And they listed three—the three foundational rights upon which this country was founded—life, liberty, and the pursuit of happiness—not liberty, happiness, life; not happiness, life, liberty—life, liberty, happiness. Why? Because it sounded better? Life, liberty, pursuit of happiness sounds better than happiness, liberty, life? Is that why they did that? It sounded better? Jefferson was good at writing, and he just said: Boy, this sounds better. I will put life, liberty, pursuit of happiness. That sounds nice?

How many people think that is the reason they did it that way?

Of course not. He wrote it that way because that is the way you have to write it. You can't have happiness without freedom and liberty. How can you truly be happy, how can you truly pursue what God has called you to do in this life if you are not free to do it, if someone tells you what you must do or what you must say, what you must believe. Likewise, how can you be free, how can you have liberty if you are dead or the equivalent of dead in the case of the slave? They are there for a reason, and they are in that order for a reason. Roe v. Wade scrambles them, just like Dred Scott scrambled them. It was wrong then. It is wrong now. It was legal then. Why? Because the Supreme Court said so. It is legal now. Why? Because the Supreme Court said so.

Back then a bunch of people stood up on this very floor and said no. Millions of people across America said no. We had great leaders in our country, including President Lincoln, who said no. Remember the mainstream view was, who are we to tell others how they should live their life? Who are we? I am not God. How can I tell a slaveholder they can't do something they did in the Bible, own slaves? That has been the tradition of this country. Who am I to make those choices for other people? I trust them. I trust their judgment. I trust their morality. How dare you not trust these people that they are not treating these people kindly, that they aren't doing the right thing for them? How uneducated of you to feel that way.

Do these arguments have a somewhat familiar ring to them? It is the same debate. It is just as wrong. For it is our job here to say what is right and what is wrong. That is what laws are. Laws are the reflection of the collective morality of our country. Roe v. Wade was a usurpation of that collective morality. It was a hijacking of the collective morality of this country by nine Justices of the Supreme Court who decided they would play God. Now we just follow along as so many did in the early 1800s. They just followed along. Why? Because it was the law. And who are we to judge these people who own these slaves? Who are we? Who are we? That is a question all of us need to ask: Who are you? How much are you standing up for what you believe is right and what, in many cases, we know is right, and how often do you just sort of turn away and say: Well, that is the law? It is an uncomfortable issue and we will just leave it alone. And so we pass language, sense-of-the-Senate language that says this law, Dred Scott II, is something that should continue in America.

I believe, as much as I believe that I am standing right here today, that this law will be overturned, not by the courage of Senators, not by the courage of Governors or judges, but by the wisdom of the American people. We are seeing it happen. The more people find out about the injustice that abortion is and the extremeness of Roe v. Wade, people are changing. That is why there is this desperate attempt to hang on, to codify Roe v. Wade or to support Roe v. Wade, to prop it back up, this wretched decision that is affecting so much of society.

We are going to have a chance in a few weeks, once we pass this resolution of disagreement, to vote on the conference report on S. 3, which is the partial-Birth Abortion Ban Act. We will have an opportunity—I hope it will not be filibustered—to vote straight up or down on whether to send this bill to the President, which he said he will sign, and send it across the street. That is where it is going to end up. Across the street from the Senate happens to be the Supreme Court of the United States. They will have another opportunity to look at this procedure based on the factual record.

Again, I challenge any Member on either side of the aisle to come forward with a reason why this procedure needs to be legal for the health of the mother. Not one piece of evidence has been entered in the record ever that this procedure was ever necessary to protect the health of the mother. No one even makes an argument that it protects the life of the mother, but there has never been a case introduced that has not been refuted 30 different ways that suggests that this procedure is necessary for health. So the health exception of Roe v. Wade, as a result, is not applicable here because there is no medical reason why this procedure needs to be legal.

In addition, we have tightened the language. The other concern in the Court was that it was vague and could have included other late-term abortion procedures. There are many in this Chamber who would like to ban all late-term abortion procedures. That is not what this bill does. It simply bans a procedure which the vast majority of the American public, anywhere from 70 percent to 80 percent, believe should be banned. By the way, if you are with 70 or 80 percent of the American public, you are hardly on the extreme. By definition this can't be extreme if 70 to 80 percent of the American public support what you are doing.

We have tightened the language to ban a procedure, just one—this one. So there is no doubt now that the Court had before, because of the language in the Nebraska statute, that we might include other abortion techniques. We are including one technique, this one, a technique that is never used to protect the health or life of the mother. Roe v. Wade is as expansive a right as there exists today. Let me repeat that: The right to an abortion in America is more absolute than the right of free speech, than the right of freedom of assembly, than the right of freedom of the press. Under constitutional interpretation, there is no limitation on the right to abortion—none—where these others all have limits. I would argue not great limits, but they are all limited in some fashion by the Court and by statutes that have been found constitutional by this Court. Except abortion, there is no limit. There is no practical limitation on the right to an abortion.

This—candidly and unfortunately, in some respects—is not a limitation on abortion either because if it were a limitation on abortion, the Court would find it unconstitutional. But it is not.

It is a rogue procedure that candidly is unhealthy. We have mountains of evidence from experts in the maternal field of medicine who say this procedure is the least healthy option for women. Obviously, it is the most horrendous and brutal to the child.

That is our plea. It is a modest one. It is so modest that many people do not understand why we are even pursuing it on both sides of this issue.

They ask, Why are you suggesting this? It is not going to do anything. It will bar one procedure that is not used very much—a few thousand times a year. But, as the Senator from California says, every life matters. Every case is a tragedy. So we should do it if we can. We should, and we will, hopefully in a few weeks.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, thank you very much. I have gone to one meeting. And I have another hearing. I appreciate my colleague from Pennsylvania being so gracious as to work the time so I could continue to come back and forth.

Before I left the floor, I promised him I would put in the RECORD the various publications that have stated that approximately 5,000 women a year died from illegal abortions before Roe.

Mr. SANTORUM. Mr. President, will the Senator yield for a question?

Mrs. BOXER. In a moment.

The Senator read from the CDC figures. I realized as I left the floor that at the time women were having these illegal botched abortions and were dying—it made some of them infertile, and they were suffering from trauma—they were not supporting the CDC or any government entity because they would have been put in prison because abortion was illegal. Any claim that the CDC would know the accurate number of illegal abortions just flies in the face of all common sense. Women were not cooperating with the Government. They were in fact standing up to the Government which had outlawed the procedure.

I am glad to yield to the Senator.

Mr. SANTORUM. In how many States in 1972 were abortions illegal?

Mrs. BOXER. I could tell you it was illegal in my State. I will be happy to give you all of that. That isn't the point. At the point in time when the CDC was collecting these numbers, many of the women were having abortions. In my State—probably the most populous State at that time—they were not reporting these things.

My friend challenged me. I come back with the fact that I don't believe the Senator could say the United States Government knew. But I will tell you who did know.

Mr. SANTORUM. Will the Senator yield for a question.

Mrs. BOXER. I have a book that has stated that number.

I am glad to yield.

Mr. SANTORUM. I can't imagine that—first of all, this number was derived from death certificates. If a person is dead, they are not going to report an abortion. There is no concern about a woman reporting her own death because she fears being prosecuted. These numbers were derived from death certificates from hospitals and the cause of death of the women who died. It has nothing to do with self-reporting. They are dead. The idea that somehow these women aren't reporting because they are afraid of being prosecuted—with all due respect, they are dead.

Mrs. BOXER. I am talking about the number of illegal abortions.

Mr. SANTORUM. That is not the number used. The Senator used the number of 1,000 deaths.

Mrs. BOXER. Excuse me. I don't interrupt the Senator, if he would allow me to respond.

I am saying to the Senator that the collection of data at that time would not be done by someone who feared prosecution. If a person dies, I can tell you that right now doctors weren't reporting these things. Families didn't want to say their child did something illegal. The Senator is the only one I have ever met in the movement to outlaw Roe who would put the number of deaths at 83. But I want to tell the Senator that 83 deaths of women—and I have read stories and my friend has heard them, and they are brutal stories about 13-year-old girls, and women who were raped who were afraid—these people died. You can take your number of 83 which is the CDC and which would, I say, make no sense because people were afraid to death, frankly, and families were afraid to report that. Or you can take the number of 5,000 which has been written about quite a bit in science magazines, or you can take some other number in the middle. My friend can pick whatever number he wants. He has chosen the number of 83 women who died. That is 83 families destroyed. But you can belittle. That is fine.

The bottom line is that Roe v. Wade said the Government has a right after viability to ban abortions. But there is always an exception for the health of the woman.

My friend can sugar-coat his bill any way he wants. But the fact is even the people who want to ban abortions have written—and I just read an account today where one gentleman who was a big leader in this movement to overturn Roe said this bill is unconstitutional.

That is the reason why it is important for us to say we support Roe, because this Senate shouldn't be reporting language that is unconstitutional and which jeopardizes the health of a woman.

Mr. SANTORUM. Will the Senator yield?

Mrs. BOXER. I yield for one more question. I appreciate having a chance to finish my remarks.

Mr. SANTORUM. I want to clarify and put a question to the Senator. Using my numbers—these are not my numbers; these are the numbers from Department of Health, Education and Welfare back in 1975. The Senator says people didn't want to report that. I want to clarify for the RECORD that these are figures derived from death certificates. My question is, Is the Senator suggesting that doctors lied on death certificates about the reason for the death? That is what the Senator is suggesting.

Mrs. BOXER. I am suggesting to my friend that when people could go to prison because a woman had an abortion in the early stages of her pregnancy—this is my opinion—I don't believe there is going to be accurate reporting. I think it had a terrible impact on people. People were so frightened.

We have testimony from a doctor who said that while a woman was on the table bleeding to death, the doctor was afraid to perform an abortion because—he was allowed to do it because the woman was raped, but he was afraid until the police cleared it.

The bottom line is this was a period in our history where women were made to feel like criminals. I remember those days. Women's lives were lost. The number of illegal abortions is hard to determine. It is hard to determine the cause of death. The fact of the matter is I don't know too many people who believe the number of 85. There are people who lived in those days who saw how many women were having these abortions. Perhaps they were raped. Perhaps it was a situation where they wanted a family, and that wasn't to be. Whatever the reason, it was happening. They weren't reported, and I don't believe the deaths were accurately reported.

The point is, Why are we here having this debate? Would I still be standing here if I believed that ''only'' 85 women a year died? Yes, I would be, because that is too many deaths, if it is your friend, if it is your mother, if it is your sister, or if it is your aunt.

The question isn't only how many illegal abortions there were and how many women died. The Senator made no reference to how many women became infertile. Then the Senator says something that is totally untrue—that we have never placed into the RECORD at all any statement that shows that by banning this procedure which is banned in this bill with the health exception there could be health damage.

There is testimony of Anne Davis before a hearing of the Subcommittee on the Constitution of the House Judiciary Committee. She is a physician licensed to practice medicine in New York, and she is a board-certified OB/GYN. She got her education at Columbia. She is a fellow of the American College of OB/GYN.

With all due respect to my colleague from Pennsylvania—and I totally respect his right to his opinion and would fight for his right to have it—I trust an OB/GYN more than I do him on matters pertaining to a woman's health and her body.

She says this bill will severely limit physicians' ability to provide the best medical care to their patients. She says it is confusing; it is contradictory; it would be difficult for physicians to interpret. And she says she believes after reading it, the bill appears to ban safe and common abortion procedures

used well before fetal viability. By the way, this was another ground on which the Supreme Court overturned a similar Nebraska statute. It said it was vague.

She says the bill leaves physicians with an untenable choice of not being able to provide the appropriate medical care and, she says, it poses grave risks to the patient. Let me repeat that. My colleague said there was not one bit of evidence that the procedure that is banned—not one bit of evidence—that it could hurt a woman and that I put none in the RECORD.

I refer to my colleagues the testimony of Anne R. Davis, M.D., before the House Subcommittee on the Constitution on March 25, 2003.

Mr. President, she says it puts patients at risk, and she goes on about it. She goes into great detail. I will not take the Senate's time because it is highly technical and it has to do with medicine, and this is not, as I said, a doctor's office. It is the Senate floor.

It goes on for pages and pages. The bottom line is, she is saying there are times when this procedure that is banned is the one that is necessary to protect women. As a matter of fact, she has a whole section titled: "The bill lacks necessary exceptions to protect women's health and their lives." And she goes through that.

This is the first document for the RECORD. It is 11 pages. I hope Senator SANTORUM will take the time to look at that.

Then I have a very important letter from another OB/GYN. As a matter of fact, she is an adjunct professor in the Department of Obstetrics, Gynecology, and Reproductive Sciences at UC-San Francisco where she directs the Center for Reproductive Health Research and Policy. She says she represented the United States at the International Conference on Population and Development. She served on a number of boards of organizations that promote emergency contraception and new contraceptive technologies and supports reducing teen pregnancy. I hope my friends agree that is a good idea. Her area of expertise is family planning and reproductive health.

Very clearly in her four-page letter to us—again, a lot of which is technical—she lists these very problems of what could happen to a woman if there is no health exception in the bill. Here is what she says: Death, infertility, paralysis, coma, stroke, hemorrhage, brain damage, infection, liver damage, and kidney damage.

The Senator from Pennsylvania said I never put anything in the RECORD that said if they cannot use this procedure that is banned in this bill there would be problems. Here is another, Felicia Stewart, M.D., with the highest qualifications you would ever want to have if you ever needed to go to an OB/GYN, which none of my male colleagues would ever have to do, but my female colleagues would have to do.

I ask unanimous consent to print this letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 5, 2003.

Hon. BARBARA BOXER,
U.S. Senate, Hart Building,
Washington, DC.

DEAR SENATOR BOXER: I understand that you will be considering Senate S. 3, the ban on abortion procedures, soon and would like to offer some medical information that may assist you in your efforts. Important stakes for women's health are involved: If Congress enacts such a sweeping ban, the result could effectively ban safe and common, pre-viability abortion procedures.

By way of background, I am an adjunct professor in the Department of Obstetrics, Gynecology and Reproductive Sciences at the University of California, San Francisco, where I co-direct the Center for Reproductive Health Research and Policy. Formerly, I directed the Reproductive Health program for the Henry J. Kaiser Family Foundation and served as Deputy Assistant Secretary for Population Affairs for the United States Department of Health and Human Services. I represented the United States at the International Conference on Population and Development (ICPD) in Cairo, Egypt, and currently serve on a number of Boards for organizations that promote emergency contraception and new contraceptive technologies, and support reducing teen pregnancy. My medical and policy areas of expertise are in the family planning and reproductive health, prevention of sexually transmitted infections including HIV/AIDS, and enhancing international and family planning.

The proposed ban on abortion procedures criminalizes abortions in which the provider "deliberately and intentionally vaginally delivers a living fetus . . . for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus. . . ." The criminal ban being considered is flawed in a number of respects: it fails to protect women's health by omitting an exception for women's health; it menaces medical practice with the threat of criminal prosecution; it encompasses a range of abortion procedures; and it leaves women in need of second trimester abortions with far less safe medical options; hysterotomy (similar to a cesarean section) and hysterectomy.

The proposed ban would potentially encompass several abortion methods, including dilation and extraction (dtx, sometimes referred to as "intact d&e), dilation and evaculation (d&e), the most common second-trimester procedure. In addition, such a ban could also apply to induction methods. Even if a physician is using induction as the primary method for abortion, he or she may not be able to assure that the procedure could be effected without running afoul of the proposed ban. A likely outcome it this legislation is enacted and enforced is that physicians will fear criminal prosecution for any second trimester abortion—and women will have no choice but to carry pregnancies to term despite the risks to their health. It would be a sad day for medicine if Congress decides that hysterotomy, hysterectomy, or unsafe continuation of pregnancy are women's only available options. Williams Obstetrics, one of the leading medical texts in Obstetrics and Gynecology, has this to say about the hysterotomy "option" that the bill leaves open:

Nottage and Liston (1975), based on a review of 700 hysterotomies, rightfully concluded that the operation is outdated as a routine method for terminating pregnancy. (original in bold). Cunningham and McDonald, et al, Williams Obstetrics, 19th ed., (1993), p. 683.

Obviously, allowing women to have a hysterectomy means that Congress is authorizing women to have an abortion at the price of their future fertility, and with the added risks and costs of major surgery. In sum, the options left open are less safe for women who need an abortion after the first trimester of pregnancy.

I'd like to focus my attention on that subset of the women affected by this bill who face grievous underlying medical conditions. To be sure, these are not the majority of women who will be affected by this legislation, but the grave health conditions that could be worsened by this bill illustrate how sweeping the legislation is.

Take for instance women who face hypertensive disorders such as eclampsia—convulsions precipitated by pregnancy-induced or aggravated hypertension (high blood pressure). This, along with infection and hemorrhage, is one of the most common causes of maternal health. With eclampsia, the kidneys and liver may be affected, and in some cases, if the woman is not provided an abortion, her liver could rupture, she could suffer a stroke, brain damage, or coma. Hypertensive disorders are conditions that can develop over time or spiral out of control in short order, and doctors must be given the latitude to terminate a pregnancy if necessary in the safest possible manner.

If the safest medical procedures are not available to terminate a pregnancy, severe adverse health consequences are possible for some women who have underlying medical conditions necessitating a termination of their pregnancies, including: death (risk of death higher with less safe abortion methods), infertility, paralysis, coma, stroke, hemorrhage, brain damage, infection, liver damage, kidney damage.

Legislation forcing doctors to forego medically indicated abortions or to use less safe but politically-palatable procedures is simply unacceptable for women's health.

Thank you very much, Senator, for your efforts to educate your colleagues about the implications of the proposed ban on abortion procedures.

Sincerely,

FELICIA H. STEWART, M.D.

Mrs. BOXER. Mr. President, I have another letter from the American Public Health Association. The American Public Health Association opposes the bill because it fails to include adequate health exception language and where certain procedures may be determined by a physician to be the best way to preserve the health of the woman.

There we go, the American Public Health Association is concerned about women's health.

I ask unanimous consent that this letter from the American Public Health Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, March 31, 2003.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the American Public Health Association (APHA) the largest and oldest organization of public health professions in the nation, representing more than 50,000 members from over 50 public health occupations, I write to urge your opposition to H.R. 760, the Partial-Birth Abortion Ban Act of 2003.

APHA has long-standing policy regarding the sanctity of the provider-patient relationship and has long advocated for a woman's

right to choose from a full range of reproductive health options. We believe that a physician in consultation with the patient should make the decision regarding what method should be used to terminate a pregnancy.

We are opposed to H.R. 760 because we believe this and other legislative and judicial restrictions to safe, medically accepted abortion procedures severely jeopardize women's health and well-being. APHA also opposed the bill because it fails to include adequate health exception language in instances where certain procedures may be determined by a physician to be the best or most appropriate to preserve the health of the woman. We urge members of the House of Representatives to oppose this legislation.

Thank you for your attention to our concerns regarding the negative effect this legislation would have to a woman's right to a safe, legal abortion.

Sincerely

GEORGES C. BENJAMIN, MD, FACP,
Executive Director.

Mrs. BOXER. Mr. President, I have another letter from Lynn Epstein, president of the American Medical Women's Association in Alexandria, VA. They strongly oppose this ban, and they say it fails to protect the health and safety of women and their children. So that is another.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL WOMEN'S ASSOCIATION, INC.,
Alexandria, VA, March 25, 2003.

Hon. JERROLD NADLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NADLER: The American Medical Women's Association (AMWA) strongly opposes HR 760, the ''Partial-Birth Abortion Ban Act of 2003.'' While the Association has high respect for each member and their right to hold whatever moral, religious and philosophical beliefs his or her conscience dictates, as an organization of 10,000 women physicians and medical students dedicated to promoting women's health and advancing women in medicine, we believe HR 760 is unconscionable.

AMWA has long been an advocate for women's access to reproductive health care. As such, we recognize this legislation as an attempt to ban a procedure that in some circumstances is the safest and most appropriate alternative available to save the life and health of the woman. Furthermore, this bill violates the privilege of a patient in consultation with her physician to make the most appropriate decision regarding her specific health circumstances.

AMWA opposes legislation such as HR 760 as inappropriate intervention in the decision-making relationship between physician and patient. The definition of the bill is too imprecise and it includes non-medical terminology for a procedure that may ultimately undermine the legality of other techniques in obstetrics and gynecology used in both abortion and non-abortion situations. At times, the use of these techniques is essential to the lives and health of women. The potential of this ban to criminalize certain obstetrics and gynecology techniques ultimately interferes with the quality of health and lives of women. Furthermore, the current ban fails to meet the provisions set forth by the Supreme Court in Steinberg v. Carhart, a ruling that overturned a Nebraska statute banning abortion because it contained no life and health exception for the mother.

AMWA's position on this bill corresponds to the position statement of the organization on abortion and reproductive health services to women and their families.

AMWA believes that the prevention of unintended pregnancies through access to contraception and education is the best option available for reducing the abortion rate in the United States. Legislative bans for procedures that use recognized obstetrics and gynecological techniques fails to protect the health and safety of women and their children, nor will it improve the lives of women and their families. If you have any questions please contact Meghan Kissell, at 703–838–0500.

Sincerely,

LYNN EPSTEIN, MD,
President.

Mrs. BOXER. Mr. President, here is another letter from the Physicians for Reproductive Choice and Health. They are located in New York. They say the legislation is dangerous because it is vague and there is no health exception. They also add something I think they are absolutely right on about. Politicians should not legislate medicine.

This is the first time any Congress has ever outlawed a medical procedure that is supported by the medical community. You may find a few doctors who don't, but the organizations all do. They are very concerned that women's health is not being respected or cared about.

I ask unanimous consent to print this letter from Physicians for Reproductive Choice and Health in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PHYSICIANS FOR REPRODUCTIVE CHOICE AND HEALTH,
New York, NY, March 10, 2003.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: We are writing to urge you to stand in defense of women's reproductive health and vote against S. 3, legislation regarding so-called ''partial birth'' abortion.

We are practicing obstetrician-gynecologists, and academics in obstetrics, gynecology and women's health. We believe it is imperative that those who perform terminations and manage the pre- and post-operative care of women receiving abortions are given a voice in a debate that has largely ignored the two groups whose lives would be most affected by this legislation: physicians and patients.

It is misguided and unprincipled for lawmakers to legislate medicine. We *all* want safe and effective medical procedures for women; on that there is no dispute. However, the business of medicine is not always palatable to those who do not practice it on a regular basis. The description of a number of procedures—from liposuction to cardiac surgery—may seem distasteful to some, and even repugnant to others. When physicians analyze and debate surgical techniques among themselves, it is always for the best interest of the patient. Abortion is proven to be one of the safest procedures in medicine, significantly safer than childbirth, and in fact has saved numerous women's lives.

While we can argue as to why this legislation is dangerous, deceptive and unconstitutional—and it is—the fact of the matter is that the text of the bill is so vague and misleading that there is a great need to correct the misconceptions around abortion safety and technique. It is wrong to assume that a specific procedure is never needed; what is required is the safest option for the patient, and that varies from case to case.

THE FACTS

(1) So-called ''partial birth'' abortion does not exist.

There is no mention of the term ''partial birth'' abortion in any medical literature. Physicians are never taught a technique called ''partial birth'' abortion and therefore are unable to medically define the procedure.

What is described in the legislation, however, could ban all abortions. ''What this bill describes, albeit in non-medical terms, can be interpreted as any abortion,'' stated one of our physician members. ''Medicine is an art as much as it is a science; although there is a standard of care, each procedure—and indeed each woman—is different. The wording here could apply to any patient.'' The bill's language is too vague to be useful; in fact, it is so vague as to be harmful. It is intentionally unclear and deceptive.

(2) Physicians need to have all medical options available in order to provide the best medical care possible.

Tying the hands of physicians endangers the health of patients. It is unethical and dangerous for legislators to dictate specific surgical procedures. Until a surgeon examines the patient, she does not necessarily know which technique or procedure would be in the patient's best interest. Banning procedures puts women's health at risk.

(3) Politicians should not legislate medicine.

To do so would violate the sanctity and legality of the physician-patient relationship. The right to have an abortion is constitutionally-protected. To falsify scientific evidence in an attempt to deny womens that right is unconsicionable and dangerous.

The American College of Obstetricians and Gynecology, representing 45,000 obgyns, agrees: ''The intervention of legislative bodies into medical decision making is inappropriate, ill advised and dangerous.''

The American Medical Women's Association, representing 10,000 female physicians, is opposed to an abortion ban because it ''represents a serious impingement on the rights of physicians to determine appropriate medical management for individual patients.''

THE SCIENCE

We know that there is no such technique as ''partial birth'' abortion, and we believe this legislation is a thinly-veiled attempt to outlaw all abortions. Those supporting this legislation seem to want to confuse both legislators and the public about which abortion procedures are actually used. Since the greatest confusion seems to center around techniques that are used in the second and third trimesters, we will address those: dilation and evacuation (D&E), dilation and extraction (D&X), instillation, hysterectomy and hysterotomy (commonly known as a c-section).

Dilation and evaculation (D&E) is the standard approach for second-trimester abortions. The only difference between a D&E and a more common, first-trimester vacuum aspiration is that the cervix must be further dilated. Morbidity and mortality studies acquiring valuable information regarding hereditary illness or fetal anomaly; and there is a decreased risk of injury to the woman, as the procedure is quicker than induction and involves less use of sharp instruments in the uterus, providing a lesser chance of uterine perforations or tears and cervical lacerations.

It is important to note that these procedures are used at varying gestational ages.

Neither a D&E nor a D&X is equivalent to a late-term abortion. D&E and D&X are used solely based on the size of the fetus, the health of the woman, and the physician's judgment, and the decision regarding which procedure to use is done on a case-by-case basis.

THE LEGISLATION

Because this legislation is so vague, it would outlaw D&E and D&X (and arguably techniques used in the first-trimester). Indeed, the Congressional findings—which go into detail, albeit in non-medical terms—do not remotely correlate with the language of the bill. This legislation is reckless. The outcome of its passage would undoubtedly be countless deaths and irreversible damages to thousands of women and families. We can safety assert that without D&E and D&X, that is, an enactment of S.3, we will be returning to the days when an unwanted pregnancy led women to death through illegal and unsafe procedures, self-inflicted abortions, uncontrollable infections and suicide.

The cadre of physicians who provide abortions should be honored, not vilified. They are heroes to millions of women, offering the opportunity of choice and freedom. We urge you to consider scientific data rather than partisan rhetoric when voting on such far-reaching public health legislation. We strongly oppose legislation intended to ban so-called ''partial birth'' abortion.

Sincerely,

NATALIE E. ROCHE, MD,
Assistant Professor of Obstetrics and Gynecology, New Jersey Medical College.

GERSON WEISS, MD,
Professor and Chair, Department of Obstetrics, Gynecology and Women's Health, New Jersey Medical College.

Mrs. BOXER. Mr. President, here is another one. Senator SANTORUM said we had no documentation that the ban would hurt women's health. This is testimony of Vanessa Cullins, vice president of Medical Affairs of Planned Parenthood. She is a board-certified OB/GYN with a master's degree in public health and business administration. She talks about the fact that this bill prevents doctors from exercising necessary discretion and how that is dangerous. She says it outlaws techniques that are critical to the lives and health of American women.

Mr. President, I refer to my colleagues the testimony of Vanessa Cullins, M.D., before the House Subcommittee on the Constitution on March 25, 2003.

Mr. President, then there is the UCSF Center for Reproductive Health Research and Policy. Their first objection to the bill: It fails to protect women's health by omitting an exception for women's health.

I ask unanimous consent to print this letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA, CENTER FOR REPRODUCTIVE HEALTH RESEARCH & POLICY
San Francisco, CA, March 5, 2003.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: I understand that you will be considering Senate S. 3, the ban on abortion procedures, soon, and would like to offer some medical information that may assist you in your efforts. Important stakes for women's health are involved: If Congress enacts such a sweeping ban, the result could effectively ban safe and common, pre-viability abortion procedures.

By way of background, I am an adjunct professor in the Department of Obstetrics, Gynecology and Reproductive Sciences at the University of California, San Francisco, where I co-direct the Center for Reproductive Health Research and Policy. Formerly, I directed the Reproductive Health Program for the Henry J. Kaiser Family Foundation and served as Deputy Assistant Secretary for Population Affairs for the United States Department of Health and Human Services. I represented the United States at the International Conference on Population and Development (ICPD) in Cairo, Egypt, and currently serve on a number of Boards for organizations that promote emergency contraception and new contraceptive technologies, and support reducing teen pregnancy. My medical and policy areas of expertise are in family planning and reproductive health, prevention of sexually transmitted infections including HIV/AIDS, and enhancing international and family planning.

The proposed ban on abortion procedures criminalizes abortions in which the provider ''deliberately and intentionally vaginally delivers a living fetus . . . for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus . . .'' The criminal ban being considered is flawed in a number of respects: It fails to protect women's health by omitting an exception for women's health; it menaces medical practice with the threat of criminal prosecution; it encompasses a range of abortion procedures; and it leaves women in need of second trimester abortions with far less safe medical options: hysterotomy (similar to a cesarean section—and hysterectomy.

The proposed ban would potentially encompass several abortion methods, including dilation and extraction (d&x, sometimes referred to as ''intact d&e''), dilation and evacuation (d&e), the most common second-trimester procedure. In addition, such a ban could also apply to induction methods. Even if a physician is using induction as the primary method for abortion, he or she may not be able to assure that the procedure could be effected without running afoul on the proposed ban. A likely outcome if this legislation is enacted and enforced is that physicians will fear criminal prosecution for any second trimester abortion—and women will have no choice but to carry pregnancies to term despite the risks to their health. It would be a sad day for medicine if Congress decides that hysterotomy, hysterectomy, or unsafe continuation of pregnancy are women's only available options. Williams Obstetrics, one of the leading medical texts in Obstetrics and Gynecology, has this to say about the hysterotomy ''option'' that the bill leaves open: ''Nottage and Liston (1975), based on a review of 700 hysterotomies, rightfully concluded that the operation is outdated as a routine method for terminating pregnancy.'' (Cunningham and McDonald, et al., Williams Obstetrics, 19th ed., (1993), p. 683.)

Obviously, allowing women to have a hysterectomy means that Congress is authorizing women to have an abortion at the price of their future fertility, and with the added risks and costs of major surgery. In sum, the options left open are less safe for women who need an abortion after the first trimester of pregnancy.

I'd like to focus my attention on that subset of the women affected by this bill who face grievous underlying medical conditions. To be sure, these are not the majority of women who will be affected by this legislation, but the grave health conditions that could be worsened by this bill illustrate how sweeping the legislation is.

Take for instance women who face hypertensive disorders such as eclampsia—convulsions precipitated by pregnancy-induced or aggravated hypertension (high blood pressure). This, along with infection and hemorrhage, is one of the most common causes of maternal death. With eclampsia, the kidneys and liver may be affected, and in some cases, if the woman is not provided an abortion, her liver could rupture, she could suffer a stroke, brain damage, or coma. Hypertensive disorders are conditions that can develop over time or spiral out of control in short order, and doctors must be given the latitude to terminate a pregnancy, if necessary, in the safest possible manner.

If the safest medical procedures are not available to terminate a pregnancy, severe adverse health consequences are possible for some women who have underlying medical conditions necessitating a termination of their pregnancies, including: Death (risk of death higher with less safe abortion methods), infertility, paralysis, coma, stroke, hemorrhage, brain damage, infection, liver damage, and kidney damage.

Legislation forcing doctors to forego medically indicated abortions or to use less safe but politically-palatable procedures is simply unacceptable for women's health.

Thank you very much, Senator, for your efforts to educate your colleagues about the implications of the proposed ban on abortion procedures.

Sincerely,

FELICIA H. STEWART, M.D.

Mrs. BOXER. Here you go. We have all of these documents that clearly say the problem with this bill is it makes no health exception; it is vague; it is dangerous for women.

The fact is, the bill passed the Senate. We had these arguments and the bill passed the Senate, but the great news about that debate is that TOM HARKIN offered his amendment, and that is the subject of the vote we are going to have, where I hope everyone votes to disagree with what the House did because what the House did is it stripped out of the bill this very important language that deals with Roe v. Wade.

What did it say? The decision of the Supreme Court in Roe v. Wade was appropriate and secures an important right and such decisions should not be overturned.

It just shows you the real desire of the anti-choice Members of the Congress. They could have taken this language, which has no force of law—it is a basic statement, an important statement, a crucial statement, in my opinion, but it has no force of law. It doesn't say we say Roe v. Wade shall never be overturned and we pass legislation which embodies Roe. We have not done that. I wish we could, I hope

we will, and I think some day we will. I think it is going to take a pro-choice President, but I think some day we will make Roe a law that is actually signed rather than just a court decision. I have offered bills to do that. We have not moved forward because we have had to fight off so many other attempts to restrict Roe.

Indeed, the House could have taken the bill which bans this procedure without a health exception with this language, and it would have been on the President's desk. But they are so against Roe—that is what this is all about—that they had to strip it out, even to slow down the bill.

That is what we are here today discussing: whether the House was right to strip out this sense-of-the-Senate Harkin amendment. We have had a good debate so far. We have some time left. Senator DEWINE is going to speak for the rest of the time this morning, and we will have more time to finish our debate, whether it is before the storm comes or after the storm comes. I don't know how we will resolve that situation.

We will have more debate. It is a very important debate. It is an important debate because before Roe became the law of the land, women died. One could argue how many. I am not going to get into the argument. I have evidence it was 5,000. Senator SANTORUM says his evidence is it is 85. One is too many.

Abortion should be legal in the very early stages, as Roe says. After that, the State should be able to come in and set rules and to say after viability one cannot have any abortion, except to save the life and health of the woman. That is the bottom line of Roe, and that is why we are arguing so strongly that this Senate should go on record disagreeing with what the House did so that when this bill goes over across the street to the Supreme Court they can look at this record, which we will make sure they look at, and see that the Senate, while voting to ban this procedure without a health exception, also said do not overturn Roe.

To me, that is a signal to the Supreme Court that they should rule the bill unconstitutional. We would have been happy to vote for that bill with the health exception. I do not understand why a group that calls itself pro-life will not stand up for the life and health of a woman. I do not understand it.

Look, I respect it because this is America and everyone has a right to his or her opinion, as strong as it may be. I do not mind that. I think it is great. It is what makes our democracy great, that we can have these debates and discussions, but I do not understand how a movement that calls itself pro-life can be that disinterested in the health and the lives of women.

Women are not just vessels that carry babies to term. Women are human beings who deserve to be respected, admired. They need dignity. A woman does not just say, oh, I woke up one morning; I do not want this baby at the late stage; I think I will change my mind. If my colleagues think that about women, they do not know women. We are the nurturers.

Roe v. Wade was a decision that weighed the rights of women with all the other rights that compete, and it came up with what I consider to be a very wise and moderate decision, which is before viability a woman has the right to choose and Senator BOXER, Senator DEWINE, Senator SANTORUM, no Senator, no matter how powerful, no House Member, no President has a right to get involved in the decision that she makes with her doctor, her God, and her loved ones.

We are not her loved ones. I know we want to be loved by everyone—most politicians do—but I can guarantee, we are not. We do not belong in the lives of our citizens at a point where the Court has clearly stated that they have the right and respect to make that choice themselves.

So what did Senator HARKIN do? He said: Let us have an amendment that says Roe v. Wade should not be overturned. We did it. We passed it and the House stripped it out. We are saying we want to vote to disagree with the House. This is Roe:

> . . . the preservation of the life or the health of the mother—

Must always be considered.

I am very happy I was able to place into the RECORD the scientific articles which stated that, in fact, there were 5,000 women who died every year of illegal abortions. I pointed out that I do not trust numbers from the Government when the Government was about prosecuting people who had abortions. So I do not trust those particular numbers at that time.

I also was able to place into the RECORD a number of articles, a number of letters, testimony from doctors who deal with these issues every day, not Senators who make up and do this for politics but doctors who take the Hippocratic oath to do no harm to their patients, who are telling us, please, do not go down this path; you are jeopardizing the lives of women.

The Supreme Court is going to get this case, but I hope the Supreme Court also will note that we voted overwhelmingly to disagree with what the House did by stripping out the Harkin amendment that simply says Roe should not be overturned.

I yield back my time, and I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Ohio.

Mr. DEWINE. Mr. President, first, I would like to thank my colleague from Pennsylvania, Senator SANTORUM, as well as Senator BROWNBACK, Senator GRAHAM of South Carolina, and Majority Leader FRIST for their unending and unwavering efforts to put a permanent end to this horrible partial-birth abortion procedure.

During the time we have served together in this body, they have never given up hope that this Congress and this country would put an end to this barbaric procedure.

Let me also thank my colleague from the State of Ohio, Congressman CHABOT, for his tremendous work in this area as well. He has remained dedicated and continues to be focused on this effort.

It is time that this Senate, this Congress, this country banned a procedure that is inhumane and that has absolutely no medical purpose and that is, quite simply, morally reprehensible. There is no debate about these facts. There is no debate about what takes place during a partial-birth abortion. I submit to my colleagues that the more we know about this procedure, the worse it is. The more we know about it, the clearer it is that we must oppose it. The more we know about it, the easier it is to ban it once and for all.

This is a procedure in which the abortionist pulls a living baby feet first out of the womb and into the birth canal, except for the head, which the abortionist purposely keeps lodged just inside the cervix. As many of us have explained in detail on this Senate floor before, the abortionist then punctures the base of the baby's skull with a long scissors-like surgical instrument and then inserts a tube into the womb removing the baby's brain with a powerful suction machine. This causes the skull to collapse, after which the abortionist completes the delivery of the now-dead baby.

These are the essential facts. No one has ever come to the Senate floor to dispute these facts. This is what a partial-birth abortion is. No one can deny the facts. I can think of nothing more inhumane and indifferent to the human condition.

Every year the tragic effect of this extreme indifference to human life becomes more and more apparent as the procedure is performed all over this country. It is also, of course, performed in my home State of Ohio and actually performed within 20 miles of my home in Ohio. I have spoken on the Senate floor many times before about two particular partial-birth abortions that occurred in Ohio, and I will take a few minutes to recount these tragedies again. They were two typical partial-birth abortions, typical except for the way they turned out.

On April 6, 1999, in Dayton, OH, a woman entered the Dayton Medical Center to undergo a partial-birth abortion. This facility was and tragically continues to be operated by Dr. Martin Haskell, one of the main providers of partial-birth abortions in this entire country. Usually, the partial-birth abortion procedure takes place behind closed doors where it can be ignored, where people do not really know much about it, but in this particular case the procedure was different. There was light shed upon it.

This is what happened, and this is how light was shed upon it: This Dayton abortionist inserted a surgical instrument into the woman to dilate her

cervix so the child could eventually be removed and then killed. We have to understand that this procedure usually takes 3 or 4 days. This is not a quick procedure. It takes 3 days to do it. The woman went home to Cincinnati, expecting to return for the completion of the procedure in 2 or 3 days.

In this case, though, her cervix dilated too quickly and, as a result, shortly after midnight of that day she was admitted to the Bethesda North Hospital of Cincinnati, in her hometown, and the child was born. The medical technician pointed out the child was alive but, sadly, apparently the chance of the baby's survival was slim and after 3 hours and 8 minutes the baby died.

The baby was named Hope. On the death certificate, of course, there is a space for cause of death or method of death. In the case of baby Hope, the method of death is listed as ''natural.''

We, of course, know that is not true. We know all the facts. There was nothing natural about the events that led to the death of this tiny little child because baby Hope did not die of natural causes. Baby Hope died the victim of a barbaric procedure that is opposed by the vast majority of the American people. In fact, a Gallup poll conducted in January of this year shows well over 70 percent of the American people want to see this procedure permanently banned because the American people know it is wrong. They feel strongly about it. We as a Senate, Members of the Congress, should listen to the American people. But more importantly, besides listening to the American people, we need to listen to our own conscience. We know this is wrong.

To almost underscore the inhumanity of this procedure, 4 months later it happened again; again in Ohio, again with the same abortionist. This time, though, something quite different occurred. Once again, in Dayton, this time on August 18, 1999, a woman who was 25 weeks pregnant went to Dr. Haskell's office for a partial-birth abortion. As usual, the abortionist performed the preparatory steps for this barbaric procedure by dilating the mother's cervix. The next day, the woman went into labor and was rushed to Good Samaritan Hospital—again, not what was expected.

Remember, the procedure normally takes 3 full days, but she was rushed there in labor. This time, however, despite the massive trauma to this baby's environment, a miracle occurred and, by the grace of God, this little baby survived and, quite appropriately, she is today called baby Grace.

These types of tragedies have been recounted by medical professionals who have been shocked by the events. There are other stories I would like to tell the Members of the Senate.

Brenda Pratt Shafer, a registered nurse, was assigned to an Ohio abortion clinic in the early 1990s. She was assigned to the same Dr. Haskell abortion clinic.

Nurse Shafer observed Dr. Haskell use the procedure, this procedure, to abort babies. In fact, she testified about it before our Senate Judiciary Committee in 1995. I would like to share with my colleagues what she said because she gave—this nurse did—very gripping, very telling testimony. Nurse Shafer described a partial-birth abortion she witnessed on a child of 26½ weeks. This is what she observed:

> The young woman was 18, unmarried, and a little over 6 months pregnant. She cried the entire 3 days she was at the abortion clinic. The doctor told us I am afraid she is going to want to see the baby. Try to discourage her from it. We don't like them to see their babies.

Nurse Shafer continues:

> Dr. Haskell went in with forceps and grabbed the baby's legs and pulled them down into the birth canal. Then he delivered the baby's body and arms, everything but the head. The doctor kept the head right inside the uterus. The baby's little fingers were clasping and unclasping, his little feet were kicking. The baby was hanging there and the doctor was holding his neck to keep his head from slipping out. The doctor took a pair of scissors and inserted them into the back of the baby's head and the baby's arm jerked out with a flinch, a startle reaction like a baby does when he thinks he might fall. The doctor opened up the scissors, stuck a high-powered suction tube into the opening, and sucked the baby's brains out.
>
> Now the baby went completely limp. He cut the umbilical cord and delivered the placenta. He threw the baby into a pan along with the placenta and the instruments he had just used. I saw the baby move in the pan. I asked the other nurse and she said it was just reflexes. The baby boy had the most perfect angelic face I think I have ever seen in my life.
>
> When the mother started coming around, she was crying. ''I want to see my baby,'' she said. So we cleaned him up and put him into a blanket. We put her in a private room and handed her the baby. She held that baby in her arms, and when she looked into his face, she started screaming: ''Oh, my God, what have I done? This is my baby. This is my baby.''

It is my prayer that there will come a day when I don't have to retell Nurse Shafer's story, that there will come a day when my colleagues, like Senator SANTORUM and Senator BROWNBACK, the Presiding Officer, Majority Leader FRIST, and the rest of us who have fought this battle will not have to come to the Senate floor and talk about partial-birth abortion. Nobody wants to talk about this. But until that day comes when this procedure has been outlawed in our country once and for all, we will have to continue to fight against this ghastly procedure.

Now is the time to ban this awful procedure. It simply is the right thing to do. This Senate must do that.

(The remarks of Mr. DEWINE pertaining to the introduction of S. 1629 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent to have the time until Senator BOXER returns.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I am pleased to join with Senators BOXER and HARKIN in the debate to reaffirm the protections guaranteed to women in the landmark Roe v. Wade decision.

Let's be clear: The Republican leadership is trying to do something extraordinary on the Senate floor, something everyone who cares about the Constitution and women's rights should pay attention to. They have already done it in the House. The Senate, now, is the last line of defense.

It is helpful if we look at the history of this debate to see why the Republican approach is a threat to women's constitutionally protected rights. Earlier this year, the Senate debated the so-called partial-birth abortion ban. I joined with many of my colleagues in speaking against that proposal. I noted the bill was unconstitutional based on the Supreme Court's ruling in Stenberg v. Carhart. In that case, the Supreme Court struck down a similar law in Nebraska because it was too broad and because it did not include an exception for women's health.

We made that case in the Senate, but we were repeatedly turned back. We also offered reasonable amendments to make sure this legislation would not threaten the lives or the health of women and to reduce the number of abortions in America. Opponents rejected almost all of our amendments. That showed me their real goal was not to reduce the number of abortions or to protect women but to use the power in Congress to overturn Roe v. Wade.

As the debate continued in the Senate, my suspicion was confirmed. For example, I introduced a prevention amendment to reduce the number of abortions. My amendment would have provided contraceptive equity in health plans, expanded education about emergency contraceptives, made emergency contraceptives available in the emergency rooms for victims of rape, and would have offered CHIP health insurance coverage to protect women. My amendment was defeated on a budget point of order.

Senator FEINSTEIN offered an amendment to protect the health of a woman. That amendment was defeated as well. That brings us now to the Harkin-Boxer amendment and the reason we are having a debate today. That amendment reaffirmed the Senate's support for the Roe v. Wade decision. It passed the Senate with a bipartisan vote of 52 to 46. The Senate was firmly on the record supporting the Roe decision. Eventually, that so-called partial-birth abortion bill passed the Senate, including the language supporting Roe.

Then something happened, something completely undermined the will of this Senate. The Republican leadership tried to bring up the House version of the bill and send it to conference. Many Members objected. That is why we are here today, to completely disregard the will of the Senate. To disregard the fundamental rights afforded

all women in this country by the United States Supreme Court is unacceptable.

I urge my colleagues to support this motion and send the amendment back to conference. The Senate needs to send the right message to the Supreme Court and to women across this country—that their inherent right of privacy and their right to make reproductive health care decisions will not be jeopardized. This is another attempt to circumvent the Supreme Court's ruling in the Stenberg v. Carhart case. The authors of this bill tried to get around the law of the land by inserting a section of congressional findings in their unconstitutional bill. These findings dispute the basis for the Supreme Court's decision, and they state that Congress finds the partial-birth abortion ban legislation to be constitutional.

The authors of this legislation claim that congressional findings are all that is necessary to ensure a law is constitutional. That is a bit optimistic on their part, and it ignores past congressional findings that were ignored by the Court.

The Court struck down the Nebraska law for one reason. It did not contain any consideration for the health of the woman as prescribed in the original Roe decision.

Telling the Court that Congress does not find women's health to be important does not meet the constitutional test.

It is somewhat surprising that opponents of this motion would now argue that talking about Roe or the constitution protections provided in Roe is not relevant.

One of the reasons I opposed S. 3, the so-called Partial Birth Abortion Act, was because I know this legislation is unconstitutional. It simply does not meet the constitutional test that requires providing some consideration for the health of the woman.

The Court has been extremely clear on this point.

We are voting to ban a legal, safe medical procedure that is used to save the life and health of women. Proponents of this legislation will argue that S. 3 does not undermine Roe, that it does not jeopardize a woman's life or health, and that it simply bans one procedure. I think we all know the true objective here. It is to overturn Roe piece by piece.

The other side claims they are not seeking to overturn Roe but, rather, to protect women and the unborn. If they really believe this and they are not concerned with a constitutional challenge, they should support the Harkin-Boxer amendment. This amendment should be part of any final legislation.

I think it is important to discuss what Roe did and did not say.

I often hear that Roe allows for abortion on demand at any stage of the pregnancy. That is simply not true. The Justices worked very hard to achieve a balance between the privacy of the woman and the interests of the state. They found this balance by distinguishing between pre- and post-viability. The underlying issue in Roe was privacy.

The Roe case built on the precedent established in Griswold v. Connecticut, which outlawed State laws that criminalized or hindered the use of contraception because they violated the right to privacy.

In the Roe decision, the Supreme Court used this same right of privacy to prohibit laws that banned abortions performed before viability. After viability, the Court did rule that the State does have a prevailing interest to restrict abortion, which is why so few abortions are performed late in pregnancy. Eighty-eight percent of abortions are performed before the end of the first trimester of pregnancy, and 98 percent occur during the first 20 weeks.

What the Court said regarding post-viability is that the State could restrict access, but the law must include a health and life exception. The Supreme Court found that the State's right to restrict or regulate abortion could not—and let me repeat, could not—jeopardize the life or health of the woman.

It is disheartening to me that efforts to overturn or restrict the rights afforded in the Roe decision often exclude any consideration for the life or health of the woman.

I have heard supporters of S. 3 claim that so-called partial-birth abortions jeopardize a woman's health and are never necessary to protect the health of the woman. If anyone doubts that Roe was not important for the life and health of a woman, they should consider the world before Roe.

In 1973, abortion, except to save a woman's life, was banned in nearly two-thirds of our States. An estimated 1.2 million women each year were forced to resort to illegal abortion, despite the risks associated with unsanitary conditions, incompetent treatment, infection, and hemorrhage.

Because the procedure was illegal, there is no exact figure on the number of deaths caused by illegal abortions in the U.S. One estimate that was made before 1973 attributed 5,000 deaths a year to illegal abortions.

According to a 1967 study, induced abortion was the most common single cause of maternal mortality in California. The number of deaths per 100,000 legal abortion procedures declined from 4.1 percent to 0.6 percent between 1973 and 1997. The choices women had prior to 1973 were often the choice between life and death.

The Roe decision, coupled with the Griswald decision that gave women the right to contraceptives, finally gave women full and just reproductive choice.

But again the Roe decision does not allow for abortion on demand. The decision placed the appropriate restrictions on late-term abortions without forcing women into the back alleys.

Currently, 41 States have laws that restrict or ban post-viability abortions, except to save the life and health of the woman. This is consistent with Roe. Clearly, Roe did not result in abortion on demand at any stage in the pregnancy.

today we are ready to turn back much of what was achieved in Roe by banning a safe medical procedure at any stage of the pregnancy regardless of the threat to the woman. S. 3 removes any consideration of the health of the woman. Personally, I believe the Court will strike down this misguided legislation when it passes. However, we should send the right message to the Court that the U.S. Congress supports the Roe decision and believes that the right of privacy is an important protection for all Americans.

I am fortunate to represent a State that has twice voted to reaffirm Roe and to protect a woman's right to reproductive choice. In fact, in 1998, a similar effort to ban a safe and legal abortion procedure was defeated in Washington State. People in Washington State understand the need to provide for the health and the life of a woman.

In fact, a recent ABC News poll shows a majority of Americans support a health exception for the woman for late-term abortion. The poll—which was just conducted in July—asked, if a late-term abortion would prevent a serious threat to the woman, should it be legal? Twenty percent said it should be legal in all cases, 41 percent said it should be legal if health is threatened—a total of 61 percent. This poll shows what many of us believe, that a woman's health is an important factor and consideration.

This motion will give Members the chance to cast their vote either in support of Roe or in support of overturning this landmark decision. If you believe that women in this country should be afforded full reproductive choice, then you must vote to ensure that the Harkin-Boxer amendment remain part of any final conference agreement on S. 3. If you oppose this amendment, you are saying that you do not believe that the Constitution provides women with the right of privacy and that there should be no consideration for the health and life of the woman.

I hope we don't turn back the clock on the floor of the Senate and place women in this country at risk again.

ROE ROE. V. WADE

Mr. DODD. Mr. President, I express my cooperation, sense of solidarity with my colleague from California, Mrs. BOXER, and others under very unusual procedural circumstances. In my almost 24 years in the Senate, I cannot recall ever rising to speak on a motion to disagree with a House amendment on a Senate bill and request a conference. As all of my colleagues know, these motions are rarely if ever debated. They are routinely adopted. And

while this particular motion may well be adopted today or tomorrow there is nothing routine about it, because what we're discussing is one of the most divisive issues this country has ever faced—the issue of abortion, and specifically, the issue of whether or not the decision reached in Roe v. Wade should be the prevailing law of the land.

When this legislation was initially before the Senate, Senators HARKIN and BOXER introduced a simple sense of the Senate amendment that stated Roe v. Wade was a fair and balanced affirmation of a woman's constitutional right to privacy and self-determination. Of course, as Senator BOXER has pointed out, a woman's right to choose is not unlimited. As Roe v. Wade held, once a fetus becomes viable from a medical point of view, abortions may be regulated, although States must allow abortions when necessary to preserve a woman's life or health. Perhaps that's why a majority of Americans continue to support Roe v. Wade. Most Americans believe that this most difficult of decisions is, as an initial matter, best made in private by a woman and those with whom she chooses to share in the making of her decision—her doctor, her family, and her loved ones.

Most Americans believe that politicians are ill-equipped to understand the unique, complex, and often wrenching factors that so often bear on whether or not a woman decides to terminate a pregnancy. And most Americans believe that abortion should be as it has consistently been for the past 30 years—safe, legal, and rare.

There are those among my colleagues in the House and Senate who do not support the Harkin-Boxer language because they do not support Roe v. Wade. That is certainly their right, and they are entitled to the views they hold. In this Senator's view, however, eroding Roe v. Wade or repealing it outright would be a mistake of historic proportions, with devastating consequences for American women.

The history of our Nation is one of securing and protecting freedoms and inalienable rights that we are all entitled to as American citizens. Eviscerating the rights annunciated by Roe v. Wade would run counter to this historic trend in our Nation's life. I look back on history and think about other times when attempts were made to repeal civil and privacy rights our citizens possessed. Obviously, prohibition comes to mind. We all know it was a social failure that resulted in the unregulated production of distilled spirits and other alcoholic substances that jeopardized the health of countless Americans. I think of the internment of Japanese-Americans during World War II, when tens of thousands of citizens were taken forcibly from their homes and livelihoods, and stripped of nearly all their possessions simply because of their ethnicity. And, of course, I think of our country in the aftermath of the Civil War, when the thirteenth, fourteenth, and fifteenth amendments to the Constitution—promising the full blessings of equality to all Americans regardless of race—were followed by a century of Jim Crow laws designed to deny those blessings to tens of millions of Americans.

Surely, eroding or repealing Roe v. Wade would be considered a step of equal gravity and error because it would deprive half our population of a right that, while not unlimited, is fundamental to being an American.

What would the implications of denying this right be? One need not look further than when abortions were deemed illegal in this country—before Roe v. Wade was decided in 1973. Women were forced to seek abortions in back alleys and basements. Women were forced to seek abortion by many people wholly unqualified to perform the procedure. And we all know the results were disastrous to women in this country—untold numbers of whom suffered sickness, permanent disability, and death.

Surely, this not the kind of America we want for the women of our country, nor is it the kind of America we want for men who have wives, daughters, sisters, and nieces. Therefore, as this bill moves forward, I hope a majority of our colleagues will continue to support the constitutional protections given to women under Roe v. Wade.

Mr. FEINGOLD. Mr. President, earlier this year, the Senate passed S. 3, the Partial Birth Abortion Ban Act. I opposed that bill and instead supported a constitutionally sound alternative offered by my colleague, Senator DURBIN. The Durbin alternative would ban post-viability abortions unless the woman's life is a risk or the procedure is necessary to protect the woman from grievous injury to her physical health.

I understand that people on all sides of this issue hold sincere and strongly held views. I respect the deeply held views of those who oppose abortion under any circumstances. Like most Americans, I would prefer to live in a world where abortion is unnecessary. I support efforts to reduce the number of abortions through family planning and counseling to avoid unintended pregnancies. I have always believed that decisions in this area are best handled by the individuals involved, in consultation with their doctors and guided by their own beliefs and unique circumstances, rather than by Government mandates.

I support Roe v. Wade, which means that I agree that the Government can restrict abortions only when there is a compelling State interest at stake. I feel very strongly that Congress should seek to regulate abortions only within the constitutional parameters set forth by the U.S. Supreme Court. That is why I supported the inclusion of language in S. 3 reaffirming the Senate's commitment to Roe and its belief that Roe should not be overturned. The Senate had a straight up-or-down vote on the Harkin amendment, and a majority of the Senate agreed to support the Harking amendment.

The House was wrong to remove this language during its consideration of the bill. I sincerely hope that the final version of this bill that goes to the President's desk for his signature contains this important reaffirmation of Roe v. Wade.

Mr. LAUTENBERG. Mr. President, I rise in strong opposition to the bill before us, S. 3. I voted against this bill and I do not intend to support the House position.

When the Senate passed this bill, we added an important amendment offered by our colleague Senator HARKIN. The amendment reaffirmed support for the Supreme Court's decision in Roe v. Wade. The only difference between S. 3 as the Senate passed it and then as the House passed it is Senator HARKIN's amendment. The House stripped Senator HARKIN's amendment from the bill.

Since the Harkin amendment was a sense of the Senate and does not have the force of law, I must ask, why did the House remove this language? It does nothing to fix the harmful policy the underlying bill would establish.

The Republican leadership and their anti-choice friends would like you to believe that removing the Harkin language is just a procedural motion. Don't be fooled. Stripping S. 3 of the Harkin amendment reaffirming Roe v. Wade shows us what the President and his anti-choice allies are really after. They want to overturn Roe v. Wade; S. 3 puts them on that path.

A woman's right to choose is in greater danger now than it has been at any other time since the Supreme Court issued Roe v. Wade 30 years ago. The House's action neatly comports with an overtly anti-choice administration striving to undermine reproductive freedom.

I thank Senator BOXER for offering the motion to disagree to the House action so that, at a minimum, we have an opportunity to talk about what is really going on.

The underlying bill makes a pretense of protecting women but really, what we have here is a bill that takes away rights while doing nothing to help anyone. There is no such medical term as ''partial-birth'' abortion, and that is intentional. The anti-choice zealots who drafted that term want the bill to be ambiguous so it will have a chilling effect on physicians.

If S. 3 is ultimately passed and President Bush signs it into law—he will become the first U.S. President to criminalize safe medical procedures.

Nobody is fooled by the real objective of S. 3 to chip away at a woman's right to choose, to criminalize legal and safe abortion procedures.

This bill isn't even constitutional. There is no exception for the health of the mother. When we debated this bill back in March those of us who are pro-choice said we will accept this bill if

you make an exception for the life and health of the mother. Yet sponsors have repeatedly resisted pro-choice lawmakers' attempts to include a health exception such as the Feinstein substitute, which was defeated.

Five members of the current Supreme Court have invoked Roe to invalidate a State ban on so-called partial-birth abortions.

During last night's debate, the junior Senator from Pennsylvania characterized the Harkin amendment—a reaffirmation of current law—as extreme. That is absurd. Not being will to protect a woman's health is extreme. It is extreme and it is wrong.

Taking away the freedom of women to make choices about their own reproductive health—that sounds like one of the reasons why we kicked the Taliban out of Afghanistan.

I urge my colleagues to defeat this ill-disguised attempt to overturn Roe v. Wade.

Ms. MIKULSKI. Mr. President, I rise today in support of the Harkin/Boxer motion and the Roe v. Wade decision that was made by the Supreme Court over 30 years ago.

The Supreme Court's acknowledgment of the fundamental ''right to privacy'' in our Constitution gave every woman the right to decide what to do with her own body. Since that historic day, women all across the country and the world have had improved access to reproductive health care and services.

In March, the Senate passed a resolution supporting Roe v. Wade during the debate of the partial birth abortion bill. The resolution should be retained in the bill during conference. The Roe v. Wade decision is important to women's rights, women's health and public health.

Because efforts have been made over the years to educate and inform women about their choices, unwanted pregnancies are at their lowest levels since 1974. Teenage pregnancies have declined almost 50 percent since 1987.

While Roe v. Wade is still the law of the land today, it has been systematically challenged and weakened. What stands today is a hollowed version of one of our Nation's most important accomplishments for women. What keeps Roe from vanishing altogether is our unwavering commitment to protect a women's right to choice.

I strongly support a woman's right to choose and have fought to improve women's health during the more than two decades I have served in Congress. Whether it is establishing offices of women's health, fighting for coverage of contraceptives, or requiring Federal quality standards for mammography, I will continue the fight to improve women's health.

I believe that this bill is the first step in a plan by the leadership of this Congress to overturn Roe v. Wade. Congress must protect a woman's freedom of choice that was handed down by the Supreme Court over 30 years ago.

This Congress must not turn back the clock on reproductive choice for women. I urge my colleagues to retain the resolution in support of Roe v. Wade in the final bill.

Mr. VOINOVICH. Mr. President, I rise in strong support of the motion to proceed to conference on the Partial Birth Abortion Ban Act. We passed the legislation to ban this barbaric procedure on March 13, 2003, by a vote of 64 to 33, and I am shocked that we are back on the Senate floor in September, still debating whether to send this bill to conference. Just imagine the number of lives we could have saved if we had sent this bill to the President 6 months ago, when we first passed it.

The subject of partial-birth abortion is not a new one for me. Eight years ago, when I was Governor of Ohio, we were the first State to pass a partial-birth abortion ban, which was unfortunately struck down by the courts. Subsequent to that, I watched the partial birth abortion ban make its way through the 104th and 105th Congresses, only to be vetoed by President Clinton. After I arrived in the Senate in the 106th Congress, I gave a speech in support of a partial birth abortion ban that passed both Chambers, but never made it to conference. We cannot let this happen again. Now is the time to get this done.

During debate on this bill, I listened to my colleagues quote statistics and spout off facts about medical necessity and the health of the mother. We can all quote different statistics, but the bottom line is that there is no need for this procedure. Most of these partial birth abortions are elective. They take 3 days to complete and are never medically necessary. If a mother really needs an abortion, she has alternatives available to her that are not as torturous as partial birth abortion.

The victims of the partial birth abortions are human beings. I find it interesting that they are sometimes called living fetuses. Whether they are called babies or fetuses, no one seems to dispute the fact that they are living. In fact, they are human babies and they can feel pain. When partial birth abortions are performed, these babies are just 3 inches away from life and, for that matter, seconds away.

I strongly urge all of my colleagues to vote to send this bill to conference and stand up against what I refer to as human infanticide. This is not a vote on Roe v. Wade. This is a vote to eliminate a horrible procedure that should be outlawed in this country. In his State of the Union Address this year, President Bush again pledged to support the legislation and said, ''We must not overlook the weakest among us. I ask you to protect infants at the very hour of their birth and end the practice of partial birth abortion.''

I urge my colleagues to vote in favor of this motion so we can send a bill to the President that will finally ban partial birth abortions in the United States of America.

Ms. CANTWELL. Mr. President, I rise today to speak to the issue of protecting a woman's right to choose. I am here to reiterate what the majority of us in the Senate clearly expressed this spring on behalf of women when we voted on an amendment to S. 3, sponsored by the good Senator from Iowa, my colleague Senator HARKIN.

That amendment—in no uncertain terms—reaffirmed the sense of the Senate that No. 1, abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in Roe v. Wade; and No. 2, the 1973 Supreme Court decision in Roe v. Wade established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy.

Furthermore, the amendment firmly laid out the sense of the Senate that the decision of the Supreme Court in Roe v. Wade was appropriate and secures an important constitutional right and that the decision should not be overturned.

Let me repeat that. A majority of my colleagues voted for the Senator HARKIN amendment. That the House remove the amendment from S. 3 is a travesty and I must vehemently disagree with that action. It is incumbent upon the majority of those of us in this chamber who affirm the constitutional right to choose to send a clear message to the House as the bill goes to conference that Roe is still—and will continue to be—the supreme law of the land. My colleague from the State of California, Senator Boxer, has been a true champion on this issue. She is an unwavering and tireless advocate for women, the country—and the world over. On Monday, she revisited how we found ourselves in the position we are now. As Senator Boxer explained, the House returned S. 3 to the Senate without the Harkin amendment affirming Roe.

Because S. 3 is at the heart of this issue, I would like to spend some of my time speaking to this underlying bill, which is undoubtedly and unfortunately going to end up on the President's desk and which the President will most assuredly sign.

If the President signs S. 3, he will be signing an unconstitutional measure into law. As I have said before, and at the risk of sounding like a broken record, Roe v. Wade held that women have a constitutional right to choose. However, after the point of viability—the point at which a baby can live outside its mother's body—States may ban abortion as long as they allow exceptions when a woman's life or health is in danger. Yet the legislation that comes before us and will go to the President lacks that important health exception and, therefore, fails to provide for a woman when her health or her life is in danger.

In June 2000, the U.S. Supreme Court reinforced the importance of this health exception in Stanberg v. Carhart, which determined that a Nebraska law banning the performance of

so-called ''partial birth'' abortions violated the Roe ruling by the Supreme Court.

The Supreme Court has stated unequivocally that every abortion restriction, including bans on so-called ''partial birth abortion,'' must contain a health exception. The Court emphasized that, by failing to provide a health exception, the Nebraska law would place a woman's life in danger.

That is exactly what the legislation before us today does as well: It places a woman's life in danger.

Despite the Supreme Court's very clear mandate, this underlying legislation does not provide an exception for the health of the mother. For this reason, this legislation, like the measure that was struck down in Stenberg, is unconstitutional.

Moreover, this legislation imposes an undue burden on a woman's ability to choose by banning abortion procedures at any stage in a woman's pregnancy. This bill does not only ban post-viability abortions, it unconstitutionally restricts women's rights regardless of where the woman is in her pregnancy.

I fundamentally believe that private medical decision should be made by women in consultation with their doctors—not politicians. These decisions include the methods by which a physician chooses to treat his or her patients. Why should we decide that here on the Senate floor? Congressional findings cannot possibly make up for medical consultation between a patient and her doctor, but this will would undermine a physician's ability to determine the best course of treatment for a patient.

Physicians must be free to make clinical determinations, in accordance with medical standards of care, that best safeguard a woman's life and health. Women and their families, along with their doctors, are simply better than politicians at making decisions about their medical care. And I don't want to make those decisions for other women.

Three States, including my home State of Washington, have considered similar bans by referendum. All three failed. We considered this debate in my home State in 1998. The referendum failed decisively—by a vote of 57 to 43 percent.

These so-called ''partial birth'' abortion bans—whether the proposals that have been before the Senate in the past or the one before us today—are deliberately designed to erode the protections of Roe v. Wade, at the expense of women's health and at the expense of a woman's right to privacy.

The Supreme Court, during the 30 years since it recognized the right to choose, has consistently required that when a State restricts access to abortion, a woman's health must be the absolute consideration. This legislation does not only disavow the Supreme Court's explicit directive, but the advice of the medical community, and the will of the American people. We must continue to ensure that the woman of America have the right to privacy and receive the best medical attention available.

I urge my colleagues to disagree with the actions of the House and demand that the amendment expressing the Sense of the Senate that Roe v. Wade was rightly decided be included in S. 3.

Mrs. FEINSTEIN. Mr. President, I rise today to support the motion to disagree with the House message accompanying S. 3, the late-term abortion bill, and to speak today about a very important Supreme Court decision: Roe vs. Wade.

A provision was included in the late-term abortion bill that passed the Senate in March recognizing the importance of Roe v. Wade in securing the constitutional right to choose and stating that this decision should not be overturned.

This provision was a simple Sense of the Senate resolution. Let me read its exact language:

(1) the decision of the Supreme Court in Roe v. Wade (410 U.S. 113 (1973)) was appropriate and secures an important constitutional right; and

(2) such decision should not be overturned.

I am pleased that this amendment was added on a strong bipartisan vote of 52 to 46.

Unfortunately, though, the similar House-passed late-term abortion bill lacks this language. Indeed, the House refused to agree to it.

While I oppose both the House and Senate late-birth abortion bills because I believe that they are too broadly written, lack an exception for women's health, and are flagrantly unconstitutional, I strongly support the Roe v. Wade language we added to the Senate-passed bill. That is why I plan to vote for the motion to disagree today.

The past 30 years, since the Supreme Court upheld a woman's right to choose, have brought a great deal of change for women in America. Some of that has been good, while some has not been so good.

But now, in 2003, the right to choose is under attack—and more so, I believe, than any other time during the last 30 years. It's easy to take the right to choose for granted. For many women, it is all they have ever known. The option has always been available. I lived during a time, however, when an estimated 1.2 million women each year resorted to illegal, back-alley abortions despite the possibility of infection and death. I remember that time very vividly. In college during the 1950s, I knew young women who found themselves pregnant with no options. I even knew a woman who committed suicide because she was pregnant and abortion was illegal in the U.S. I also remember the passing of a collection plate in my college dormitory so that another friend could go to Mexico for an abortion.

Later, in the 1960s, I spent 8 days a year for 5 years sentencing women to California prisons. I even sentenced individuals who performed abortions because, at that time, abortion was still illegal in my State.

I remember these cases particularly well. I remember the crude instruments used. I remember women who were horribly damaged by illegal abortions. In fact, the only way a case really came to the attention of the authorities was if the woman getting the abortion died or was severely injured.

I will never forget one woman whom I sentenced to 10 years—the maximum sentence because she had been in and out of State institutions several times. I asked her why she continued to perform abortions. She said,

Because women are in such trouble and they have no other place to go, so they came to me because they know I would take care of them.

Not a year has gone by since I became U.S. Senator that some legislator hasn't proposed legislation that would compromise this right—that would return us to the days of the 50s, 60s, and early 70s. But, fortunately, we have been able to beat back many of these attempts, either in Congress or in the courts.

What concerns me the most about the debate we are having today about Roe v. Wade is that it is the beginning of a long march to take women back 35 years, back to the passing of the plate at Stanford, back to the back-alley abortions and trips to Mexico, and back to the time when women could not control their own bodies.

What we are hearing today is that some Senators are so uncomfortable with the right to choose that they want to strip out language that recognizes the importance of Roe v. Wade and that States, consistent with current Supreme Court jurisprudence and settled caselaw, that the decision should not be overturned.

But it is because of Roe—and only because of Roe—that women have been able to decide over the past 30 years, in consultation with their doctors, about whether to terminate a pregnancy in the first trimester without interference from the state or federal government.

Let me talk a little about this landmark opinion.

In 1973, in Roe v. Wade, the Supreme Court decided that a woman's constitutional right to privacy includes her qualified right to terminate her pregnancy.

The Court also established a trimester system to govern abortions. In that system, in the first 12 to 15 weeks of a pregnancy—when 95.5 percent of all abortions occur and the procedure is medically the safest—the abortion decision and its effectuation must be left to the woman and her doctor.

In the second trimester, when the procedure in some situations poses a greater health risk, States may regulate abortion, but only to protect the health of the mother. This might mean, for example, requiring that an abortion be performed in a hospital or performed by a licensed physician.

In the later stages of pregnancy, at the point the fetus becomes viable and is able to live independently from the mother, the state has a strong interest in protecting potential human life. States may, if they choose, regulate and even prohibit abortion except where necessary to preserve the life or health of the woman.

In 1992, in Planned Parenthood v. Casey, the Supreme Court specifically reaffirmed Roe's standard for evaluating restrictions on abortion after viability but eliminated Roe's trimester framework by explicitly extending the state's interest in protecting potential life and maternal health to apply throughout the pregnancy.

Thus, under Casey, regulations that affect a woman's abortion decision that further these state interests are valid unless they have the ''purpose or effect'' of ''imposing a substantial obstacle'' in the woman's path.

However, the bottom line is that in Casey the Court retained the ''central holding'' of Roe v. Wade. As a result, women in all 50 States still enjoy the constitutional right to choose.

The challenge for American men and women who support a pro-choice agenda will be to continue to make their voices heard in an environment that appears focused on nullifying all reproductive rights and trying to overturn Roe after 30 years.

Roe v. Wade secured an important constitutional right—a right I strongly support.

I am deeply concerned about passing a late-term birth abortion bill that doesn't include language recognizing the importance of Roe. That is why I believe that we should disagree with the House message accompanying S. 3.

I urge my colleagues to vote to support the language in the Senate-passed version of S. 3 regarding the importance of Roe v. Wade. We cannot—we must not—go back to a time without choice.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2754

AMENDMENT NO. 1723

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the passage of H.R. 2754, the energy and water appropriations bill, it be in order to consider and agree to the amendment that is at the desk. I have cleared this with the Republican manager of the bill, Senator DOMENICI.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1723) was agreed to, as follows:

On page 16, end of line 12, before the ''.'' insert the following:

: *Provided further*, That $65,000,000 is provided to be used by the Secretary of the Army, acting through the Chief of Engineers, to repair, restore, and clean up projects and facilities of the Corps of Engineers and dredge navigation channels, restore and clean out area streams, provide emergency stream bank protection, restore other crucial public infrastructure (including water and sewer facilities), document flood impacts, and undertake other flood recovery efforts considered necessary by the Chief of Engineers

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2691, which the clerk will report.

The assistant legislative clerk read as follows:

A 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.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1724

Mr. BURNS. Mr. President, I call up a substitute amendment which is at the desk. This amendment is the text of S. 1391.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 1724.

Mr. BURNS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. BURNS. Mr. President, I am pleased to bring before the Senate the Interior and related agencies appropriations bill for fiscal year 2004. In dollar terms, this is a modest bill compared to many of the appropriations bills we tackle in this body. It totals about $19.6 billion in discretionary budget authority. But in terms of its direct impact on the lives and livelihoods of the people and communities throughout this country, it is a critical bill, and it is of particular importance to the Western States, such as my State of Montana, where the Department of the Interior and the Forest Service either own or manage in trust vast acres of land.

These are lands where my constituents live. This is where they graze livestock, where they mine, where they hike, hunt, fish, and timber. What we do in this bill affects all of those activities.

It is not just a public lands bill. It is also a bill that provides education, health care, and other core services for the Native Americans of America.

It supports energy research and development that fosters economic growth, strengthens our national security posture, and improves the quality of our environment. And it supports the treasured cultural institutions, such as the Smithsonian and the National Endowment for the Humanities—institutions that help tell the story of America and that remind us who we are as a people.

As I suspect is the case with many of my colleagues who have chaired appropriations subcommittees, the more I learn about the agencies funded in this bill, the harder it gets to make tough choices that have to be made, particularly in the current fiscal climate.

The President's fiscal year 2004 budget request for the Interior bill was $19.56 billion in discretionary budget authority, a modest increase over the comparable level for fiscal year 2003.

While the budget request included increases for several activities that have considerable merit, it also proposed severe reductions in a number of critical programs that have broad support within the Senate. With an allocation that is effectively the same as the President's request, we had to make some tough choices.

That said, with the help of Senator DORGAN, my good friend and neighbor from North Dakota, we have been able to fashion a responsible bill that does a number of very positive things.

The bill provides increases for the core operating programs of the land management agencies, including $72 million for our National Park System and $31 million for the Fish and Wildlife Service. The funds provided for the park system include $20 million over the budget request to increase the base operating budgets of individual parks.

The bill also increases funding for Bureau of Land Management operations by $27 million and adds $34 million to the President's request for Forest Service activities.

From the Land and Water Conservation Fund, the bill appropriates $511 million. This includes $222 million for Federal land acquisition, an increase of $35 million over the budget request and more than double the House total of $100 million. As is always the case, there was great interest in increasing funding for the land, water, and conservation programs, but I think the amount provided is reasonable given the constraints of the subcommittee allocation and the many other demands on this bill.

The Interior bill also supports several grant programs. I won't go through all the numbers, but among

the highlights is a $30 million increase over the budget request for payments in lieu of taxes; a $15 million increase for State wildlife grants; and an increase of $9 million for the Historic Preservation Fund. The bill also restores a proposed $16 million cut in the Abandoned Mine Land Reclamation Fund.

Let me explain PILT, payment in lieu of taxes. This is the money that goes directly to the counties to support their activities where a large amount of Federal land is found—BLM land, anyway.

As I mentioned previously, the Interior bill is a vitally important bill for Native American communities. It increases funding for the Indian Health Service by $88 million over the enacted level, for a total of $2.9 billion.

It includes $574 million for Indian education programs which fully funds the budget request for Indian school replacement. It also provides an increase of $6 million for tribal community colleges. This is a subject that is of particular interest to both Senator DORGAN and me and one we may discuss further as we progress with this legislation.

The bill also provides $243 million for the Office of Special Trustee to continue the administration efforts to improve the management of Indian trust assets. This is an increase of $95 million over the enacted level.

While I strongly believe Congress must support trust reform, let there be no mistake that reform is coming at a very significant cost in terms of money, personnel, and management focus. Vital concerns in Indian country are being shortchanged because trust reform and related litigation are draining both funds and morale.

We would all like there to be a simple solution, but there just isn't one. Settling the case may ultimately be the answer, but at this stage, the plaintiffs and the administration do not appear ready to have productive negotiations. Even if we settle on any past damages, the question remains as to how we manage Indian trust assets in the future. This bill continues to support the Department's reform efforts to the greatest extent possible.

I will continue to work closely with the Department, with the authorizing committees, and with Indian country to advance the reform effort so we can get ourselves out from under this immense cloud.

The Interior bill also supports an important piece of our Nation's energy portfolio, including research on fossil energy and energy efficiency, the operation of the Strategic Petroleum Reserve. This bill provides $1.67 billion for Department of Energy programs, including $862 million for energy conservation and $594 million for fossil energy research and development.

Among the cultural programs supported by this bill, the Smithsonian will receive an additional $10 million to prepare for the opening of two new museums, the Air and Space Museum extension near Dulles Airport, and the National Museum of the American Indian on The Mall. The National Endowment of the Arts will get $117 million and the National Endowment for the Humanities will get $142 million. This is an increase of $15 million for the NEH, for an American history initiative.

This has been something the new Member of this body, Senator ALEXANDER from Tennessee, has worked on very hard ever since his arrival in the Senate and something he and I have discussed many times. I know Senator ALEXANDER and his staff have been meeting with administration officials and the authorizing committees to discuss ways of aligning the administration's American history proposal with his own.

It is my understanding those discussions are going well.

Certainly we should all be pulling in the same direction on an issue such as this. I am excited about this initiative, and I want to applaud our good friend from Tennessee for his hard work.

Finally, I want to talk about funding of wildland fire management. This is a subject we find ourselves discussing again and again. The reason is this: The current system we have for the fire suppression budgeting is broken. Again and again we find ourselves in a situation where both the Forest Service and the Department of Interior are forced to borrow massive amounts of money from other budget accounts to fight the fires. Those accounts are inside their own agencies.

This is a reasonable mechanism when the amounts being borrowed are relatively modest, when the borrowing occurs only during particularly bad fire years, and when sufficient surplus carryover funds are readily available. But the borrowing has become routine and the amounts involved are massive. We no longer have large carryover amounts in other accounts. This carryover has disappeared in many accounts with the decline of the timber program and the revenues it produced.

Last year, we borrowed heavily from a number of Forest Service and Interior accounts, causing both agencies to stop conducting certain activities until those amounts were repaid or replaced. In the end, however, we only repaid about 60 cents of every dollar borrowed, which is the amount proposed by the administration in its supplemental request.

As a result of this shortfall, a large number of congressionally approved projects have either been cancelled or reduced in scope. This year we find ourselves in the same situation. Prior to the recess, my colleagues may recall I was very upset that the House sent us a supplemental appropriations bill that did not include the fire funds requested by the administration. Those funds were desperately needed in August when my State of Montana was suffering from dozens of significant fires. The presence of smoke was almost constant during the time I spent in Montana over the recess. In fact, two airports had to be closed for a period of time because of smoke.

In a way, I am glad we did not act then. I say this because the $289 million that is under discussion in the legislative branch appropriations bill is totally inadequate. I would not want anybody to believe that this amount begins to take care of our problem. The Department of Interior has already borrowed $130 million from other accounts to fight fires this summer. It expects to borrow $30 million more before the end of the fiscal year. The Forest Service has already borrowed—and get this figure—$595 million and is contemplating another $100 million transferred to get us through this fiscal year. Roughly speaking, we will borrow $850 million from other accounts before the end of the fiscal year.

Simply providing the $289 million in the pending administration request does not do the trick. These funds, for the most part, have already been spent.

There are not options at this point. We need to repay those accounts soon and we need to repay them in full. Sixty cents on the dollar this time around would be devastating to a wide variety of programs. They range from endangered species monitoring to facilities construction, from acquisition to processing even the simplest forms of grazing permits. It would amount to a de facto rescission of funds that this Congress voted to appropriate when it approved the 2003 bill.

My colleagues will hear more from me later on this issue, and I will likely have an amendment to offer at some point, but for now I want to use this opportunity to tell my colleagues this is not just a problem for those States where there has been fire. It is a problem for every State in this country, because the funds are effectively borrowed from every State, including the projects and programs that were funded at a specific request of Members in this body. So I call on the administration to send up another supplemental request, one that fully reflects the amounts that will be spent on fire suppression this fiscal year.

I thank my friend, Senator DORGAN, and his staff. They have been great to work with. Of course, we come from almost the same part of the country—in fact, we are neighbors—so it was very easy for neighbors to get together and to roll up our sleeves and put this bill together. His input has been very valuable. We have tried to fashion a bill that reflects the priorities of the Senate as a whole. I think this bill does just that.

So I urge my colleagues who have amendments to get them to me or to my staff as quickly as possible so we can deal with them and get this bill to conference. I caution, however, that we have allocated the entire amount of the subcommittee's allocation. Any amendment that provides additional

funds will have to be fully offset, and I think I can speak for Senator DORGAN in saying we will take a dim view of amendments that propose to use across-the-board reductions or unspecified administrative savings as offsets.

I ask the support of this Senate for this bill. I would hope we can have this bill done by tomorrow, and move on and get this bill into conference. I urge my colleagues to support it.

If I can get the attention of my good friend from North Dakota, I look forward to working with him on this issue and I appreciate his good help and his input on this bill.

I yield the floor to my good friend from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first let me thank Senator BURNS. Senator BURNS is the chairman of this appropriations subcommittee. I have been very pleased to work with him. I think his leadership and his work on this subcommittee is exemplary.

This is my first year on this subcommittee. I moved to this position from another subcommittee and so it is the first year I have had the opportunity to work with Senator BURNS, but we have had an excellent working relationship.

This is a very large appropriations subcommittee bill, and I shall not repeat that which Senator BURNS has already described in any great detail, but I do want to make some points. I will go through a couple of the items.

Senator BURNS mentioned this bill deals with the BLM, Bureau of Land Management, and the funding for their programs, U.S. Fish and Wildlife, the National Park Service, and a number of smaller agencies as well. There is the Office of Surface Mining, Minerals Management Service, the U.S. Geological Survey, the Bureau of Indian Affairs—I am going to speak a little bit about that in a couple of minutes—and then the larger departmental offices down at the Interior Department that includes the Forest Service, which is a very large agency, the Department of Energy—a portion of the Department of Energy funding is in this—the Indian Health Service, Smithsonian, National Gallery of Art, Kennedy Center, National Endowment for the Humanities, National Endowment for the Arts, and more.

As you can see, these are very important public functions for which we provide funding. I think we have done as good a job as is possible to do, given the restraint on financing many of these functions. I think Senator BURNS would probably agree there are a number of issues that are presented in this appropriations bill for which we would like to provide additional funding but could not. But that is the process these days, trying to find ways to stretch limited resources over unlimited wants that are expressed to the committee.

Let me mention a couple of issues specifically. First of all, payment in lieu of taxes. My colleague, Senator BURNS, mentioned that. For those who do not understand this issue, it is called P-I-L-T. Payment in lieu of taxes is a payment the Federal Government makes on land it owns that otherwise would have borne a property tax but, because it is in Federal hands, does not pay a property tax. So payment in lieu of taxes is the payment the Federal Government makes to these counties that makes up what they should have collected in property taxes had that land been in private hands.

As you know, in most cases property around this country has to bear a responsibility to help raise the funds for our school systems. Yet if you have a substantial amount of Federal land, it doesn't pay property taxes and therefore you don't have the revenue coming off that land to support the school system and other governmental functions. That is what the payment in lieu of taxes is about.

I am pleased Senator BURNS and I were able to increase that amount this year. It is very important. The administration had suggested that it be decreased a bit. We have actually appropriated, in this bill, $30 million above that which the administration requested. I think that is something important to highlight.

I want to spend a couple of minutes talking about Indian issues because, while that is not the largest part of this bill, it is a very important set of issues. I want to talk a bit about it and then I want to talk about grazing permits and a couple of other smaller items.

Let me talk about the Indian issues for a very specific reason. We have trust responsibility in this Government for Indian education, among other things. That trust responsibility is not something we have been able to shed. That is a responsibility we have. It is a responsibility we must meet. I believe we have, on Indian reservations in this country, bona fide crises in health care, education, and housing. This bill deals with two of those—education and health care.

Let me talk about how it deals with education first of all. The administration request on Indian education suggested that we zero out funding for the United Tribes Technical College in North Dakota and also the Crown Point Technical College in New Mexico. Both of them are vocational/technical schools that are wonderful opportunities for Indian men and women, children, to learn and to get a college education. I am pleased that Senator BURNS and I were able to restore funding to both of those important institutions.

In addition to that, we are restoring some funding that is much needed for the 28 tribally controlled community colleges in our country. These are tribal colleges that have been remarkably successful. Once again, there was a requested cut. We are actually increasing funding over last year. Senator BURNS and I have talked about trying to do more. We hope to be able to do that as we work through this process on the floor of the Senate.

I thought it would be useful, instead of speaking in the abstract, to read a letter from someone because I have visited many tribal colleges. I said there is a bona fide crisis in education, health care, and housing on our reservations. If one doesn't believe that, I encourage you to visit and then ask yourself whether that is what we want to confine Indian children to, or the adults who live on those reservations, with respect to access to health care, access to good education, and more.

Let me read a letter from a woman who wrote to me some while ago describing the value of tribal colleges in her life. I think it is an instructive letter. As I said, I have visited many tribal colleges and this letter says it very well. She says:

> I grew up poor and considered backward by non-Indians. My home was a two-room log house in a place called the ''bush'' on North Dakota's Turtle Mountain Indian Reservation. I stuttered. I was painfully shy. My clothes were hand-me-downs. I was like thousands of other Indian kids growing up on reservations across America.
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> When I went to elementary school I felt so alone and different. I couldn't speak up for myself. My teachers had no appreciation for Indian culture. I'll never forget that it was the lighter-skinned children who were treated better. They were usually from families that were better off than mine. My teachers called me savage. Even as a young child I wondered . . . What does it take to be noticed and looked upon the way these other children are?
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> By the time I reached 7th grade I realized that if my life was going to change for the better, I was going to have to do it. Nobody else could do it for me. That's when the dream began. I thought of ways to change things for the better—not only for myself but for my people. I dreamed of growing up to be a teacher in a school where every child was treated as sacred and viewed positively, even if they were poor and dirty. I didn't want any child to be made to feel like I did. But I didn't know how hard it would be to reach the realization of my dream. I almost didn't make it.
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> By the time I was 17 I had dropped out of school, moved to California, and had a child. I thought my life was over. But when I moved back to the reservation I made a discovery that literally put my life back together. My sisters were attending Turtle Mountain College, which had just been started on my reservation. I thought that was something I could do, too, so I enrolled. In those days, we didn't even have a campus. There was no building. Some classes met at a local alcohol rehabilitation center in an old hospital building that had been condemned. But to me, It didn't matter. I was just amazed I could go to college. It was life-changing.
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> My college friends and professors were like family. For the fist time in my life I learned about the language, history and culture of my people in a formal education setting. I felt honor and pride begin to well up inside me. This was so unlike my prior school experience where I was told my language and culture were shameful and that Indians weren't equal to others. Attending a tribal college caused me to reach into my inner self to become what I was meant to be—to fight for

my rights and not remain a victim of circumstance or of anybody. In fact, I loved college so much that I couldn't stop! I had a dream to fulfill . . . or perhaps some would call it an obsession. This pushed me on to complete my studies at Turtle Mountain College and to ultimately earn a Doctorate in Education Administration from the University of North Dakota.

I've worked in education ever since, from Head Start teacher's aide to college professor. Now I'm realizing my dream of helping Indian children succeed. I am the Office of Indian Education Programs' superintendent working with nine schools, three reservations, and I oversee two educational contracts with two tribal colleges. My life would not have turned out this way were it not for the tribal college on my reservation.

My situation is not unique and others feel this way as well. Since 1974, when Turtle Mountain College was chartered by the Turtle Mountain tribe, around 300 students have gone on to earn higher degrees. We now have educators, attorneys, doctors and others who have returned to the reservation. They—I should say, we—are giving back to the community. Instead of asking people to have pity on us because of what happened in our past, we are taking our future into our own hands. Instead of looking for someone else to solve our problems, we are doing it.

There's only one thing tribal colleges need. With more funding, the colleges can do ever more than they've already achieved. We will take people off the welfare rolls and end the economic depression on reservations. Tribal colleges have already been successful with much less than any other institutions of higher education have received. That is why I hope you will continue to support the American Indian College Fund.

I'm an old timer. The College Fund didn't exist when I was a student. I remember seeing ads for the United Negro College Fund and wishing that such a fund existed for Indian people. We now have our own Fund that is spreading the message about tribal colleges and providing scholarships. I'm so pleased. I believe the Creator meant for this to be. But so much more must be done. There still isn't enough scholarship money available to carry students full time. That is my new dream . . . to see the day when Indian students can receive four-year scholarships so they don't have to go through the extremely difficult struggle many now experience to get their education.

I hope you'll keep giving, keep supporting the College Fund, so that some day this dream becomes reality. I know it can happen because if my dream for my future came true, anything is possible. Thank you.

Let me describe to you the signature. The signature is: ''Loretta De Long, Ed.D.''

This is a woman from North Dakota who has done wonderful things in the field of education. She describes the circumstance that allowed her to get this education, the presence of a tribal college that gave her hope and opportunity. We need to fund them and we are not funding them adequately. The per-pupil burden that exists on tribal colleges and the reimbursement we provide to meet that burden is not equal at all to that which we do for public community colleges. In fact, it is somewhere very close to half. I have the numbers here. The support per student for public community colleges is $8,900 and the public support for tribal colleges is just under $4,000.

One final point. I know this is not a major part of this bill, but I have spent a lot of time working on tribal college issues. I just want to tell you one other story about going to a tribal college graduation. When I spoke at the graduation, I asked who was the oldest graduate. And they said: That's her over there. And I went over to say hello.

This was a woman who was in her early forties. Here is her story.

I asked her: ''What is your story? '' She was a janitor. She was cleaning the hallways and the toilets of the community college. She had four children, her husband had left her, and she was working at low wages cleaning the hallways and the bathrooms of the community college. She thought to herself: I would like to be a graduate of this college. Somehow, by the grace of God, through Pell grants, or through all of the support we offer to give people opportunity, the day I was there this woman was not cleaning the hallways or cleaning the bathrooms of this college, she was graduating, wearing a cap and gown, and wearing a smile—something no one will ever take from her because she did it herself with the help of what we put together to provide opportunity to people.

But, once again, it enriches people's lives. Education is the way up the steps, up out of poverty.

I spoke about tribal colleges just because I care a lot about them. These in many instances are places in our country that look like Third World parts of the globe. Yet they exist in this country with people terribly disadvantaged. It is the route of progress. Education provides the opportunity for these people who want opportunity, those who live on Indian reservations. This woman is an example of that, and there are so many others. I have a whole list of them here which I could talk about today.

My hope is that in the time we are on the floor of the Senate, Senator BURNS and I can continue to work on this issue, and we intend to do that.

I will speak just for a moment about Indian health care. The fact is, if you visit Indian reservations and take a look at the amount of money spent on Indian health care, you will decide that there is something fundamentally wrong. This is about young children and others who do not have adequate health care. Go and find a reservation with 5,000 people living on it with one dentist working out of a trailer house and ask yourself: What kind of care for those people exists with respect to dentistry? Go to a reservation, for example, and take a look at the funding through the Indian Health Service and through the BIA, especially with respect to protecting Indian children against sexual abuse.

I had a hearing on that in Bismarck, ND. A woman came to the hearing to testify. On this Indian reservation, she was in charge of the social services and trying to protect these children. She said to me: I have a stack of files on my floor a foot and a half high. These are files of allegations of child sexual abuse and abuse of children. They have not even been investigated. Why? Because there is no money to investigate them. She said: Even when I just have to find a way for somebody to come and take a child to the biggest town 10 miles away, to the hospital off the reservation, I have to beg to try to borrow a car, to put a young kid in a car to take them to the hospital or the clinic.

At that point, she broke down and began weeping, at a public hearing. She just couldn't continue. She said it is just too sad. The fact is we are not doing what we should do to protect these children.

I have this story about some years ago learning of a young lady named Tamera Damirez. She was a 3-year-old. She was on an Indian reservation. She was a child from a very difficult set of circumstances. She was put into foster care by a woman who was handling 150 cases. You get a social worker handling 150 cases, and do you think that social worker is going to inspect the home where she assigns that child to foster care? She didn't. This young girl was sent to foster care at age 3. There was a drunken party at that foster care residence. Her nose was broken, her arm was broken, her hair was pulled out by the roots—at age 3. Why? Because there was not enough money to fund enough social workers to inspect the house where you were going to send a 3-year-old child.

I fixed that problem. There is more money there now. There are more social workers there. They are inspecting where they are sending children. But this should not happen, and it is happening today across this country because we are not adequately funding Indian education and Indian health care by the Bureau of Indian Affairs.

Part of it is the bureaucracy of BIA, I might also say. I don't want to suggest that the BIA is an agency that functions very well in many circumstances. I have a lot of grievances with the BIA as well.

My point is that we have spent a lot of money on a lot of aspects of this Government. None is quite so important to me as protecting children. I visit places in this country where I just shake my head and wonder why it is that these children are not a priority for this country. This bill is one bill where we have a responsibility to do more, and we need to keep working and fighting and funding ways to do more.

Let me mention just a couple of other items as we proceed.

Before I finish that piece of my discussion, I know I am taking one piece out of this large bill and talking about it some. It is because I feel so strongly about it. I know my colleague, Senator BURNS, does as well. The dilemma and the disappointment is that we have limited amounts of money. We need more. We need more to address these issues with children, particularly on reservations, and address the issues of education and health care.

Let me talk just for a moment about an issue in the Forest Service dealing with grazing permits for ranchers. We have a requirement as a result of a previous Federal law that says those who graze on public lands and have grazing permits with which to graze cattle on public lands, in order to get a renewal of the grazing permit when the permit reaches its end, have to have a NEPA—the National Environmental Policy Act—evaluation of that permit.

It was easy enough, I suppose, for the previous administration and the previous Congress to say this should be done. But it has proven much more difficult for it to be done.

The Forest Service has done precious little in moving forward on the NEPA evaluations of the grazing permits. Ranchers out there who are trying to make a living grazing cattle on public lands don't have the foggiest idea of whether at the end of this year they will get an extension of their existing grazing permit because the NEPA evaluation has not been done. That is not their fault. That is the Forest Service's fault. The Congress hasn't funded it. The Forest Service hasn't done it. As a result, the rancher is wondering whether they will get an extension of their permit.

In recent years, we have extended it a year. This bill extends it a year. But at end of each year we are in the same situation.

I believe we ought to do a couple of things: No. 1, we ought to say to the Forest Service: Do this. No. 2, we ought to fund it to get them to do it, and we ought to stop holding ranchers hostage on the completion of these duties.

Until we decide to do that, it isn't going to be done this year because adequate funding does not exist to do what the law would require with respect to NEPA evaluations on grazing permits. I think we ought to do more than extensions of 1 year. We don't know exactly what it should be. We ought to be talking about that during the discussion of this bill.

Frankly, we should not say to those ranch families out there who have cattle grazing on public lands: By the way, at end of each year you are going to be threatened with the loss of the permit. The law says the NEPA evaluation must be done, but we know it is not being done.

Let us decide either it gets done and provide the resources to do that or at least have reasonable extensions so ranchers aren't held hostage at the end of each year by actions of an appropriations committee each year. Let us find a way to do that if we can. I hope we can talk about that as we move along.

I will mention one other concern. I have not talked to my colleague from Montana about this. He talked about the We The People Project. I am a strong supporter of the National Endowment for the Humanities and the National Endowment for the Arts. I think both enrich our country. Both are programs that are excellent. Visit Europe and see what remains from the 15th century. It is not some fossilized, arthritic, calcified human being. It is their art. It is this wonderful art that enriches Europe and tells us something about the 12th century and the 15th century. So, too, are the arts important to our culture. I think these are very important—arts and humanities.

But I must say that doing a new start of We The People—no one, in my judgment, would say that We The People—whatever that acronym attaches to; in this case, it attaches to the study of history—no one would say that is unimportant. It is very important. But we have added money previously to the Department of Education for this. To the extent we are going to do something new, I really would prefer that it be in the Department of Education, or some other device, rather than starting a new program in the National Endowment for the Humanities.

I think history is critically important. The issue of how we are going to enhance the learning and the teaching of history is really a function of doing so in the classroom.

I will not object to it being here this year, but the problem with all these things, once they stick, it is kind of like Velcro. It gets stuck in here and next year it will be here and it becomes a permanent program. I think this program belongs somewhere in an education piece of legislation. I understand $100 million was added in an amendment by Senator BYRD for that purpose and I prefer we do that.

Those who are pushing for the enrichment of the education of history in our school system, absolutely, I fully support it. We have spent a lot of time talking about the maths and sciences, which I think is important. It is very appropriate to say we want kids coming out of our schools to have a great sense of the history of this wonderful country of ours. But I don't believe the place to do that in terms of nurturing that is in the National Endowment for the Humanities. I believe, as Senator BYRD has appropriately pushed, the right place to do it is over in the education legislation. I know we have colleagues who feel very strongly about that. I hope they can perhaps work with Senator BYRD and with us so next year we do not have to have this as another continuing and building program in the National Endowment for Humanities.

Having said that, I know there are some who think, boy, this is a terrific expansion of National Endowment for the Humanities. I am someone who supports the National Endowment for the Humanities. I think it is important. But I also believe this particular piece that is now added to it is more appropriate with the Department of Education, if we are going to do this, and I believe we should do this initiative to enhance and stimulate the education of the history of this wonderful country in our school system.

I yield the floor.

Mr. BURNS. Mr. President, our staff and the staff of Senator ALEXANDER and the Department of Education and the administration did get together. They are moving to an agreement. I agree maybe the Department of Education is where it should be and those funds be allocated to be used there.

But what the Senator from Tennessee was trying to do was highlight something of national interest that is happening in North Dakota and Montana now. As I said, the Dakota territory and Montana was the heart and soul of the book that was written, ''Undaunted Courage.'' Now that we are approaching the 200th anniversary of the Louisiana Purchase and the trek of Lewis and Clark, there is a lot of interest in our part of the country. What was started in the humanities, the interest of Lewis and Clark, the interest of the Louisiana Purchase and the impact it had on this country, has been very positive for all of us out there and all of America.

Some of the original 13 States got the idea that maybe this country is big enough right where it is. If you read another book, ''A Wilderness So Immense,'' you get an idea—this was before our Constitution was ratified—some of the events that went on in the history of the Louisiana Purchase. It is very interesting.

That is why we are very supportive of history initiatives. We have young people coming out of our schools who do not have a sense of history. They do not know who they are, why they are, or how they got here. This initiative is very important.

In regard to the Forest Service permit, it is fire suppression money that was taken from the accounts that would enable them to issue the permits and to complete the NEPA studies. We have to understand that and how important these funds are to be replaced in the accounts of the BLM and the Forest Service so this work can be completed. The Senator from North Dakota is exactly right. These do not have to be done on a yearly basis. There should be a longer term with monitoring. I like the 10-year lease. That is the way it used to be. We find now everywhere we had grazing we did not have fires, which is something we should take a look at as far as fire prevention and fire suppression and the use of the land.

The other day, I will even tell my good friend from North Dakota, I saw a truckload of sheep being unloaded in Missoula County, Montana. They were paying the sheep man to run his sheep on public lands for weed control, spotted nap weed, and of course earlier in the spring, we had the spurge problem. But I thought, what a novel idea. I wished I had thought of it.

We will let that program go to the benefit of the land and also to the people who graze the land and make their living and are in the business of feeding and clothing.

Those are the challenges we have ahead of us. This bill impacts a lot.

I have a few clarifications of items in the committee report that I would like to have printed in the RECORD.

I ask unanimous consent those corrections be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLARIFICATIONS OF COMMITTEE REPORT

On page 28 of the Committee report, the table includes $3 million for ''Independence Square site rehabilitation''. The $1.25 million provided in addition to the budget request is for landscaping improvements to Independence Mall.

On page 40 of the Committee report under ''Other Recurring Programs'', the reference to the ''Dry Prairie Rural Water System'' should have been to the ''Assiniboine and Sioux Rural Water System.''

On page 52 of the Committee report, the amount provided for Forest Health Management is $82,073,000, as displayed in the table on that page.

Mr. BURNS. I remind Senators to get their amendments down here. We want to complete this bill by noon tomorrow so we can watch the rain. Those folks are worried about forest fires. I don't think anyone on the East Coast has to worry about that.

Mr. DORGAN. I am tempted to talk about the intelligence of sheep and enjoying munching on leafy spurge, but I will not do that.

My colleague describes the real serious problem with spurge and nap. We have known in North Dakota when you put sheep on the land, baby spurge and leafy spurge is gone and the sheep seem happy.

Having said that, I go back to make a point on this issue of, we, the people. We have Lewis and Clark money to celebrate the bicentennial in a number of different places in legislation in several different appropriations bills. It was a wonderful expedition, perhaps the greatest expedition certainly in the history of this country, perhaps ever. The greater the education and the bigger the celebration of that, the better for our country and the better for our children to understand the richness of that history, as well.

My only point is, as we think through this in the longer term, this money is in the bill and I would like to see if we can find a way with the administration to put it where I think it really belongs, and that is education.

The other point I would make in terms of priorities, if we have $15, $20, $25 million here and there, we have urgent priorities, especially dealing with Indian health, that we need to find some additional resources for.

I did not mention in my opening statement something my colleague from Montana mentioned, and that is the forest fire issue. Fire suppression money has been borrowed from every account. It is the wrong way to do business. What we should do—and we talked about this in the spring when we received the budget request; we traditionally get a budget request that does not ask for the money that all of us know will be necessary and then when the need comes for fire suppression money, they take it from virtually every corner and come back with a request for emergency funding.

We ought to understand that forest fires are events that cause a lot of television cameras to record them, and cause a lot of angst for people who are in the way, but they happen every year. This isn't like some big typhoon some place that happens every 10 or 15 years. We know we are going to have forest fires every year. We know about what it is going to cost us if we have a moderate season of forest fires, or more forest fires than a moderate season, and we just as well ought to begin to plan for it. Both the administration and the Congress should; frankly, neither have.

I fully support the comments made by my colleague from Montana. We need to find a way to come at this up front, in the spring of the year each year, to put in sufficient money. In some cases, it may not be enough, if we have an extraordinary season of massive forest fires, but in most cases we could put money in to cover the kind of year that we would have in most situations in this country. So I hope we can do that.

Let me also say, we have some folks on this side of the aisle who will have amendments. As my colleague has indicated, I would prefer if they would just bring them over and offer them. And let's deal with them quickly. We do have a little rain coming to the east coast. It would be nice to be able to finish this bill. The bill is going to be open for amendment, and I would ask colleagues to come over and work with us, offer the amendments, and let's work through them today.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent that amendment No. 1724, the pending substitute amendment, be agreed to and considered original text for the purpose of further amendment, provided that no points of order be waived by virtue of this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1724) was agreed to.

Mr. BURNS. Mr. President, I again say to my colleagues, we are going to try to finish this bill before this storm hits tonight. We are working now on a managers' package of known amendments, and if there are some unknown amendments, I suggest Senators come to the floor, submit their amendments, and let us deal with them. If not, we are going to move right along in completing this legislation.

We understand the House is not going to be in tomorrow. So we do not want to be caught in that pickle. We want to complete action on this appropriations bill if we possibly can. I suggest my colleagues bring their amendments to the floor.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent we now go into a period of morning business with Senators being allowed to speak for 5 minutes therein until the hour of 2 p.m. this afternoon, at which we will return to the business of Interior appropriations.

Mr. DODD. Reserving the right to object.

The PRESIDING OFFICER. The unanimous consent request is for a period of morning business so Members can speak for up to 5 minutes on a topic of their choosing.

Without objection, it is so ordered.

The Senator from Connecticut.

IRAQ

Mr. DODD. Mr. President, I would like to share with my colleagues a few thoughts on the subject of Iraq, if I may. I begin by thanking the President for speaking to the Nation on September 7. President Bush, my colleagues will recall, addressed the American people about the subject of Iraq. He happens to be one of the very few members of his own administration to begin to tell the American people the facts of life about our involvement in Iraq: That it is going to be very difficult for our troops and civilian personnel to be successful in standing up a democratic government out of the ashes of a crushed and totally discredited dictatorship, and it is going to be very expensive as well, the President pointed out—very expensive. In the President's own words, this undertaking is going to be ''difficult and costly.''

President Bush also explained in simple terms U.S. policy objectives. He said in that speech that our objectives are to destroy terrorists, enlist the support of other nations for a free Iraq, and help Iraqis assume responsibility.

He was far less clear on how he intends to achieve those objectives or to mitigate the cost to the American public—the cost in dollar terms and also in terms of human lives.

Our military has, I think all of us would agree, done an exemplary job in

winning the military conflict in Iraq. All of us extend our highest commendations to the men and women in uniform for the job they have achieved. But they also need help winning the peace, and I think all of us understand that as well.

Our forces are stretched thin. Our troops are very tired. There are questions as to whether they have been adequately equipped for the circumstances that they now confront. I believe they are involved in a guerrilla war. There is no other way to describe it. Their lives, as we all know, painfully, are in great danger from hostile irregular forces, if you want to call them that, and from a very hostile environment growing worse every day by growing civil dissent in the country.

Tragically, more than 280 American soldiers have now died in Iraq, and more than 1,200 are wounded; 159 of those deaths have occurred since the President declared the end of major military action on May 1 of this year. Every single day since then almost 10 Americans have been officially declared wounded in action.

Our troops are not the only ones at risk. Hanging in limbo is, of course, the future of the Iraqi people. Millions of innocent civilians suffered for decades under the brutal rule of Saddam Hussein. When our forces entered Iraq, we took on the mission of providing peace and security for all Iraqis. But during the past several weeks we have witnessed a surge of attacks with many Iraqis themselves victims, subject to the attacks of these hostile forces within Iraq.

Car bombings have claimed the lives of more than 120 people over the last number of weeks. The U.N.'s Iraqi headquarters were bombed and their top envoy, Sergio Vieira de Mello, was killed, as we all know. An attack at the mosque at Najaf killed more than 80 people, including a prominent moderate Shiite leader. Only a week ago, a track bomb killed an Iraqi police officer and wounded 27 others, including Baghdad's chief of police. On Monday, the chief of police of another community was gunned down in his automobile.

This goes on every single day. What does the situation tell us? I believe it tells us that the Iraqi people are far from secure. If they are not secure, it is a safe bet our forces will continue to remain in danger and our own security and the security we are trying to achieve as a result of a rise in terrorism is also at risk.

I listened last week as well to Vice President CHENEY and Secretary Rumsfeld, our Secretary of Defense, go over the old ground of defending the administration's justification for going to war in Iraq. And with all due respect to Secretary Powell, I do not believe his most recent remarks to the effect that the use of chemical weapons by Saddam Hussein in 1988 explains why this administration decided in the year 2003, some 15 years later, that Saddam Hussein had to go. Frankly, I believe the administration should spend far less time trying to justify past decisions or explain away errors of judgment and far more time should be spent figuring out what to do next about this difficult and costly challenge our troops are facing every day, day in and day out, in Iraq.

I hope the recent rhetoric is simply a diversion, because the administration doesn't have a plan, in my view, for restoring security—a comprehensive strategic plan for the eventual drawdown of U.S. forces, a comprehensive strategic plan for turning political control of the country of Iraq over to the Iraqi people where it belongs. We need a strong strategic plan, a concrete plan and a timetable for these events. We need a comprehensive strategic plan and timetable for establishment of an Iraqi government and for the preparation of a constitution for the holding of free elections. We need to stick to that plan so the Iraqi people can have a sense of confidence that the end goal remains an independent Iraq governed by Iraqis.

The Congress of the United States, of course, supported President Bush last year when he sought authority to use all necessary means to secure Iraq's compliance with United Nations resolutions. I was one who voted for Senate Resolution 1441 which empowered the President to forcibly remove Saddam Hussein from power. And I would do so again, because I believe Saddam Hussein posed a threat to our security and to the security of our allies in the region.

At the time I voted for that resolution, I expressed concern that the administration may not have adequately prepared for winning the peace once military options had deposed Saddam Hussein. I think the concern I expressed, as well as many others, clearly has been well placed. The time has come for our President and his top advisors to listen to the Congress and, more importantly, to the American people, when we say our current policy is off course. If they don't heed the concerns being expressed by Democrats and Republicans in both this body and in the other, then they risk an even more costly and far more difficult engagement in Iraq, and they risk the administration losing the support of the American people for this policy which is absolutely critical for the long-term success.

The $87 billion emergency appropriations request the President will soon transmit to the Congress of the United States presents a very important opportunity for us to consider a midcourse correction on our Iraqi policy. It will require all of us in this Chamber and the administration and others to work very hard to effectuate that kind of change.

I will say here and now I am prepared to support all of the funds the President has requested to equip and protect our military troops in Iraq and Afghanistan. So long as they are in harm's way, they need whatever military commanders deem necessary to get the job done as safely as possible. The resources ought not be the subject of our corrections.

However, I do not believe we can or should continue to give the administration a blank check with respect to the reconstruction money. This is a ripe opportunity now for us to work together in common purpose and common cause to offer some new ideas and new direction to get this policy on track. We simply cannot afford to continue the road we are following. Even before the administration's supplemental request, the Congressional Budget Office calculated the annual budget deficit would reach some $480 billion—the largest in our history. Over the past 3 years, 3.2 million Americans have lost their jobs—44,000 alone in the month of July.

I don't need to remind my colleagues of these statistics. They know them in their own States. We are facing a tremendous problem in our own country. Layoffs are continuing as Americans lose their jobs. And they are losing something equally important—the ability to provide for their families. Neither are the schools receiving the funds necessary to ensure our children receive the education they deserve. Many are cutting back on the school week and on critical services and programs.

Thus far, U.S. funds have been expended to open and equip Iraq's 12,000 primary and secondary schools, to return 240,000 telecommunications lines to operation, and to begin the process of vetting and training some 30,000 Iraqi police officers. The job is far from done. Baghdad's International Airport remains closed to commercial traffic. Many key bridges and roads are in desperate need of major repairs. That nation's rail system will need significant capital infusions to make it operational again.

The American people, in my view, are facing their own difficulties here at home, and those kind of pressures in the absence of a clear policy are going to create the kind of pressure-cooker environment which will place the policy in Iraq in jeopardy, our soldiers' lives in jeopardy, and the Iraqi people's security in jeopardy. The great effort that was undertaken to change a brutal dictatorship and bring peace and democracy to those people is clearly in further jeopardy. In the midst of all of this, we need to come together and change the course of directions.

I remember the administration's mantra some months ago that ''Iraq is a rich country'' and its oil revenues would be available to rebuild Iraq's infrastructure. Just weeks ago, Ambassador Bremer amended that statement to say that ''tens of billions of dollars'' in additional financial assistance will be needed to accomplish that task.

It now appears that oil revenues once thought to be more than sufficient or

of sufficient magnitude that they could finance the rebuilding of the country of Iraq are now expected to barely cover the operating costs of Iraq's government ministries and the expenses of the Interim Council.

What more evidence do any of us need to be convinced that the time has come for other governments to be welcomed as participants in rebuilding Iraq and to reach out and to ask them to join in that effort?

I strongly believe it is time for the Congress to weigh in and to require the administration to address two basic questions: How do administration officials plan to minimize American death and casualties? How do they intend to minimize the expenditures of American tax dollars that will have to be diverted to this cause at the expense of other critically important programs in our own Nation, such as to assist first responders in keeping us secure at home, programs to provide for prescription drugs for our seniors, and programs to improve our schools so no child is truly left behind?

If history is any guide, the only way the administration will feel compelled to come up with answers is if we in the Congress—the coequal legislative branch of Government—place some conditions on the $20 billion in reconstruction moneys.

To me it seems pretty straightforward what needs to be done to lower the risks and costs of current participation in Iraq. It is called the United Nations. It is called the international community. We need to invite them to be a part of this effort. That is why I believe the Congress should link the provision of reconstruction moneys to the passage of a United Nations resolution that places responsibility for rebuilding Iraq where it belongs—on us and the international community as a whole. To get such a resolution, obviously the administration must approach other member states with a credible proposal, one that gives the United Nations some measure of authority over the civilian administration of the country while also charging it with mobilizing more resources from member states. Clearly, the United States should retain command of any ongoing military operations in Iraq. But on political, economic, and civic reconstruction, we better involve other nations fairly quickly. We cannot do this alone. The American people will not support this over the long term. If we don't invite them to participate and to help us, we are going to find it very difficult with each passing day to find anyone who will join us in this effort.

I don't understand the reluctance on the part of the administration to turn over the civilian administration of the country to an international body. There is certainly ample precedent for doing so. Not only would it lower the profile of our presence in that country, but it would also likely unleash additional resources and cooperation both regionally and internationally, bring Iraq around to the kind of nation we would like to see, and truly deal with the problems of terrorism globally.

The Congress has to do it unless the administration decides on its own to change course. If we don't speak up in these coming days, if we just provide a blank check and a vote for $87 billion with nothing further to be said, we will not have anyone to blame but ourselves in the coming days if this present policy continues to collapse. And I believe it will.

It is time for us to stop sitting on the sidelines. Under the able leadership of Senator LUGAR, the Foreign Relations Committee has been carrying out careful oversight in Iraq. The Foreign Relations Committee now has the responsibility to develop some legislative proposals—perhaps along the lines I have outlined for people to bring to the table—in order to influence the contents of the legislative package we will be asked to vote on in the coming days. I look forward to working with my colleagues—Democrats and Republicans—because I know very deeply the concerns I am expressing publicly are shared by many in this Chamber regardless of party, regardless of ideology, and regardless of which States we represent.

There is a growing concern that we have this wrong and that we have to get it right soon. Here is an opportunity that may not come again to us for many months to try to set this on a different course.

We are at a very special and historic moment. We cannot and must not sit idly by when we know multilateralizing the reconstruction and democratization of Iraq is the right thing to do. It is the right thing for Iraq. It is the right thing for the United States of America. But it is time we in the legislative branch, the coequal branch, step up and act in the interests of our people and other like-minded people around the globe.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DETROIT SHOCK WIN WOMEN'S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. LEVIN. Mr. President, last night the Detroit Shock won the Women's National Basketball Association Championship, defeating the two-time defending champion Los Angeles Sparks 83–78. This tremendous accomplishment is all the more special because the Shock rose from the worst record in the league last year to champions this year.

Over the course of this year's season, the Shock won a league-best 25 games, a year after losing a league-worst 23 games. The Shock's victory is also the first time in the WNBA's 7-year history that neither Houston nor Los Angeles won the championship.

The enthusiasm and support for the Shock by the people of Detroit and Michigan was clearly demonstrated by the fact that last night's game was attended by a WNBA record crowd of over 22,000 people.

The Shock completed their incredible run from last to first with the leadership of Coach Bill Laimbeer, finals Most Valuable Player Ruth Riley's career-high 27-point performance, as well as the strong play of Swin Cash, who finished with 13 points, 12 rebounds, and 9 assists. These performances were supported by Deanna Nolan's 17 points, and Rookie of the Year Cheryl Ford's 10 points and 11 rebounds.

It was a tremendously exciting game throughout. The Los Angeles Sparks erased a 14-point deficit in the first half, and an 11-point deficit in the second half, and even had a 3-point lead with less than 4 minutes to go. But with less than a minute left, Deanna Nolan, from Flint, MI, secured the Shock's lead when she hit a 3-point shot to give them a 75–73 lead. Then Cheryl Ford hit 2 free throws, and it was a 4-point game with 43 seconds remaining. In the end, the Shock were victorious in what was the highest-scoring WNBA finals game in history.

The 2003 WNBA champion Detroit Shock will celebrate its first-ever WNBA championship with fans tonight at The Palace of Auburn Hills. This is Detroit's first professional basketball championship since our Pistons won back-to-back championships in 1988 and 1989. Shock Head Coach Bill Laimbeer was actually cocaptain of those Pistons teams, and in 1988 it was the Los Angeles Lakers—the Los Angeles Sparks' NBA counterparts—that Detroit defeated to win the championship.

I know our colleagues will join me and Senator STABENOW in congratulating the Detroit Shock on their championship and looking forward to their drive to repeat next year.

Mr. President, it is also my fervent hope that the Shock's worst-to-first season will be an inspiration to the Detroit Tigers next year.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

Mr. REID. Will the Senator withhold for just a brief minute?

Mr. DURBIN. Mr. President, I withdraw my request.

The PRESIDING OFFICER. The Senator from Pennsylvania.

UNANIMOUS CONSENT AGREEMENT—HOUSE MESSAGE TO ACCOMPANY S. 3 AND EXECUTIVE CALENDAR

Mr. SANTORUM. Mr. President, I ask unanimous consent that at 1:40 the Senate resume consideration of the House message to accompany S. 3, the partial-birth abortion ban bill; provided further that time on the motion to disagree be limited to 1 hour equally divided in the usual form; further, that following the use or yielding back of the time the Senate proceed to a vote on the motion with all other provisions of the agreement remaining in effect.

I further ask unanimous consent that following the vote, the Senate immediately proceed to executive session to consecutive votes on the following nominations on today's Executive Calendar: Calendar Nos. 352, 347, 348, 350, and 351.

Further, I ask unanimous consent that there be 2 minutes equally divided between the two leaders or their respective designees prior to each vote; further, that following the votes the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, the 30 minutes will begin on our side in 10 minutes. I want to make sure the RECORD reflects that Senator BOXER will control that time. There are a number of Senators who wish to speak at that time. But I ask if my friend, the Senator from Pennsylvania, would allow her, Senator BOXER, to have the last 10 minutes to close debate on this matter?

Mr. SANTORUM. Sure.

The PRESIDING OFFICER. Is there objection to the Senator's request? Without objection, it is so ordered.

Mr. REID. Mr. President, I would also say the Senator from Illinois who was here was going to speak for up to 8 minutes. Prior to this beginning, I wonder if he still wishes to speak, the Senator from Illinois?

I ask unanimous consent that the Senator from Illinois be recognized until 1:40, when the debate on partial-birth abortion is finalized.

The PRESIDING OFFICER. Is there objection? The Senator from Illinois.

HEALTH INSURANCE

Mr. DURBIN. Mr. President, I will be very brief, but I wanted to make a point on the RECORD relative to some messages and information I received from my State which I would like to share with my colleagues.

During the month of August, I went back across the State of Illinois and visited with a lot of people, including chambers of commerce, labor unions, families, and community leaders. I would say for the third or fourth consecutive year, the report I received from businesses in particular in my State was identical. When I asked them what their major concern was, time and again they came back and said the same thing. It is the No. 1 concern of businesses across America when it comes to the cost of doing business and competitiveness. It is the No. 1 concern of labor unions across America when it comes to fair compensation for their employees. It is the No. 1 concern of more and more families across the United States as they realize how vulnerable they are.

What is that concern? The cost of health insurance. Time and time again that issue resurfaces. I have to tell my constituents in Illinois, my friends in business and labor, that I understand what they are saying. But this is an issue which has gone unaddressed in Washington in the time I have been here, for the last 7 years, in the Senate. It is as if the people in the Senate, the men and women like myself who are talking back home, are not listening or at least they are not coming back here and saying: What can we do about this?

There are some who have an automatic reaction and say: Don't jump in with a Government solution. The market will solve this problem.

I would say to them that the market is addressing this problem. The market of health insurance in America is reducing coverage, reducing their exposure to risk, and raising costs to increase their profitability.

What I am about to say is not just anecdotal evidence of a trip around Illinois this year or for the last 4 years, but it is the same thing we found when the Kaiser Family Foundation released their annual report on health insurance across America, and I commend it to those following this debate: KFF.ORG, KFF.ORG. Go to that Web site and you will find this report on the cost of health insurance.

According to this report, monthly premiums for employer-sponsored health insurance went up 13.9 percent between 2002 and 2003, the third successive year of double-digit increases in the cost of health insurance, while inflation in general is going up 2.2 percent. Of course workers are paying more out of pocket and receiving less coverage.

Small businesses are getting hammered if they can afford health insurance. If they can't afford it, frankly, they are on their own, and that is not a good outcome here. The question is, Why are these rates going up?

When the Kaiser Foundation asked the businesses what they thought, the No. 1 reason was the cost of prescription drugs going through the roof.

I talked to the CEO of the biggest company in Illinois during my August recess. They are self-insured for health. He told me they are now spending more money on prescription drugs for their employees and retirees than they are for the rest of their health insurance costs—more on prescription drugs. Prescription drugs are skyrocketing in cost. We are doing nothing about it, either in the prescription drug benefit for seniors or in any other legislation.

The second reason, of course, for the cost of health insurance going up is the cost of hospital services. So you might ask, What about the health insurance companies? How are they doing? That is interesting.

The Weiss Ratings, an insurance rating agency, looked at the profits for 519 health insurance companies. They evaluated these companies and they learned that between 2001 and 2002, of these 519 health insurance companies, their profits went up 77 percent. The same review had shown a 25-percent increase in the years 2000 to 2001. And the trend is continuing this year.

Have you seen the ads for PacifiCare Health Systems where the whale jumps out of the water and splashes in? In the second quarter of 2003, PacifiCare Health Systems, which serves 12 million Americans, reported a profit increase of 260 percent. UnitedHealth Group reported a 35-percent increase. Aetna reported a 28-percent increase.

These are extraordinary profit margins in the midst of a recession in America. They are profit margins at the expense of businesses, their employees, of labor unions and their members, and families across America. For my colleagues who say it is hands off, Government cannot get involved in this debate, this is an issue to be resolved in the marketplace, I remind you again it is being resolved in the marketplace as health insurance premiums skyrocket and coverage disappears.

A friend of mine with a small business in downstate Illinois and 10 employees had 1 employee whose wife had a baby who was sick. The baby incurred great costs at the hospital. The next year, when his small business went in for their health insurance, they were told their premiums would double—a 100-percent increase from one year to the next because of one claim.

This man and his wife had this company in their family for generations. They called together the 10 employees and said: We cannot do it. We cannot pay it anymore. We are going to give you the money which we would have put in your monthly paycheck each month for your health insurance. You have to go try to find coverage.

The family with the sick baby could not find any. The others went out and did the best they could. I asked the owner of the company, who was genuinely saddened when it reached that point, what did it mean? He said: I'm in the open market for health insurance. It meant at his age, about 58-years-of-age, and his wife about the same, that whatever they make a claim for under their health insurance policy this year will be excluded from next year.

Whether it is part of your body or disease or illness, you are stuck.

Next year it is excluded.

Let me tell you the lengths to which they have gone. When this woman, who is now with her husband in the private health insurance market, goes in for a mammogram and they say, Where should we send the results, she says: Send them to me personally. I don't want them to go to a doctor because if they become part of my medical record, it will be used against me when we apply for health insurance next year.

That is what it has come to and that is what people are facing across America—outrageous copayments, increases in premiums they cannot afford, and less and less coverage every year.

What have we done about it? What has this Government done to stand behind these businesses and labor unions and families? Absolutely nothing.

That is unacceptable. If we really want to address an issue that business cares about and labor cares about, this is the issue.

If you are concerned about competitiveness, consider this: The cost of health insurance is embedded in the cost of every American product that we export overseas. In other countries, the government provides the health insurance. It is a government obligation, paid for in taxes. The individual companies do not have to add it to the cost of the car they are selling in the United States. But we do. Every time we produce something in the United States with American workers, covered by health insurance premiums that are going through the roof, the cost of that health insurance is embedded in every product and, frankly, takes away from our competitiveness.

I challenge myself as a Senator here and my colleagues. We cannot escape the responsibility to address this issue honestly, and we cannot escape the reality that the marketplace is now driving health insurance beyond the reach of conscientious businesses that want to protect their employees and labor unions that are trying to stand up for working men and women and of families who, if they are left to their own devices, will find this to be a very cruel alternative when they seek health insurance.

I yield the floor.

MEASURE PLACED ON THE CALENDAR—S. 1618

Mr. SANTORUM. Mr. President, I understand S. 1618 is at the desk and is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1618) to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 2004, and for other purposes.

Mr. SANTORUM. I object to further proceedings on the bill.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

The PRESIDING OFFICER. The Senator from Pennsylvania.

PARTIAL-BIRTH ABORTION BAN ACT OF 2003—Continued

Mr. SANTORUM. Mr. President, I believe we are now on S. 3, which is the partial-birth abortion bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. SANTORUM. Mr. President, for the information of Members, we will have an hour of debate, a half hour each side, and then we will have a vote at 2:40 this afternoon, followed by a series of five votes on judges.

This is a vote that, candidly, is not necessary. It is a vote that will be 100 to nothing, or as many Senators as are still here to nothing.

It is a vote to get this bill to conference. The House passed one bill. The Senate has passed a different bill. The normal rules are you adopt a motion of disagreement and go to conference. Otherwise, you keep bouncing back and forth to the House and the Senate with a fully amendable vehicle which doesn't get you anywhere.

I am asking all of my colleagues to vote on this procedural matter to get the bill to conference. I will tell you that I fully anticipate the bill coming out of conference within a very short period of time before we recess for the rest of the year. We will have a bill that will pass here overwhelmingly. It will pass in the House overwhelmingly and be signed by the President, which is the objective I think certainly the vast majority of the people in this Chamber would like to see done.

I understand there may be some reasons the Senator from California wanted to have this debate and have this vote. This is probably the only time where all of us will agree on this issue and vote for this resolution and get it to conference. We will then move, hopefully expeditiously, from that point.

I see the Senator from New Jersey is here. I will be happy to yield the floor and allow him time to speak.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, thank you. I thank the Senator from Pennsylvania.

Mr. President, I come to the floor and stand with my good friend, Senator BOXER, and the women across America to express my support for the landmark Roe v. Wade decision and the importance of protecting a woman's fundamental right to choose. I think that really is what the issue is about—not the parliamentary procedures we are talking about. Earlier this year, we marked the 30th anniversary of this critical decision which clearly established a woman's fundamental right to reproductive choice. I strongly support that right. The decision about this difficult choice for an individual should be made by the woman, her doctor, and her moral counsel and, in my view, not by politicians and not by Government. Simply put, I trust the women of America to make their own health and moral decisions without the intrusion of Government. I think that is what Roe v. Wade indicates.

Having said that, I recognize women and men of good faith can and will reach different conclusions about this difficult moral question involved in the debate. But Roe v. Wade is the law of the land. I am very troubled by this administration's—and frankly Congress's—attempts to undermine that basic right by that decision. Whether it is through the so-called partial-birth abortion bill, reduced access to family planning, efforts in redefining the legal status of fetuses, or far-right traditional nominations, this administration and this Congress are constantly knowingly chipping away at women's fundamental freedoms.

That is why I was pleased when, in the context of the so-called partial-birth bill, the Senate adopted the Harkin resolution expressing support for Roe v. Wade, which is what the debate is about today.

First, let me make clear I oppose the underlying bill, and I still do. I believe the bill is unconstitutional, and it doesn't take into account the health of the woman that the Supreme Court requires. Its practical effect would be to deny women access to some of the safest procedures at all stages. That said, with the Harkin amendment included, I was at least partially satisfied that the Senate has reaffirmed the importance of Roe v. Wade.

Again, the reason we are having this debate is to make sure our conferees are embracing something we supported here in an open vote on the floor of the Senate. All of us know the House has stripped away the resolution affirming Roe, laying bare, in my view, the true purpose of the underlying legislation—to undermine Roe and ultimately roll back women's rights.

When Roe v. Wade was decided in January of 1973, abortion, except to save a woman's life, was banned in two-thirds of the States, including my home State of New Jersey. Roe rendered these laws unconstitutional, making abortion services safer and more accessible to women throughout the country—not just to a select few—and certainly on a safe basis. Many of these statutes are still on the books waiting for an anti-choice majority in the Supreme Court to overrule Roe.

I hope my colleagues will think long and hard about the implications of forsaking Roe. We need to be very careful to avoid returning to a period in which abortion was illegal and when the only choice women had was to seek illegal and unsafe abortions—particularly when economic position determined who had a safe choice. In those days, thousands of women died each year as a direct result of the abortion ban. In

fact, 17 percent of all deaths due to pregnancy and childbirth were the result of illegal abortions. It would be tragic if we return to those days and forget the lessons of history.

The Supreme Court itself in 1992 noted that in addition to improving women's health, Roe has enabled women to control their reproductive lives, and thus ''participate equally in the economic and social life of the Nation.'' Justice Harry Blackmun, the author of Roe, called his decision ''a step that had to be taken as we go down the road towards a full emancipation of women.'' That is a pretty straightforward sentence that I think most Americans believe in.

If we are really interested in reducing the number of abortions in this country, we should ensure that women have access to the full array of family planning services, including prescription, contraception, emergency contraception, and prenatal care. We should also support expansion of comprehensive sex education. That is the way to deal with this problem as opposed to putting it into the dark alleys and off of the front pages.

Every week 8,500 children in our country are born to mothers who lack access to prenatal care. Too many of these children are born with serious health problems because their mothers lacked adequate care during their pregnancy. As a result, 28,000 infants die each year in the United States. That is the real tragedy. We ought to act immediately to address this issue by expanding access to prenatal care, as several of my colleagues and I have proposed, to start helping them stay healthy. What we should not do, however, is pass legislation we know is unconstitutional and which would ban a common and safe form of abortion at all stages of pregnancy, and which would increase maternal mortality—all without improving the health of a single child.

We also should not forget Roe v. Wade is still the law of the land, despite this administration's seizing opportunity after opportunity to undermine it. Unfortunately, though, Roe hangs by a thread, and the retirement of one Supreme Court Justice could mean a change and the demise of Roe v. Wade.

That is why it is absolutely essential for this Senate to affirm the importance—and indeed the very validity—of Roe v. Wade. That is why it is important for the Senate to oppose the House stripping of the Harkin resolution, which is what we are debating.

It is time for us to make sure we stand firm on what we believe in so strongly. I think there is a lot we can do to prevent unintended pregnancies. That is where we ought to be putting our efforts—not undermining Roe v. Wade.

I yield the floor.

Mrs. BOXER. Mr. President, will the Senator yield for a question?

Mr. CORZINE. Certainly.

Mrs. BOXER. Mr. President, what time remains at this point?

The PRESIDING OFFICER. The Senator from California controls 22½ minutes. The Senator from Pennsylvania controls 28 minutes.

Mrs. BOXER. I just wanted to thank my friend very much, through the Chair, for coming over. I know it is a very hectic day for all of us. I appreciate the fact that several of my colleagues have come to the floor to speak about this.

The Senator's point is quite eloquent; that is, affirming Roe, saying this decision was the right decision and what this Senate ought to do.

Further, what we ought to be doing instead of outlawing procedures without making exception for the health of the woman, we ought to be moving forward aggressively with family planning. We ought to be helping poor children and poor families.

I find very interestingly the very people who want to have the court overturn Roe, say that Roe is a bad decision, and the Government should decide what women should do with their own bodies are the ones we cannot get to support us on family planning and on helping poor kids. It is a very odd set of circumstances to me when I see an elected official say we should ban abortion because it is wrong from minute 1. We should ban abortion, force women to have these children at the earliest stages, not let them decide but have the Government decide, and then turn our backs on the children once they are born.

I ask my friend if he does not see an irony here?

Mr. CORZINE. There clearly is. The Senator from California recognized that. First, there are positive steps that can truly lift up and help children across the country, across the world, frankly, including more thoughtful planning processes. But more importantly, we are taking a decision away from individuals, which is the most private, the most moral, the most important decisions they can take, and saying we know best. I have a very hard time understanding how that fits with other philosophies that I hear at times expressed.

I know this is a difficult decision for every individual. They have to struggle with that in their own lives. There is no way, in my view, that we should be moving to have Government make that decision when, in fact, the individual, doctor, and people's moral counsel are the places where that decision lies.

I appreciate the Senator from California and her effort to make sure such an important and potentially divisive issue in our society, which has been decided by the courts, constitutionally decided by the Court, continues to be reaffirmed by all involved in elective public office.

Mrs. BOXER. I ask my colleague one more question. My colleague has come in favor of the Harkin amendment. I hope we have a very big vote to disagree with what the House did. The House struck the Harkin amendment from the bill. That is a very strong difference the Senate has with the House. We will vote to disagree with what the House did.

I share with my friend the very elegant simple language of the Harkin amendment:

> It is the sense of the Senate that:
>
> (1) the decision of the Supreme Court in Roe vs. Wade (410 U.S. 113 (1973)) was appropriate and secures an important right; and
>
> (2) such decisions should not be overturned.

This is a very elegant, simple statement and, by the way, has no force of law. It is simply a sense of this Senate.

Does it not seem to my friend to be an indication of how out of sync the House is on that they would strike this simple sense-of-the Senate language? If you ask the people, and we have a recent poll—Should Government be involved in the early stages of a pregnancy?—80 percent say, Government, keep your nose out. And the House is so interested in passing this underlying ban on a medical procedure that, by the way, has no exception for health, would the Senator not think they would have just left this in and then there would be no difference between the House and the Senate? As we know from our Government textbooks, when there is no difference, the bill would go right to the President. Does my friend believe that the House leadership, those who struck this language, who pushed striking this language, are out of step with the vast majority of people in New Jersey, people in California, people in this country, 80 percent of whom believe the early stages of pregnancy, this decision should be between a woman, her doctor, her God, and her family, and it is not about Senator CORZINE deciding or Senator BOXER deciding or Senator SANTORUM but rather the women, in consultation with their conscience, their family, their God, their doctor.

Mr. CORZINE. The Senator from California is elegantly stating the case. I certainly have a strong sense that the people of New Jersey believe, the women of New Jersey believe, what the people across the country in the poll numbers that have been suggesting believe: Most Americans thought this issue was resolved once and for all by a very clear decision, tough decision of the Supreme Court, and should stand.

What we are doing by including the Harkin resolution—which is, as the Senator said, very elegant, simple, very straightforward, not the rule of law, the force of law—is very clearly underline something that has been decided by the American people and continues to be supported by the American people. It is important we have this language in the underlying bill which, by the way, as I suggested, I didn't vote for to start with. But I do believe it was made better by this resolution. I implore the Senator from California to continue to speak out with the kind of

elegance and care which gets at one of the most difficult and painful choices and issues we have to deal with in our society.

Since we have resolved this, we should live with it and go forward.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Pennsylvania.

Mr. SANTORUM. To reiterate, this idea that the vast majority of the American public agrees with Roe v. Wade is not correct. Roe v. Wade allows abortion under any circumstances at any time during pregnancy. That is what Roe v. Wade does.

Now, what does the American public say about their position on abortion? According to the Center for the Advancement of Women, a pro-choice activist group doing a survey among women in America—not wording it in a way that will get a conservative or pro-life response, I might add—51 percent of the women in this survey this year, this summer, said they would either ban all abortions or only abortions in the case of rape, incest, and to save the life of the mother—51 percent of women in this country, and this is not inconsistent with other polls.

The idea that 80 percent of the people in America support Roe v. Wade, if you tell people what Roe v. Wade is or ask them their position on abortion and match it up with what Roe v. Wade does, 80 percent of the American public under no survey support what the law is pursuant to Roe v. Wade; 51 percent would take what most people in this Chamber would term the pro-life position, 50 percent of women—that is, no abortions or no abortions except in the case of rape, incest, and to save the life of the mother, which is far less than 1 percent of abortions done in this country: 1.3 million, one-third of all conceptions in America end in abortion.

Additionally, 17 percent say it should be stricter than under current law. What does that mean? That means stricter than under Roe v. Wade. So you have 68 percent of the women saying they disagree—according to a pro-choice advocacy group survey—saying they disagree with Roe v. Wade.

So the suggestion that the House is out of step with America because they do not support language that is not supported by 68 percent of the American public—and I argue it is probably higher than that because the other category is so cloudily worded so as to probably bring in people who would have problems with the absolutism of Roe v. Wade. The idea that 68 percent, at least, of women in this country do not support Roe v. Wade speaks for the wisdom of the House and the centrality of the position that the House took.

A couple other comments about Senator BOXER's statement about rejecting the House's stripping of the Harkin language. The fact is, when you have two different versions that pass both bodies, you go to conference. That is what we do. We do it as a routine. That is what we will do today. This is a routine procedure vote that simply gets us to conference. I assure my colleagues the bill that will come out of conference will be one that will be very familiar to Members here and will be, I believe, overwhelmingly adopted.

There are another couple points I would like to make.

I spoke earlier on this topic—the Senator from California spoke about it—and that is this idea that Roe v. Wade has saved the lives of women who would otherwise have had abortions illegally and would have died as a result.

The Senator from California states that there were 5,000 women who died per year as a result of illegal abortions prior to Roe v. Wade. I put into the RECORD the facts. The facts at that time, according to the Department of Health and Human Services, the National Center for Health Statistics, which said there were a total of 612 deaths of women who died as a result of complications from pregnancy—total maternal deaths 612: of that, 83 were related to abortion.

If you look at the trend—this chart starts in 1942—the total number of deaths from abortion goes down from 1,200 to 1,100, to 986, to 888, 760, 585, 496, 394, 316, 303. It keeps going down and down and down, all the way up to 1966, 189—160, 133, 132, 128, 99, 83—every year, virtually every year. There are a couple where it goes up maybe one or two and then back down one or two, but the trendline is clear: Because of the improvements in health delivery, the improvements in medicine, we have seen the number of deaths go down, even when abortion was illegal, as well as a commensurate drop in total maternal deaths as a result of pregnancy.

We would expect that trend to continue as health delivery continues. In fact, if you look at the numbers today, in 1998, which is the most recent number available, there were nine women who died from legal abortions. If you would follow this trendline, that is actually higher than what the trendline would suggest, given the trendline over the previous 30 years on this chart.

So the idea that Roe v. Wade is saving all of these lives is false. It is false. The idea that the Senator suggested—she said she was going to put evidence in the RECORD to substantiate the 5,000. We have gotten the information the Senator put in the RECORD. I cannot find anything in those documents that even talks about the number of women killed from abortions prior to 1972. So maybe she handed in the wrong documents. I don't know. But I don't see anything in any of those documents that talks about the number of women who died prior to 1972 as a result of abortion.

The reason is, the only facts we have are the official facts of the U.S. Government. I know the Senator from California said: Well, these women in these statistics were subject to prosecution, criminal sanction, if they had an abortion, so, of course, they wouldn't be reported. What the Senator from California obviously forgot is these women are dead. So obviously they aren't concerned about criminal sanctions at that point. This is information off the death certificate. So the idea that someone is playing with these numbers or the people are not reporting them because of fear of criminal action is just absurd.

This argument that justifies Roe v. Wade is false. But what is true? The number of abortions in this country has skyrocketed—that is true—and millions of children have died. Millions of children have died as a result of Roe v. Wade.

Is the condition of children better as a result of Roe v. Wade? Is the condition of the family better as a result of Roe v. Wade? The statistics don't prove that out, either. Oh, I remember reading things that were written at the time about how the legal right to an abortion was going to dramatically affect the amount of abuse, domestic violence, and we would see a dramatic drop in domestic violence because children—these problems that we have out there—if you take children out of the relationship—unwanted children—domestic violence will go down. Roe v. Wade will decrease the amount of violence in the house. Not true. It did not happen. It went up.

It was said: Well, it will decrease the amount of violence toward children. You have all these unwanted children out here and as a result parents get violent because they don't want these kids and they are forced to have them. So not only domestic violence will go down but child abuse will go down. False. It more than doubled. Almost immediately, within a few years after Roe v. Wade, it started to go up and dramatically increase.

You can see from every single social indicator that has an impact on women and children and families in America, they have suffered horribly as a result of this ''compassionate'' decision. The facts just do not work out the way some would have liked them to, so we make up facts.

The Senator said: I am entitled to my facts and she is entitled to hers. Well, I disagree. You are entitled to your opinion; you are not entitled to your own set of facts. The facts are what they are. Make your debate. Make your arguments. As a result of that, I respect you to do that. But the facts are what they are.

These are not my facts. These are the facts of the Federal Government, period. And they do not support the arguments.

The Senator from New Jersey said that somehow or another we are not to make decisions in the Senate that affect the rights of women with respect to carrying a pregnancy to term. I respect that opinion. I disagree with it.

I think it is important we have this debate. The problem, though, is that we really cannot have this debate. See, the problem with the U.S. Supreme Court's decision is that this debate was

truncated in America because the U.S. Supreme Court came in and pulled the debate that was raging across America as to how we are to deal with this very difficult issue—and it is a difficult issue—they just pulled the stakes right up and said: No, we are going to take this incredibly important moral decision, take it out of the hands of the American public, and we are going to decide, we are going to make a new constitutional right, a right to an abortion.

I think everyone would agree, prior to 1973 there was no such right. So they created one in the Constitution—by the way, without having to go through the tortuous exercise of passing a constitutional amendment. They just decided to do it and took away the right of every American—other than them—to decide what the right public policy should be, what the moral public policy should be.

I hear this so often, that Congress should not make moral decisions. Name me one vote we have here that does not have some moral implication. Every single one does, from whom we tax to whom we regulate. There is a moral component to everything we do here. We cannot run from that. My goodness, I hope we do not want to run from it.

But they usurped that authority away from the people of the United States, and now, when those of us get up and question that, we are somehow illegitimate or extreme or somehow not comporting with the law of the land.

Well, I have likened this decision—and I will to do it again—to the Dred Scott case. I refer to Roe v. Wade as Dred Scott II because it is exactly the same principle upon which Dred Scott was decided. Dred Scott was decided saying that the rights of a human being were subject to the rights of another person.

The life right, the essential right, the most important right, the right to an existence was subject to the liberty rights of somebody else.

There were people at that time who said: Who are we to make this decision that slaveholders should not have the ability to own slaves? It has been done for centuries. It is in the Bible. How can this be wrong? And who are we to make the decision? We should trust our own conscience. We should trust the conscience of these people to do the right thing. I think that is what the Senator from New Jersey said. That decision should be made between the slave owner, the banker, and the slave. Maybe the slave doesn't get involved; I don't know. What did they say back then? But that is the same debate being made today. We sort of remove ourselves from having any moral overtones: We should not make this decision. Let somebody else make it. I personally may be opposed to slavery, but who am I to tell a slaveholder they shouldn't have a slave? How many times have you heard: I personally would never own a slave? I personally would never condone abortion?

It is the same issue. The right of life has been subjugated to the right of someone's freedom to do what they want irrespective of that other person's life. That is what slavery was based upon. That is why we look at it now and we say: How could we possibly let that happen?

How could we take the order of liberties put forward in the Declaration of Independence—that you are endowed by your creator with the right to life first and foremost, then liberty, then the pursuit of happiness? Why? Because if you don't have life, you can't have liberty. And if you don't have liberty, you can never pursue your happiness and your dreams. When you put those out of order, it is like pouring acid on the structure of America. It corrodes us. It just eats away at us. And it infects so much else. So much else has been affected by this right to privacy under the Constitution that was created by the Supreme Court. I mean you go on and on and on, these rights that put the liberty rights of some over the life rights of others. What happened to the society that put the rights of others before the rights of us, put the common good before us?

I had the privilege a couple months ago, on July 4, to be at the National Constitution Center opening. I thank my colleagues who supported Federal support for this incredible facility to teach our children about our Constitution. It is three blocks from Independence Hall. It is a magnificent facility, a great interpretive facility that teaches about the essentials of our Constitution.

I was asked to speak at this event and talk about one particular piece of the Preamble to the Constitution. Each speaker got a little piece and, therefore, we were to weave the whole thing together. My piece was ''promote the general welfare.''

Not having been a great student of the Constitution, I decided I had better read the Preamble again and get an understanding of what this was all about. As I looked at that, I looked up the definition of ''preamble.'' It said: The reason for the document to follow. It gave the reason. Why did we establish, why did we put this Constitution together? The preamble states the why; the Constitution itself is the what. And it struck me, as to all the things that were in the Constitution—establish justice, ensure domestic tranquility, provide for the common defense, secure liberty for ourselves and our posterity—of the five verbs, ensure, establish, provide, and promote, four of the five were active verbs in which the Government was to do something. It was the Government's responsibility to ensure or to establish or to provide, except the one—promote.

The Government's job there was not to do that but to create an atmosphere in which people would do it. Do what? Promote the general welfare. And what is the general welfare? What was the reason that our Founding Fathers gave us all of these rights and which the Supreme Court now litigates on, the rights in the Bill of Rights, the right to freedom of speech and freedom of assembly and freedom of the press and religion, all of the freedoms, equal opportunity, all of the things that are in this great Constitution of ours?

What was the goal of our Founders in giving individual—because they are by and large not group rights; they are rights of individuals—rights, the general welfare, not the individual welfare, not your personal success, the common good. It was a country designed to be bigger than us. It was not about us. Yes, they gave freedom to us. They gave liberty to us. But the goal was not us. The goal was something lofty, something great. And we are corroding this document into something that is just about us.

The greatest of the corrosions is Roe v. Wade. The greatest injustice is Roe v. Wade, where it says: I am the law; I decide common good, general welfare—me. I come first.

That is not the vision of the miracle of Philadelphia. That is not the reason this country was established through this Constitution. We had loftier goals. We had greater ideals. We had dreams of what this country could be if we all went out and, yes, pursued our dreams, but we did so in service to others, in building a community, in founding a nation based on morals and laws that respected the rights of others. Oh, how we have slipped, how we have slipped to just thinking about us.

Why is this right in the Constitution so popular among others, particularly the popular culture, the elite culture in this country? Why is it so adamantly defended by the media and those in this elite culture? Because it is about me. It is a culture. Look around you, folks. It is a culture that says: If it feels good, do it. Please yourself. Don't worry about other people. Just do whatever feels good—me, me, me.

Of all the rights in the Constitution, the right to privacy is the ''me'' right, it is the ''me first'' right.

If you think about what our Founding Fathers did when they put that Constitution together, they had no intention of creating me-first rights. If you have any question, read the Preamble—the general welfare, the common good. That is what this country is all about, and they knew the best way to get there was to give people the freedom to pursue the truth, to pursue those dreams, to pursue happiness—not hedonistic happiness but true happiness that you find in serving others, in doing things that are bigger than you.

We have lost our way, and there is no better example of how lost we are than this decision. I know there are hard cases out there, and we will hear them, I am sure. We will hear them over and over again, how difficult the decisions are. Having known people who have gone through that decision, I know

how gut-wrenching and terrible and awful these tough decisions are. But I think back to the speech given earlier this year by Condoleezza Rice at the National Prayer Breakfast. She gave a talk I have not heard in this town for a long time. She gave a talk about the importance of suffering. She gave a talk about her ancestors, slaves in America, who had a spiritual hymn, ''Nobody Knows the Trouble I've Seen,'' followed shortly thereafter by the verse: Glory hallelujah.

She said it struck her: How could they be talking about all this suffering and pain and then giving glory to God? She let me understand that God puts you through suffering to perfect you. I don't know too many people in life who learn and grow by having things come easy, being taken care of by somebody else. They learn by the difficult, tough things we all do because we are all sinners, we all make mistakes, and we get ourselves in jams all the time. You learn, you develop character, and you develop who you are by how you deal with that suffering.

I would argue the right to privacy in America has given people an out that is not always in the best interest of them or our society.

This is a tough issue. I reiterate, I respect the other side for their opinion. I just wish the Court would respect my side. I wish the Court of the United States of America would respect the other side of this issue enough to allow us to debate it in America and make a decision based on how America feels about it because that is how democracies and republics are supposed to work. But they have denied you, the American public, and your representatives here the opportunity to do that. My colleague from California wants to keep it that way. I think you deserve better.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, will you give me the time situation, please?

The PRESIDING OFFICER. The Senator from California has 15 minutes 27 seconds, and the Senator from Pennsylvania has 1 minute 2 seconds.

Under the previous order, the Senator from California reserves 10 minutes to close.

Mrs. BOXER. Madam President, will you please notify me when I have 10 minutes remaining?

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mrs. BOXER. Madam President, we are coming to the end of what I think has been a very good debate. I am very hopeful the Senate will vote yes on the motion to disagree with the House. The Senator from Pennsylvania, who is worried about this, has decided everyone is going to vote for it. I say good news. Let the Supreme Court see that while the Senate took up this bill to ban a medical procedure, a medically necessary procedure, it, at the same time, supported a landmark decision called Roe v. Wade that said to the Government: Stay out of people's lives in the very early stages of a pregnancy. It said to the Senators then and to the Senators now: You think you are important, but guess what. You need to respect the people you represent and not interfere in a decision they need to make with their God. I think that is profoundly moral.

What I think is immoral is to take your views, Madam President, or my views or the views of the Senator from Pennsylvania and force them on the people of this country. It is disrespectful, it is not right, and it is not what America is about.

In 1973, the Court said to us: At the early stages of a pregnancy, a woman has this right, but at the later stages of a pregnancy the State can, in fact, ban abortion, as long as the State always respects the life and health of a woman. That was a wise decision, and it has held to this time. There are many people who want to see it overturned. Indeed, the Court is about 5–4 on that decision. A lot hangs on that because this is not some abstract issue. This is a real issue.

The Senator from Pennsylvania challenged me this morning. He said: You keep saying women's health would be harmed if this medical procedure in the underlying bill is banned, but you have no proof.

I don't know what more I can do than what I did this morning, which is to put into the RECORD—and I will reiterate the documents—how many doctors, organizations, how many nurses, how many OB/GYNs said, we are, in fact, opening up the door for women to be harmed, gravely harmed.

Let's put up the chart that shows what we were told by physicians could happen. If this is supposed to be a moral bill, I ask you a simple question: Is it a moral position to outlaw a medical procedure that doctors are telling us is necessary, in many cases, to protect the health of a woman? Is it a moral position to subject a woman to hemorrhages, to uterine rupture, to blood clots, to embolism, to stroke, to damage to nearby organs, such as your kidneys, to paralysis? If that is considered a moral position, then I guess—I just can't see it. I don't see it.

If you don't know, if you do something without knowledge, I cannot say you are immoral. But if you are doing something with knowledge, if you are banning a procedure we know is necessary, and we have doctor after doctor—here is testimony of Vanessa Cullins, vice president of Medical Affairs of Planned Parenthood after years of being a board-certified OB/GYN with a master's degree in public health and business administration. That is her testimony.

We also put in the RECORD the testimony of Anne Davis, M.D. She is a physician who practices in New York. She is board-certified in OB/GYN. She went to Columbia University. She gives us chapter and verse about her belonging to the American College of OB/GYNs and how they are very worried that these things, and worse, could happen if this bill passes.

Let's face it, this underlying bill is going to pass. For the first time in history, Congress is playing doctor, outlawing a medical procedure that is sometimes necessary to save the life and health of a woman, outlawing that procedure without a health exception, and we are doing it with knowledge and forethought. If you can sleep at night doing it, then that is fine.

The American Medical Women's Association: Please have a health exception.

The American Public Health Association; Physicians for Reproductive Choice and Health. It goes on and on. This letter by Felicia Stewart, who is an OB/GYN in California, was very specific on what could happen. So the bottom line is, if we want to talk about morality, I am ready to talk about morality.

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mrs. BOXER. I will withhold my 10 minutes until after the Senator from Pennsylvania speaks.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, to reiterate, we make moral decisions on this floor every day. We decide what things are legal, what things are illegal. We do so based on a variety of things, but morality is certainly one component of that. The idea that we have no right to pass laws that are moral, then we should eliminate the laws against killing, we should eliminate the laws against rape. Those are all based upon the fact we believe those acts are harmful and immoral and therefore we pass laws to proscribe them.

I do not think we want to kick ourselves out of the business of stopping things that are immoral in this country by passing laws to proscribe them. Believe it or not, some people actually do not do immoral things because there are laws against them.

I suggest that this idea that we have no right to pass moral judgment is the greatest canard that I have heard across this country. I hear it all the time, that we should absent ourselves from this moral debate. It is exactly where this debate should occur.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from California.

Mrs. BOXER. I never said we should not pass laws that stop immorality. I am a champion of those. I am leading a fight right now in the Commerce Committee to stop child kiddy porn. I am sure my friend is going to work with me on it.

Mr. SANTORUM. I will.

Mrs. BOXER. He misunderstood and absolutely misrepresented what I said. What I said is that the underlying bill, which does not make an exception for the health of the woman, is an immoral

bill. I do not think it is a moral bill. I think it is an immoral bill, and the reason I think it is an immoral bill is it makes no exception for the health of a woman, no matter how hard we try. We reached across the party line. We said we want to make an exception for health. Oh, no, women will lie. Oh, no, doctors will lie. We cannot have a health exception. People will lie.

I feel sorry for a woman who finds herself in a circumstance where she is in desperate shape, in a pregnancy gone horribly wrong—and I have met many of them. I have seen their faces, and God bless them because they have come out and given up their privacy to talk about what they have gone through. I feel sorry for the next woman who is lying bleeding on a table and a doctor has to take out this law and say: I am not sure because your life may not be at stake. It may be your health, and if I use this safe procedure I might lose my license, I might go to jail.

Anyone who wants to be party to that, be my guest. Thankfully, across the street there is a Supreme Court, and I think they will find this underlying bill unconstitutional because it is vague and because it does not make an exception for the health of the woman. Even the most rabid anti-choice people are now saying that this bill is surely unconstitutional.

Why do I think the underlying bill is immoral? Because we know a woman could get a hemorrhage, a uterine rupture, blood clots, an embolism, a stroke, damage to her organs, or paralysis if this technique, this medical procedure, is not used in certain very serious cases.

So, oh, yes, I support laws that are moral. My colleague is absolutely correct, there is morality in everything we do. When we go after corporate abuse, when we go after criminals who because of insider trading, for example, make an illegal profit, I am going after them. That is a moral issue. Weapons of mass destruction, that is a moral issue. A new generation of nuclear bombs, that is a moral issue. Abortion is a moral issue. You bet it is.

I believed that the Roe v. Wade decision in 1973 took a moral stand and found that they have to balance the rights of all involved. My friend says, and I am going to quote him now, ''Our society is corroding.''

Well, I do not believe that I am corroding because I am pro-choice. I do not believe the people in the Senator's State who are pro-choice are corroding. I do not believe that the people of this country who believe that politicians ought to stay out of their private lives in the early stage of a pregnancy are corroding. I think they are struggling with a tough issue.

My friend said this morning that I was wrong, that 5,000 women did not die. I put a cite into the RECORD. I now have a book by Richard Schwartz, assistant professor in the Department of Obstetrics and Gynecology School of Medicine, University of Pennsylvania. He was the chief of the section there. This is an old book from 1968 in which he says:

> It has been estimated that as many as 5,000 American women die each year as a direct result of criminal abortion. The figure of 5,000 may be a minimum estimate inasmuch as many such deaths are mislabeled or unreported.

As I said to my friend this morning, he said the CDC said only 85 women died of illegal abortions. Well, people did not come forward. Families did not come forward. Doctors did not come forward.

This was a crime. He has in his own State a great university, and one of the leaders of the School of Medicine there has written this. I ask unanimous consent that this excerpt from the book be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTIC ABORTION

(By Richard H. Schwarz, M.D.)

SCOPE OF THE PROBLEM

It has been estimated that as many as 5,000 American women die each year as a direct result of criminal abortion. The figure of 5,000 may be a minimum estimate, inasmuch as many such deaths are mislabeled or unreported. Most studies also indicate that up to 1,200,000 illegal abortions are performed annually or—otherwise stated—that one pregnancy in five in this country is illegally terminated. Hellegers challenged these figures and suggested that there are more likely 200,000 abortions and 800 deaths annually. Although much smaller, these figures still represent a significant wastage. With the striking reduction in the general, maternal death rate, however, septic abortion has become a leading cause of maternal deaths. In Philadelphia over 50 per cent of the maternal deaths result from complications of abortion, and this fact apparently holds true in other areas of the country: Stevenson reports 57 per cent in Michigan; Hellman, 33 per cent at the Kings County Hospital in Brooklyn: and Fox, 28 per cent in California.

During recent years at the Philadelphia General Hospital, where deliveries averaged between 4,000 and 5,000 per year, there have been, rather consistently, 800 to 1,000 abortions annually. One can readily see that this exceeds the expected spontaneous abortion rate. Periodic reviews of patients admitted with incomplete or inevitable abortions indicate that at least one third of these women can be classified as septic at the time of admission to the hospital. During the 12-year period between January 1, 1954 and December 31, 1966, a review of slightly over 12,000 abortions revealed 29 deaths. Twelve fatalities were caused by septic shock, five by ruptured postabortal abscess, two by staphylococcal septicemia and two by tetanus. Therefore, 21 of the total of 29 deaths, were caused by infection.

Mrs. BOXER. Another point of debate about how many women died, whether it is 85, 89, 100, 5,000, or as Dr. Schwartz says, probably much more, one death from an illegal abortion is too many.

Those of us who remember back to those days remember that, and that is why the Harkin amendment is so important because the Harkin amendment simply said we strongly support Roe. We do not think it ought to be overturned. I am very hopeful that every Republican and every Democrat today will vote to support Roe in this motion to disagree.

My colleague says it is just a routine voice vote. No, it is not. It is a vote on substance. That is why we have been arguing it. If it was such a routine, just a go-to-conference vote, I do not think he would have been arguing against Roe. If he wants to argue against Roe and then vote for Roe, that is great with me because we are sending that right over to the Court, and they will see that the Senate stands firmly in favor of Roe.

There are certain problems in our country that we thought we solved. One of them was this problem because when Roe v. Wade was heard, we did have thousands of women dying, and thousands more being made infertile. We all knew the stories. We all lived through those times. Roe said something had to be done about it. What they decided to do is balance all the interests.

Let us show what Roe says, because it is, in my opinion, such a moderate decision that balanced all of the interests and why it has been supported for so many years. What they say is that after viability:

> . . . the State in promoting its interest in the potentiality of human life may, if it chooses, regulate and even proscribe—

that means ban—

> abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.

I believe people who come to this floor and talk about morality, that is their right to do it. If they want to say they are more moral than someone else, that is their right. I do not have a problem with that. But what the Court did back in 1973 has said this is a tough issue. We have to look at everything. What they decided is instead of women running to a back-alley abortionist and paying cash under the table and risking their life by bleeding to death, becoming infertile and all of that, that in the early stages of a pregnancy, before the fetus could live outside the womb, that a woman has this right to choose.

I have to say, if we go back, and we could go back—it all depends on who is in this Senate, who is sitting in the President's seat, who is over in the Court. That is all that is riding on. It is very clear. If we go back, we are going to go back to the days that were not good for women and were not good for families. Do you know what. They were not good for anyone.

The beauty of being pro-choice and being in favor of Roe is that we respect everyone's opinion, not only by just standing here and saying, I respect the Senator, I respect the Senator—that is all fine. I respect my constituents. That means I trust them to make a judgment. That is the foundation of Roe—balancing all the interests; saying, at the early stages, keep the big nose of Uncle Sam and the Government out of private lives.

Some people find that privacy ruling distressing. I think it said: Do you know what. This is a great country because we respect our people. We are not an oppressive government like China. We are not an oppressive government like Romania certainly was. We don't force our people to have children. And we don't force them to have abortions. We trust them to think about what they want to do in such a situation.

I am extremely hopeful that in one moment from now we will have a big vote, a big vote to disagree with what the House did when they callously stripped out the Roe language that Senator HARKIN put in.

I hope it is a big vote. I cannot wait to see the vote because we are going to make sure the Supreme Court understands that we still stand for the life and health of the woman.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to disagree to the House amendment. The clerk will call the roll.

Mr. McCONNELL. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

I further announce that if present and voting the Senator from Utah (Mr. HATCH) would vote ''yea''.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 351 Leg.]

YEAS—93

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Harkin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Pryor
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Warner
Wyden

NOT VOTING—7

Edwards
Graham (FL)
Hatch
Kerry
Lieberman
Miller
Smith

The motion was agreed to.

Mrs. FEINSTEIN. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate agrees to the request for a conference.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Madam President, in the unanimous consent agreement, we now have a series of five votes on judges. I ask unanimous consent that those votes be 10 minutes each in duration.

Mrs. BOXER. Reserving the right to object, and I will not object, except to say I hope the Senate notes we had a 93-to-0 vote in favor of the Harkin amendment on Roe, and we hope our conferees will fight hard to keep that language in this bill.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF R. DAVID PROCTOR, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and consider Executive Calendar No. 352, which the clerk will report.

The legislative clerk read the nomination of R. David Proctor, of Alabama, to be United States District Judge for the Northern District of Alabama.

The PRESIDING OFFICER. There are 2 minutes of debate equally divided on this nomination.

Who yields time?

The Senator from Alabama.

Mr. SESSIONS. Madam President, I am delighted that David Proctor is moving forward, as I believe three other nominees are from New York. David Proctor was an outstanding student in his undergraduate studies at Carson Newman College. He served on the Law Review at the University of Tennessee. He was at the top of his class in law school. He clerked for Judge Emory Widener on the Fourth Circuit Court of Appeals.

He was a member of one of Alabama's largest and most prestigious law firms, Sirotte & Permutt. And then he formed his own firm: Lehr, Middlebrooks, Price & Proctor.

He is a lawyer's lawyer, a practitioner who is in court on a regular basis, a man of great integrity and ability. I believe he is going to be a terrific Federal judge. He wants more than anything to give his life to serving the law. I think he will do that. It is a great honor for me to support his nomination.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I support the nominee who has been addressed by the Senator from Alabama.

I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Madam President, I am pleased today to speak in support of R. David Proctor, who has been nominated to the United States District Court for the Northern District of Alabama.

Mr. Proctor graduated with honors from the University of Tennessee College of Law in 1986. Following his graduation, he clerked for the Honorable Emory Widener Jr. on the U.S. Court of Appeals for the Fourth Circuit.

Mr. Proctor next entered private practice with the law firm of Sirote & Permutt, first as an associate and then as a partner. He left Sirote in 1993 to become a partner at Lehr, Middlebrooks, Price & Proctor, where he currently practices law. He specializes in labor, employment and civil rights law, representing employers and public sector entities ranging from Fortune 500 companies to small businesses. Furthermore, he has authored numerous articles on employment law. In recent years, Mr. Proctor has augmented his litigation practice with mediation.

I would like to share with my colleagues a letter sent to the committee in support of Mr. Proctor's nomination by Alex Newton, a partner in the Birmingham law firm of Hare, Wynn, Newell and Newton. Mr. Newton is a self-described ''lifelong active Democrat.'' He has known Mr. Proctor since the beginning of his legal career and highly recommends him to the bench. He writes that Mr. Proctor has ''broad experience . . . as an attorney. He is energetic, personable and blessed with absolute integrity. As a judge, I have no doubt he would rule without being influenced by race, creed, wealth or poverty of the litigant before him. He would serve . . . with distinction.''

As this letter attests, Mr. Proctor is an experienced attorney who will be an

asset to the Federal bench. I urge my colleagues to join me in supporting his nomination.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEAHY. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of R. David Proctor, of Alabama, to be United States District Judge for the Northern District of Alabama? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

I further announce that if present and voting, the Senator from Utah (Mr. HATCH) would vote ''yea''.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 352 Ex.]

YEAS—92

Akaka	Dayton	Lott
Alexander	DeWine	Lugar
Allard	Dodd	McCain
Allen	Dole	McConnell
Baucus	Domenici	Mikulski
Bayh	Dorgan	Murkowski
Bennett	Durbin	Murray
Biden	Ensign	Nelson (FL)
Bingaman	Enzi	Nelson (NE)
Bond	Feingold	Nickles
Boxer	Feinstein	Pryor
Breaux	Fitzgerald	Reed
Brownback	Frist	Reid
Bunning	Graham (SC)	Roberts
Burns	Grassley	Rockefeller
Byrd	Gregg	Santorum
Campbell	Hagel	Sarbanes
Cantwell	Harkin	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Chambliss	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Coleman	Kennedy	Stevens
Collins	Kohl	Sununu
Conrad	Kyl	Talent
Cornyn	Landrieu	Thomas
Corzine	Lautenberg	Voinovich
Craig	Leahy	Warner
Crapo	Levin	Wyden
Daschle	Lincoln	

NOT VOTING—8

Edwards	Hollings	Miller
Graham (FL)	Kerry	Smith
Hatch	Lieberman	

The nomination was confirmed.

NOMINATION OF SANDRA J. FEUERSTEIN TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the nomination of Sandra J. Feuerstein.

The legislative clerk read the nomination of Sandra J. Feuerstein, of New York, to be U.S. district judge for the Eastern District of New York.

The PRESIDING OFFICER. There are two minutes of debate equally divided on the nomination. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Madam President, I yield to the senior Senator from New York. These next four nominees come here with bipartisan support. As a result, they went through very quickly.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, this is the first of four nominees from New York. They are all very qualified, fine people.

The only point I wish to make is that the administration and the Governor worked closely with the Senate and with me and Senator CLINTON on these nominations. I think it shows, when there is cooperation, when there is true advice as part of the advise and consent process, we can come up with excellent nominees.

Each one of the nominees meets the criteria I believe we should have in every Federal judge—legal excellence, moderation, not too far left, not too far right, and diversity.

I will speak once because there are four of them, but I am proud to be here to vote for every one of the four nominees.

Again, if we get cooperation, we can do this without acrimony, without partisanship. That is what has happened in New York.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANTORUM. Madam President, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Madam President, I rise today to express my unqualified support for the nomination of Sandra Feuerstein to the U.S. District Court for the Eastern District of New York, and to urge my colleagues to confirm this fine nominee.

Justice Feuerstein has excellent academic and professional qualifications for the Federal bench. After her graduation from Cardozo Law School, she joined the clerk pool of the New York Supreme Court Law Department. In 1985, she was chosen to clerk for Justice Leo H. McGinity, an administrative judge in the New York State Supreme Court. In 1987, she joined the bench of the Nassau County District Court. In 1994, Justice Feuerstein became a Justice of the New York State Superior Court, where she would remain for the next five years. Since 1999, she has been a Justice on the New York State Appellate Division—New York's highest State court.

In addition to her proven bench experience, Justice Feuerstein is a highly recognized public figure. She has lent her extensive talents to the Nassau County Bar, various pro bono programs that she has founded or chaired, and many charitable organizations like the American Cancer Society. In the last decade, Justice Feuerstein has been the recipient of such awards as: Judge of the Year twice, Woman of the Year, Pro Bono Recognition Award, and Outstanding Committee Chairperson of the Year Award, to name a few. Earlier in her career, Justice Feuerstein was both an associated editor and editor of the Nassau Lawyer. In addition to her professional, charitable and publishing duties, she has been an adjunct professor at Hofstra University Law School since 1998.

Justice Feuerstein possesses the qualifications, the capacity, and the temperament a judge needs to serve on the federal bench. I am pleased to support this stellar nominee.

Mr. DASCHLE. Madam President, prior to the start of the vote, I know there are a number of Senators concerned about the schedule, given the conditions. I ask the distinguished Senator from Vermont, the ranking member of the Judiciary Committee, what his intentions would be with regard to additional rollcall votes. We anticipated taking up five nominations this afternoon. I have been consulting with him, and I really appreciate, as always, his cooperation on this matter.

I ask if he has any intention of seeking rollcall votes on the other nominees who are currently pending?

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, if I may respond to my friend from South Dakota, I assured the distinguished Senators from New York and the distinguished Senators from Alabama that we would have support on the Alabama judge, which we just voted on, and the next one is from New York, and we would get them confirmed.

I have been asked by a number of Senators, both Republicans and Democrats, because of the weather, if there is a possibility to just have this next rollcall vote and do the remaining three by voice vote. I would have no objection. Would that be the last vote of the day?

Mr. SANTORUM. Madam President, I do not think the leader is prepared to say that yet.

Mr. LEAHY. If we are going to have more votes, we might as well go ahead.

Mr. SANTORUM. I don't know. We will discuss it with the leader.

Mr. LEAHY. Why don't we go forward with this vote. If the decision is made that there will be no further rollcall votes while we are voting on this next

nomination, then I will not ask for rollcall votes on the remaining three nominations.

Mr. REID. Will the Senator yield?

Mr. LEAHY. The Senator from South Dakota has the floor.

Mr. DASCHLE. Madam President, I will consult with the majority leader with regard to his intention for additional rollcall votes, and we can continue our discussion following this vote. I think we ought to proceed with the vote.

Mr. LEAHY. Madam President, if the distinguished Democratic leader and the distinguished Republican leader do not intend to have any more rollcall votes, I certainly am not going to ask for any more rollcall votes on the remaining judges.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Sandra J. Feuerstein, of New York, to be United States District Judge for the Eastern District of New York? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

I further announce that if present and voting the Senator from Utah (Mr. HATCH) would vote ''yea''.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 353 Ex.]

YEAS—92

Akaka	Coleman	Gregg
Alexander	Collins	Hagel
Allard	Conrad	Harkin
Allen	Cornyn	Hutchison
Baucus	Corzine	Inhofe
Bayh	Craig	Inouye
Bennett	Crapo	Jeffords
Biden	Daschle	Johnson
Bingaman	Dayton	Kennedy
Bond	DeWine	Kohl
Boxer	Dodd	Kyl
Breaux	Dole	Landrieu
Brownback	Domenici	Lautenberg
Bunning	Dorgan	Leahy
Burns	Durbin	Levin
Byrd	Ensign	Lincoln
Campbell	Enzi	Lott
Cantwell	Feingold	Lugar
Carper	Feinstein	McCain
Chafee	Fitzgerald	McConnell
Chambliss	Frist	Mikulski
Clinton	Graham (SC)	Murkowski
Cochran	Grassley	Murray
Nelson (FL)	Santorum	Stevens
Nelson (NE)	Sarbanes	Sununu
Nickles	Schumer	Talent
Pryor	Sessions	Thomas
Reed	Shelby	Voinovich
Reid	Snowe	Warner
Roberts	Specter	Wyden
Rockefeller	Stabenow	

NOT VOTING—8

Edwards	Hollings	Miller
Graham (FL)	Kerry	Smith
Hatch	Lieberman	

The nomination was confirmed.

Mr. FRIST. Madam President, first of all, congratulations to the managers of this bill. We are making real progress. We still have a number of amendments to look at, and discussions are ongoing. Even over the last several hours, while we have addressed the judges issue and completed debate and voting on the partial-birth abortion issue, work on Interior has continued. Overall, we are very pleased.

This is really for the benefit of our colleagues to give them some idea of what will be happening here on the floor today, tonight, tomorrow, and over the next several days.

First, we will have no more rollcall votes tonight or tomorrow or Friday. I start with that because I know that is what my colleagues are waiting to hear.

Work will continue tonight on the Interior bill. In talking to the managers, a number of amendments are being considered. Debate will continue this afternoon and into this evening and tomorrow morning.

We are in constant touch through the Sergeant at Arms and talking to FEMA about the weather conditions. Any decisions as to how long we will actually be in session will absolutely be focused on safety first and foremost. In saying that, we will be in session this afternoon and tonight, on Interior. We will come in tomorrow morning, and we will make the announcement when, but probably at 9:30 in the morning. I doubt that we will be on the floor all day. Again, the weather in part, the debate on the Interior bill in part, will determine that.

We will not be in session on Friday.

We will have votes on Monday, and likely multiple votes on Monday, since we are losing the opportunity for rollcall votes on Friday and Thursday and in part tonight. Business will continue, but it will mean that we will need to have multiple votes on Monday.

We intend to make progress on Interior, but also would like to set as, really, the final—final passage on that Tuesday, at some point Tuesday. That means we have the amendments before us to consider, and if there are any other amendments, we absolutely must know about those.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I appreciate the announcement of the schedule by the majority leader. I will say to my colleagues, I have every expectation that we can complete our work on this bill on Tuesday. I intend to work with the majority leader to complete our work on the Interior bill by Tuesday. That will require Senators who have amendments to come to the floor for the remaining hours of today and tomorrow morning. I know I have one or two amendments, and I intend to offer them either today or tomorrow morning in order to allow those votes to be cast and stacked on Monday night. So there is no reason we cannot finish our work on this bill on Tuesday, assuming—and the majority leader has assured me—that we will go to another appropriations bill once we complete our work on this one.

I would also want to say to my distinguished colleague who was here just a moment ago, the Senator from Vermont, I am, once again, grateful for his cooperation. He is a man of his word. He, again, had indicated to me, on the understanding there would be no more rollcall votes, that he would be willing to allow the three remaining votes on these judges today to be taken by voice. So I want to express for the record and publicly, once again, my gratitude to Senator Leahy for his cooperation and his understanding of the need for some Senators to catch planes this afternoon.

I appreciate, again, the majority leader's comments and will work with him to complete the schedule.

Ms. LANDRIEU. Will the leader yield for a question?

Mr. FRIST. Let me make one further statement and I will be happy to yield.

Committee hearing decisions are being made today by chairmen. Again, we are going to be conducting business on the Senate floor. A number of chairmen called and said: Should we go ahead and cancel our hearings and committee meetings? That is being left to their discretion. Individual offices—I know a number are calling the Sergeant at Arms and calling our offices. We will stay in touch and we will come straight to the floor if there is any information in terms of safety that we know about as we go forward.

These five judges are very important. I would add we have six judges who are also waiting, right now, whose nominations are ready to come to the floor and to be voted upon. I hope we can do that soon. I would like to be able, possibly, to do some of those on Monday. We have six more judges who are ready to go.

I would be happy to yield for a question.

Mr. DASCHLE. Madam President, I would only say for the record, the votes today will take us to 151 judges that the Senate has cast votes on since this administration has come to office—151 district and circuit court judges. So, obviously, we are making great progress on those numbers.

For the record, I want to be sure our colleagues are aware of where we are, where we stand with regard to the number of confirmations.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I understand the schedule has the potential of finishing up on the Interior bill on Tuesday. Does the leadership have options after Tuesday in terms of what appropriations bills we might go to after Tuesday?

Mr. FRIST. I will be happy to talk. We have been talking several days in advance each time. As the Democratic leader said, our intention is to go to appropriations and stay on appropriations. There is other business as we worked out to address partial-birth abortion and the judges. But the intention is to go to an appropriations bill. The specific one we don't know now. This is Wednesday. We are talking about a week from now. But we will stay in constant touch.

Ms. LANDRIEU. I thank the Chair.

NOMINATION OF RICHARD J. HOLWELL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Richard J. Holwell, of New York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of Richard J. Holwell of New York to be United States District Judge for the Southern District of New York?

Without objection, the nomination is confirmed.

Mr. HATCH. Madam President, I am pleased today to speak in support of Richard J. Holwell, who has been nominated to the United States District Court for the Southern District of New York.

Mr. Holwell is a 1970 cum laude graduate of Columbia Law School. The following year he earned his diploma in criminology from the Cambridge University Institute of Criminology. He then entered private practice with the New York law firm White & Case, first as an associate, then as a partner. Currently, he heads the firm's global litigation practice.

Mr. Holwell has spent most of his professional career litigating complex securities, antitrust, bankruptcy, and other financial market cases before both trial and appellate courts. He has extensive experience in both civil and criminal investigations conducted by the Department of Justice, the Securities and Exchange Commission, and other Federal agencies.

Mr. Holwell has also been a zealous advocate for the underserved. In 1987, the NAACP Legal Defense and Educational Fund awarded him its Pro Bono Award for his successful litigation of Capers v. Long Island Rail Road, a 10-year protracted title VII case in which he fought to protect the rights of black employees. In addition to title VII suits, he has represented indigent clients in landlord-tenant and custody disputes.

Mr. Holwell is an extremely well-qualified nominee. He brings compassion as well as more than 30 years of legal experience to the Federal bench. I am confident that he will be a fine addition to the bench and urge my colleagues to join me in supporting his confirmation.

NOMINATION OF STEPHEN C. ROBINSON, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Stephen C. Robinson, of New York, to be United States District Judge for the Southern District of New York.

Mr. HATCH. Madam President, I rise today in support of the confirmation of Stephen Robinson to the U.S. District Court for the Southern District of New York.

Mr. Robinson has had a diverse and distinguished legal career. After graduating from the prestigious Cornell Law School, he worked for two corporate law firms, concentrating almost exclusively on civil matters. In 1987, he shifted gears and joined the U.S. Attorney's Office for the Southern District of New York, where he represented the United States primarily in criminal trials.

In 1991, Mr. Robinson joined Kroll Associates, an international risk consulting company, serving as an advisor to the company on legal matters and conducting investigations for governments, corporations and law firms.

From 1993 to 1995, Mr. Robinson worked with the Federal Bureau of Investigation, providing advice and counsel to the FBI regarding various policy issues in both civil and criminal matters. Then in 1995, Mr. Robinson became counsel for Aetna U.S. Healthcare, where he provided advice to the internal audit, compliance and investigative services departments and was ultimately promoted to chief compliance officer.

In 1998, Mr. Robinson returned to public service as the U.S. Attorney for the District of Connecticut. He supervised over 50 lawyers in three offices and set policy and prosecution guidelines for all civil and criminal matters. Additionally, he coordinated the investigative strategy for Federal law enforcement agencies, while managing all aspects of the office's operations, including budget, personnel and press issues. For the past 2 years, he has worked with Empower New Haven, Inc., a nonprofit corporation.

Mr. Robinson's extensive experience in both the public and private sectors makes him amply qualified for judicial service. He possesses the qualifications, the capacity, and the temperament a judge needs to serve on the Federal bench.

The PRESIDING OFFICER. If all time is yielded, the question is, Will the Senate advise and consent to the nomination of Stephen C. Robinson, of New York, to be United States District Judge for the Southern District of New York?

Without objection, the nomination is confirmed.

NOMINATION OF P. KEVIN CASTEL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of P. Kevin Castel, of New York, to be United States District Judge for the Southern District of New York.

Mr. HATCH. Madam President, I am pleased today to speak in support of P. Kevin Castel, who has been nominated to the United States District Court for the Southern District of New York.

Mr. Castel is a highly regarded litigator. Upon graduating from St. John's University School of Law in 1975, he clerked for Judge Kevin Duffy on the United States District Court for the Southern District of New York. Following his clerkship, he worked as an associate for Cahill Gordon & Reindel until 1983, when he was elevated to partner and where he remains today.

Mr. Castel has focused much of his professional career on complex commercial litigation, including securities, antitrust, intellectual property, employment and products liability cases. Furthermore, as president of the Federal Bar Council, he has written extensively on corporate litigation issues.

In addition to the Federal Bar Council, Mr. Castel holds leadership positions in other notable organizations, including the New York State Bar Association and the Legal Aid Society.

Mr. Castel will bring 20 years of legal experience and sharp acumen to the Federal bench. I urge my colleagues to join me in supporting his nomination.

The PRESIDING OFFICER. If all time is yielded, the question is, Will the Senate advise and consent to the nomination of P. Kevin Castel, of New York, to be United States District Judge for the Southern District of New York?

Without objection, the nomination is confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider these votes are laid on the table.

Under the previous order, the President will be immediately notified of the confirmation of these nominations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent to be allowed to speak for up to 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1628 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. REID. Mr. President, what is the matter now before the Senate?

The PRESIDING OFFICER. H.R. 2691, the Interior appropriations bill, is now before the Senate.

Mr. REID. Mr. President, I am going to send an amendment to the desk. I have spoken with both leaders. I have not spoken with Senator BURNS. I have spoken through his staff to him. I have spoken, of course, to Senator DORGAN. I am sending this amendment to the desk with the understanding that we will not vote on it until after the caucus on Tuesday. The reason for that is this is a very important amendment for this side. We want to make sure we have the opportunity on Tuesday to speak on it, all 49 members of the Democratic caucus, prior to the vote.

AMENDMENT NO. 1731

(Purpose: To prohibit the use of funds for initiating any new competitive sourcing studies)

Mr. REID. Mr. President, I send an amendment to the desk not only on my behalf but on the behalf of Senators LIEBERMAN, LANDRIEU, KENNEDY, and MURRAY.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. KENNEDY, and Mrs. MURRAY, proposes an amendment numbered 1731:

On page 137, between lines 23 and 24, insert the following:

SEC. 3___. COMPETITIVE SOURCING STUDIES.

None of the funds made available by this Act shall be used to initiate any competitive sourcing studies after the date of enactment of this Act.

Mr. REID. Mr. President, this is a very short amendment, but it affects the lives of thousands and thousands of people who work for the Park Service. It affects the lives of every American who enjoys the great resources of our country.

The amendment I sent to the desk will stop this administration from moving forward to privatize our national parks, forest lands, and other public lands. It would nip the administration's ill-conceived privatization plan in the bud.

More specifically, this amendment prohibits the expenditure of funds on new outsourcing studies. These are privatization studies for the agencies funded in this bill. These agencies were created to protect special places in nature as a legacy for future generations. They should be managed for posterity and not managed for profit.

The House of Representatives has agreed that privatization is a bad idea. It included this language in the Interior appropriations bill that passed in July. The Nation's hard-working public servants who care for our forests and parks not only collect fees and maintain parks, but also give directions, fight wildfires, and help injured visitors.

Volunteers who love our public spaces provide tens of thousands of hours of work for these agencies every year. Will contractors receive volunteers? Will there be volunteers for these people who are working for profit in our national resources, our national treasures? It is very unlikely.

While the administration's plan has been marketed as a cost-saving measure, just the opposite is true. Privatization will waste taxpayer dollars. Privatization studies may cost as much as $8,000 per position studied. This means that next year, the agencies funded in this bill could waste as much as $26.4 million on these studies, studies for a wrongheaded idea that is bad for our parks, forests, the people who care for them, and the people who visit these parks.

Also, these contractors lack the knowledge of the sites that public servants possess. They are at the sites for one reason: Not people, but profit. I have nothing against profit motive. I think it is great selling cars, books, shoes, clothes—virtually everything. I certainly don't think it is a good idea to privatize our beautiful resources, our national treasures.

At a recreation area in Nevada, a contractor designed metal courtesy docks to be built in an area where temperatures reach up to 120 degrees in the summer. These docks would have burned visitors in the months when the docks were the busiest. The discarded design cost $21,000 in taxpayer money, and instead of building five courtesy docks as intended, the recreation area only had funding to build two docks.

Nevadans visiting our public places, Americans visiting our public places want professionals enriching their experience by directing them to famous sites and the best-kept secrets of our parks.

These are a few things people have written to me about on this subject. Zephyr Cove, NV, is in the Lake Tahoe region. It surrounds Lake Tahoe. This is not a public employee, but she says:

I'm one small voice, but I'm convinced that privatization of our National Park System would be another step to demolishing what little resources we have now and what we can hope to gain in the future to hold and treasure for future generations.

She says further:

Many of the Park Service personnel are neighbors and our friends. They care deeply about what they do. Their pay is relatively low for the expertise they have. They do it because they know the value of protecting our parks, wildlife habitats, and environment.

I do not know for sure if the administration's true agenda here is to undermine that commitment to our national parks, forests, and other public lands. I don't know that, but that is what many feel.

An editorial in The Tennessean believes that. Editorializing recently against this plan, the paper had this to say:

. . . privatizing the professionals on whom the parks depend to manage resources will rid the administration of those pesky folks who keep pointing out what harm has been done by President Bush's reckless environmental policies.

This is an editorial that was written in The Tennessean on August 29, 2003.

We have heard not only from newspapers around the country and people who don't work for the public entities, but we also heard from public custodians of our treasures. I am not going to use their names here, of course. They might somehow be harmed at work.

One public employee writes:

The depth and breadth of loyalty that is inherent to the average [public] employee cannot be contracted out.

And he is absolutely right. The public employees my amendment would honor share a lot in common with Members of this body, our staffs, our police, and others who work here. They, like us, sought their jobs to serve other people and to advance positive goals and ideals. It is that motivation and loyalty that cannot be outsourced no matter how much money we throw at studying it.

The privatizing concept, as set forth in The Tennessean, says it all:

. . . privatizing the professionals on whom the parks depend to manage resources will rid the administration of those pesky folks who keep pointing out what harm has been done by President Bush's reckless environmental policies.

Loyalty, public service, and dedication to our public lands cannot be outsourced. It cannot be privatized.

I hope people understand these great national parks we have. These are treasures. These national parks are the envy of the world. Nevada is fortunate, but we only have one national park. It is a wonderful place, Great Basin National Park, a very new national park. It is small by national park standards, about 80,000 acres. It has a 13,000-foot mountain on it, Wheeler Peak. It has a glacier. It has the oldest living thing in the world, a bristlecone pine.

These trees are over 5,000 years old. Think about that—trees that started

growing before Christ came to Earth. These trees were around the same time the pyramids came into existence. They are living things at the Great Basin National Park.

In our park, we have the Lehman Caves. Around the turn of the last century, a man who was a cowboy was out riding his horse and he suddenly found himself in a deep underground cavern. The horse, as far as I know, was not injured, but that was the beginning of a great odyssey for people to visit this magnificent part of nature, Lehman Caves, which is now in the Great Basin National Park.

We were fortunate enough a short time ago to be present at that facility when they dedicated the new visitors center. It is in a remote part of the State of Nevada, but it is a place that people from all over the world travel to because of its uniqueness.

Great Basin is only one of our many national parks. I was in Montana and Wyoming recently. I had the good fortune, after these many years, to once again visit Yellowstone National Park. I was only able to spend a couple of hours there, but it was a great experience.

I first went there shortly after my wife and I returned from law school in Washington. We traveled from Las Vegas on one of the first vacations we ever took. We could have gone anyplace our small budget at that time would handle, but we drove from Las Vegas to Yellowstone. I still look back with great awe at Old Faithful and the many other things we were able to see, the buffalos and other animals. So when I returned there, even though it was only for a few hours, the place I wanted to go visit again was Old Faithful.

Old Faithful spewed a few times during the time I was there. We took a walk through Geyser Park. We saw buffalo lying right near the geysers. The reason these great animals come and lie down near these spewing geysers is that, to a great extent, they keep the pests off themselves by doing so.

Even though I was there just a short time, it was wonderful again, after 25 years, to reflect back on my little children when they were tiny going there and visiting that park.

This experience I had was magnified on both occasions by virtue of the people who work there. They have nothing of which to be ashamed. They are Government employees who have dedicated their lives not to seeing how much money they can make but to being in the great outdoors, being part of nature.

I can remember the woman who took us on our walk through this little Geyser Park. She was an expert. She knew when every geyser was going to spew forth some water. She was able to tell stories about how people first discovered them. She is a woman who makes very little money but is talented, as a person in her position should be.

So on the two occasions I visited Yellowstone, my experiences were so much better as a result of the people who work there for the Federal Government—park rangers, other park employees.

I hope this Senate will respond overwhelmingly and support this amendment, as was done in the House.

The people who work in these parks are not Democrats. They are not Republicans. In the true sense of the word, this should not be a Democratic amendment. It should be an amendment that is supported by the Senate to protect these faithful employees of the Federal Government.

We are very fortunate in the State of Nevada to have a large presence of the Federal Government. I say fortunate because 87 percent of the land in the State of Nevada is owned by the Federal Government. Only 13 percent of Nevada is owned by individuals; the rest is Government land. The Bureau of Land Management's largest assets are in the State of Nevada.

In addition to the national forests and the park I have described, we have large parts of the State of Nevada, as I have indicated, that are controlled by the Bureau of Land Management. The employees who work for the BLM are just as dedicated as those people who work in our parks.

The forest rangers are also people who work so hard for so little return. I am convinced that if this is put out to the lowest bidder, we are going to have parks that are visited by people who recognize that these people are not there for any purpose other than somebody who got the contract and is trying to make a buck, someone who has gotten minimum-wage employees to get by with as little as possible.

We cannot let this go forward. It is a slap in the face to these loyal, dedicated public servants. It is a slap in the face of the American public. These Federal assets are owned by all of us, and all of us should have a say in how these parks are run. Renting them out to the lowest bidder is not the way to do it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1732

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1732.

Mr. REID. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the Secretary of the Interior to acquire certain land located in Nye County, Nevada)

At the appropriate place, insert the following:

SEC. ___. ACQUISITION OF LAND IN NYE COUNTY, NEVADA.

(a) IN GENERAL.—The Secretary of the Interior may acquire by donation all right, title, and interest in and to the parcel of land (including improvements to the land) described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the parcel of land in Nye County, Nevada—

(1) consisting of not more than 15 acres;

(2) comprising a portion of Tract 37 located north of the center line of Nevada State Highway 374; and

(3) located in the E½NW¼, NW¼NE¼ sec. 22, T. 12 S., R. 46 E., Mount Diablo Base and Meridian.

(c) USE OF LAND.—The parcel of land acquired under subsection (a) shall be used by the Secretary of the Interior for the development, operation, and maintenance of administrative and visitor facilities for Death Valley National Park.

Mr. REID. Madam President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1733

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1733.

Mr. REID. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the conveyance of land to the city of Las Vegas, Nevada, for the construction of affordable housing for seniors)

On page 137, between lines 23 and 24, insert the following:

SEC. 3___. CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA.

Section 705(b) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2015) is amended by striking ''parcels of land'' and all that follows through the period at the end and inserting the following: ''parcel of land identified as 'Tract C' on the map and the approximately 10 acres of land in Clark County, Nevada, described as follows: in the NW¼ SE¼ SW¼ of section 28, T. 20 S., R. 60 E., Mount Diablo Base and Meridian.''.

Mr. REID. Madam President, before I turn the floor over to the distinguished Senator from West Virginia, I would simply like to say that upon completion of the last judge vote today, that means we have approved 151 judges during the little over 2½ years President Bush has been President. I think we

are doing remarkably good work for this President as relates to judges. The count is 151 to 3. That means there have been three judges who have been submitted to us we have not accepted.

President Reagan did not reach 150 judges until well into the fourth year of his first term. The first President Bush did not receive his 150th Federal judge until well into his fourth year. During President Clinton's second term, the term just preceding this administration, he did not appoint his 150th judge until his fourth year. So we are a year and a half—at least a year ahead of Reagan, first President Bush, and the second term of President Clinton.

So we have done extremely well. Senator LEAHY is to be commended for his ability to move these judges in conjunction with the distinguished Senator from Utah, the chairman, Senator HATCH.

The PRESIDING OFFICER. The Senator from West Virginia.

IRAQ

Mr. BYRD. Madam President, I rise today to voice my concern about the disastrous turn which the fortunes of this Nation have taken. The Bush administration, in a scant 2½ years, has imperiled our country in the gravest of ways, and set us up for a possible crisis of mammoth proportions. The crisis may not occur tomorrow in these proportions, or the next day, but it is coming.

Instead of linking arms with a world which offered its heart in sympathy after the brutality of the terrorist attacks in September of 2001, this White House, the Bush White House, through hubris and false bravado, has slapped away the hand of assistance. This administration has insulted our allies and our friends with its bullying and go-it-alone frenzy to attack the nation of Iraq.

In order to justify such an attack, it was decided somewhere in the White House to blur the images of Saddam Hussein and Osama bin Laden. Blurred images notwithstanding, what is becoming increasingly clear to many Americans is that they are going to be asked to carry a heavy, heavy load for a long, long time.

Let me be clear. We are presently engaged in not one war but two wars: The war begun by Osama bin Laden, who attacked this Nation on the September 11, 2001, and then there is the war begun by President George W. Bush when he directed U.S. forces to attack Iraq on March 19, 2003. The first war was thrust upon us. The bombing of Afghanistan was a just retaliation against that attack. The second war, on the other hand, was a war of our choosing. We chose it. It was an unnecessary attack upon a sovereign nation. This President and this administration have tried mightily to convince the people of America that attacking Iraq was critical to protecting them, the people of this country, from terrorism. The case that the administration makes is false, it is flimsy, and the war, I believe, was unwise and was unnecessary and was without ample justification.

The war against Iraq has crippled the global effort to counter terrorism. The war in Iraq has made a peace agreement between Israel and its adversaries harder to obtain. The obsession with Iraq has served to downplay the resurgence of the Taliban in Afghanistan. The focus on Saddam Hussein has diverted attention from bin Laden, who is apparently still on the loose and threatening to attack again. The war in Iraq has alienated our traditional allies and fractured the cohesive alliance against terrorism which existed after 9/11. It has made the United States appear to the world to be a bellicose invader of another country. It has called our motives into question. It has galvanized the worldwide terrorism movement against us. The war in Iraq has cost us lives and treasure. Yet this President will shortly request $87 billion more for his ill-fated adventure.

He says we will spend whatever it takes. So he says your money—it is your money. We have heard that many times. It is your money, and he says your money we will spend, whatever it takes.

Prudence dictates that we consider the risks. This Nation has suffered massive job losses amounting to 93,000 in August alone and approximately 600,000 since January of this year. Job losses of this magnitude mean less money coming into the Treasury and more money going out. U.S. manufacturing jobs continue to disappear overseas as companies relocate operations on other shores. There seems to be no end, thus far—there seems to be no end to the job hemorrhage. The manufacturing sector has lost jobs for 37 months in a row. The weak job market threatens to sap our strength from our domestic economy. Should inflation begin to creep up, as some worry that it will, higher energy costs and lower consumer confidence may slow the economy further.

Suppose another massive al-Qaida attack were to occur here at home, killing hundreds or thousands and delivering another devastating blow to the U.S. economy? Could we still afford to continue to send billions of taxpayer dollars to Iraq? At best, our future economic growth is uncertain. There are too many unknowns. Our deficit is growing. When the $87 billion 2004 Iraq Supplemental is included, as it probably will be, the deficit for 2004 alone is expected to total $535 billion.

That is $530 for every minute since Jesus Christ was born. That number will only grow, if we continue to experience massive job losses and the economy takes a turn for the worse.

We can ill afford to finance the rebuilding of Iraq alone. Yet President Bush steadfastly resists doing what it takes to involve the international community.

It should be obvious that we need assistance. The United States cannot even continue to supply the troops to secure Iraq without more help. A recent Congressional Budget Office study, which I requested, makes it clear that maintaining the level of troops we now have in Iraq will stretch us very thin should something happen in Korea or elsewhere on this troubled globe. Our National Guard is being asked to stay longer and longer in Iraq to help backfill the shortage in regular troops. These are men and women with jobs and families and key roles to play in their own communities. We cannot continue to utilize their skills in Iraq without suffering the consequences at home.

Even now, as a hurricane lurks off our shores, there are worries about shortages of emergency personnel because so many National Guard men and women are serving in Iraq.

But the Bush administration continues to spend our treasure and our troop strength in a single-focusd obsession with the fiasco in Iraq. Are we to mortgage the future of our Nation to years of financing this unwise adventure? Surely we cannot ask American families for sacrifice indefinitely, especially when their sacrifices are made to advance a war we do not need to fight, that we ought not to have gone overseas to fight. We chose to attack another country.

We must come to grips with our limits. We must acknowledge risks and reality.

Yet on last Sunday, Vice President CHENEY dug his heels in at the suggestion of rethinking our policy in Iraq. In a television interview, Vice President CHENEY said he saw no reason to ''think that the strategy is flawed or needs to be changed.''

He went on to try to convince the American public that Iraq was ''the geographic base'' for the perpetrators of 9/11. Think of that—a claim that this humble Senator has never heard before, and that flies in the face of U.S. intelligence agencies which repeatedly have said they have found no links—none—between the 9/11 attacks and Saddam Hussein or Iraq. We may come to rue the day when we took our eyes off bin Laden and sapped our energies and our credibility in this quagmire in Iraq. We chose to attack that country. Yet there seems to be no soul searching in this White House about the consequences of this war.

While Bush's aides talk of ''generational commitment'' and the President talks of ''sacrifice,'' I wonder if the American people fully comprehend what they are being urged to forego. They have already sacrificed loved ones with 158 troops killed and 856 wounded just since President Bush declared the end of major combat on May 1. How many more families must sacrifice? How many more families must sacrifice while we occupy Iraq?

The President says we will do whatever it takes. Mr. Rumsfeld says we will do whatever it takes. How many more families must sacrifice while we occupy Iraq?

A generation of ''sacrifice'' may also mean a slow sapping of key national priorities, including repairing the infrastructure which fuels our economic engine and funding the institutions and programs which benefit all Americans. Compare the latest request for the Iraq supplemental with the commitment in dollars to other vital programs, and the picture becomes more clear. President Bush is asking for $87 billion for Iraq but only $34.6 billion for Homeland Security—$29-plus billion—which will come to the Senate soon in a bill which was marked up today. The President wants $87 billion for Iraq but only $66.2 billion for the discretionary programs for the Department of Health and Human Services.

The President seeks $87 billion to secure Iraq but only $52.1 billion for the U.S. Department of Education. The President wants $87 billion to shore up Iraq but only $29.3 billion for America's highways and road construction.

For the State Department and foreign aid for the entire world, President Bush sees a need for only $27.4 billion. Yet Iraq is worth over three times that much to this White House.

Remember that $87 billion is just for 2004 alone. Does anyone really believe it will be the last request we will receive for Iraq? No. This is just the tip of the iceberg, in all likelihood.

The President asked America for a generation of ''sacrifice,'' but that noble-sounding word does not reveal the true nature of what the President demands from the American people. He asks them to supply the fighting men and women to prosecute his war.

Yes, he asked them, the American people, to supply the fighting men and women to prosecute his war. I am not talking about the war that began on September 11, 2001. That was an attack upon us by al-Qaida. I am talking about his war, the President's war in Iraq, which began in March of this year in which he, the Commander in Chief, ordered the attack on Iraq, a sovereign country that had not attacked us and which did not represent an imminent threat to the security of our country.

He implores our people to sacrifice adequate health care. He asks our people to settle for less than the best education for their children. Think about it. He asks our people, the American people, to sacrifice medical research that could prolong and save lives. He asks the American people to put up with unsafe highways and dangerous bridges. He asks them to live with substandard housing and foul water. He asks the American people to forego better public transportation and not just for now but for generations. And all of it for his folly in Iraq.

Most puzzling to this Senator is this President's stubborn refusal to guard against the terror threat at home by adequately funding Homeland Security. Is he asking us all to risk the safety of our homeland, too?

And to further insult the hard-working people of this Nation, George Walker Bush proposes to lay this sacrifice not only on the adult population of this great country but on their children and their grandchildren by increasing the deficit with nary a thought to the consequences.

Yet not a peep can be heard from this White House about paying for some of this sacrifice of which the President speaks by foregoing a portion of future tax cuts, tax cuts that mainly benefit those citizens who do not need so many of the services the Government has to provide.

Our reputation around the globe, America's reputation around the globe, has already been seriously damaged by this administration. Are the dreams and hopes of millions of Americans to be ''sacrificed'' as well on the altar, on the bloody altar, of Iraq?

I urge my colleagues to think long and hard about the growing quagmire in Iraq. I urge members of the President's own party to warn him about the quicksand he asks America to wade in. We need a long and thorough debate about the future of our country. We need a serious discussion about the kind of America we will leave to our children and grandchildren. We need to renew our efforts to negotiate a peace agreement between Israel and the Palestinians. Are we fighting a war in Iraq when pushing the peace might better serve our cause? We must think again about world-wide terrorism—and it comes in many forms and shapes—and the best way to combat it. Let us not continue to simply wage the wrong war, Mr. Bush's war in Iraq.

ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

Mr. BYRD. Mr. President, September 17 is a day of history in American calendar. On this day in 1630, the city of Boston was founded. On September 17, 1947, James V. Forrestal was sworn in as this Nation's first Secretary of Defense.

On September 17, 1920, the National Football league was formed in Canton, OH. On September 17, 1954, Ernie Banks became the first Black baseball player to wear a Chicago Cubs uniform. He was voted ''best player ever'' by Chicago fans when he retired in 1971. On September 17, 1984, Reggie Jackson hit his 500th career homer, seventeen years to the day after he hit his first major league home run.

On this day in 1911, the first transcontinental airplane flight took place between New York City and Pasadena, CA. It took pilot C.P. Rogers 82 hours to cover that distance. Just 65 years later, on September 17, 1976, the Space Shuttle was revealed to the public for the first time, ready to take men into the heavens. Such a lot of change in such a short period of time.

Last week, in another airplane related piece of history, the nation sadly observed the second anniversary of the tragic events of September 11, 2001. It was a terrible, terrible day, marked by the awful, abrupt end of too many innocent lives. September 17, 1862, was another terrible, terrible day. On that beautiful September day, over 23,000 men were killed, wounded, or missing in action after the Battle of Antietam, outside Sharpsburg, MD—just over the line from the eastern panhandle of West Virginia. That battle was a turning point in the Civil War.

But by far, one of the most important events in this Nation's history happened on the 17th of September, 1787. On that memorable day, the members of the Constitutional Convention signed the document that has led this Nation safely through the shoals of history for the past 216 years, surviving even the devastation of the Civil War. It was this document that I hold in my hand: the Constitution of the United States of America.

That Constitution was not our first attempt at self-governance. It followed on the heels of the Articles of Confederation, which was the first Constitution, correcting the failures of that weak Government by establishing a stronger central Government to manage the differences between the States and to provide for the common good. And then, to assuage the concerns of those citizens who feared that a strong central Government would trample on the rights of the individual, the Constitution was amended after ratification with the first 10 constitutional amendments, guaranteeing individual freedoms in what has become known as the American Bill of Rights.

The Constitution of the United States has, sadly, been overlooked by many in the public over the years. It is not a lofty piece of rhetoric like the better known Declaration of Independence. But the Constitution is the strongest piece of armor protecting the rights and the freedoms of each and every citizen—your rights, your rights, your rights, yes, your rights, and yours, and yours, and mine. It deserves to be better known. It is, after all, our manual for governance, our handbook of Government, the tech manual for our national operating system. And unlike many technical manuals, it is easy to read and to understand, even 216 years later.

This short document is blunt and straightforward. It starts with only a preamble and then gets right to the heart. In Article I, it sets forth the domain of the legislative branch and the qualifying requirements for us legislators. It does the same for the executive branch in Article II, laying out the procedure for selecting a President and stating what his domain and powers shall be. Then the judicial branch gets the same treatment, short and sweet, in Article III. Article IV sets out the States' rights and duties to the central Government and provides for the addition of new States. Article V, in a single paragraph, lays out the procedure for amending the Constitution. Article VI provides for the transfer of power from the Articles of Confederation to the new Constitution and makes the Constitution and the Federal laws the

supreme law—together with treaties—the supreme law of the land. Article VII provides the procedure for ratifying the Constitution.

There it is. There it is—a new Government in only seven articles. It takes more verbiage than that just to buy a house in these days.

The Constitution is an amazing product of compromise and balance, created by just a handful of delegates—55—in under 4 months. Many of the delegates' names should be familiar to most Americans, names such as George Washington, who presided over the Constitutional Convention, and James Madison, George Mason, Benjamin Franklin, and Alexander Hamilton. Other famous names were not present, such as Thomas Jefferson. He was not there. He was serving at the time as the Ambassador to France. Then there was John Adams, who was in London as the U.S. Ambassador. The details of the Convention of 1787 make fascinating reading.

The Convention met in closed session, but James Madison obtained permission to take notes on the debates. His notes, supplemented by the outlines or drafts of other delegates, were not published until 1840—4 years after his death. They outline the evolution of the document, showing competing alternatives and the compromises that allowed the large and small States, and all of the other conflicting interests, to reach agreement on a final document that all agreed could be ratified by the States.

The body in which I speak, and to which I have been elected time and time again by the people of West Virginia, the Senate, is the result of one such contentious debate that almost caused the Convention to adjourn.

I was talking with the pages just the other day, and we talked about the Great Compromise. I talk with these pages, the Republican pages and the Democratic pages. They change from time to time. They will be here perhaps for half a semester or a full semester or a few days. When we are out for a break, there will be a different group of pages. And we talk about history. These fine pages and I were just commenting the other day about the Great Compromise. I said, What do we mean by the phrase the ''Great Compromise''? Well, that is what I am referring to now.

At one point during the Convention, the Virginia plan called for the creation of a bicameral legislature, with each House's representation apportioned by population. This suited Virginia and other large States well but was opposed by small States that feared joining a Union so dominated by the larger States. The delegations from the small States argued that their citizens would never ratify a Constitution that did not recognize some form of State equality.

After 3 weeks of increasingly bitter debate, the delegates agreed to what has come to be known as the Great Compromise. The result of that compromise is the Congress that we know today—a lower House, chosen according to population, and with the sole authority to originate revenue bills; and an upper House, the Senate, in which each State has an equal vote.

Other compromises were necessary for the Convention to reach agreement, some less successful than that which led to the composition of the Congress, some positively inspired. The delegates deliberated over the power of the executive; they deliberated over interstate commerce; they deliberated over the subject of slavery—these among other topics.

A small but inspired compromise is contained in the Preamble. The Preamble to the Articles of Confederation named the States in geographic order from north to south. Without knowing which States would ratify the Constitution, and in what order, the delegates in Philadelphia were uncertain how to list the participating States.

So the answer was a graceful new opening: ''We the people of the United States . . . do ordain and establish this Constitution . . .'' without ever mentioning the States by name.

Every citizen should be familiar with the Constitution. We should each have a little radar system, an intuitive raising of the hairs along the back of one's neck, when attempts are made to flout the Constitution, either by design or out of misguided good intentions. I fear that this radar system is not functioning as well as it should be. When it fails, the checks and balances contained in our Constitution begin to rust and then begin to grind to a halt. When the Congress does not jealously guard its prerogatives against an overreaching executive, the executive branch gains strength from power that it should not have.

The Founders of this Nation worried about creating too strong an executive. They worried about creating a tyrant such as the one, George III, against whom they had fought a war for freedom. So they created a system where the people's direct representatives called the shots the Congress writes the laws, controls the funds, and approves the nominees for key executive posts. If all of those restraints failed, the President was subject to impeachment and trial by Congress.

But today, in our fears about national security and our national political system dominated by political party considerations, we face a situation in which Congress is being pressured to act as a rubber stamp for a strong-willed Executive. We have seen this happen with respect to various and sundry executives some Democratic, some Republican. But in this instance, in the aftermath of September 11, 2001, there was a stampede to do something, anything, to avenge this vile attack on our citizens. The Congress did not seriously debate or consider the long term consequences of the call to action, and apparently, neither did the White House. We rushed into war without a real declaration of war. Instead, Congress passed a resolution giving the President sweeping powers to take such action as he saw fit, including military action, in that region. As a result, our military is over-extended and committed to long-term nation-building efforts in Iraq and, to a degree, in Afghanistan. Members of Congress are labeled ''unpatriotic'' if Members question—even question—any request for additional funds for those efforts.

At the same time, political party pressures were applied to pass expensive ''temporary'' tax cuts theoretically aimed at restarting a sluggish economy. The long-term impact on the deficit will hamstring the Nation for years to come. Congress should know better. This Senate should know better. Those of us who have been around for a while can recall the tremendous effort—and compromise—needed to achieve deficit control in the late 1980s and early 1990s. We can recall all of the hard, hard decisions that had to be made to bring the deficit under control. Did we really forget all of that in those few short years of surplus? Well, if we did forget that lesson from history, I fear we are doomed to repeat it, and we struggle to bring these even larger deficits under control.

The time is long past for Members of Congress to reassert the authorities granted to them in the Constitution. A citizenry familiar with their Constitution should demand it. We are, after all, ''. . . bound by oath or affirmation to support this Constitution . . .'' in Article VI, if we take the time to read it that far.

In his Farewell Address, delivered to his cabinet on, fortuitously enough, September 17, 1796, George Washington made this observation:

> . . . [Y]ou have improved upon your first essay by the adoption of a Constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence with its measures, are duties enjoined by the fundamental maxims of true liberty.

Our Constitution is the foundation of our liberties, and we must be its guardians.

I would like to close with a poem by Henry Wadsworth Longfellow, entitled ''O Ship of State.''

> Thou, too, sail on, O Ship of State!
> Sail on, O Union, strong and great!
> Humanity with all its fears,
> With all the hopes of future years,
> Is hanging breathless on thy fate!
> We know what Master laid thy keel,
> What Workmen wrought thy ribs of steel,
> Who made each mast, and sail, and rope,
> What anvils rang, what hammers beat,
> In what a forge and what a heat

Were shaped the anchors of thy hope!
Fear not each sudden sound and shock,
'Tis of the wave and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale!
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee.
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee, -are all with thee!

I yield the floor and suggest absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1734

Mr. DASCHLE. Madam President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1734.

Mr. DASCHLE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funds for clinical services to the Indian Health Service, with an offset)

On page 88, beginning on line 17, strike ''$2,546,524,000'' and all that follows through ''*Provided*'' on line 20, and insert the following: ''$2,838,524,000, together with payments received during the fiscal year pursuant to section 231(b) of the Public Health Service Act (42 U.S.C. 238(b)) for services furnished by the Indian Health Service, of which $2,329,414,000 shall be available for clinical services: *Provided*, That section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking 'September 30, 2003' and inserting 'September 30, 2004': *Provided further*''.

Mr. DASCHLE. Madam President, once again I come to the floor to bring to the attention of the Senate the critical shortfall in funding for the Indian Health Service. Through treaties and Federal statute, the Federal Government has promised to provide health care to American Indians and Alaskan Natives. Sadly, we have not even come close to honoring this commitment.

The Indian Health Service is the only source of health care for many Indians and is required to provide it, yet funding has never been adequate.

The chronic underfunding has only grown worse in recent years, as appropriations have failed to keep up with the steep rise in private health care spending.

Last March, we offered an amendment to the budget resolution to provide $2.9 billion to the Indian Health Service for the budget for the fiscal year 2004. Our amendment would not have met all of the health care needs in Indian country, not by far, but it would have provided enough room in the budget to fund basic clinical health care services for American Indians and Alaskan Natives.

Unfortunately, that amendment was defeated by a vote of 48 to 51, on a party-line vote.

The Republican leadership made a counteroffer. They proposed an amendment to increase IHS funding next year by $292 million, one-tenth of what our amendment called for. The Senate adopted that amendment.

Since then, two important reports have been released.

In July, the U.S. Commission on Civil Rights released a report documenting shocking health care disparities between Indians and other Americans. In August, the U.S. Centers for Disease Control issued a report showing that Native Americans live sicker and die younger than other Americans as a result of inadequate health care.

Another important thing happened since the Senate voted last March to add $292 million to the Indian Health Service's budget next year. Our colleagues on the other side agreed in conference to kill that funding increase. I am now offering an amendment that simply does what the Senate is on record having supported last March.

The amendment would restore the $292 million increase for the Indian Health Service that this Senate supported overwhelmingly last March.

The Civil Rights Commission report compared health care funding for Native Americans to that for other groups for which the Federal Government has direct responsibility for health care. The report compared per capita health expenditures for 2003 by category.

This chart describes in detail the comparison, I would say in somewhat embarrassing detail when you look at where we are. For the general U.S. population on an annual per capita basis, about $5,000 is spent. We spend in the VA a little more than what we spend on a national per capita basis, $5,214. For understandable reasons, seniors generate more expense, and the per capita cost for Medicare is $5,915. Medicaid drops somewhat below, about $2,000 or $1,500 below what we spend for the general population. Prisoners actually do almost as well as Medicare beneficiaries with $3,803 for Federal prisoners and $3,879 for Medicare.

Look where we are for the Indian Health Service clinical services per capita spending, $1,914, well below what we pay for Federal prisoners; about half, frankly, of what it is we pay for prisoners today. This is what the Indian population gets per capita, this is what Federal prisoners get per capita: $3,800 to $1,900.

I have to say that I don't know what clearer message we could send than that if we only spend per capita half for the Native American and Alaska population than what we spend for Federal prisoners in this country.

This funding is obviously woefully inadequate to meet the health care needs of Native Americans who, as I already noted, have a lower life expectancy than other Americans and a disproportionate number of serious medical problems. Indians have the highest rates of diabetes in the country, the highest rates of heart disease, the highest rates of sudden infant death syndrome, the highest rates of tuberculosis. There is also a great need for substance abuse and mental health services.

So while they have the greatest need, the greatest incidence of these extraordinarily difficult health problems, they have one-half the resources of what we commit to our Federal prisoners.

Native Americans are often denied care most of us take for granted, and in many cases would even consider essential. They are often required to endure long waits before seeing a doctor and may be unable to obtain a referral to see a specialist. Sometimes lack of funds means care is postponed until Indians are literally at risk of losing their lives or their limbs. Others receive no care at all.

I will never forget talking to a man who is now a tribal leader from the Yankton reservation. He told me he was hunting and he stepped in a hole. This was before he was elected. He stepped in a badger hole or one of the holes in the field as he was hunting. He broke his leg, went to the hospital, and they said there was nothing they could do. They told him to come back. He came back the next day. They said there was nothing they could do. They said, we do not know when we can help you. You may need to go somewhere else.

Well, he was in such pain that he ended up lying in bed for close to 6 months and healed without any help whatsoever.

Today he walks with a limp, he has deep scars on his leg, and he considers himself lucky, lucky because he can walk again. That is happening today in America, and I think that is so intolerable, so unacceptable, so contrary to the commitment we made to Native American people. This is rationing at its worst. Rationing of care means all too often Indians are forced to wait until their medical condition becomes even more serious and more difficult to treat. It is a situation none of us would find acceptable, but this is the reality in Indian country.

Right now, the IHS service unit at Eagle Butte in South Dakota does not have an obstetrician. The Eagle Butte service unit is funded at 44 percent of the need calculated by the Indian Health Service. The facility has a birthing room and 22 beds, but there are only 2 to 3 doctors to staff the clinic, hospital, and emergency room.

Naturally, as a result, many children and expectant mothers do not receive

the care they need and deserve. Due to budget constraints, the IHS policy is to allow only one ultrasound per pregnancy. The visiting obstetrician is available only every couple of weeks.

The story of Brayden Robert Thompson points out how dangerous this situation is. On March 3, 2002, Brayden's mother was in labor with a full-term, perfectly healthy baby. Brayden's umbilical cord was wrapped around his neck, but without ultrasound that went undetected. The available medical staff did not know what to do about his lowered heartbeat, abnormal urinalysis, or the fact his mother was not feeling well. Despite the symptoms, IHS refused to provide an ultrasound or to send her to Pierre, which is the closest city off the reservation, to see an obstetrician. Brayden was stillborn.

This tragic death was completely preventable, but tough choices are being made every single day at IHS facilities throughout the country because there simply is not enough money to provide the care every American deserves.

I received a letter not long ago from Michelle German about her daughter Brittany.

This is Brittany. I have the letter, and I will read portions of it. Michelle writes:

My daughter Brittany is thirteen years old and for the last couple of years has suffered from a skin disorder called polymorphous light erosion/eruption, which basically means she is allergic to UV rays (the sun). We had visited many doctors, at the Sisseton Indian Health Service and the Coteau des Prairie Clinic (also located in Sisseton) before being referred to a dermatologist in Fargo. . . .The Indian Health Service denied our request for a referral due to the lack of funding, but I find this very ironic because I had my own insurance. However, I was told that her condition has already been diagnosed, it is not life threatening and that the Indian Health Services were not going to be responsible for any debt that my insurance would not cover. Since this had all taken place, I had lost my job and my insurance. I find it frustrating that we were over income to qualify for Medicaid or the CHIPS program through the State of South Dakota!

To make a long story a little shorter, we have been doctoring back at the Indian Health Service and now we are battling the pharmacy because it does not carry the medication that has been prescribed to her by the dermatologist. Brittany has been [on] various medications throughout her clinic visits at the Indian Health Service without success. The prescribed medications, that are working, are not available through the Indian Health Pharmacy and I have been purchasing it from our local drug store in the amount of forty-five dollars per forty-five gram tube.

Brittany has gone through quite an ordeal because of the question ''what is the matter with your face?'' and now it is on her arms and legs which are beginning to scar due to the scratching. She has been limited to being kept indoors from the hours of 10 a.m. to 3 p.m. to prevent any outbreaks and the itchiness that follows. This is very hard for both of us because she is a very active teenager who enjoys playing golf, softball and swimming. We have had to change the type of clothing worn in the summer, the bathing soaps and lotions; she is now required to wear sunscreen and lip screen throughout her time outside. . . .

I could go on, . . . but I think you get the idea. I have attached a picture of my daughter when the skin rash started on her face for your review.

I hope this helps explain her story. We have case after case. This may not be life-threatening. But Brittany is not able to get the help she needs, the attention she needs, the treatment she needs, in large measure because IHS has said in her case they do not see a life-threatening problem.

This is not solely an Indian issue. It affects surrounding rural community hospitals, ambulance services, and other health care providers who work with the IHS.

The Lake Andes-Wagner ambulance district in southeastern South Dakota is facing financial disaster, in part because they have not been reimbursed properly by the Indian Health Service. This ambulance service offers emergency transport for citizens of Charles Mix County and Yankton Sioux tribal members, since the Wagner IHS hospital cannot afford to operate its own service. If this ambulance service shuts down, what will these residents, Indian or non-Indian, do when they face an emergency?

Bennett County Hospital in southwestern South Dakota suffers similar IHS reimbursement problems, as do others in the non-IHS areas throughout rural America.

In his budget request for the next fiscal year, the President requested only $1.9 billion for clinical services for Indians. This represents a very small increase over what the President requested for fiscal year 2003 and no increase over what was finally included in the omnibus appropriations bill. We can and we must do better.

The amendment I am proposing again would increase funding for clinical services by a mere $292 million. I would like to say that this is the minimum amount that is necessary to provide basic health care to the current IHS user population, but I can't say that. The minimum amount necessary is an additional $2.9 billion, and this is one-tenth of that amount.

Today, I am asking the Senate to live up to the commitment it made last March, to make that extremely modest $292 million increase real by including it in this appropriations bill. It is nowhere near enough, and it is sorely needed to address the severe funding shortfall the Indian Health Service faces.

The cost of the amendment is offset by revenue raised from an extension of the customs user fee that will otherwise expire on September 30. We all agree the extension is inevitable. This will require only a small portion of those funds, and I can think of no better use for the money.

Native Americans are facing a literal ''life or limb'' test before they can access health care today. We are spending twice as much per capita on Federal prisoners' health than on the health care for the Indians to whom we promised full health benefits. We simply cannot tolerate this. The problem is real. The solution is simple. We must start giving the Indian Health Service the funds it needs to provide Native Americans the health benefits they were promised.

Let's take this modest step toward that end.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

(The remarks of Mr. CHAMBLISS pertaining to the introduction of S. 1635 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PESTICIDE REGISTRATION APPLICATIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent to have printed in the RECORD a chart outlining the proposed decision time review periods for various categories of pesticide registration applications submitted to the Environmental Protection Agency.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Pesticide Fee Categories

	A	B	C	D	E	F	G	H
1			Decision Times (months)					
2	Div.	Action /1/	FY04	FY05	FY06	FY07	FY08	Fee
3	BPPD	New ai, food use, microbial/biochemical, w/tolerance /2/	18	18	18	18	18	$40,000
4	BPPD	New ai, food use, microbial/biochemical, w/exemption /2/	16	16	16	16	16	$25,000
5	BPPD	New ai, non-food use, microbial/biochemical /2/	12	12	12	12	12	$15,000
6	BPPD	EUP, food use; microbial/biochemical, w/temp. tol. exemp.	9	9	9	9	9	$10,000
7	BPPD	EUP, non-food use, microbial/biochemical	6	6	6	6	6	$5,000
8	BPPD	New use, first food use, microbial/biochemical, w/exemption	12	12	12	12	12	$10,000
9	BPPD	New use, first food use, microbial/biochemical, w/tolerance /2/	18	18	18	18	18	$15,000
10	BPPD	New use, non-food, microbial/biochemical	6	6	6	6	6	$5,000
11	BPPD	New product, me-too, fast track, microbial/biochemical	3	3	3	3	3	$1,000
12	BPPD	New product, non-fast track, microbial/biochemical	6	6	4	4	4	$4,000
13	BPPD	Amendment, non-fast track, microbial/biochemical /3/	6	6	4	4	4	$4,000
14	BPPD	SCLP, new ai, food use or non-food use /2/	6	6	6	6	6	$2,000
15	BPPD	SCLP, EUP (new ai or new use)	6	6	6	6	6	$1,000
16	BPPD	SCLP, new product, me-too, fast track	3	3	3	3	3	$1,000
17	BPPD	SCLP, new product, non-fast track	6	6	4	4	4	$1,000
18	BPPD	SCLP, amendment, non-fast track /3/	6	6	4	4	4	$1,000
19	BPPD	PIP, EUP, non-food/feed or crop destruct, no SAP (submitted before new ai package, $25K credit toward new ai registration)	12	12	6	6	6	$75,000
20	BPPD	PIP, EUP, set temp. tolerance/exemption, no SAP (submitted before new ai package, $50K credit toward new ai registration)	12	12	9	9	9	$100,000
21	BPPD	PIP, EUP, new ai, non-food/feed or crop destruct, SAP required (submitted before new ai package, $75K credit toward new ai registration)	15	15	12	12	12	$125,000
22	BPPD	PIP, EUP, new ai, set temp. tolerance/exemption, SAP required (submitted before new ai package, $100K credit toward new ai registration)	18	18	15	15	15	$150,000
23	BPPD	PIP, register new ai, non-food/feed, no SAP	18	18	12	12	12	$125,000
24	BPPD	PIP, register new ai, non-food/feed, SAP required	24	24	18	18	18	$225,000
25	BPPD	PIP, register new ai, temp. tolerance/exemption exists, no SAP	18	18	12	12	12	$200,000
26	BPPD	PIP, register new ai, temp. tolerance/exemption exists, SAP required	24	24	18	18	18	$300,000
27	BPPD	PIP, register new ai, set tolerance/exemption, no SAP	21	21	15	15	15	$250,000
28	BPPD	PIP, register new ai, with EUP request, set tolerance/exemption, no SAP	21	21	15	15	15	$300,000
29	BPPD	PIP, register new ai, set tolerance/exemption, SAP required	24	24	21	21	21	$350,000
30	BPPD	PIP, register new ai, with EUP request, set tolerance/exemption, SAP required	24	24	21	21	21	$400,000
31	BPPD	EUP, food use, PIP, amendment /3/	6	6	6	6	6	$10,000
32	BPPD	PIP, new use /4/	9	9	9	9	9	$30,000
33	BPPD	PIP, new product /5/	12	12	9	9	9	$25,000
34	BPPD	PIP, amendment, seed production to commercial registration	15	15	12	9	9	$50,000
35	BPPD	PIP, amendment, non-fast track (except 34 above) /3/	6	6	6	6	6	$10,000
36	AD	New ai, food use, exemption /2/	35	24	24	24	24	$90,000
37	AD	New ai, food use, tolerance /2/	35	24	24	24	24	$150,000
38	AD	New ai, non-food use, outdoor, FIFRA §2(mm) uses /2/	FIFRA §3(h) decision times					$75,000
39	AD	New ai, non-food use, outdoor, other uses /2/	31	21	21	21	21	$150,000
40	AD	New ai, non-food use, indoor, FIFRA §2(mm) uses /2/	FIFRA §3(h) decision times					$50,000
41	AD	New ai, non-food use, indoor, other uses /2/	29	20	20	20	20	$75,000
42	AD	New use, first food, exemption /2/	29	21	21	21	21	$25,000
43	AD	New use, first food, tolerance /2/	29	21	21	21	21	$75,000
44	AD	New use, food, exemption	24	15	15	15	15	$10,000
45	AD	New use, food, tolerance	24	15	15	15	15	$25,000
46	AD	New use, non-food, outdoor, FIFRA §2(mm) uses	FIFRA §3(h) decision times					$15,000

	A	B	C	D	E	F	G	H
1			Decision Times (months)					
2	Div.	Action /1/	FY04	FY05	FY06	FY07	FY08	Fee
47	AD	New use, non-food, outdoor, other uses	24	15	15	15	15	$25,000
48	AD	New use, non-food, indoor, FIFRA §2(mm) uses	FIFRA §3(h) decision times					$10,000
49	AD	New use, non-food, indoor, other uses	20	12	12	12	12	$10,000
50	AD	EUP	9	9	9	9	9	$5,000
51	AD	New product, me-too, fast track	3	3	3	3	3	$1,000
52	AD	New product, non-fast track, FIFRA §2(mm) uses	FIFRA §3(h) decision times					$4,000
53	AD	New product, non-fast track, other uses	8	6	6	6	6	$4,000
54	AD	New manufacturing-use product, old ai, selective citation	24	18	12	12	12	$15,000
55	AD	Amendment, non-fast track /3/	6	4	4	4	4	$3,000
56	RD	New ai, food use /2/	38	34	24	24	24	$475,000
57	RD	New ai, food use, reduced risk /2/	32	26	21	21	21	$475,000
58	RD	New ai, food use, with EUP request (decision time for EUP and temp tolerance same as below) /2/	38	34	24	24	24	$525,000
59	RD	New ai, food use, EUP, set temp. tolerance, (submitted before new ai package; $300K credited toward new ai registration)	32	28	18	18	18	$350,000
60	RD	New ai, food use, submitted post-EUP (decision time begins after EUP and temp. tolerance are granted) /2/	28	24	14	14	14	$175,000
61	RD	New ai, non-food use, outdoor /2/	32	28	21	21	21	$330,000
62	RD	New ai, non-food use, outdoor, reduced risk /2/	26	22	18	18	18	$330,000
63	RD	New ai, non-food use, outdoor, with EUP request (decision time for EUP same as below) /2/	32	28	21	21	21	$365,000
64	RD	New ai, non-food use, outdoor, EUP (submitted before complete new ai package, $210K credited toward new ai	27	23	16	16	16	$245,000
65	RD	New ai, non-food use, outdoor, submitted post-EUP (decision time begins after EUP has been granted) /2/	24	20	12	12	12	$120,000
66	RD	New ai, non-food use, indoor /2/	30	26	20	20	20	$190,000
67	RD	New ai, non-food use, indoor, reduced risk /2/	26	22	17	17	17	$190,000
68	RD	First food use, indoor food/food handling /2/	30	24	21	21	21	$150,000
69	RD	New use, indoor food/food handling	30	24	21	15	15	$35,000
70	RD	New use, first food use /2/	32	26	21	21	21	$200,000
71	RD	New use, first food use, reduced risk /2/	28	22	18	18	18	$200,000
72	RD	New food use, each	38	30	22	15	15	$50,000
73	RD	New food use, reduced risk, each	36	28	20	12	12	$50,000
74	RD	New food uses, bundled, 6 or more	38	30	22	15	15	$300,000
75	RD	New food uses, reduced risk, bundled, 6 or more	36	28	20	12	12	$300,000
76	RD	New food use, EUP, temp tolerance (no credit toward new use registration)	35	27	19	12	12	$37,000
77	RD	New food use, EUP, crop destruct	8	8	6	6	6	$15,000
78	RD	New use, non-food, outdoor	28	24	20	15	15	$20,000
79	RD	New use, non-food, outdoor, reduced risk	26	22	18	12	12	$20,000
80	RD	New use, non-food, outdoor, EUP (no credit toward new use registration)	8	8	6	6	6	$15,000
81	RD	New use, non-food, indoor	24	18	12	12	12	$10,000
82	RD	New use, non-food, indoor, reduced risk	22	16	9	9	9	$10,000
83	RD	Import tolerance, new ai or first food use /2/	38	30	21	21	21	$250,000
84	RD	Import tolerance, new food use	38	30	22	15	15	$50,000
85	RD	New product, me-too, fast track	3	3	3	3	3	$1,000
86	RD	New product, non-fast track (includes reviews of product chemistry, acute toxicity, public health pest efficacy)	10	8	6	6	6	$4,000
87	RD	New product, non-fast track, new physical form (excludes selective citations)	16	14	12	12	12	$10,000
88	RD	New manufacturing-use product, old ai, selective citation	24	18	12	12	12	$15,000

	A	B	C	D	E	F	G	H
1			Decision Times (months)					
2	Div.	Action /1/	FY04	FY05	FY06	FY07	FY08	Fee
89	RD	Amendment, non-fast track, (includes changes to precautionary label statements, source changes to an unregistered source) /3/	6	5	4	4	4	$3,000
90	RD	amendment, non-fast track (changes to REI, PPE, PHI, rate & no. of applications; add aerial application; modify GW/SW advisory statement) /3/	20	16	12	8	8	$10,000
91	RD	Amendment, non-fast track, isomers	22	20	18	18	18	$240,000
92	RD	Cancer reassessment, applicant-initiated	22	20	18	18	18	$150,000
93								
94	/1/	Abbreviations: AD = Antimicrobial Division; ai = active ingredient; BPPD = Biopesticide and Pollution Prevention Division; EUP = experimental use permit; fast track = qualifies for expedited processing under FIFRA §3(c)(3)(B)(i)(I); me-too = new product registration of already registered active ingredient; GW/SW = ground water/surface water; PHI = pre-harvest interval; PIP = plant-incorporated protectant; PPE = personal protective equipment; RD = Registration Division; REI = restricted entry interval; SAP = FIFRA Science Advisory Panel meeting; SCLP = straight-chain lepidopteran pheromone.						
95	/2/	All uses (food and non-food) included in any orginal application or petition for a new active ingredient or a first food use are covered by the base fee for that application.						
96	/3/	EPA-initiated amendments shall not be charged fees.						
102	/4/	Example: transfer of existing PIP trait by traditional breeding, such as from field corn to sweet corn.						
103	/5/	Example: stacking PIP traits within a crop using traditional breeding techniques.						

THIRD ANNIVERSARY OF THE MURDER OF UKRAINIAN GEORGIY GONGADZE

Mr. LEVIN. Mr. President, the nation of Ukraine recently celebrated the 12th anniversary of its independence from the former Soviet Union. This milestone, gained after decades under Soviet repression, is a notable achievement that bears witness to humanity's inextinguishable and universal desire for liberty and freedom. Twelve years after its independence, much has been achieved, yet much work remains to be done before Ukraine is able to fulfill its considerable promise and fully join the Euro-Atlantic community of nations that find unity through their commitment to democracy and a steadfast adherence to the rule of law.

Yesterday also marked the third anniversary of the disappearance and murder of Ukrainian journalist Georgiy Gongadze. This anniversary casts a pall over Ukrainian society and underscores the problems it faces as it seeks to reform its domestic political situation. The editor of an internet newspaper, Ukrainska Pravda Ukrainian Truth—Gongadze reported widely on corruption within highest circles of Ukrainian society. He was an outspoken critic of corruption, and his decision to create an internet news journal was done in part to avoid some of the censorship and intimidation imposed upon journalists in Ukraine who routinely have their papers seized, presses damaged, and lives threatened by government officials.

However, Gongadze's actions did not escape official notice. Nothing done by members of the fourth estate is going unnoticed in a nation that Reporters Without Frontiers ranked 112th in its rating of worldwide media freedom. After Gongadze's disappearance, tapes secretly recorded by Mykola Melnychenko, a former bodyguard for President Leonid Kuchma, documented plans by President Kuchma and other government officials to dispose of Gongadze by a variety of means including "selling him to the Chechens."

Since his disappearance 3 years ago, little headway has been made into the investigation of his murder. Ukrainian officials have hindered efforts by the FBI to examine evidence, court documents have been forged and a witness in the case recently died while in police custody. Delays into this investigation and the lack of transparency with which it has been conducted undermine the reputation of Ukraine and hinders its relationship with the United States, the European Union, and NATO.

Much has been made of Ukraine's contribution to Operation Iraq Freedom. Currently, a brigade of Ukrainian soldiers are on the ground in Iraq, and this contribution is greatly appreciated. Yet such assistance, coupled with military reform, should not be seen as a quid pro quo for a lack of reform on Ukraine's domestic front. Unification with the Euro-Atlantic community is not merely a geopolitical or bureaucratic decision. Ukraine must continue efforts to develop and implement a responsive and transparent rule-based system of law before it is fully able to from the West.

The conduct of the October 2004 Presidential elections in Ukraine will be watched closely by the international community. Free and fair elections, regardless of their final outcome, will be an important step toward Ukraine's rapproachment with the community of nations. This election will be vital not for its outcome, but for the process by which it is conducted. It is my hope that the October 2004 elections will aid Ukraine's transformation from a nation where fear undermines public discourse into a nation where all facets of society can freely engage in the market-place of ideas without fear of recrimination. Only in such a society will we be able to learn the truth surrounding the disappearance and murder of Georgiy Gongadze. His family and the Ukrainian people deserve no less.

TRIBUTE TO MARVIN "SONNY" ELIOT

Mr. LEVIN. Mr. President, today I have the honor of recognizing a great American and Michigander, Marvin "Sonny" Eliot. Sonny was born and raised in my hometown of Detroit. He is well known as a popular TV and radio weatherman, with a career spanning 57 years. However, equally as impressive as his broadcasting career is his aviation and military career.

Sonny had always wanted to fly planes. While in high school, he commuted across town to take a special aviation course at another school. Sonny did so well on the final exam that he was awarded flying lessons, which led to his pilot's license in 1940. After high school, Sonny attended Wayne State University. Before finishing a degree program, he decided to enlist in the U.S. Army Air Corps.

Following his training in the Air Corps, Sonny was shipped to Wendling, England, where he flew B–24's as part of the 392nd Heavy Bomber Group. During World War II, Sonny was shot down over Gotha, Germany on his 16th mission. Subsequently, he was captured by the Nazis and spent 16 months as a Prisoner of War in Germany, 14 of which were in the prison camp Stalag Luft I. Due to his valor and loyalty in the service, Sonny earned the Distinguished Flying Cross, Air Medal, and Purple Heart. In addition, he received the Presidential Unit Citation with all the members of the 392nd Heavy Bomber Group for carrying out one of the most vital air strikes of the aerial attacks of the war.

After returning from Europe in 1945, Sonny continued his studies at Wayne State University where he earned a B.A. in English and an M.A. in Mass Communication and began his career in broadcasting. He has spent almost six decades on Detroit's airwaves with WWJ Radio and Channels 2 and 4 television, best known as a personable and humorous weatherman. In fact, his witty weather reports have been named the nation's best by the National Association of TV Program Executives.

Nevertheless, his interest in aviation never faded. While at Channel 4 TV and WWJ, Sonny won numerous news media awards for promotion and public awareness of aviation. In addition, he continues to fly and has accumulated more than 7,500 hours. Sonny holds the rank of colonel in the U.S. Air Force Reserve and was named the Air Force liaison for the 1st Congressional District. In October 2001, as a result of his lifelong commitment to aviation, he was enshrined into the Michigan Aviation Hall of Fame.

Currently, Sonny can be heard on WWJ-AM 950 with his easy-to-understand weathercasts. I am pleased to join my colleagues in the Senate in saluting Marvin "Sonny" Eliot's lifetime full of contributions to his country and the state of Michigan. I wish him continued success in the future.

NEGOTIATION OF A U.S.-CENTRAL AMERICAN FREE TRADE AGREEMENT

Mr. BAUCUS. Mr. President, I rise today to address the ongoing negotiations for a United States-Central America Free Trade Agreement—also known as the "CAFTA."

These negotiations present a couple of unique challenges.

First, most of the CAFTA countries are less developed, both economically and politically, than Mexico, Chile, or any of our other FTA partners. This presents challenges to the abilities of the Central American countries—both to negotiate a comprehensive set of commitments and to implement them effectively.

Second, these negotiations are on an accelerated schedule. They started in January 2003 and are set to conclude by the end of this year. The limited trade negotiating capacities of the CAFTA countries makes this an ambitious goal.

Third, several of the CAFTA countries played a less than constructive role at the WTO Cancun Ministerial. Their participation in the G–21 and the role of that group in precipitating the meeting's collapse raises serious questions about their commitment to trade liberalization.

I support comprehensive free trade agreements that create sound market access rules and meaningful commercial opportunities for American farmers, workers, and businesses. And I support, in principle, the goal of reaching such an agreement with the five CAFTA countries.

But we need to be realistic. A CAFTA agreement will be politically difficult here—much more so than the recently passed free trade agreements with Singapore and Chile. The issues it raises will be challenging on both sides of the aisle.

Next year's vote on CAFTA will also set the stage for the many free trade agreements that are lining up to pass through Congress: Morocco, Australia, the Dominican Republic, South Africa, Bahrain. The list just keeps growing.

To keep our trade agenda moving forward, we need a CAFTA that can pass with a large majority. If CAFTA sours the Congress on FTAs we are in for real trouble.

With only 4 months left in the negotiations, time is running short. But there is still time enough to push the CAFTA negotiations in the right direction. We can do that by addressing three principal concerns:

First, there needs to be a clear acknowledgment by our negotiators that CAFTA presents different challenges than other agreements. These countries have different political, legal, and social structures, and different economies, than any of our existing FTA partners.

We cannot simply table the Singapore and Chile texts and say we are done. Not for market access or agriculture. Not for services and intellectual property. Not for environment or labor. One size does not fit all.

Second, we need to make sure that this agreement is comprehensive. Taken together, the CAFTA countries are about our 18th largest trading partner. They account for one percent of U.S. trade. So the commercial benefits from this agreement will be modest at best.

Absent significant commercial gains, the only way to ''sell'' the CAFTA to our farmers, workers, and businesses, is as a strong model for future agreements.

We hear from Costa Rica that they don't want a telecom chapter in the agreement. This is a bad precedent.

Similarly, we can't allow ourselves to go too far down the path of ''non-reciprocal'' market access provisions for developing countries, just to get an agreement done.

Given their reluctance to tackle hard issues in the FTA negotiations and the recent actions of some of the CAFTA countries in Cancun, I am frankly skeptical about where the CAFTA negotiations are headed. If we, and the CAFTA countries, are not prepared to conclude a comprehensive agreement, we need to ask ourselves if this agreement is worth negotiating at all.

Third, we need to do more to address legitimate concerns about environment and labor.

Any number of objective sources have pointed out deficiencies in the environmental and labor laws of the various CAFTA countries.

And there is widespread agreement including among the CAFTA governments themselves—that these countries lack the capacity to effectively enforce their own environmental and labor laws.

Yet that is just what the text tabled by USTR would require them to do. Even as the evidence mounts, our negotiators stick stubbornly to their determination not to go beyond the Chile and Singapore texts.

That won't work. For CAFTA, we need a different approach.

To date, our domestic politics on environment and labor have been polarized. The CAFTA countries see that and they use it as an excuse not to engage constructively.

I want to help break this deadlock. I want to get us all talking about constructive ways to address environment and labor.

A workable approach to environment and labor in the CAFTA will do two things. It will help the CAFTA countries overcome their capacity limitations. And it will give assurance that meaningful improvements in environmental and labor standards and enforcement in those countries are occurring.

In the next weeks, I plan to release a detailed proposal for addressing environmental issues in the CAFTA. I will give just a short preview today.

My proposal combines improvements to the Chile and Singapore environment chapter text with enhancements to the trade capacity building and environmental cooperation programs.

In the text, I propose changes that will help build an open and responsive system of environmental regulation in the CAFTA countries. For example, the citizen petition process used in the NAFTA side agreement has helped empower environmental NGOs in Mexico, with positive effects. I think that should be a model for the CAFTA.

On trade capacity building, I think we can make this process work better to achieve long-term environmental and sustainable development goals. On the U.S. side, that means creating a mechanism that assures funding for capacity building over the long term.

For the CAFTA countries, it means completing the ongoing regional process of setting environmental priorities, and establishing a monitoring system to assure that capacity building is leading to progress toward those goals.

I look forward to sharing my detailed proposal in the near future.

It does not serve America's trade interests to negotiate imperfect trade agreements simply to put another notch on our belt.

I hear people say all the time that America has fallen behind other countries in negotiating FTAs and needs to ''catch up.'' But this is not a numbers game. We must always remember that it is the quality, not the quantity, of our free trade agreements that matters.

I hope that I will be able to work with the administration to pass a good agreement with Central America. It is an important region, and this could be a significant agreement.

But the Trade Act—and specifically the provisions on labor and environment—must be adhered to. Submitting the same labor and environment text for all agreements—regardless of the situation in that country—is not, in my view, consistent with the Trade Act.

If we end up with an agreement that ignores Members' concerns on labor and the environment, I will work hard against it.

I hope it does not come to that. I hope that we can work together on an agreement that makes sense and moves the ball forward. And I stand ready to do that.

COLLAPSE OF THE WTO MINISTERIAL

Mr. BAUCUS. Mr. President, I rise today to talk about next steps for our trade agenda after last week's collapse of the World Trade Organization Ministerial in Cancun.

Certainly, the WTO is not dead. In fact, this kind of setback is fairly common in its history. Sooner or later the negotiators pick up the pieces and get back to work. We must and we will continue to try to get the Doha round negotiations back on track. And eventually, I think we will succeed.

But it probably won't happen soon.

In the meantime, we need to learn from last week's events and adjust our national trade strategy accordingly. In my view, there are two important lessons to be learned.

First, we can't count on a sweeping WTO agreement to be an engine of economic growth for our country any time soon. The President has made the stimulative effect of a strong WTO agreement a centerpiece of his plan for economic recovery and long-term growth. If we want to stimulate the economy through trade—and I certainly support that goal—then we need a new plan.

Second, the administration needs to rethink its strategy for picking FTA partners. I have heard many times that we need FTA partners who will be allies in the WTO and help the United States move that process forward. Instead, many of the same countries who are negotiating FTAs with us joined the G–21 and helped deadlock the ministerial.

So where do we go next?

To begin, I don't think we should overreact. Punishing trading partners with whom we have differences of opinion is not likely to be productive in the long term.

That doesn't mean they get a free pass. To the contrary, the onus is very much on Costa Rica, South Africa, Guatemala, and the others to take significant, constructive steps right now to show that they take their FTA negotiations seriously and are committed to comprehensive agreements with the United States. Where they have been holding back in FTA talks, they need to start putting more on the table. And if they don't, they should realize we have other countries to look to.

At the same time, we need to think hard about how to use trade agreements to create economic alternatives to the WTO. American workers, farmers, and businesses have just suffered a

big setback. They will not see the economic benefits of the Doha round for a long time. We need to focus our negotiating resources on bilateral and regional deals that can provide real commercial opportunities in the short term. That means, in picking FTAs, we need to give less weight to foreign policy and more weight to economic policy.

Access to the large and vibrant U.S. market remains our best leverage in opening markets around the world. We must continue to use that leverage well.

I am disappointed in the outcome of Cancun. Like all disappointments, however, it offers lessons for the future. I hope we will learn those lessons and apply them to our trade agenda as we move forward.

NATIONAL PUBLIC LANDS DAY

Mr. CRAIG. Mr. President, the focus of National Public Lands Day, 2003, is to improve and conserve our Nation's forests, grasslands, plains, rivers, streams and wetlands. As last year, we can expect tens of thousands of volunteers to join our dedicated land managers in projects across the country to protect America's rich natural resources and improve our opportunities to enjoy them.

Year and year National Public Lands Day volunteers are maintaining the legacy of the Civilian Conservation Corps, CCC, who exemplified land stewardship through the thirties and into the forties. National Public Lands Day continues to serve, as did the CCCs, to build a sense of ownership for our public lands. I believe this land stewardship and sense of ownership are most critical today as many changes are occurring which are affecting our public lands. I would like to spend just a few minutes to discuss these changes, how they are affecting our public lands and what we are, and can be, doing to address these impacts.

Our first concern is fire and fuels. Many of you are well aware of the catastrophic wildfires that have been occurring across the country over the past several years. This is a direct result of changing forest conditions that have led to a large build-up of fuels. Through legislated authorities such as Stewardship Contracting, communities are working with resource professionals and private contractors to address this situation while providing jobs, products and local income. We need to continue this work together to thin our forests, reduce hazardous fuels and restore the landscape to a more balanced condition. We need to continue to work together to provide more defensible space around our communities. Through legislation such as the Healthy Forest Initiative we can facilitate such projects that will protect our communities, our watershed and other at-risk lands. By continuing to work together we can address these hazardous conditions with win-win solutions.

The introduction and spread of unwanted invasive species is another concern. Noxious weeds, non-native fish species and introduced insects are just a few examples of invasive species that can wreak havoc on our public lands and across all ownerships. Throughout the country, local governments, private landowners and public land managers are working together to build strategies and share resources to combat invasive species across broad landscapes. Working together we can develop prevention plans to keep unwanted species out and control plans to reduce or eradicate unwanted species that have already arrived. Working together we can ensure that our public lands will remain healthy habitats for the plants and animals that enrich our lives.

Another concern is that, across the country, farms, ranches and other large tracts of open land are disappearing. These open spaces are being converted into neighborhoods, shopping malls and commercial complexes. In many respects these developments bring progress and benefits. In other ways these changes are creating a ripple effect on our public lands. Uses that were once spread across open lands owned by many are now being concentrated on the open lands remaining—Public Lands. Working together we can address these issues by considering these effects prior to development. Working together we can anticipate the increased demands such development will have on public lands and prepare our land managers to meet those demands. Working together we can find ways to promote development and protect our public lands.

Our last major concern is unmanaged outdoor recreation. Americans are hard working, but in our time off we like to play as hard as we work. More and more, many of us like to recreate on our Nation's public lands. As a result the numbers of recreationists and types of recreational activities are increasing at a staggering rate. This is creating a situation that leaves land managers struggling to keep up and the public frustrated with unmet expectations. To help with this situation, across the country, volunteers, user groups and resource professionals are working together to provide trail systems that provide high quality, safe experiences for hikers, stock users and OHV riders of all ages. Senior citizens and other volunteers are providing campground host services to ensure safe, enjoyable camping experiences. And volunteers are providing interpretive services and educational programs to enhance American's understanding of their natural environment. Through efforts such as these we can keep our Public Lands special places for all Americans to use and enjoy.

Public Lands are a national resource and a national treasure. The spirit of volunteers demonstrated on National Public Lands Day and the examples I've given of communities working together with resource professionals shows what can be done when we pull together. Working together on National Public Lands Day, and every day, will ensure that these lands are here for our enjoyment for generations to come.

A BAD AMENDMENT

Mr. LEVIN. Mr. President, this week Americans for Gun Safety, the Brady Campaign to Prevent Gun Violence United with the Million Mom March, and Coalition to Stop Gun Violence have joined to oppose an amendment included in the House version of the Commerce, Justice, and State Department Appropriations Act that would cripple the ability of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the Nation's gun safety laws against firearms dealers who supply guns to criminals.

The House amendment would prohibit the public release of information related to the importation and production of firearms. This would mean that the only reliable national information available on how many guns are produced in a given year, as well as type, caliber, and manufacturer, would no longer be available to the public. Further, the amendment would prohibit the public release of information related to multiple handgun sales. Under current law, dealers are required to notify the BATFE of the sale of two or more handguns to the same person within 5 business days. Eliminating the public availability of this data would make it more difficult to monitor the activities of reckless gun dealers. In addition, the amendment would prohibit the release of information related to tracing requests on guns used in crimes.

The amendment would also prohibit the BATFE from issuing a rule requiring Federal firearm licensees to submit to a physical inventory. A physical inventory recently revealed that a Tacoma, WA gun dealer could not account for the sniper rifle used by the Washington, DC area sniper and more than 200 other guns in his inventory. The amendment would also require the immediate destruction of records of approved firearms purchases and transfers generated by the National Instant Criminal Background Check System. The retention of these records has assisted law enforcement officials in trying to prevent guns from getting into the hands of criminals and identifying gun trafficking patterns.

This amendment was never the subject of hearings, is not supported by any major law enforcement organizations, is not supported by Attorney General John Ashcroft or Director of the BATFE Bradley Buckles.

I support the efforts of Americans for Gun Safety, the Brady Campaign to Prevent Gun Violence United with the Million Mom March, and Coalition to Stop Gun Violence to block this amendment. This provision could

shield reckless and negligent gun dealers from public scrutiny and weaken the BATFE's oversight and enforcement authority.

INCREASING MILITARY PAY CATEGORIES

Mr. DURBIN. Mr. President, I have joined Senator DASCHLE in introducing a bill that would make permanent the increases in imminent danger pay and family separation allowance passed by Congress in the Fiscal Year 03 Emergency Wartime Supplemental Appropriations Act.

Last spring, when the Senate considered the Budget Resolution, it passed, by a vote of 100 to 0, an amendment I offered with Senator LANDRIEU that would have allowed for $1 billion to cover the increase in these special pay categories.

Then, when the Senate considered the Fiscal Year 2003 Emergency Wartime Supplemental Appropriations Act, it unanimously accepted an amendment I offered with Senator STEVENS and Senator INOUYE, increasing these pay categories for the remainder of the fiscal year.

The amendment we offered to the Supplemental sunset these pay increased, not because we wished to end them, but simply to allow the Armed Services Committee—the Committee of jurisdiction—to increase these pay levels in the Fiscal Year 2004 Defense Authorization bill, which it did.

Now—when soldiers are dying in Iraq and military families have been separated for many months—we hear that the Administration wishes to cut these pay increases in the Conference Committee.

The Statement of Administration Policy on the House version of the bill objects to the provision increasing both pay categories, saying it would ''divert resources unnecessarily.'' The statement on the Senate bill only objects to the increase in Family Separation Allowance.

When confronted with questions about why the Administration wanted to reduce these pay categories, Defense Department spokesman, Under Secretary David Chu, came up with the classic Washington non-denial denial. On August 14, Chu said: ''I'd just like very quickly to put to rest what I understand has been a burgeoning rumor that somehow we are going to reduce compensation for those serving in Iraq and Afghanistan. That is not true. . . . ''

''What I think you're pointing to is one piece of very thick technical appeal document that speaks to the question do we want to extend the language Congress used in the Family Separation Allowance and Imminent Danger Pay statutes. And no, we don't think we need to extend that language. That's a different statement from are we going to reduce compensation for those in Iraq and Afghanistan . . .''

What do these statements mean?

Evidently the administration wants to claim that it will keep compensation the same for those serving in Iraq and Afghanistan through other pay categories, but do indeed intend to roll back the increases to imminent danger pay and family separation allowance.

This means that a soldier getting shot at fighting the war on terrorism in Yemen or the Philippines would receive less money than one who is similarly risking his or her life in Iraq. This means that a family bearing huge costs because of burdensome, long-term deployments would only be helped if the service member is deployed to Iraq or Afghanistan, but not if that same service member is deployed anywhere else in the world.

It is unfair to cut funding intended to help military families that are bearing the costs of far-flung U.S. deployments. It is unacceptable that imminent danger would be worth less in one combat zone than in another.

The bill we introduce today makes a clear statement that these pay categories should be increased permanently and should not be cut in conference.

Until these pay levels were increased in the Supplemental, an American soldier, sailor, airman, or Marine who put his or her life on the line in imminent danger only received an extra $150 per month. My amendment increased that amount to $225 per month—still only an acknowledgment of their courage, but an increase nonetheless.

Prior to the increase in the supplemental appropriations bill, family separation had been only $100 per month. We succeeded in raising it to $250 per month. These increases are only part of a normal progression of increases—for example, in 1965, imminent danger pay was $55; $100 in 1985, and raised to $150 in 1991. Family separation allowance was $30 in 1970, $60 in 1985, $75 in 1991, and $100 in 1997.

Family separation allowance was originally intended to pay for things that the deployed service member would have done, like cut the grass, that the spouse may then have had to hire someone to do. That may well have been appropriate in the past, but now most families have two working spouses—sometimes two working military spouses—and the absence of one or both parent may add huge child care costs that even the increased rate is unlikely to cover.

Military spouses sometimes find that they must give up their jobs or curtail their working hours in order to take up the family responsibilities that otherwise would have been shared by the missing spouse.

Example of increased costs that families may incur when military personnel are deployed, in addition to increased child care costs include: health care costs not covered by TRICARE, for example, the cost of counseling for children having a difficult time with their parents' deployment; costs for the family of an activated Reservist or National Guard member to travel to mobilization briefings, which may be in another state; various communication and information-gathering costs.

I would like to quote for the RECORD from an article that appeared in The Washington Post on April 11, 2003, entitled ''Military Families Turn to Aid Groups,'' that outlines how military families have had to rely on private aid organizations to help them when their spouses are deployed. The article highlights the case of one mother, Michele Mignosa and says:

> The last 18 months have brought one mishap or another to Michelle Mignosa. Her husband, Kevin, is an Air Force reservist who since Sept. 11, 2001, terrorist attacks has been away from their Lancaster, Calif., home almost as much as he's been there. First, there were the out-of-state trips to provide airport security. Then he was deployed to Turkey for 2½ months last spring. Now he's in Greece with an air-refueling unit . . . And while he has been gone, the problems have piled up at home . . . Strapped for cash since giving up her part-time job because of Kevin's frequent far-off postings, she didn't know where the money would come from to resolve yet another problem.

I applaud the efforts of private aid groups to help military families, but I believe that it is the duty of the U.S. Government to cover more of the costs incurred because of military deployments. It should not matter to which country the service member is deployed. Cuts must not be made to funds helping military families that are bearing the costs of war, homeland security, and US military commitments abroad.

To say that pay will not decrease to those serving in Iraq or Afghanistan is ignoring the truth—rolling back family separation allowance from $250 per month to $100 per month will cost our military families and could be especially painful those living on the edge.

I urge my colleagues to support the bill that Senator DASCHLE and I have introduced and make a strong statement to the Defense Department that Congress will not stand for cutting imminent danger pay and family separation allowance.

ADDITIONAL STATEMENTS

IN HONOR OF JOHNNY CASH

• Mr. PRYOR. Mr. President, I rise today in support of the resolution to honor a great singer, a great songwriter, a great American, a man who truly lived the American Dream. J.R. Cash, otherwise known as ''the man in black,'' Johnny Cash, captivated all those who listened during a career that spanned four decades. The man in black was a man who embodied and lived the spirit of working class America and transformed that spirit into song. I speak today to honor the life and work of this Arkansas native and music legend, and I would like to thank the Senator from Tennessee, Mr. ALEXANDER, for his resolution and kind words.

A native of Kingsland and Dyess, AR, Mr. Cash was respected and idolized by many in my State. It is always a tragedy to lose a native son, but I know the people of Arkansas will especially mourn the loss of Mr. Cash, who passed away last Friday at the age of 71.

Johnny Cash's life reads much like that of many Arkansas born during the dark and dreary days of the Depression. He was born to a family of sharecropper in Kingsland, February 26, 1932, a small town in South Arkansas not far from where my own father was born.

When he was 3, his family moved to Dyess, AR—a farming colony established by Franklin Delano Rossevelt's New Deal to help lift displaced farming families out of the Depression and the crushing poverty that still permeates a large part of the Delta soil. The Cash's were especially poor. A neighbor, Earl Condra of Harrisburg, who knew the plight of many families of the region once said, ''We were poor, but the Cash's were about as poor as you could get.''

No one in the family escaped working on the farm. By the time he was 6, Cash was carrying water to workers in the field. By 10 he working almost a full day in the cotton fields, from, as he said, ''can 'til can't''. When he was 12, his 14-year-old brother, whom young Johnny idolized, was killed in a saw accident while sawing oak logs into fence posts for the family farm. That same year, Cash's father told him he had reached ''the age of accountability . . . you're accountable as a man, to yourself and to others.''

For Cash, it seemed the only escape from his hard life was through music. After a long, hard day picking cotton in the fields, his family would often sit on their front porch and sing.

''I remember when I was a lad, times were hard and things were bad. But there's a silver lining behind every cloud. Just four the number of people, that's all we were, trying to make a living out of black land dirt. But we'd get together in a family circle singin' loud. Daddy sang bass, Momma sang tenor, me and little brother would join right in there. Singin' seems to help a troubled soul. One of these days, and it won't be long, I'll rejoin them in a song. I'm going to join the family circle at the throne,'' he recalled in one of his songs.

Indeed, by the age of 12, Cash was performing songs on the radio in Blytheville, AR.

Although he was one of few to graduate high school in post-Depression Arkansas, Cash knew his future lay in music.

''I think the first time I knew what I wanted to do with my life was when I was about 4 years old. I was listening to an old Victrola, playing a railroad song . . . I thought it was the most wonderful, amazing thing that I'd ever seen. That you could take this piece of wax and music would come out of that box. From that day on, I wanted to sing on the radio,'' he reminisced in a 1993 interview.

The quote under his picture in the 1950 Dyess Senior High School yearbook read, ''Be a live wire and you won't get stepped on.''

Within months of his graduation he enlisted in the U.S. Air Force and was assigned to Landsberg, Germany, where he was a radio intercept operator tasked with intercepting Soviet Morse Code. And it was also in Germany that he learned to play the guitar.

After his discharge from the Air Force in 1954, Cash moved to Memphis, TN, to take a job as an appliance salesman and to attend broadcasting school through the G.I. bill.

It was in Memphis where Johnny Cash would get his chance to sing to great audiences. After being turned away on numerous occasions, Johnny woke early one morning and went to the Memphis office of the famous Sun Records to meet Sam Phillips and he arrived for work. After a brief session, Mr. Phillips told Johnny to return the next day with a band. From that day forward, Johnny Cash reigned as the undisputed king of the downtrodden poor, a working man's savior in song.

Johnny Cash sang with a scowl of determination. The darkness of the songs he sang was only brightened by the hope of the audiences he addressed. That this man, this legend, this poor kid from Arkansas, could succeed on the grandest scale by putting his experiences and his emotions into song, gave the poorest sharecropper and the most oppressed worker that hope. There are no parameters in song. No boundaries, no borders, no confinements. For in a song, a man may truly express the deep well of thought not to be expressed in polite society. Song crisscrosses through time with an ease and a fluidity that gives true freedom to those who are not free, whether they are beholden to debt, their family, society or their own shortcomings. Johnny Cash understood the nature of song like few before or after. He understood its power over people. He understood the hope it could give, the happiness it could bestow, the sorrow it could impart. He knew these things about music. He used this understanding to give voice to those that had none.

As he said in explaining his propensity to wear black clothes, ''I tried to speak for the voices that were ignored or even suppressed by the entertainment media, not to mention the political and education establishments.'' As he put it, black clothes symbolized the dispossessed people of the world.

Johnny Cash achieved a level of success equal to that of the Beatles and Elvis. The legacy he left will be a lasting one in country and rock music. From jazz to blues to country music, to the rock and roll that was nurtured in its early years in the juke joints of the Delta South and the urban ghettos of the north, Johnny Cash contributed his own particular interpretation to this musical legacy: one that will forever be enshrined in the memories of his friends, colleagues, and thousands of fans.

Johnny Cash sold more records than anyone in the world in 1967. He was so popular that he had his own ABC television series. He won eleven Grammys and was the youngest person ever inducted into the Country Music Hall of Fame. He has also been inducted into the Rock and Roll Hall of Fame, has been honored with a Kennedy Center Award, and has a star on the Hollywood Walk of Fame. President Bush honored him with the National Medal of the Arts this past April.

Despite all of the professional accomplishments and accolades, I think Mr. Cash would rather us celebrate his life in terms of the people he touched with his music and his philanthropic work. In addition to his music, Mr. Cash endowed a burn research center, campaigned for prison reform, counseled former inmates transitioning to society, and donated and worked for the Mental Health association, Home for Autistic children, Refugees for Battered Women, the American Cancer Society, YWCA, and the Humane Society, among others.

Johnny Cash rose from nothing to everything on the strength of an iron will, gritty self-determination, and an unflappable faith in God, his family, and his music. Nothing he earned in his life came at the expense of others. Yet all he gave to all. Johnny Cash learned from his mistakes and ascended to a level higher than those who preceded him. He taught us to learn from our mistakes. He taught us to never give up, that the dreams of a small boy on a small farm in a small town can be big, and that they can come true. He taught us how to be free through the words and melody of a song. The lessons from his music are applicable today and will be for generations to come. Nothing captures the imagination of the heart like a great song. Mr. Cash captured the hearts of many. And his song will be missed.●

RECOGNIZING DR. CYNTHIA HALDENBY TYSON

● Mr. ALLEN. Mr. President, today I recognize Dr. Cynthia Tyson, who retired this year from her position as president of Mary Baldwin College in Staunton, VA.

Dr. Tyson was born and raised in England, where she received both her bachelor's and master's degrees, as well as her Ph.D. She first came to the United States as a Fulbright scholar, and has worked in higher education as both a lecturer and an administrator.

During her 18-year tenure at Mary Baldwin College, she was the active force behind that school's renaissance into a nationally renowned women's liberal arts college. From the beginning of her tenure in 1985 to this day, Mary Baldwin College has more than doubled its enrollment, with almost 2,200 students attending 6 locations throughout Virginia. The college has

consistently attracted more highly qualified applicants, with the SATs and GPAs of its applicants increasing every year. Under Dr. Tyson's presidency, Mary Baldwin's endowment has increased threefold, with a record-setting $58 million raised in its most recent capital campaign. All told, Mary Baldwin College, thanks to Dr. Tyson, is the largest and fastest growing women's college in Virginia.

In addition to her work at Mary Baldwin College, Dr. Tyson served as president of the Southern Association of Colleges and Schools and was an active member in professional organizations, including the National Association of Independent Colleges and Universities, the Virginia Foundation for Independent Colleges, and the State of Virginia Rhodes Scholarship Competition Selection Committee. She is also active in the Staunton community through the Frontier Culture Museum, Shenandoah Shakespeare, and Rotary International.

Dr. Tyson has left an indelible mark not only on the institution that she served so well as president but also on the hearts and minds of her colleagues, students, and community as a friend and inspiration. I congratulate her and wish her well in her retirement.●

THE SMALL BUSINESS ADMINISTRATION

● Mr. KERRY. Mr. President, I speak today in honor of the Small Business Administration, which this year is celebrating the 50th anniversary of its service to America's small businesses.

This week marks the SBA's annual Small Business Week. Throughout the events of this week, the SBA will demonstrate many of the valuable programs that have been created to help entrepreneurs across the country achieve success over the past 50 years. The SBA is relied upon to help restore economically depressed communities, spur technological research and development, provide access to capital and business training, monitor the procurement practices of Federal agencies, and ensure small businesses are heard within the Federal Government.

With the assistance of the programs and resources of the Small Business Administration and its dedicated employees, thousands of small businesses across the country have developed and expanded. Some of those companies have since developed into household names after receiving help from the SBA; companies like Outback Steakhouse, Nike, and Staples. These businesses exemplify the entrepreneurial spirit that is so unique to this country.

The importance of the small business community cannot and should not be underestimated. The link between small businesses and a strong economy is clear: small businesses account for over 50 percent of nonfarm GDP, and account for 75 percent of all new jobs. Time and again, our small businesses have led this Nation out of bad economic times.

We cannot help this country's economy by ignoring our small businesses and underfunding the initiatives meant to foster their establishment and growth. President Bush seems to understand that there is a need to support small businesses, but during his 3 years in office, he has yet to translate that understanding into actions. In his first year, he cut the SBA's budget by almost 50 percent. In his second year, he eliminated all funding for the agency's largest small-business loan program and shifted the cost—more than a hundred million—to the small businesses and the SBA's lending partners in the private sector who make the loans possible—never mind that the government was already overcharging them. He has cut funding for microloans and counseling—the SBA's number one program for reaching African Americans, Hispanics and women.

Here in the Senate, we are trying to pass legislation reauthorizing the programs of the Small Business Administration for another 3 years, and I think Chair SNOWE and the other members of the committee for working with me to create a bill that enables small businesses to continue to prosper. We are doing our part to assist small businesses, and the next step is to ensure that the SBA and its programs receive the funding they need to actively help small businesses across the country in these difficult economic times. The administration's low-ball request for FY 2004 will not help about adequate funding of the critical assistance that America's small businesses need. I intend to do everything possible to obtain necessary funding for these critical small business programs to ensure they will thrive in the next year and for the 50 years to come.●

RECOGNIZING WILLIAM G. O'BRIEN

● Mr. ALLEN. Mr. President, today I recognize William O'Brien, county administrator for Rockingham County, VA, who is retiring December 31, 2003, after 26 years of dedicated service.

William O'Brien began his career in the U.S. Marine Corps, where he spent 4 years before receiving his bachelor's degree from Mansfield University in 1969. He later earned an MBA from Southeastern University in 1978 before taking his current position in Rockingham County. As county administrator, Mr. O'Brien spent 26 years dutifully serving the residents of Rockingham County. Prior to his work in Rockingham, he also served as county administrator for Warren County, VA from 1973 to 1977. In addition, Mr. O'Brien spent more than 10 years as a professor at James Madison University and Eastern Mennonite University in Harrisonburg, VA.

I congratulate Mr. O'Brien on his years of dedicated service to the people of Rockingham County and the Commonwealth of Virginia, and I wish him well in his retirement.●

RECOGNIZING LUTHER E. ''IKEY'' MILLER

● Mr. ALLEN. Mr. President, today I recognize Mr. Luther E. ''Ikey'' Miller, who passed away on March 17, 2003 in Rileyville, VA.

Born on January 27, 1932, Mr. Miller was involved in a wide array of activities in his lifetime, including law, business, politics, the military, sports, music, and agriculture. Throughout his life, he was influential in his community. In 1973, he was appointed to serve as Page County Circuit Court clerk, a post that he held for 26 years, becoming an integral part of the local judiciary. Mr. Miller also served as chairman of the Page County Republican Party for 16 years, and as a Presidential elector for Virginia in the 2000 Presidential election. A Virginia native, he graduated from Luray High School in 1949. Mr. Miller entered the U.S. Army in 1952, serving until 1954, and achieving the rank of corporal before his honorable discharge. He also worked 21 years for First National Bank as a cashier and loan officer. Mr. Miller loved sports, especially baseball, which he played in the minor leagues, as well as football and hunting. He also farmed full-time throughout his life with the help of his family, and played in a country music band for 20 years.

Mr. Miller will surely be missed by his wife of 47 years Shirley, his family, friends, and the community he served so faithfully during his life. I join with the Miller family in mourning the loss of such a great family man, public servant, and Virginian.●

HONORING THE ANN ARBOR SYMPHONY ORCHESTRA'S 75TH ANNIVERSARY

● Mr. LEVIN. Mr. President, on behalf of Senator STABENOW and myself, I congratulate the Ann Arbor Symphony Orchestra as it celebrates its 75th anniversary. The Ann Arbor Symphony Orchestra was founded by Phillip Potts on a chilly autumn evening in 1928. Potts and four musicians gathered in a basement room of a local church, set up their music stands, unpacked and tuned their instruments, and launched into what would become a musical legacy that has touched many in the Michigan community.

Today, the Ann Arbor Symphony Orchestra includes over 150 professional musicians who perform under its auspices. The organization has an active and committed 45-member Board of Directors and a staff of five full-time employees. Each season, the symphony performs nine main stage concerts for 8,000 subscription patrons as well as five matinee concerts for over 1,000 senior citizens and five family-oriented concerts designed to engage family members of all ages. The group's extensive educational series includes four youth concerts, ''Ensembles in the Classroom'' during which orchestra members visit individual classrooms,

and a variety of other educational events which enrich the lives of almost 20,000 area students each year.

The Ann Arbor Symphony Orchestra counts Joseph Maddy, who was also the founder of Michigan's prestigious Interlochen Center for the Arts, as one of its earliest conductors. It has been the orchestra in residence for the Martha Graham Dance Company, the University Musical Society, the Music Paradigm, and Peter Schickele, aka PDQ Bach. Guest artists have included world renowned violinists Jaime Laredo, Catherine Cho, Ilya Kaler, Augustin Hadelich, and Benny Kim; clarinetists Richard Stoltzman and David Shiffrin; and pianists Anton Nel and Vladimir Feltsman.

During its 75-year history, the Ann Arbor Symphony Orchestra has received many honors. It has received awards from the National Endowment for the Arts, including a Millennium Project award for the premiere of a new work for an orchestra. It has also consistently earned top marks from the Michigan Council for the Arts and Cultural Affairs. Furthermore, in 2002 it was recognized by Crain's Detroit Business magazine as one of the area's best-managed nonprofit organizations. In addition, the Ann Arbor Symphony Orchestra won the Nonprofit Enterprise at Work's Excellence Award for Management in 1997 and 2003.

The Ann Arbor Symphony Orchestra's repertoire ranges from Baroque to the 21st century and spans musical genres from Bach to Broadway. Each year, the Ann Arbor Symphony Orchestra has premiered a new work by a young composer through its annual ''Mozart Birthday Bash'' concert series. This year the orchestra is also commissioning a work by internationally known Michigan composer Michael Daughtery. ''Silent Movies'' is a work for the Barton Theater Organ, which is located in the historic Michigan Theater, in celebration of the orchestra's 75th anniversary.

The Ann Arbor Symphony Orchestra is an integral part of the cultural and economic landscape of Ann Arbor and southeastern Michigan. Senator STABENOW and I would like to congratulate and honor the Ann Arbor Symphony Orchestra, its Music Director Arie Lipsky, and the hundreds of musicians, board members, and staff who have brought musical gifts to so many over the past 75 years. We know our Senate colleagues will join us in offering our thanks to the Ann Arbor Symphony Orchestra for enriching our lives and in wishing the organization continued success in the future.●

FERC NOTICE OF PROPOSED RULEMAKING

GRID MANAGEMENT

● Mr. KERRY. Mr. President, the front page of the Washington Post recently featured a local graduate student who skillfully mapped the electronic networks that interconnect every business and industrial sector in the American economy. The article emphasized how the information was readily available on the Internet and the associated security concerns. It also discussed the astonishment and alarm among industry leaders upon hearing about it.

Early this year, the Department of Homeland Security published two papers emphasizing the need to secure critical infrastructure from physical and cyber-attacks, including all aspects of the electric power infrastructure system. This was clarified further by the Federal Energy Regulatory Commission (FERC) in its Notice of Proposed Rulemaking on Standard Market Design, which states, holesale electric grid operations are highly interdependent, and a failure of one part of the generation, transmission, or grid management system can compromise the reliability of a major portion of the grid.

Simply put, experts in the public and private sector, time and time again, acknowledge the vulnerability of the entire national electric power infrastructure and that all aspects should be protected. As blatantly demonstrated by the recent blackouts in the northeastern United States, the viability of the national power grid is an important national security concern.

I am concerned, therefore, that a cyber security standard recently proposed by FERC, which is designed to protect the electric power grid, exempts rocess control systems, distributed control systems, or electric relays installed in generating stations, switching stations and substations from the definition of ''critical cyber assets'' to be protected.

Despite the clear intent of the Department of Homeland Security and FERC to protect the power system entirely, the proposed rule calls for only partial protection. The FERC decision may mean that power distribution is protected, while power generation remains vulnerable.

Mr. KENNEDY. If the Senator will yield for a comment. I have been made aware that technology exists in the marketplace that is capable of protecting power generation assets. I am aware of at least one company, in fact, a Massachusetts company, that has developed software capable of protecting our power generation assets from cyber attack. If the technology exists, are we not obligated to protect these assets? Protecting transmission without protecting generation is like protecting airports without protecting aircraft. Isn it reasonable, therefore, to conclude that the entire national power grid, including generation, should be protected?

Mr. KERRY. Mr. President, I think the answer is yes. No aspect of the electric power grid should be exempt from this cyber security standard. I urge the ranking member to work with us to address this issue during conference committee consideration of the Energy and Water appropriations bill for fiscal year 2004. With my good friend, the senior Senator from Massachusetts, I ask the Appropriations Committee, in conference with the House of Representatives, to include a requirement that the Federal Energy Regulatory Commission report to the committee and the Congress as to why generating infrastructure was excluded from the proposed rule.

Mr. REID. I thank the Senator from Massachusetts for brining this issue to my attention. I agree that process control systems, distributed control systems, or electric relays installed in generating stations, switching stations and substations are indeed critical assets of the national electric power infrastructure and should not be exempt from protected assets. I look forward to addressing this issue in conference committee.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendments:

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

S. 678. An act to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrences of the Senate:

H.R. 1284. An act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project.

H.R. 2040. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 235. A concurrent resolution celebrating the life and achievements of Lawrence Eugene ''Larry'' Doby.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 659) to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.''.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 13) to reauthorize the Museum and Library Services Act, and for other purposes.''.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2559) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes'', and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. KNOLLENBERG, Mr. WALSH, Mr. ADERHOLT, Ms. GRANGER, Mr. GOODE, Mr. VITTER, Mr. KINGSTON, Mr. CRENSHAW, Mr. YOUNG of Florida, Mr. EDWARDS, Mr. FARR of California, Mr. BOYD, Mr. BISHOP, Mr. DICKS, and Mr. OBEY.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes'', and agrees to the conferences asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: For consideration of the House bill and the Senate amendments (except for title III in the Senate amendment numbered 3), and modifications committed to conference: Mr. KINGSTON, Mr. LAHOOD, Mr. TIAHRT, Mr. CULBERSON, Mr. KIRK, Mr. YOUNG, of Florida, Mr. MORAN of Virginia, Mr. PRICE of North Carolina, Mr. CLYBURN, and Mr. OBEY.

For consideration of title III in the Senate amendment numbered 3, and modifications committed to conference. Mr. YOUNG of Florida, Mr. TAYLOR, of North Carolina, and Mr. OBEY.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes,'' and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. HOBSON, Mr. BONILLA, Mr. NETHERCUTT, Mr. CUNNINGHAM, Mr. FRELINGHUYSEN, Mr. TIAHRT, Mr. WICKER, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. VISCLOSKY, Mr. MORAN of Virginia, and Mr. OBEY.

At 4:46 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 7. An act to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, and for other purposes.

H.R. 49. An act to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

H.R. 292. An act to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed.

H.R. 2152. An act to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program.

ENROLLED BILLS SIGNED

At 6:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 13. An act to reauthorize the Museum and Library Services Act, and for other purposes.

H.R. 659. An act to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals.

H.R. 978. An act to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 292. An act to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

H.R. 1284. An act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project; to the Committee on Energy and Natural Resources.

H.R. 2040. An act to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska; to the Committee on Energy and Natural Resources.

H.R. 2152. An act to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program; to the Committee on the Judiciary.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1618. A bill to reauthorize Federal Aviation Administration Programs for the period beginning on October 1, 2003, and ending on March 31, 204, and for other purposes.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 49. An act to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4204. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4205. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4206. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC–4207. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to Zimbabwe; to the Committee on Banking, Housing, and Urban Affairs.

EC–4208. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Multiyear Contracting Authority Revisions'' (DFARS Case 2002–D041) received on September 15, 2003; to the Committee on Armed Services.

EC–4209. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Contractor Performance of Security-Guard Functions'' (DFARS Case 2002–d042) received on September 15, 2003; to the Committee on Armed Services.

EC–4210. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Competitiveness Demonstration Codes update'' (DFARS Case 2003–D003) received on September 15, 2003; to the Committee on Armed Services.

EC–4211. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Caribbean Basin country—Dominican Republic'' (DFARS Case 2003–D007) received on September 15, 2003; to the Committee on Armed Services.

EC–4212. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report relative to status of the female members of the Armed Forces; to the Committee on Armed Services.

EC–4213. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Liability for Loss Under Vessel Repair and Alteration Contracts'' (DFARS Case

2002–D016) received on September 15, 2003; to the Committee on Armed Services.

EC–4214. A communication from the Administrator, Food Safety and Inspection Service, transmitting, pursuant to law, the report of a rule entitled ''Definitions and Standards of Identity or Composition: Elimination of the Pizza with Meat or Sausage Standards'' (01–018P) received on September 15, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4215. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Asian Longhorned Beetle; Quarantined Areas and Regulated Articles'' (Doc. No. 03–018–2) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4216. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Pork-Filled Pasta'' (Doc. No. 02–003–2) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4217. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sulfentrazone; Pesticide Tolerance'' (FRL#7324–5) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4218. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiamethoxam; Pesticide Tolerance'' (FRL#7327–5) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4219. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''S-Metolachlor; Pesticide Tolerance'' (FRL#7324–9) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4220. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenhexamid; Pesticide Tolerance'' (FRL#7326–7) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4221. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyrmmazine; Pesticide Tolerance'' (FRL#7326–5) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4222. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Butafenacil; Pesticide Tolerance'' (FRL#7324–6) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4223. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyprodinil; Pesticide Tolerance'' (FRL#7326–4) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4224. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608 of the Clean Air Act; Correction'' (FRL#7560-9) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4225. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Asbestos'' (FRL#7561-2) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4226. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Emissions from New Marine Diesel Engines'' (FRL#7561-4) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4227. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment for the Carbon Monoxide National Ambient Air Quality Standard for the Phoenix Metropolitan Area, Arizona'' (FRL#7561-5) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4228. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Federal Plan Requirements for Commercial and Industrial Solid Waste Incinerators Constructed on or Before November 20, 1999'' (FRL#7562-1) received on September 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4229. A communication from the Director, Office of Legislative Affairs, transmitting, pursuant to law, the report of a rule entitled ''Filing Procedures, Corporate Powers, International Banking, Management Official Interlocks, Golden Parachute and Indemnification Payments'' (RIN3064-AC55) received on September 15, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4230. A communication from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting, pursuant to law, a report relative to medically relevant information concerning occupational exposures servicemembers may have received during Projects 112 and Shipboard Hazard and Defense testing; to the Committee on Armed Services.

EC–4231. A communication from the Under Secretary for Emergency Preparedness and Response, Federal Emergency Management Agency, Department of Homeland Security, transmitting, the Agency's Fiscal Year 2002 Annual Performance and Accountability Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–4232. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Export Clearance - Conformance of Export Administration Regulation with Foreign Trade Statistics Regulations'' (RIN0694-AC81) received on September 15, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4233. A communication from the Director, Office of White House Liaison, National Telecommunications and Information Administration, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4234. A communication from the Assistant Administrator for Human Resources and Education, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of Deputy Administrator, National Aeronautics and Space Administration, received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4235. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Approved Measures Contained in the Skate Fishery Management Plan'' (RIN0648-AO10) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4236. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Amend Eligibility Criteria for the Bering Sea and the Aleutian Islands (BSAI) King and Tanner Crab Fisheries'' (RIN0648-AQ78) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4237. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Amendment 72 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands and Amendment 64 to the FMP for the Groundfish Fishery of the Gulf of Alaska'' (RIN0648-AP92) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4238. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement a Guideline Harvest Level for Managing the Harvest of Pacific Halibut in the Guided Recreational Fishery in International Pacific Halibut Commission Areas 2c and 3a in and off of Alaska'' (RIN0648-AK17) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4239. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Closing Directed Fishing for Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska'' received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4240. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Closure; Prohibiting directed fishing for groundfish by vessels using hook-and-line gear in the Gulf of Alaska except for demersal shelf rockfish in the Southeast Outside District or sablefish'' received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4241. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Pacific Halibut Fisheries; Oregon

Sport Fisheries; Inseason Action; Request for Comments'' received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4242. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #2—Adjustment of the Recreational Fishery from the Queets River to Cape Falcon, Oregon'' (ID080503B) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4243. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Closing Arrowtooth Flounder Fishing in the Western Regulatory Area of the Gulf of Alaska'' received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4244. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA Grant and Cooperative Agreement Handbook—Financial Reporting'' (RIN2700–AC77) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4245. A communication from the Acting Director, National Marine Fisheries Service, Office of Sustainable Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Closure; prohibiting directed fishing for Pacific ocean perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area (BSAI)'' received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4246. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Handling of Class I (Explosive) Materials or other Dangerous Cargoes Within or Contiguous to Waterfront Facilities'' (RIN1625–AA07) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4247. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations (Including 2 Regulations): [CGD08–03–11], [CGD13–02–012]'' (RIN1625–AA09) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4248. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Protection of Large Passenger Vessels, Portland, OR'' (RIN1625–AA00) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4249. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace: Sullivan, MO'' (RIN2120–AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4250. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace: Cambridge, NE'' (RIN2120–AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4251. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace: Maryville, MO'' (RIN2120–AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4252. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace: Centerville, IA'' (RIN2120–AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4253. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace: Meade, KS'' (RIN2120–AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4254. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Various Transport Category Airplanes Manufactured by McDonnel Douglas'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4255. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, 747SP, and 747 SR Series Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4256. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Mitsubishi Heavy Industries, Ltd. MU–2B Series Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4257. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Correction Pratt and Whitney Canada Turboprop Engines'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4258. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: EXTRA Flugzeugbau GmbH Models EA–300/200, EA–300:, and EA 300S Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4259. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace: Lee's Summit, MO'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4260. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace: Wayne, NE'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4261. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Schempp-Hirth Flugzeugbau GmbH Model Duo-Discus Gliders'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4262. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Learjet Model 45 Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4263. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt and Whitney Canada PW206A and PW206E Turboshaft Engines'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4264. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757–200 and 200PF Series Airplanes Equipped with Pratt and Whitney PW200 Series Engines'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4265. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL–600–2B19 (Regional Jet Series 100 and 440) Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4266. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dornier Luftahrt GMBH 228–100, 228–101 , 228–200, 228–201, 228–202, and 228–212 Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4267. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes Equipped with Pratt and Whitney JT9D–3 or JT9D–7 Series Engines (except JT9D–70 Series Engines)'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4268. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model C1–600–2B19 (regional Jet Series 100 and 440) Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4269. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300 B4 600, B4600R (Collectively Called A300–600) Series Airplanes and

Airbus Model A310 Series Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4270. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes'' (RIN2120–AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4271. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce plc RB211 Trent 800S Series Turbofan Engines'' (RIN2120-AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4272. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model 717-200 Airplanes'' (RIN2120-AA64) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4273. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials Regulations: Penalty Guidelines and Other Procedural Regulations'' (RIN2137-AD71) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4274. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace: Aurora, MO'' (RIN2120-AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4275. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace: Montgomery, AL'' (RIN2120-AA66) received on September 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–4276. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the Commission's Auctions Expenditure Report for fiscal year 2002; to the Committee on Commerce, Science, and Transportation.

EC–4277. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the Board's 2005 Budget Request; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–281. A resolution adopted by the Macomb County Board of Commissioners of the State of Michigan relative to the Midwestern Headquarters of the Department of Homeland Security; to the Committee on Finance.

POM–282. A concurrent resolution adopted by the Legislature of the State of Texas relative to prescription drug coverage in the federal Medicare program; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 101

Whereas, advances in the effectiveness of prescriptive medication have substantially improved the quality of health care in the United States; a key component of prevention health care, prescription drugs help patients live healthier, longer, and more productive lives without the need for costly long-term acute care; and

Whereas, since the passage of the Social Security Act of 1965, which originally authorized Medicare, the increased use of new and improved prescription drugs has changed the delivery of health care in the United States; nonetheless, of the more than 40 million people enrolled in Medicare, one-third have no prescription drug coverage, and the limited coverage available to the remaining two-thirds of Medicare beneficiaries is often inadequate to meet their needs; and

Whereas, comprehensive reform of the Medicare program is necessary to provide affordable care for the elderly and disabled who suffer from chronic disease and comorbidity; the private sector has established a model for successful reforms by negotiating discounts on prescription drugs and by coordinating care with disease management, drug utilization review, and patient education programs, all of which aid in ameliorating medical problems; and

Whereas, despite the growing needs of the Medicare population, the United States Congress has thus far failed to remedy the inadequacies of the Medicare program; effective reform would adopt the successful strategies of the private sector and use the marketplace to foster competition among private plans, maintaining the financial viability of the program and offering greater choice of quality coverage to seniors and the disabled; and

Whereas, instead, the lack of a prescription drug benefit in particular has forced states to supplement Medicare by providing medicine to vulnerable Medicare beneficiaries through state Medicaid programs; this ''dually eligible'' population, those who qualify for federal Medicare and state Medicaid, accounts for 42 percent of Medicaid drug expenditures nationwide; and

Whereas, the situation is critical in Texas, where the Congressional Budget Office reported the enactment of a Medicare drug benefit would mean a savings of nearly $2 billion in Medicaid funds between 2005 and 2012; alarmingly, the costs to state Medicaid programs are expected to increase as the non-elderly disabled and the elderly over age 85 who are most likely to be dually eligible are the fastest growing populations within Medicare; and

Whereas, with state Medicaid programs already facing serious budgetary constraints that threaten to restrict patients' access to needed medical care and prescription drugs, it is more important than ever that the Congress enact a Medicare prescription drug benefit as quickly as possible: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully request that the Congress of the United States enact financially sustainable, voluntary, universal, and privately administered outpatient prescription drug coverage as part of the federal Medicare program; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–283. A joint resolution adopted by the Legislature of the State of California relative to the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP); to the Committee on Finance.

JOINT RESOLUTION NO. 29

Whereas, the State Teachers' Retirement System has a higher contribution rate than, and benefits commensurate to, the Social Security system; and

Whereas, the State Teachers' Retirement System is not coordinated with the federal Social Security system; and

Whereas, the Social Security Act includes two offsets, the Government Pension Offset and the Windfall Elimination Provision, that reduce the Social Security benefits payable to persons who are entitled to benefits under other public retirement systems, under certain conditions; and

Whereas, public employees in California who do not pay into Social Security incur substantial reductions in their federal Social Security benefits even if they otherwise qualify for those benefits through prior employment for which they paid into Social Security, or as surviving spouses through their spouses' Social Security eligibility; and

Whereas, these offsets discourage individuals with prior work experience from seeking teaching positions; and

Whereas, every child is entitled to be taught by a fully credentialed teacher, but California has had a significant shortage of teachers credentialed in the subjects they are assigned to teach; and

Whereas, the recruitment and retention of teachers from other states who are entitled to Social Security benefits upon retirement is also undermined by these offsets; and

Whereas, legislation to remedy the Government Pension Offset and the Windfall Elimination Provision have been introduced in the 107th Congress by members of the California Congressional delegation and received bipartisan support from a majority of the California delegation in the 106th Congress: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly: That the Legislature of the State of California requests the Congress of the United States to enact legislation to remove the onerous effects of the Government Pension Offset and the Windfall Elimination Provision of the Social Security Act, and further, the Legislature of the State of California requests President George W. Bush to support and sign that legislation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM–284. A resolution adopted by the House of Representatives of the legislature of the State of Michigan relative to bringing peace and security to Cyprus; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 36

Whereas, this year marks the twenty-seventh anniversary of the Turkish invasion and occupation of Cyprus; and

Whereas, the Republic of Cyprus has been divided and occupied by foreign forces since 1974 in violation of United Nations resolutions; and

Whereas, the international community and the United States government have repeatedly called for the speedy withdrawal of all foreign forces from the territory of Cyprus; and

Whereas, there are internationally acceptable means to resolve the situation in Cyprus, including the demilitarization of Cyprus and the establishment of a multinational force to ensure the security of both communities in Cyprus; and

Whereas, a peaceful, just, and lasting solution to the Cyprus problem would greatly benefit the security and the political, economic, and social well-being of all Cypriots, as well as contribute to improved relations between Greece and Turkey; and

Whereas, the United Nations has repeatedly stated the parameters for such a solution, most recently in United Nations Security Council Resolution 1217, which was adopted on December 22, 1998, with United States support; and

Whereas, United Nations Security Council Resolution 1218, also adopted on December 22, 1998, calls for reduction of tensions in the island through a staged process aimed at limiting and then substantially reducing the level of all troops and armaments in Cyprus, ultimately leading to the demilitarization of the Republic of Cyprus; and

Whereas, President Bush wholeheartedly supported Resolution 1218 and committed himself to taking all necessary steps to support a sustained effort to implement it: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That we memorialize the President and the Congress of the United States to work to implement United Nations resolutions to bring peace and security to Cyprus; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–285. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to a center for the health, welfare, and education of children, youth, and families; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 123

Whereas, the Millennium Young People's Congress held in Hawaii in October 1999, demonstrated the value of a collective global vision by and for the children of the world and the need for a forum for international discussion of issues facing all children and youth; and

Whereas, children and youth are the key to world peace, sustainability, and productivity in the next millennium; and

Whereas, the health, welfare, and education of children and families are part of the basic foundation and values shared globally that should be provided for all children and youth; and

Whereas, the populations of countries in Asia and the Pacific Rim are the largest and fastest growing segment of the world's population with young people representing the largest percentage of that population; and

Whereas, Hawaii's location in the middle of the Pacific Rim between Asia and the Americas, along with a diverse culture and many shared languages, provides an excellent and strategic location for meetings and exchanges as demonstrated by the Millennium Young People's Congress, to discuss the health, welfare, and rights of children as a basic foundation for all children and youth, and to research pertinent issues and alternatives concerning children and youth, and to propose viable models for societal application: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-first Legislature of the State of Hawaii, Regular Session of 2002, the Senate concurring, that the United Nations is respectfully requested to consider the establishment in Hawaii of a Center for the Health, Welfare, and Education of Children, Youth and Families for Asia and the Pacific; and be it further

Resolved, That the President of the United States and the United States Congress are urged to support the establishment of the Center; and be it further

Resolved, That the House and Senate Committees on Health convene an exploratory task force to develop such a proposal for consideration by the United Nations; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the Secretary General of the United Nations, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the President of the University of Hawaii, the President of the East West Center, the President of the United Nations Association in Hawaii, and members of Hawaii's congressional delegation.

POM–286. An act passed by the General Assembly of the State of Maryland relative to the Department of Planning of the State of Maryland; to the Committee on Governmental Affairs.

POM–287. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to the Low Income Home Energy Assistance Program; to the Committee on Health, Education, Labor, and Pensions.

CONCURRENT RESOLUTION NO. 3

Whereas, New Hampshire's federal allocation of the Low Income Home Energy Assistance Program (LIHEAP) is used to operate the statewide fuel assistance program, which provides benefits to qualified New Hampshire residents, such as low-income elderly, disabled, and low-income working households, to assist with paying their energy bills during the winter season. The fuel assistance program also helps New Hampshire residents in a hearing emergency by securing an emergency delivery of fuel, delaying a shut-off notice, or referring individuals to another source of assistance; and

Whereas, fuel costs for this winter have proven to be higher than expected and higher than last winter, while the average temperature thus far this winter has been colder than usual; and

Whereas, during the 2001–2002 heating season, New Hampshire received $13.2 million in LIHEAP funds based upon a $1.7 billion federal appropriation. With these funds, New Hampshire assisted 24,876 low-income households, but was not able to provide full benefits to all income-eligible seniors and working poor families that requested assistance; and

Whereas, New Hampshire's fuel assistance program made numerous programmatic changes prior to this winter to further maximize federal LIHEAP dollars this winter season, including reducing income eligibility levels and reducing benefits amounts. In spite of these efforts, sufficient federal funds do not exist to serve all eligible New Hampshire residents who request assistance; and

Whereas, states are developing new and innovative ways to stretch available program resources, including the use of pre-purchase programs during the summer months that are not adequately supported by the current program legislation; and

Whereas, last winter many low-income residents unnecessarily suffered and took extreme and dangerous measures to stay warm. Results of a 2002 winter survey of New Hampshire's low-income residents identified disturbing facts which include that 16.4 percent of the over 900 respondents, many of whom are elderly, disabled, facing severe medical problems, or caring for small children, used dangerous alternatives to heat their homes, such as space heaters or ovens. Another 7.3 percent of the respondents indicated they went without medical care or medicine; and

Whereas, the current authorization level, set at $2 billion, is not sufficient to meet the current need for program assistance as a result of rising unemployment and poverty levels and continuing volatility in energy pricing; and

Whereas, uncertainty in appropriations due to the lack of advance funding has made it more difficult for the states to set program eligibility levels and take advantage of program buying opportunities: Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the general court hereby urges the New Hampshire congressional delegation to support:

I. Extending LIHEAP's authorization through fiscal year 2008;

II. Maintaining the current funding formula and hold-harmless provisions in order to maintain-adequate funding levels for the region's programs;

III. Increasing the authorization level to $3.4 billion; and

IV. Allowing states to draw-down funds prior to the start of the winter heating season in order to take advantage of pre-purchase and other discount programs; and

That copies of this resolution be forwarded by the senate clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

POM–288. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Texas border with Mexico and border health issues; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 21

Whereas, the United States and the United Mexican States share a border of 2,000 miles from Brownsville, Texas, to San Diego, California; the four states of the United States and the six states of the United Mexican States along the border are home to more than 75 million residents, an increase of about 11 million since 1990; and

Whereas, a significant percentage of these 10 states' population resides in the 44 United States counties and 80 Mexican municipalities adjacent to the border, where rapid population growth is putting great pressure on an already inadequate infrastructure and straining the border region past its economic limits and resources, the tragic effects of which have broad repercussions on the health of residents in both countries; and

Whereas, setting the stage for many of the health problems of the border is the standard of living of many in the region; more than a third of United States border families live at or below the federal poverty guideline, and an estimated 350,000 people live in colonias, unzoned, semirural communities with no access to public drinking water or wastewater facilities; and

Whereas, such deficiencies in public works have increased the risk of exposure to pollution and water-borne contaminants since many of the primary sources of water along the border are contaminated by sewage and pollution from agricultural and industrial sources; according to the United States Health Resources and Services Administration, 122 million liters of raw sewage are dumped into the Tijuana, New, and Rio Grande rivers daily, and a series of studies

conducted by several United States and Mexican agencies, including the Texas Department of Health, monitored sites along the Rio Grande and found chemicals such as PCBs, cyanide, mercury, and lead at significant levels; and

Whereas, beyond the effects of population, poverty, and pollution, many of the health concerns endemic to the border region are exacerbated by a lack of access to primary care and preventive medicine; uneven distribution of hospitals and physicians, inadequate transportation, limited immunizations, and a shortage of bilingual health care providers contribute to otherwise preventable health problems; and

Whereas, several standard health indicators reflect the shortcomings of the health care system along the border; the incidence of hepatitis A and tuberculosis is two to three times the national average, and measles, HIV/AIDS, and various infectious diseases disproportionately threaten the population of the border region as compared to the United States as a whole; and

Whereas, due to these and many other concerns and in an effort to provide international leadership to optimize health and quality of life along the United States-Mexico border, an agreement between the United States secretary of health and human services and the secretary of health of the United Mexican States created the United States-Mexico Border Health Commission in 2000; and

Whereas, the crises of health along the border are myriad and profound, with complications arising from cultural, economic, and geographic conditions unique to the region; although the United States-Mexico Border Health Commission has made great progress in promoting health and reducing health disparities, strategic planning and comprehensive study are critical for the commission to fulfill its mission to provide the tools necessary for the future well-being of the border populations: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby memorialize the Congress of the United States to request that the United States Department of Health and Human Services fund a benchmark study coordinated by the United States-Mexico Border Health Commission and conducted by universities from the border area of each of the adjoining border states in both the United States and the United Mexican States to engage each state's health policy with respect to the border health issues and goals outlined in Healthy Border 2010/Frontera Saludable 2010, a border-wide program of health promotion and disease prevention that defines an agenda for improving health in the United States-Mexico border region; and be it further

Resolved, That the study also address early intervention and preventive strategies; water and wastewater issues; immunization; behavioral health issues, including nutrition and exercise; elimination of health disparities among the border population; and response to disaster and disease outbreak; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, to the secretary of the United States Department of Health and Human Services, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–289. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to human cloning; to the Committee on Health, Education, Labor and Pensions.

HOUSE RESOLUTION NO. 354

Whereas, the advances of science have taken our society to a challenging frontier. The highly publicized cases of animals being cloned are harbingers of decisions our society will face when the technology reaches the point where human cloning is possible. The rapid pace of advancement leads many to believe human cloning will soon be possible; and

Whereas, cloning is often mentioned in connection with research in a variety of areas. Those discussing the possibilities of human cloning do so without detailing the horrific aspects of this procedure, especially the number of failed cloning procedures for every cloning that succeeds. Most importantly, some advocates of cloning ignore the grave moral implications involved in this life and death issue; and

Whereas, there are profound problems with the concept of human cloning. The process itself often involves the discarding of living cells and the destruction of unsuccessful clones. It is most disturbing to think that a company could routinely kill cloned embryos after extracting certain desired cells. The concept of human cloning evokes images of human experimentation from the Nazi era. In addition to these moral issues, there are also many who worry that cloning may lead to serious genetic problems and ultimately threaten public health; and

Whereas, there is legislation currently pending in Congress that seeks to prohibit all human cloning. This bill, S. 1899, unlike others that provide certain exceptions allowing cloning for research purposes, recognizes the seriousness of the problems created by cloning and the moral implications. A true ban of all human cloning needs to be in place: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to ban all human cloning. We call on Congress to enact S. 1899 and reject other bills that purport to ban human cloning but provide for research using cloned cells; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–290. A concurrent resolution adopted by the Legislature of the State of Texas relative to the Child Modeling Exploitation Prevention Act of 2002; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 14

Whereas, according to a sample survey of the nearly 24 million school-aged children that were on-line regularly in 1999, roughly one in five received a sexual solicitation; remarkably, fewer than 10 percent of these sexual solicitations were ever reported to authorities; and

Whereas, unfortunately, as the Internet has revolutionized access to information, sharing of ideas, and global communication, it also has provided a vast landscape for the machinations of sexual predators; the United States Customs Service reports there are an estimated 100,000 websites involved in some way with child pornography, and arrests, indictments, and convictions for possession of child pornography transported across borders have climbed steadily since 1992, doubling several times during the last 10 years; and

Whereas, among the websites charging users to view images of children in suggestive poses are those that have become known as exploitive child modeling sites; where legitimate child modeling websites market the talent of the model, exploitive child modeling features compromising visual depictions of children without a direct or even indirect purpose of marketing an actual product other than the images of the minor; and

Whereas, the anonymous nature of communicating through the Internet allows pedophiles to deceitfully contact and personally interact with these child models, providing opportunity to develop on-line relationships and thereby increasing the chances of aggressive solicitations for meeting in person; and

Whereas, more than 70 percent of convicted pedophiles have accessed child pornography or exploitive child modeling websites as a means of sexual gratification, and the very operators of these sites, while defending their legitimacy, admit that pedophiles are likely frequent visitors; and

Whereas, legislation is now before the 107th Congress that would protect children's opportunities to develop legitimate modeling careers and at the same time protect them from exploitation at the hands of website operators: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to enact the Child Modeling Exploitation Prevention Act of 2002; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all members of the Texas delegation to the Congress with the request that this resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

POM 291. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to National Senior Citizen's Day; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 48

Whereas, it is desirable to increase the nation's awareness of the accomplishments and experiences of the senior citizens of our country; and

Whereas, senior citizens 65 years of age and older are an increasing segment of the population, currently comprising 12% of the nation's population, and 13% of New Jersey's population; and

Whereas, younger generations benefit from the honoring and remembrance of the accomplishments, experiences and wisdom which senior citizens have amassed during their lives; and

Whereas, senior citizens are deserving of a day of recognition honoring their numerous contributions to society and their survival through wartimes as well as their endurance of many hardships: Now, therefore, be it

Resolved by the Senate of the State of New Jersey,

1. The Congress and the President of the United States are respectfully memorialized to enact legislation honoring all the senior citizens of the United States by designating May 15th as National Senior Citizen's Day.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary of the Senate, shall be forwarded to the President of the United States, the Secretary of Health and Human Services of the United States, the presiding officers of the United States Senate and the House of Representatives, and each of the members of the Congress of the United States elected from the State of New Jersey.

POM–292. A concurrent resolution adopted by the Legislature of the State of Texas relative to immigration status and benefits for surviving spouses and children; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 156

Whereas, according to the United States Department of Defense there are more than 37,000 legal, permanent residents serving on active duty in our armed forces; tragically, the military hostilities in Iraq have already claimed the lives of six of these noncitizen soldiers; and

Whereas, it is a remarkable display of loyalty to the ideals of a democracy and freedom that these brave young men and women defend our country against aggression overseas despite not being recognized as U.S. citizens and not being able to share in the full rights and privileges enjoyed by our fellow Americans; and

Whereas, the United States Congress has the opportunity to help these brave residents and the surviving spouses and children of those killed in action to gain U.S. citizenship and benefits by enacting House Bill H.R. 1685 and House Bill H.R. 1275, the Citizenship for America's Troops Act; and

Whereas, House Bill H.R. 1685 makes the surviving spouse and children of a person who has been granted posthumous citizenship through death while on active-duty service during times of military hostility eligible for immigration status and benefits; and

Whereas, the Citizenship For America's Troops Act reduces from three years to two years the amount of military service required for legal, permanent residents to qualify for U.S. citizenship, and exempts them from paying all of the fees required by the naturalization application process; and

Whereas, the Citizenship For America's Troops Act also allows the Immigration and Naturalization Service (INS) to conduct citizenship interviews and oath ceremonies for military personnel at embassies, consulates, and overseas military installations rather than requiring such interviews and ceremonies to take place within the United States; and

Whereas, on July 3, 2002, President Bush signed an executive order to provide expedited naturalization for aliens and noncitizen nationals serving honorably on active-duty status in the Armed Forces of the United States during the war on terrorism; and

Whereas, the executive order designated September 11, 2001, as the first day of a period of time in which exceptions from the usual requirements for naturalization were initiated; and

Whereas, given that this period of time has not been closed or terminated by a related executive order, the Congress should take this window of opportunity to honor the desires of the legal, permanent noncitizens who, in fighting global terrorism on our behalf, have demonstrated a willingness to die for a country they cannot yet fully claim as their own: Now, therefore, be it

Resolved, That the 78th Legislature of the State of Texas hereby respectfully request the Congress of the United States to enact House Bill H.R. 1685, relating to providing immigration status and benefits for surviving spouses and children, and House Bill H.R. 1275, the Citizenship For America's Troops Act; and be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the Speaker of the House of Representatives and the President of the Senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

POM–293. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire relative to Italian-American citizens of the United States during World War II; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 27

Whereas, more than 500,000 Italian-Americans served in World War II for the United States of America; and

Whereas, recently it has become known that up to 600,000 members of the families of those who served in World War II were placed under wartime restrictions which included random arrests and searches of their person and property, curfews, forced relocation, so-called ''prohibited zones,'' and internment camps; and

Whereas, these individuals were placed under such restrictions solely based on their Italian-American heritage; and

Whereas, Italian-Americans nationwide were affected by these wartime restrictions; and

Whereas, the United States government has acknowledged the wartime campaign against Japanese-Americans, but to date has ignored the plight of Italian-Americans affected by wartime decrees; and

Whereas, the full extent of the United States government's wartime restrictions on Italian-Americans is not known because the Federal Bureau of Investigation refuses to declassify World War II documents describing the nature of these events; and

Whereas, the United States Department of Justice is conducting an inquiry for the purpose of documenting the mistreatment of Italian-Americans during World War II: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring,

That the United States Department of Justice complete its inquiry into the mistreatment of Italian-Americans during World War II with all due speed and release the results of such inquiry to the public; and

That the Federal Bureau of Investigation take the necessary steps to allow public access to the documents regarding the mistreatment of Italian-Americans during World War II; and

That copies of this resolution shall be sent by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, the director of the Federal Bureau of Investigation, the chairpersons of the Judiciary Committees of the United States House of Representatives and Senate, and the New Hampshire congressional delegation.

POM–294. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to National Grandparents Day; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 50

Whereas, in 1979, Congress approved House Joint Resolution No. 244, which authorized and requested the President to issue annually a proclamation designating the first Sunday of September following Labor Day of each year as ''National Grandparents Day''; and

Whereas, in 1994, Congress approved Senate Joint Resolution No. 198, which recognized that grandparents bring a tremendous amount of love to their grandchildren's lives, deepen a child's roots, strengthen a child's development and often serve as the primary caregiver for their grandchildren by providing stable and supportive home environments, and designated 1995 as the ''Year of the Grandparent''; and

Whereas, in making these designations Congress acknowledged the important role grandparents play within families and their many contributions which enhance and further the value of families and their traditions, and recognized that public awareness of and appreciation for grandparents' many contributions should be strengthened; and

Whereas, for both ''National Grandparents Day,'' and the 'year of the Grandparent'' in 1995, Congress called on the people of the United States and interested groups and organizations to observe the day and year with appropriate ceremonies and activities; and

Whereas, despite the acknowledgment of the tremendous contributions grandparents make to their families' lives, the permanent designation of a day to observe ''National Grandparents Day,'' the year-long designation of 1995 as the ''Year of the Grandparent,'' as well as the call for appropriate ceremonies and activities, the actual observance of appropriate ceremonies and activities has been lacking; and

Whereas, a wholehearted national effort to encourage people and organizations to celebrate ''National Grandparents Day'' by planning appropriate programs, ceremonies and activities would go a long way to commemorate and honor the wonderful and vital contributions that grandparents make to the lives of their families: Now, therefore, be it

Resolved by the Senate of the State of New Jersey,

1. The Congress and President of the United States are respectfully memorialized to make a wholehearted national effort to encourage people and organizations to celebrate ''National Grandparents Day'' by planning appropriate programs, ceremonies and activities that commemorate and honor the wonderful and vital contributions that grandparents make to the lives of their families.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary of the Senate, shall be forwarded to the President of the United States, the Secretary of Health and Human Services of the United States, the presiding officers of the United States Senate and the House of Representatives, and each of the members of the Congress of the United States elected from the State of New Jersey.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment:

S. 1039. A bill to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works (Rept. No. 108–149).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. DOMENICI for the Committee on Energy and Natural Resources.

*Suedeen G. Kelly, of New Mexico, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2004.

*Rick A. Dearborn, of Oklahoma, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to

respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED:

S. 1624. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add Rhode Island to the Mid-Atlantic Fishery Management Council; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLARD:

S. 1625. To amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades; to the Committee on Finance.

By Mr. DAYTON:

S. 1626. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. GREGG, and Mrs. MURRAY):

S. 1627. A bill to reauthorize the Workforce Investment Act of 1998, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself, Mr. SCHUMER, Mr. BURNS, Mr. SESSIONS, Mr. GRAHAM of South Carolina, Mr. INHOFE, Mr. ROBERTS, Mr. ENZI, Mr. THOMAS, Mr. CRAIG, Mr. ALLARD, Mr. COLEMAN, Mr. COCHRAN, Mr. BUNNING, Mr. CORNYN, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. BENNETT, Mr. BROWNBACK, Mr. VOINOVICH, Mr. LOTT, Mr. DOMENICI, Ms. MURKOWSKI, Mr. MCCAIN, Mr. KYL, Mr. ENSIGN, Mrs. DOLE, Mr. SANTORUM, Mr. GRASSLEY, Mr. ALLEN, and Mr. CHAMBLISS):

S. 1628. A bill to prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. DeWINE (for himself and Mr. DODD):

S. 1629. A bill to improve the palliative and end-of -life care provided to children with life-threatening conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mrs. DOLE, Ms. CANTWELL, Mr. BENNETT, Mr. BINGAMAN, Mrs. MURRAY, and Ms. LANDRIEU):

S. 1630. A bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 1631. A bill to amend the Internal Revenue Code of 1986 to allow a 15-year applicable recovery period for depreciation of electric transmission property; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1632. A bill to extend eligibility for certain Federal benefits to citizens of the Freely Associated States; to the Committee on Finance.

By Mr. CORZINE:

S. 1633. A bill to require financial institutions and financial services providers to notify customers of the unauthorized use of personal information, to amend the Fair Credit Reporting Act to require fraud alerts to be included in consumer credit files in such cases, and to provide customers with enhanced access to credit reports in such cases; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BIDEN (for himself, Mr. KERRY, Mr. CORZINE, and Mrs. FEINSTEIN):

S. 1634. A bill to provide funds for the security and stabilization of Iraq by suspending a portion of the reductions in the highest income tax rate for individual taxpayers; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 1635. A bill to amend the Immigration and Nationality Act to ensure the integrity of the L-1 visa for intracompany transferees; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 518

At the request of Ms. COLLINS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 569

At the request of Mr. ENSIGN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 982

At the request of Mr. SANTORUM, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 985

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 985, a bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

S. 1129

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1129, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 1213

At the request of Mr. SPECTER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1213, a bill 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, and for other purposes.

S. 1214

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1214, a bill to provide a partially refundable tax credit for caregiving related expenses.

S. 1461

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1461, a bill to establish two new categories of nonimmigrant workers, and for other purposes.

S. 1482

At the request of Mr. INOUYE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1482, a bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1531

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1545

At the request of Mr. HATCH, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1548

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1548, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of renewable fuels and to simplify the administration of the Highway Trust Fund fuel excise taxes, and for other purposes.

S. 1580

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1580, a bill to amend the Immigration and Nationality Act to extend the

special immigrant religious worker program.

S. 1586

At the request of Mr. SCHUMER, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Wyoming (Mr. ENZI), the Senator from New York (Mrs. CLINTON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1586, a bill to authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency and currency manipulations are not successful.

S. 1613

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1613, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and wage production credit.

S. 1615

At the request of Mr. DASCHLE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1615, a bill to amend title 37, United States Code, to make permanent the rates of hostile fire and imminent danger special pay and family separation allowance for members of the uniformed services as increased by the Emergency Wartime Supplemental Appropriations Act, 2003.

S. 1622

At the request of Mr. GRAHAM of Florida, the names of the Senator from Florida (Mr. NELSON), the Senator from Colorado (Mr. CAMPBELL), the Senator from Louisiana (Mr. BREAUX) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1622, a bill to amend title 10, United States Code, to exempt certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized.

S. CON. RES. 21

At the request of Mr. BUNNING, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. Con. Res. 21, a concurrent resolution expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce.

S. RES. 98

At the request of Mr. CAMPBELL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Res. 98, a resolution expressing the sense of the Senate that the President should designate the week of October 12, 2003, through October 18, 2003, as ''National Cystic Fibrosis Awareness Week''.

S. RES. 170

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 170, a resolution designating the years 2004 and 2005 as ''Years of Foreign Language Study''.

S. RES. 219

At the request of Mr. GRAHAM of South Carolina, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Wisconsin (Mr. KOHL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 219, a resolution to encourage the People's Republic of China to establish a market-based valuation of the yuan and to fulfill its commitments under international trade agreements.

S. RES. 221

At the request of Mr. SARBANES, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 222

At the request of Mr. BIDEN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Illinois (Mr. DURBIN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Res. 222, a resolution designating October 17, 2003 as ''National Mammography Day''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED:

S. 1624. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add Rhode Island to the Mid-Atlantic Fishery Management Council; to the Committee on Commerce, Science, and Transportation.

Mr. REED. Mr. President, I rise today to introduce the Rhode Island Fishermen's Fairness Act of 2003. This legislation would address a serious flaw in our Nation's regional fisheries management system by adding Rhode Island to the Mid-Atlantic Fishery Management Council (MAFMC), which currently consists of representatives from New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and North Carolina.

The MAFMC manages the following 13 species, all of which are landed in Rhode Island: Illex squid, loligo squid, Atlantic mackerel, black sea bass, bluefish, butterfish, monkfish, scup, spiny dogfish, summer flounder, surfclam, ocean quahog, and tilefish.

In 2001, the most recent year for which final data are available, Rhode Island fishermen brought in over 21 percent of MAFMC landings by weight—more than any of the MAFMC member States except New Jersey, which is responsible for about 56 percent of total MAFMC landings. In fact, with the exception of New Jersey, Rhode Island's total 2001 MAFMC landings, 44.1 million pounds, nearly equaled those of all other MAFMC member States combined, 45.9 million pounds.

If Rhode Island fishermen are responsible for a large percentage of overall MAFMC landings, these species make up an even larger proportion of landings within Rhode Island every year. Between 1995 and 2002, MAFMC species represented between 29 percent and 58 percent of all finfish landed in Rhode Island annually, for an average of 43 percent of total landings by weight. In eight of the years between 1990 and 2002, squid, Illex and loligo, was the number one finfish landed in Rhode Island, with a value of between $13 million and $20 million annually.

Yet Rhode Island has no voice in the management of these species.

Following council tradition and Federal fisheries law, the Rhode Island Fishermen's Fairness Act would create two seats on the MAFMC for Rhode Island: one seat nominated by the Governor of Rhode Island and appointed by the Secretary of Commerce, and a second seat filled by Rhode Island's principal State official with marine fishery management responsibility. The MAFMC would increase in size from 21 voting members to 23.

There is a precedent for this proposed legislation. In 1996, North Carolina's representatives in Congress succeeded in adding that State to the MAFMC through an amendment to the Sustainable Fisheries Act. Like Rhode Island, a significant proportion of North Carolina's landed fish species were managed by the MAFMC, yet the State had no vote on the council. Today, Rhode Island's share of total landings for species managed by the MAFMC is more than six times greater than that of North Carolina.

I look forward to working with my colleagues to restore a measure of equity to the fisheries management process by passing the Rhode Island Fishermen's Fairness Act. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1624

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

SECTION 1. ADDITION OF RHODE ISLAND TO THE MID-ATLANTIC FISHERY MANAGEMENT COUNCIL.

Section 302(a)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(B)) is amended—

(1) by inserting ''Rhode Island,'' after ''Virginia,'';

(2) by inserting ''Rhode Island,'' after ''except North Carolina,'';

(3) by striking ''21'' and inserting ''23''; and

(4) by striking ''13'' and inserting ''14''.

By Mr. ALLARD:

S. 1625. To amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades; to the Committee on Finance.

Mr. ALLARD. Mr. President, it gives me great pleasure to introduce today a

bill to provide a tax credit for apprenticeship training programs for various construction trades recognized by the Bureau of Labor Statistics (BLS), including masonry, electrical contract work, plumbing and heating and a host of other important vocations.

There are several reasons why I believe this legislation is necessary for apprenticeship training in these trades. First and foremost, these are highly skilled trades requiring many years of training. Second, there is a significant shortage of workers in these trades; in fact it is my understanding that many contractors often have to look outside the country to find a craftsman trained in one of these particular fields. Third, the average age of some of the workers in these crafts is over 50 and we must make every effort to ensure that we retain and recruit the most capable people in these jobs. And finally, many of these industries are very capital intensive and it makes sense to me to offer small businesses a short term tax credit to encourage productivity and stimulate economic growth and job creation.

During the last Congress a similar bill was introduced in the House of Representatives by Congressman FOLEY of Florida. Regrettably the bill was not met with a great deal of enthusiasm, primarily due to the price tag attached to it. The legislation I am introducing, the Apprenticeship Training and Education Act of 2003, has been modified to address budgetary concerns as well as the concerns of those in some of the building trades that the apprenticeship training programs were indeed legitimate ones that would ultimately produce certified craftsmen. I greatly appreciate the assistance of the Mason Contractors Association of America and the Independent Electrical Contractors in crafting a bill that is fiscally responsible and credible.

I believe this tax credit will go a long way toward encouraging companies with a certified apprenticeship program to hire and train new workers. As the population of these workers continues to age and decline, it is absolutely essential that we look for ways to attract more, younger workers to what I believe to be excellent, high-paying and high skilled jobs in these construction trades.

Under my bill, a tax credit of up to $10,000 per year for the first 2 years of a 4-year program would be provided and companies could hire three new apprentices each year. The normal business deduction taken for this expense would be offset by the amount of the tax credit. The bill also specifically targets trades in the construction industry recognized by the BLS and only those programs certified by a State's or the Federal Department of Labor would qualify for the credit.

In my view there are many companies across the country that would benefit tremendously from this tax credit. I commend this legislation to my colleagues and urge them to cosponsor it with me. These are jobs and trades to be proud of and I encourage other Members of this body to promote the skills and education necessary to keep them viable in the United States.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1625

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Apprenticeship, Training, and Employment Act of 2003''.

SEC. 2. CREDIT FOR EXPENSES FOR LONG-TERM TRAINING OF EMPLOYEES IN HIGHLY SKILLED SMALL BUSINESS TRADES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45G. EXPENSES FOR LONG-TERM TRAINING OF EMPLOYEES IN HIGHLY SKILLED SMALL BUSINESS TRADES.

''(a) GENERAL RULE.—For purposes of section 38, in the case of a small business employer, the highly skilled trades training credit determined under this section for the taxable year is $10,000 for each employee (not to exceed 3 employees) having a qualified training year ending with or within such taxable year (whether or not such employee is an employee of the taxpayer as of the close of such taxable year).

''(b) DEFINITIONS.—For purposes of this section—

''(1) SMALL BUSINESS EMPLOYER.—

''(A) IN GENERAL.—The term 'small business employer' means, with respect to any taxable year, any employer who qualifies during such taxable year as a specialty trade contractor under subsector 238 of sector 23 contained in the table under section 121.201 of title 13, Code of Federal Regulations, as in effect on the date of the enactment of this section.

''(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

''(2) QUALIFIED TRAINING YEAR.—

''(A) IN GENERAL.—The term 'qualified training year' means each year during the training period in which the employee received at least 1,500 hours of training (including on-the-job training and training at multi-employer training facilities) from the taxpayer (or any predecessor) under a qualified training program as an apprentice in any highly skilled trade.

''(B) HIGHLY SKILLED TRADES.—For purposes of subparagraph (A), the term 'highly skilled trades' means any specialty trade specified under subsector 238 of sector 23 contained in the table under section 121.201 of title 13, Code of Federal Regulations, as in effect on the date of the enactment of this section. Such term shall not include any trade if the customary apprenticeship period for such trade is less than 2 years.

''(C) QUALIFIED TRAINING PROGRAM.—

''(i) IN GENERAL.—The term 'qualified training program' means a written plan of study and training for individuals in, or entering into, highly skilled trades.

''(ii) DESCRIPTION OF PROGRAMS.—A plan under clause (i) must be a program which meets the requirements of clause (iii) and is either—

''(I) an apprenticeship program registered and certified with the Secretary of Labor under section 1 of the National Apprenticeship Act (29 U.S.C. 50), or

''(II) a program licensed, registered, or certified by the workforce investment board or apprenticeship agency or council of a State or administered in compliance with apprenticeship laws of a State.

''(iii) REQUIREMENTS.—A program meets the requirements of this clause if such program—

''(I) is accessible to individuals without discrimination on the basis of race, sex, color, religion, or national origin,

''(II) provides an overview of the trade, including the history and modern developments in such trade,

''(III) provides related instruction of the fundamental, intermediate, and advanced skills, techniques, and materials of the trade,

''(IV) provides training in math, measurement, and blueprint reading skills, if such skills are required in the trade,

''(V) provides training on trade-specific tools and equipment,

''(VI) provides trade specific safety and health training,

''(VII) provides on-the-job training which allows performance of work under close supervision of an instructor or skilled worker, and

''(VIII) provides periodic review and evaluation of participants to demonstrate proficiency in skills, including the use of tests and assessment of individual and group projects.

''(3) TRAINING PERIOD.—The term 'training period' means, with respect to an employee, the period—

''(A) beginning on the date that the employee begins employment with the taxpayer as an apprentice in the highly skilled trade, and

''(B) ending on the earlier of—

''(i) the date that such apprenticeship with the employer ends, or

''(ii) the date which is 2 years after the date referred to in subparagraph (A).

''(c) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under sections 51(a) and 1396(a) with respect to any employee shall be reduced by the credit allowed by this section with respect to such employee.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code is amended by striking ''plus'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting '', plus'', and by adding at the end the following new paragraph:

''(16) in the case of a small business employer (as defined in section 45G(b)), the highly skilled trades training credit determined under section 45G(a).''.

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C of such Code is amended by adding at the end the following new subsection:

''(d) CREDIT FOR TRAINING EXPENSES FOR EMPLOYEES IN HIGHLY SKILLED SMALL BUSINESS TRADES.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for the taxable year under section 45G(a).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 45G. Expenses for long-term training of employees in highly skilled small business trades.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred in the taxable years ending after the date of the enactment of this Act.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. GREGG. and Mrs. MURRAY):

S. 1627. A bill to reauthorize the Workforce Investment Act of 1998, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, as I consulted the morning weather reports, the thought occurred to me that today's economic forecast sounds a lot like the weather forecast. There is good reason to believe dramatic change is on the way. Yet, unlike the weather, how dramatic the economic change will be and how prepared we will be for it is in our hands. While we can't do anything about the weather, we can do something about helping America's workers get back to work.

We have already taken action to lay the groundwork for our economic recovery. We have ensured the presence of more capital in our economy which will lead to the creation of more jobs for our people. We have also begun to deal with the changing face of our Nation's economy. Because the kinds of jobs that will be available in the days to come will be different from those that were highly valued just months ago, we need to ensure that those who are looking for jobs find them. To do that we must ensure they have the training they will need for these new positions. We must also bring workforce supply and demand together to ensure that our businesses have the skilled employees they need to compete in a more global economy.

Workforce development is a powerful economic development tool. In these challenging times, the reauthorization of the Workforce Investment Act will give us an opportunity to improve the lives of millions of our workers, and increase the strength of our businesses and communities.

Legislation I am introducing today, the Workforce Investment Act Amendments of 2003, along with my colleagues Senator KENNEDY, Senator GREGG and Senator MURRAY, will build upon the success of the Workforce Investment Act while addressing its shortcomings.

In 1998 the Workforce Investment Act was enacted to create a streamlined job training and employment system that would be responsive to the needs of employers and workers. The system may be fairly new, but we've already learned a great deal about its strengths and weaknesses. These lessons reinforce what I learned as a small business owner in Wyoming: real opportunity in America comes from the small business sector; economic development and workforce development go hand in hand; rural areas face unique workforce development challenges; Washington cannot—and should not—determine state, local and individual workforce needs; and overly burdensome administrative requirements divert resources from serving customers.

Prior to coming to the Senate, my wife and I owned a small chain of shoe stores. We were not shoe salesmen, we were shoe fitters. There is a big difference. Shoe fitters listen to their customers and then meet their need for footwear with something comfortable to wear. Some people may be born salesmen, but they have to be trained to be shoe fitters. We had a series of courses we put our employees through. Few people are aware that slight changes can be made in a shoe to make it especially comfortable as well as useful and attractive. They aren't aware of the possibilities because they haven't been coming to see shoe fitters—they've been dealing with salesmen.

We taught listening, needs questioning, and technical fitting. Any staff person could advance through our training and begin filling foot doctor's prescriptions. The value of the training was that it made our stores special. We made sure our customers received the help they needed—even though they didn't know to ask for it—because they didn't know it was available.

Along the way we got to see some very special people achieve. One young returning Vietnam vet became a store manager, then bought that store—and later—bought a second store from us. Now he owns his own building and is also in the motel business. Bill Schepeler of Miles City, MT has and is playing a role in building three communities. I also consider him to be one of my good friends. He went through a workforce training program that we had approved in conjunction with the federal government.

My wife has also served on several boards that dealt with training and jobs and is currently on the Advisory Committee On Apprenticeship of the Department of Labor. She and I know that real opportunity in America comes from the small business sector where the American dream can still happen.

This bipartisan legislation I am introducing today wil help keep the American dream alive for millions of American workers. It will provide workers with the training they need to find new or better jobs.

Our bill improves upon the existing one-stop career center delivery system to ensure that it can respond quickly and effectively to the changing needs of employers and workers in the new economy and address the needs of hard-to-serve populations. The bill also better connects the job training system with the private sector and with post-secondary education and training, social services, and economic development systems. Doing so will prepare the 21st century workforce for career opportunities and skills in high-growing sectors. Our bill removes barriers in the laws that have discouraged business involvement in workforce training. As a result, job training and employment services will be more demand-driven and responsive to the needs of employers, both large and small.

One-stop career centers are the focal point of WIA's job training and employment system. However, distance can create a barrier to delivering job training and employment services in many rural and frontier areas, like Wyoming. A job seeker or employer in Dubois, WY has to travel 150 miles round trip to get to the nearest one-stop center in Lander. It isn't hard to understand the impact that traveling distances like that can have on a trainee or business owner. If you live in a big city—there's probably a facility just down the road—or a short bus ride downtown. There is an answer to that problem—technology can effectively remove the barrier created by distance. This legislation will leverage technology to improve access to WIA services throughout each state, including rural areas.

Some states and localities have found creative ways to overcome the challenges imposed by current law. Wyoming has done a magnificent job with the resources they have been allotted, and I commend their ingenuity. With this legislation, we will give Wyoming and the other states and localities the tools they need to help the unemployed or underemployed.

I want to thank my colleagues on the HELP Committee for all their work on this bipartisan Workforce Amendment Act. I also want to thank the Department of Labor for their assistance. I look forward to working with my colleagues and the administration to expeditiously address outstanding issues and enact this vital legislation. A demand-driven, flexible, and accountable system that works in all areas of the country in all economic times is what we can achieve through the reauthorization of the Workforce Investment Act.

We can't do anything to change the path of Hurricane Isabel. However, we can do something to put our workers on the path to new and better jobs. In fact, this bill means more than just jobs—it means good, solid careers for the workers of this country.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1627

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Workforce Investment Act Amendments of 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

Subtitle A—Definitions

Sec. 101. Definitions.

Subtitle B—Statewide and Local Workforce Investment Systems

Sec. 111. Purpose.
Sec. 112. State workforce investment boards.
Sec. 113. State plan.
Sec. 114. Local workforce investment areas.
Sec. 115. Local workforce investment boards.
Sec. 116. Local plan.
Sec. 117. Establishment of one-stop delivery systems.
Sec. 118. Eligible providers of training services.
Sec. 119. Eligible providers of youth activities.
Sec. 120. Youth activities.
Sec. 121. Adult and dislocated worker employment and training activities.
Sec. 122. Performance accountability system.
Sec. 123. Authorization of appropriations.

Subtitle C—Job Corps

Sec. 131. Job Corps.

Subtitle D—National Programs

Sec. 141. Native American programs.
Sec. 142. Migrant and seasonal farmworker programs.
Sec. 143. Veterans' workforce investment programs.
Sec. 144. Youth challenge grants.
Sec. 145. Technical assistance.
Sec. 146. Demonstration, pilot, multiservice, research, and multistate projects.
Sec. 147. National dislocated worker grants.
Sec. 148. Authorization of appropriations for national activities.

Subtitle E—Administration

Sec. 151. Requirements and restrictions.
Sec. 152. Cost principles.
Sec. 153. Reports.
Sec. 154. Administrative provisions.
Sec. 155. Use of certain real property.

TITLE II—AMENDMENTS TO THE ADULT EDUCATION AND FAMILY LITERACY ACT

Sec. 201. Short title; purpose.
Sec. 202. Definitions.
Sec. 203. Authorization of appropriations.
Sec. 204. Reservation of funds; grants to eligible agencies; allotments.
Sec. 205. Performance accountability system.
Sec. 206. State administration.
Sec. 207. State distribution of funds; matching requirement.
Sec. 208. State leadership activities.
Sec. 209. State plan.
Sec. 210. Programs for corrections education and other institutionalized individuals.
Sec. 211. Grants and contracts for eligible providers.
Sec. 212. Local application.
Sec. 213. Local administrative cost limits.
Sec. 214. Administrative provisions.
Sec. 215. National Institute for Literacy.
Sec. 216. National leadership activities.
Sec. 217. Integrated English literacy and civics education.
Sec. 218. Transition.

TITLE III—AMENDMENTS TO OTHER PROVISIONS OF LAW

Sec. 301. Wagner-Peyser Act.

TITLE IV—REHABILITATION ACT AMENDMENTS

Sec. 401. Short title.
Sec. 402. Technical amendments to table of contents.
Sec. 403. Purpose.
Sec. 404. Definitions.
Sec. 405. Administration of the Act.
Sec. 406. Carryover.

Subtitle A—Vocational Rehabilitation Services

Sec. 411. Declaration of policy; authorization of appropriations.
Sec. 412. State plans.
Sec. 413. Eligibility and individualized plan for employment.
Sec. 414. Vocational rehabilitation services.
Sec. 415. State rehabilitation council.
Sec. 416. Evaluation standards and performance indicators.
Sec. 417. State allotments.
Sec. 418. Client assistance program.
Sec. 419. Incentive grants.
Sec. 420. Vocational rehabilitation services grants.
Sec. 421. GAO studies.

Subtitle B—Research and Training

Sec. 431. Authorization of appropriations.
Sec. 432. National Institute on Disability and Rehabilitation Research.
Sec. 433. Research and other covered activities.
Sec. 434. Rehabilitation research advisory council.

Subtitle C—Professional Development and Special Projects and Demonstrations

Sec. 441. Training.
Sec. 442. Demonstration and training programs.
Sec. 443. Migrant and seasonal farmworkers.
Sec. 444. Recreational programs.

Subtitle D—National Council on Disability

Sec. 451. Authorization of appropriations.

Subtitle E—Rights and Advocacy

Sec. 461. Architectural and transportation barriers compliance board.
Sec. 462. Protection and advocacy of individual rights.

Subtitle F—Employment Opportunities for Individuals With Disabilities

Sec. 471. Projects with industry authorization of appropriations.
Sec. 472. Services for individuals with significant disabilities authorization of appropriations.

Subtitle G—Independent Living Services and Centers for Independent Living

Sec. 481. State plan.
Sec. 482. Statewide independent living council.
Sec. 483. Independent living services authorization of appropriations.
Sec. 484. Program authorization.
Sec. 485. Grants to centers for independent living in States in which Federal funding exceeds State funding.
Sec. 486. Grants to centers for independent living in States in which State funding equals or exceeds Federal funding.
Sec. 487. Standards and assurances for centers for independent living.
Sec. 488. Centers for independent living authorization of appropriations.
Sec. 489. Independent living services for older individuals who are blind.
Sec. 490. Program of grants.
Sec. 491. Independent living services for older individuals who are blind authorization of appropriations.

Subtitle H—Miscellaneous

Sec. 495. Helen Keller National Center Act.

TITLE V—TRANSITION AND EFFECTIVE DATE

Sec. 501. Transition provisions.
Sec. 502. Effective date.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

TITLE I—AMENDMENTS TO TITLE I OF THE WORKFORCE INVESTMENT ACT OF 1998

Subtitle A—Definitions

SEC. 101. DEFINITIONS.

Section 101 (29 U.S.C. 2801) is amended—

(1) by striking paragraph (24);

(2) by redesignating paragraphs (1) through (4), (5) through (16), (17), (18) through (23), (25) through (41), and (42) through (53) as paragraphs (2) through (5), (7) through (18), (20), (23) through (28), (29) through (45), and (47) through (58), respectively;

(3) by inserting before paragraph (3) (as redesignated by paragraph (2)) the following:

''(1) ACCRUED EXPENDITURES.—The term 'accrued expenditures' means charges incurred by recipients of funds under this title for a given period requiring the provision of funds for—

''(A) goods or other tangible property received;

''(B) services performed by employees, contractors, subgrantees, subcontractors, and other payees; and

''(C) other amounts becoming owed under programs assisted under this title for which no current services or performance is required, such as annuities, insurance claims, and other benefit payments.

(4) in paragraph (2) (as redesignated by paragraph (2)), by striking ''Except in sections 127 and 132,'' and inserting ''Except in section 132,'';

(5) by inserting after paragraph (5) (as redesignated by paragraph (2)) the following:

''(6) BUSINESS INTERMEDIARY.—The term 'business intermediary' means an entity that brings together various stakeholders with an expertise in an industry or business sector.'';

(6) in paragraph (9) (as redesignated by paragraph (2)), by inserting '', including a faith-based organization,'' after ''nonprofit organization'';

(7) in paragraph (10) (as redesignated by paragraph (2))—

(A) in subparagraph (B), by striking ''and'' after the semicolon;

(B) in subparagraph (C)—

(i) by striking ''not less than 50 percent of the cost of the training'' and inserting ''a significant portion of the cost of training as determined by the local board, taking into account the size of the employer and such other factors as the local board determines to be appropriate''; and

(ii) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(D) for customized training with employers in various parts of the State, a significant portion of the cost of the training, as determined by the Governor, taking into account the size of the employer and such other factors as the Governor determines appropriate.'';

(8) in paragraph (11) (as redesignated by paragraph (2))—

(A) in subparagraph (A)(ii)(II), by striking ''section 134(c)'' and inserting ''section 121(e)'';

(B) in subparagraph (C), by striking ''or'' after the semicolon;

(C) in subparagraph (D), by striking the period and inserting ''; or''; and

(D) by adding at the end the following:

''(E)(i) is a member of the Armed Forces on active duty, who has been involuntarily separated with an honorable discharge, from the Armed Forces, or who has received notice of such separation;

''(ii) is the spouse or adult dependent of a member of the Armed Forces who has experienced the loss of employment as a direct result of relocation to accommodate a change in duty station of such member; or

''(iii) is the spouse of a member of the Armed Forces on active duty who meets the criteria described in paragraph (13)(B).'';

(9) in paragraph (12)(A) (as redesignated by paragraph (2))—

(A) by striking ''and'' after the semicolon and inserting ''or'';

(B) by striking ''(A)'' and inserting ''(A)(i)''; and

(C) by adding at the end the following:

''(ii) is the dependent spouse of a member of the Armed Forces, whose family income is significantly reduced because of a deployment, an activation, a transfer of duty station, or the service-connected death or disability of the spouse; and'';

(10) in paragraph (14)(A) (as redesignated by paragraph (2)), by striking ''section 122(e)(3)'' and inserting ''section 122'';

(11) by inserting after paragraph (18) (as redesignated by paragraph (2)) the following:

''(19) HARD-TO-SERVE POPULATIONS.—The term 'hard-to-serve populations' means populations of individuals who are hard-to-serve, including displaced homemakers, low-income individuals, Native Americans, individuals with disabilities, older individuals, ex-offenders, homeless individuals, individuals with limited English proficiency, individuals who do not meet the definition of literacy in section 203, individuals facing substantial cultural barriers, migrant and seasonal farmworkers, individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and such other groups as the Governor determines to be hard-to-serve.'';

(12) by inserting after paragraph (20) (as redesignated by paragraph (2)) the following:

''(21) INTEGRATED TRAINING PROGRAM.—The term 'integrated training program' means a program that combines occupational skills training with language acquisition.

''(22) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102(a)(1) (A) and (B) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(1)).'';

(13) in paragraph (29) (as redesignated by paragraph (2))—

(A) in subparagraph (B), by striking ''higher of—'' and all that follows through ''level, for an equivalent period'' and inserting ''poverty line for an equivalent period'';

(B) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(C) by inserting after subparagraph (C) the following:

''(D) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);'';

(14) in paragraph (34) (as redesignated by paragraph (2)), by inserting '', subject to section 121(b)(1)(C)'' after ''121(b)(1)'';

(15) by striking paragraph (37) (as redesignated by paragraph (2)) and inserting the following:

''(37) OUT-OF-SCHOOL YOUTH.—The term 'out-of-school youth' means an out-of-school youth as defined in section 129(a)(1)(B).'';

(16) in paragraph (45) (as redesignated by paragraph (2)), by striking '', and the term means such Secretary for purposes of section 503'';

(17) by inserting after paragraph (45) (as redesignated by paragraph (2)) the following:

''(46) SELF-SUFFICIENCY.—The term 'self-sufficiency' has the meaning given the term in section 134(a)(3)(A)(4)(x) and section 134(e)(1)(A)(ix).'';

(18) in paragraph (48) (as redesignated by paragraph (2)), by striking ''clause (iii) or (v) of section 136(b)(3)(A)'' and inserting ''section 136(b)(3)(A)(iii)'';

(19) in paragraph (57) (as redesignated by paragraph (2)), by striking ''(or as described in section 129(c)(5))'' and inserting ''(or as described in section 129(a)(2))''; and

(20) in paragraph (58) (as redesignated by paragraph (2)), by striking ''established under section 117(h)'' and inserting ''that may be established under section 117(h)(2)''.

Subtitle B—Statewide and Local Workforce Investment Systems

SEC. 111. PURPOSE.

Section 106 (29 U.S.C. 2811) is amended to read as follows:

''SEC. 106. PURPOSES.

''The purposes of this subtitle are the following:

''(1)(A) Primarily, to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, self-sufficiency, and earnings of participants, and increase occupational skill attainment by participants.

''(B) As a result of the provision of the activities, to improve the quality of the workforce, reduce welfare dependency, increase self-sufficiency, and enhance the productivity and competitiveness of the Nation.

''(2) To enhance the workforce investment system of the Nation by strengthening one-stop centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment and training and related services, establishing a targeted approach to serving youth, improving performance accountability, and promoting State and local flexibility.

''(3) To provide workforce investment activities in a manner that promotes the informed choice of participants and actively involves participants in decisions affecting their participation in such activities.

''(4) To provide workforce investment systems that are demand-driven and responsive to the needs of all employers, including small employers.

''(5) To provide workforce investment systems that work in all areas of the Nation, including urban and rural areas.

''(6) To allow flexibility to meet State, local, regional, and individual workforce investment needs.

''(7) To recognize and reinforce the vital link between economic development and workforce investment activities.

''(8) To provide for accurate data collection, reporting, and performance measures that are not unduly burdensome.

''(9) To address the ongoing shortage of essential skills in the United States workforce related to both manufacturing and knowledge-based economies to ensure that the United States remains competitive in the global economy.

''(10) To equip workers with higher skills and contribute to lifelong education.

''(11) To eliminate training disincentives for hard-to-serve populations and minority workers, including effectively utilizing community programs, services, and agencies.

''(12) To educate limited English proficient individuals about skills and language so the individuals are employable.

''(13) To increase the employment, retention and earnings of individuals with disabilities.''.

SEC. 112. STATE WORKFORCE INVESTMENT BOARDS.

(a) MEMBERSHIP.—

(1) IN GENERAL.—Section 111(b) (29 U.S.C. 2821(b)) is amended—

(A) in paragraph (1), by striking subparagraph (C) and inserting the following:

''(C) representatives appointed by the Governor, who—

''(i) are the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) and carried out by one-stop partners, except that—

''(I) in any case in which no lead State agency official has responsibility for such a program or activity, the representative shall be a representative in the State with expertise relating to such program or activity; and

''(II) in the case of the programs authorized under title I of the Rehabilitation Act of 1973, the representative shall be the head of the designated State unit, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705);

''(ii) are the State agency officials responsible for economic development;

''(iii) are representatives of all business in the State, including small businesses, who—

''(I) are owners of businesses, chief executive or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;

''(II) represent businesses with employment opportunities that reflect employment opportunities in the State; and

''(III) are appointed from among individuals nominated by State business organizations, business trade associations, and local boards;

''(iv) is a chief elected official (representing cities and counties, where appropriate)

''(v) are representatives of labor organizations, who have been nominated by State labor federations; and

''(vi) are such other State agency officials and other representatives as the Governor may designate.''; and

(B) in paragraph (3), by striking ''paragraph (1)(C)(i)'' and inserting ''paragraph (1)(C)(iii)''.

(2) CONFORMING AMENDMENT.—Section 111(c) (29 U.S.C. 2821(c)) is amended by striking ''subsection (b)(1)(C)(i)'' and inserting ''subsection (b)(1)(C)(iii)''.

(b) FUNCTIONS.—Section 111(d) (29 U.S.C. 2811(d)) is amended—

(1) in paragraph (1), by striking ''development'' and inserting ''development, implementation, and revision'';

(2) in paragraph (2), by striking ''section 134(c)'' and inserting ''section 121(e)'';

(3) by striking paragraph (3) and inserting the following:

''(3) reviewing and providing comment on the State plans of all one-stop partner programs, where applicable, in order to provide effective strategic leadership in the development of a high quality, comprehensive statewide workforce investment system, including commenting at least once annually on the measures taken pursuant to section 113(b)(3) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C 2323(b)(3)) and title II of this Act;

(4) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(5) by inserting after paragraph (3) the following:

''(4) development and review of statewide policies affecting the coordinated provision of services through the one-stop delivery systems described in section 121(e) within the State, including—

''(A) the development of objective procedures and criteria for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers under section 121(g);

''(B) the development of guidance for the allocation of one-stop center infrastructure funds under section 121(h)(1)(B);

''(C) the development of—

''(i) statewide policies relating to the appropriate roles and contributions of one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the one-stop delivery system;

''(ii) statewide strategies for providing effective outreach to individuals, including hard-to-serve populations, and employers who could benefit from services provided through the one-stop delivery system; and

''(iii) strategies for technology improvements to facilitate access to services provided through the one-stop delivery system, in remote areas, and for individuals with disabilities, which may be utilized throughout the State;

''(D) identification and dissemination of information on best practices for effective operation of one-stop centers, including use of innovative business outreach, partnerships, and service delivery strategies, including for hard-to-serve populations; and

''(E) such other matters as may promote statewide objectives for, and enhance the performance of, the one-stop delivery systems;'';

(6) in paragraph (5) (as redesignated by paragraph (4)), by inserting ''and the development of Statewide criteria to be used by chief elected officials for the appointment of local boards and for use in certification of local boards consistent with section 117'' after ''section 116'';

(7) in paragraph (6) (as redesignated by paragraph (4)), by striking ''sections 128(b)(3)(B) and 133(b)(3)(B)'' and inserting ''sections 128(b)(3) and 133(b)(3)(B)'';

(8) in paragraph (8) (as redesignated by paragraph (4), by striking ''and'' after the semicolon;

(9) in paragraph (10) (as redesignated by paragraph (4))—

(A) by striking ''section 503'' and inserting ''section 136(i)(1)''; and

(B) by striking the period and inserting ''; and''; and

(10) by adding at the end the following:

''(11) increasing the availability of skills training, employment opportunities, and career advancement for hard-to-serve populations.''.

(c) ALTERNATIVE ENTITY.—Section 111(e) (29 U.S.C. 2811(e)) is amended—

(1) in paragraph (1), by striking ''For'' and inserting ''Subject to paragraph (3), for''; and

(2) by adding at the end the following:

''(3) FAILURE TO MEET PERFORMANCE MEASURES.—If a State fails to meet the State adjusted levels of performance established pursuant to section 136, the Secretary may require the State to establish a State board in accordance with subsections (a), (b), and (c) in lieu of the alternative entity established under paragraph (1).''.

(d) SUNSHINE PROVISION.—Section 111(g) (29 U.S.C. 2822(g)) is amended—

(1) by inserting '', and modifications to the State plan,'' before ''prior''; and

(2) by inserting '', and modifications to the State plan'' after ''the plan''.

(e) AUTHORITY TO HIRE STAFF.—Section 111 (29 U.S.C. 2811)) is amended by adding at the end the following:

''(h) AUTHORITY TO HIRE STAFF.—The State board may hire staff to assist in carrying out the functions described in subsection (d) using funds allocated under section 127(b)(1)(C) and section 132(b).''.

SEC. 113. STATE PLAN.

(a) PLANNING CYCLE.—Section 112(a) (29 U.S.C. 2822(a)) is amended—

(1) by striking ''5-year strategy'' and inserting ''4-year strategy''; and

(2) by adding at the end the following: ''At the end of the first 2-year period of the 4-year State plan, the State board shall review and, as needed, amend the 4-year State plan to reflect labor market and economic conditions. In addition, the State shall submit a modification to the State plan at the end of the first 2-year period of the State plan, which may include redesignation of local areas pursuant to section 116(a) and the levels of performance under sections 136 for the third and fourth years of the plan.''.

(b) CONTENTS.—Section 112(b) (29 U.S.C. 2822(b)) is amended—

(1) in paragraph (8)(A)—

(A) in clause (ix), by striking ''and'' after the semicolon; and

(B) by adding at the end the following:

''(xi) programs authorized under title II of the Social Security Act (42 U.S.C. 401 et seq.) (relating to Federal old-age, survivors, and disability insurance benefits), title XVI of such Act (42 U.S.C. 1381 et seq.) (relating to supplemental security income), title XIX of such Act (42 U.S.C. 1396 et seq.) (relating to medicaid), and title XX of such Act (relating to block grants to States for social services), programs authorized under title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.), and programs carried out by State agencies relating to mental retardation and developmental disabilities; and'';

(2) by striking paragraph (10) and inserting the following:

''(10) a description of how the State will use funds the State received under this subtitle to leverage other Federal, State, local, and private resources, in order to maximize the effectiveness of such resources, expand resources for the provision of education and training services, and expand the participation of businesses, employees, and individuals in the Statewide workforce investment system, including a description of incentives and technical assistance the State will provide to local areas for such purposes;'';

(3) in paragraph (12)(A), by striking ''sections 128(b)(3)(B) and 133(b)(3)(B)'' and inserting ''sections 128(b)(3) and 133(b)(3)(B)'';

(4) in paragraph (14), by striking ''section 134(c)'' and inserting ''section 121(e)'';

(5) in paragraph (17)—

(A) in subparagraph (A)—

(i) in clause (iii)—

(I) by inserting ''local'' before ''customized training''; and

(II) by striking ''and'' at the end;

(ii) in clause (iv), by striking ''homemakers),'' and all that follows through ''disabilities)'' and inserting ''hard-to-serve populations and individuals training for nontraditional employment''; and

(iii) by adding after clause (iv) the following:

''(v) how the State will serve the employment and training needs of individuals with disabilities, consistent with section 188 and Executive Order 13217 (42 U.S.C. 12131 note; relating to community-based alternatives for individuals with disabilities), including the provision of outreach, intake, the conduct of assessments, service delivery, the development of performance measures, and the training of staff; and''; and

(B) in subparagraph (B), by striking ''and'' at the end;

(6) in paragraph (18)(D)—

(A) by striking ''youth opportunity grants'' and inserting ''youth challenge grants authorized under section 169 and other federally funded youth programs''; and

(B) by striking the period and inserting a semicolon; and

(7) by adding at the end the following:

''(19) a description of how the State will utilize technology to facilitate access to services in remote areas, which may be utilized throughout the State;

''(20) a description of the State strategy for coordinating workforce investment activities and economic development activities;

''(21) a description of the State strategy and assistance needed for ensuring regional cooperation;

''(22) a description of how the State will use funds the State receives under this subtitle to—

''(A) implement innovative programs and strategies designed to meet the needs of all businesses in the State, including small businesses, which may include incumbent worker training programs, sectoral and industry cluster strategies, regional skills alliances, career ladder programs, utilization of effective business intermediaries, and other business services and strategies that better engage employers in workforce activities and make the statewide workforce investment system more relevant to the needs of State and local businesses, consistent with the purposes of this Act; and

''(B) provide incentives and technical assistance to assist local areas in more fully engaging large and small employers in local workforce development activities, to make the workforce investment system more relevant to the needs of area businesses, and to better coordinate workforce investment and economic development efforts to contribute to the economic well being of the local area, as determined appropriate by the local board;

''(23) a description of the State strategy for ensuring cooperation between transportation providers, including public transportation providers, and workforce investment activities;

''(24) a description of how the State will assist local areas in assuring physical and programmatic assessability for individuals with disabilities at one-stop centers;

''(25) a description of the process and methodology that will be used by the State board to—

''(A) review statewide policies and provide guidance on the coordinated provision of services through the one-stop delivery system described in section 121;

''(B) establish, in consultation with chief elected officials and local boards, procedures and objective criteria for use by local boards in periodically assessing the effectiveness and continuous improvement of one-stop centers and one-stop delivery systems as described in section 121(g); and

''(C) determine one-stop partner program contributions for—

''(i) the costs of the infrastructure of one-stop centers under section 121(h)(2); and

''(ii) the formula for allocating the funds described in section 121(h)(2) to local areas; and

''(26) a description of the State strategy for ensuring that activities carried out under this title are placing men and women in jobs, education, or training that lead to comparable pay.''.

(c) MODIFICATIONS TO PLAN.—Section 112(d) (29 U.S.C. 2822(d)) is amended—

(1) by striking ''5-year period'' and inserting ''4-year period''; and

(2) by adding at the end the following: ''In addition, the State shall submit the modifications to the State plan required under subsection (a), and under circumstances prescribed by the Secretary that are due to changes in Federal law that significantly affect elements of the State plan.''.

SEC. 114. LOCAL WORKFORCE INVESTMENT AREAS.

(a) DESIGNATION OF AREAS.—

(1) CONSIDERATIONS.—Section 116(a)(1)(B) (29 U.S.C. 2831(a)(1)(B)) is amended by adding at the end the following:

''(vi) The extent to which such local areas will promote maximum effectiveness in the administration and provision of services.''.

(2) AUTOMATIC DESIGNATION.—Section 116(a)(2) (29 U.S.C. 2831(a)(2)) is amended to read as follows:

''(2) AUTOMATIC DESIGNATION.—

''(A) IN GENERAL.—The Governor shall approve a request for designation as a local area that is submitted prior to the submission of the State plan, or of a modification to the State plan relating to area designation, from any area that—

''(i) is a unit of general local government with a population of 500,000 or more, except that after the initial 2-year period following such designation pursuant to this clause that occurs after the date of enactment of the Workforce Investment Act Amendments of 2003, the Governor shall only be required to approve a request for designation from such area if such area—

''(I) performed successfully; and

''(II) sustained fiscal integrity;

''(ii) was a local area under this title for the preceding 2-year period, if such local area—

''(I) performed successfully; and

''(II) sustained fiscal integrity; or

''(iii) is served by a rural concentrated employment program grant recipient, except that after the 2-year period following any such designation under the initial State plan submitted after the date of enactment of the Workforce Investment Act Amendments of 2003, the Governor shall only be required to approve a request for designation under this clause if such area—

''(I) performed successfully; and

''(II) sustained fiscal integrity.

''(B) DEFINITIONS.—For purposes of this paragraph:

''(i) PERFORMED SUCCESSFULLY.—The term 'performed successfully' means that the local area involved is not subject to sanctions under section 136(h)(2) due to the failure to meet the levels of performance establish under section 136(c) for 2 consecutive years.

''(ii) SUSTAINED FISCAL INTEGRITY.—The term 'sustained fiscal integrity' means that the Secretary has not made a formal determination during the preceding 2-year period that either the grant recipient or the administrative entity of the area misexpended funds provided under this title due to willful disregard of the requirements of the Act involved, gross negligence, or failure to comply with accepted standards of administration.''.

(3) CONFORMING AMENDMENTS.—Section 116(a) (29 U.S.C. 2831(a)) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraph (3) and (4), respectively;

(C) in paragraph (3) (as redesignated by subparagraph (B))—

(i) by striking ''(including temporary designation)''; and

(ii) by striking ''(v)'' and inserting ''(vi)''; and

(D) in paragraph (4) (as redesignated by subparagraph (B))—

(i) by striking ''under paragraph (2) or (3)'' and inserting ''under paragraph (2)''; and

(ii) by striking the second sentence.

(b) SINGLE LOCAL AREA STATES.—Section 116(b) (29 U.S.C. 2831(b)) is amended to read as follows:

''(b) SINGLE LOCAL AREA STATES.—

''(1) CONTINUATION OF PREVIOUS DESIGNATION.—Notwithstanding subsection (a)(2), the Governor of any State that was a single local area for purposes of this title as of July 1, 2002, may continue to designate the State as a single local area for purposes of this title if the Governor identifies the State as a local area in the State plan under section 112(b)(5).

''(2) REDESIGNATION.—The Governor may redesignate the State as a single local area if, prior to the submission of the State plan or modification to such plan so designating the State, no local area meeting the requirements for automatic designation under subsection (a)(2) requests such designation as a separate local area.

''(3) EFFECT ON LOCAL PLAN.—In any case in which a State is designated as a local area pursuant to this subsection, the local plan prepared under section 118 for the area shall be submitted to the Secretary for approval as part of the State plan under section 112.''.

(c) REGIONAL PLANNING.—Section 116(c) (29 U.S.C. 2831(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) PLANNING.—

''(A) IN GENERAL.—As part of the process for developing the State plan, a State may require regional planning by local boards for a designated region in the State. The State may require the local boards for a designated region to participate in a regional planning process that results in the establishment of regional performance measures for workforce investment activities authorized under this subtitle. The State, after consultation with local boards and chief elected officials, may require the local boards for the designated region to prepare, submit, and obtain approval of a single regional plan that incorporates local plans for each of the local areas in the region, as required under section 118. The State may award regional incentive grants to the designated regions that meet or exceed the regional performance measures pursuant to section 134(a)(2)(C).

''(B) TECHNICAL ASSISTANCE.—If the State requires regional planning as provided in subparagraph (A), the State shall provide technical assistance and labor market information to such local areas in the designated regions to assist with such regional planning and subsequent service delivery efforts.'';

(2) in paragraph (2), by inserting ''information about the skill requirements of existing and emerging industries and industry clusters,'' after ''information about employment opportunities and trends,''; and

(3) in paragraph (3), by adding at the end the following: ''Such services may be required to be coordinated with regional economic development services and strategies.''.

SEC. 115. LOCAL WORKFORCE INVESTMENT BOARDS.

(a) COMPOSITION.—Section 117(b) (29 U.S.C. 2832(b)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking subclause (II) and inserting the following:

''(II) collectively, represent businesses with employment opportunities that reflect the employment opportunities of the local area, and include representatives of businesses that are in high-growth and emerging industries, and representatives of all businesses, including small businesses, in the local area; and'';

(B) by striking clause (ii) and inserting the following:

''(ii)(I) a superintendent representing the local school districts involved or another high-level official from such districts;

''(II) the president or highest ranking official of an institution of higher education serving the local area; and

''(III) an administrator of local entities providing adult education and literacy activities in the local area;'';

(C) in clause (iv), by inserting '', hard-to-serve populations,'' after ''disabilities''; and

(D) by striking clause (vi) and inserting the following:

''(vi) if the local board does not establish a youth council, representatives with experience serving out-of-school youth, particularly out-of-school youth facing barriers to employment.''; and

(2) by adding at the end the following:

''(6) SPECIAL RULE.—In the case that there are multiple school districts or institutions of higher education serving a local area, the representatives described in paragraph (2)(A)(ii) shall be appointed from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such agencies or institutions.''.

(b) AUTHORITY OF BOARD MEMBERS.—Section 117(b)(3) (29 U.S.C. 2832(b)(3)) is amended—

(1) in the heading, by inserting ''AND REPRESENTATION'' after ''AUTHORITY''; and

(2) by adding at the end the following: ''The members of the board shall represent diverse geographic sections within the local area.''.

(c) CONFORMING AMENDMENT.—Section 117(c)(1)(C) (29 U.S.C. 2832 (c)(1)(C)) is amended by striking ''section 116(a)(2)(B)'' and inserting ''section 116(a)(2)(A)(ii)''.

(d) FUNCTIONS.—Section 117(d) (29 U.S.C. 2832(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)—

(i) by inserting ''(except as provided in section 123(b))'' after ''basis''; and

(ii) by inserting ''where appropriate'' after ''youth council''; and

(B) by adding at the end the following:

''(E) CONSUMER CHOICE REQUIREMENTS.—Consistent with section 134(d)(3) and (d)(4), the local board shall work to ensure there are sufficient providers of intensive services and training services serving the local area in a manner that maximizes consumer choice, including providers with expertise in assisting individuals with disabilities.'';

(2) in paragraph (4), by inserting '', and shall ensure the appropriate use and management of the funds provided under this subtitle for such programs, activities, and system'' after ''area'';

(3) in paragraph (8)—

(A) by inserting ''all'' before ''private sector'';

(B) by inserting '', including small employers,'' after ''private sector employers''; and

(C) by striking the period and inserting '', taking into account the unique needs of small businesses.''; and

(4) by adding at the end the following:

''(9) TECHNOLOGY IMPROVEMENTS.—The local board shall develop strategies for technology improvements to facilitate access to services, in remote areas, for services authorized under this subtitle and carried out in the local area.''.

(e) CONFORMING AMENDMENT.—Section 117(f)(2) (29 U.S.C. 2832(f)(2)) is amended by striking ''described in section 134(c)''.

(f) AUTHORITY TO ESTABLISH COUNCILS AND ELIMINATION OF REQUIREMENT FOR YOUTH COUNCILS.—Section 117(h) (29 U.S.C. 2832(h)) is amended to read as follows:

''(h) COUNCILS.—The local board may establish or continue councils to provide information and advice to assist the local board in carrying out activities under this title. Such councils may include—

''(1) a council composed of one-stop partners to advise the local board on the operation of the one-stop delivery system involved;

''(2) a youth council composed of experts and stakeholders in youth programs to advise the local board on youth activities; and

''(3) such other councils as the local board determines are appropriate.''.

(g) ALTERNATIVE ENTITY PROVISION.—Section 117(i)(1) (29 U.S.C. 2832(i)(1)) is amended—

(1) by striking subparagraph (B) and inserting the following:

''(B) was in existence on August 7, 1998, pursuant to State law; and'';

(2) by striking subparagraph (C); and

(3) by redesignating subparagraph (D) as subparagraph (C).

SEC. 116. LOCAL PLAN.

(a) PLANNING CYCLE.—Section 118(a) (29 U.S.C. 2833(a)) is amended—

(1) by striking ''5-year'' and inserting ''4-year''; and

(2) by adding at the end the following: ''At the end of the first 2-year period of the 4-year plan, the local board shall review and, as needed, amend the 4-year plan to reflect labor market and economic conditions.''.

(b) CONTENTS.—Section 118(b) (29 U.S.C. 2833(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''and'' after the semicolon;

(B) by striking subparagraph (B) and inserting the following:

''(B) a description of how the local board will facilitate access to services provided through the one-stop delivery system, in remote areas, including facilitating access through the use of technology; and''; and

(C) by adding at the end the following:

''(C) a description of how the local board will ensure physical and programmatic assessability for individuals with disabilities at one-stop centers;'';

(2) in paragraph (9), by striking ''; and'' and inserting a semicolon;

(3) by redesignating paragraph (10) as paragraph (14); and

(4) by inserting after paragraph (9) the following:

''(10) a description of how the local board will coordinate workforce investment activities carried out in the local area with economic development activities carried out in the local area;

''(11) a description of the strategies and services that will be initiated in the local area to more fully engage all employers, including small employers, in workforce development activities, to make the workforce investment system more relevant to the needs of area businesses, and to better coordinate workforce investment and economic development efforts, which may include the implementation of innovative initiatives such as incumbent worker training programs, sectoral and industry cluster strategies, regional skills alliances, career ladder programs, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of area employers and contribute to the economic well being of the local area, as determined appropriate by the local board, consistent with the purposes of this Act;

''(12) a description of how the local board will expand access to education and training services for eligible individuals who are in need of such services through—

''(A) the utilization of programs funded under this title ; and

''(B) the increased leveraging of resources other than those provided under this title, including tax credits, private sector-provided training, and other Federal, State, local, and private funding sources that are brokered through the one-stop centers for training;

''(13) a description of how the local board will coordinate workforce investment activities carried out in the local area with the provision of transportation, including public transportation, in the local area; and''.

SEC. 117. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.

(a) ONE-STOP PARTNERS.—

(1) REQUIRED PARTNERS.—Section 121(b)(1) (29 U.S.C. 2841(b)(1)) is amended—

(A) by striking subparagraph (A) and inserting the following:

''(A) ROLES AND RESPONSIBILITIES OF ONE-STOP PARTNERS.—Each entity that carries out a program or activities described in subparagraph (B) shall—

''(i) provide access through the one-stop delivery system to the programs and activities carried out by the entity, including making the core services described in section 134(d)(2) that are applicable to the program of the entity available at the comprehensive one-stop centers (in addition to any other appropriate locations);

''(ii) use a portion of the funds available to the program of the entity to maintain the one-stop delivery system, including payment of the infrastructure costs of one-stop centers in accordance with subsection (h);

''(iii) enter into the local memorandum of understanding with the local board relating to the operation of the one-stop system that meets the requirements of subsection (c);

''(iv) participate in the operation of the one-stop system consistent with the terms of the memorandum of understanding, the requirements of this title, and the requirements of the Federal laws authorizing the programs carried out by the entity; and

''(v) provide representation on the State board to the extent provided under section 111.'';

(B) in subparagraph (B)—

(i) by striking clause (v);

(ii) by redesignating clauses (vi) through (xii) as clauses (v) through (xi), respectively;

(iii) in clause (x) (as redesignated by clause (ii)), by striking ''and'' at the end;

(iv) in clause (xi) (as redesignated by clause (ii)), by striking the period and inserting ''; and''; and

(v) by adding at the end the following:

''(xii) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), subject to subparagraph (C).''; and

(C) by adding at the end the following:

''(C) DETERMINATION BY THE GOVERNOR.—

''(i) IN GENERAL.—An entity that carries out programs referred to in subparagraph (B)(xii) shall be included in the one-stop partners for the local area, as a required partner, for purposes of this title unless the Governor of the State provides the notification described in clause (ii).

''(ii) NOTIFICATION.—The notification referred to in clause (i) is a notification that—

''(I) is made in writing of a determination by the Governor not to include such entity in the one-stop partners described in clause (i); and

''(II) is provided to the Secretary and the Secretary of Health and Human Services.''.

(2) ADDITIONAL PARTNERS.—

(A) IN GENERAL.—Section 121(b)(2)(A) (29 U.S.C. 2841(b)(2)(A)) is amended to read as follows:

''(A) IN GENERAL.—With the approval of the local board and chief elected official, in addition to the entities described in paragraph (1), other entities that carry out a human resource program described in subparagraph (B) may be a one-stop partner and carry out the responsibilities described in paragraph (1)(A).''.

(B) ADDITIONAL PARTNERS.—Section 121(b)(2)(B) (29 U.S.C. 2841(b)(2)(B)) is amended—

(i) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(ii) by striking clauses (i) through (iii) and inserting the following:

''(i) employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19);

''(ii) programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to mental retardation and developmental disabilities, Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), and centers for independent living defined in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a);

''(iii) employment and training programs carried out by the Small Business Administration;

''(iv) programs authorized under section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4));''.

(b) LOCAL MEMORANDUM OF UNDERSTANDING.—

(1) CONTENTS OF MEMORANDUM.—Section 121(c)(2)(A) (29 U.S.C. 2841(c)(2)(A)) is amended to read as follows:

''(A) provisions describing—

''(i) the services to be provided through the one-stop delivery system consistent with the requirements of this section, including the manner in which the services will be coordinated through such system;

''(ii) how the costs of such services and the operating costs of such system will be funded to provide a stable and equitable funding stream for ongoing one-stop system operations, including the funding of the infrastructure costs of one-stop centers in accordance with subsection (h);

''(iii) methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities;

''(iv) methods to ensure the needs of hard-to-serve populations are addressed in accessing services through the one-stop system; and

''(v) the duration of the memorandum of understanding and the procedures for amending the memorandum during the term of the memorandum, and assurances that such memorandum shall be reviewed not less than once every 2-year period to ensure appropriate funding and delivery of services; and''.

(c) CONFORMING AMENDMENT.—Section 121(d)(2) (29 U.S.C. 2841(d)(2)) is amended by striking ''section 134(c)'' and inserting ''section 121(e)''.

(d) PROVISION OF SERVICES.—

(1) ELIMINATION OF PROVISIONS CONCERNING ESTABLISHED SYSTEMS.—Section 121 (29 U.S.C. 2841) is amended by striking subsection (e).

(2) REDESIGNATION.—Subtitle B of title I is amended—

(A) in section 134 (29 U.S.C. 2864), by redesignating subsection (c) as subsection (e); and

(B) by transferring that subsection (e) so that the subsection appears after subsection (d) of section 121.

(3) ONE-STOP DELIVERY SYSTEMS.—Paragraph (1) of section 121(e) (29 U.S.C. 2841(e)) (as redesignated by paragraph (2)) is amended—

(A) in subparagraph (A), by striking ''subsection (d)(2)'' and inserting ''section 134(d)(2)'';

(B) in subparagraph (B)—

(i) by striking ''subsection (d)'' and inserting ''section 134(d)'';

(ii) by striking ''individual training accounts'' and inserting ''career scholarship accounts''; and

(iii) by striking ''subsection (d)(4)(G)'' and inserting ''section 134(d)(4)(G)'';

(C) in subparagraph (C), by striking ''subsection (e)'' and inserting ''section 134(e)'';

(D) in subparagraph (D), by striking ''section 121(b)'' and inserting ''subsection (b)''; and

(E) in subparagraph (E), by striking ''information described in section 15'' and inserting ''data, information, and analysis described in section 15(a)''.

(e) CONTINUOUS IMPROVEMENT OF ONE-STOP CENTERS.—Section 121 (29 U.S.C. 2841) is amended by adding at the end the following:

''(g) CONTINUOUS IMPROVEMENT OF ONE-STOP CENTERS.—

''(1) IN GENERAL.—The State board, in consultation with chief local elected officials and local boards, shall establish procedures and objective criteria for use by local boards in periodically assessing the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers and one-stop delivery systems.

''(2) CRITERIA.—The procedures and criteria developed under this subsection shall include minimum standards relating to the scope and degree of service coordination achieved by the one-stop delivery system with respect to the programs administered by the one-stop partners at the one-stop centers, consistent with the guidance provided by the Governor and by the State board, in consultation with the chief elected official and local boards, for such partners' participation under subsections (h)(1)(B) and subsection (i), respectively, and such other factors relating to the quality, accessibility, and effectiveness of the one-stop delivery system as the State board determines appropriate.

''(3) LOCAL BOARDS.—Consistent with the criteria developed by the State, the local board may develop additional criteria of higher standards to respond to local labor market and demographic conditions and trends.

''(h) FUNDING OF ONE-STOP INFRASTRUCTURE AND OTHER COSTS.—

''(1) IN GENERAL.—

''(A) OPTIONS FOR INFRASTRUCTURE FUNDING.—

''(i) LOCAL OPTIONS.—The local board, chief elected officials, and one-stop partners in a local area may choose to fund the costs of the infrastructure of one-stop centers through—

''(I) alternative methods described in the local memorandum of understanding, if one-stop partners, the local board, and chief elected official agree to such alternative methods; or

''(II) the State infrastructure funding mechanism described in paragraph (2).

''(ii) FAILURE TO REACH AGREEMENT ON FUNDING METHODS.—If, as of July 1, 2004, the local board, chief elected official, and one-stop partners in a local area fail to reach agreement on methods of funding the infrastructure costs of one-stop centers, the State infrastructure funding mechanism described in paragraph (2) shall be applicable to such local area.''.

''(B) GUIDANCE FOR INFRASTRUCTURE FUNDING.—In addition to carrying out the requirements relating the State mechanism for one-stop center infrastructure funding described in paragraph (2), the Governor, after consultation with chief local elected official, local boards, and the State board, and consistent with the guidelines provided by the State board under subsection (i), shall provide—

''(i) guidelines for State administered one-stop partner programs in determining such program's contributions to and participation in the one-stop delivery system, including funding for the costs of infrastructure as described in paragraph (4), negotiated pursuant to the local memorandum of understanding under subsection (b); and

''(ii) guidance to assist local areas in identifying equitable and stable alternative methods of funding of the costs of the infrastructure of one-stop centers in local areas.

''(2) STATE ONE-STOP INFRASTRUCTURE FUNDING.—

''(A) PARTNER CONTRIBUTIONS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, but subject to clause (iii), a portion determined under clause (ii) of the Federal funds provided to the State and areas within the State under the Federal laws authorizing the programs described in subsection (b) and administered by one-stop partners for a fiscal year shall be provided to the Governor from such programs to assist in paying the costs of infrastructure of one-stop centers in those local areas of the State not funded under the option described in paragraph (1)(B)(i)(I).

''(ii) DETERMINATION OF GOVERNOR.—

''(I) IN GENERAL.—Subject to subclause (II) and clause (iii), the Governor, after consultation with chief local elected officials, local boards, and the State board, shall determine the portion of funds to be provided under clause (i) by each one-stop partner from each program described in clause (i). In making such determination, the Governor shall consider the proportionate use of the one-stop centers pursuant to clause (i)(II) or (ii) of paragraph (1)(A) by each partner, the costs of administration for purposes not related to one-stop centers for each partner, and other relevant factors described in paragraph (3). The Governor shall exclude from such determination the portion of funds and use of one-stop centers attributable to the programs of one-stop partners for those local areas of the State where the infrastructure of one-stop centers is funded under the option described in paragraph (1)(B)(i)(I).

''(II) SPECIAL RULE.—In a State in which the State constitution places policymaking authority that is independent of the authority of the Governor in an entity or official with respect to the funds provided for adult education and literacy activities authorized under title II and for postsecondary vocational and technical education activities authorized under the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), or vocational rehabilitation services offered under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the determination described in subclause (I) with respect to the programs authorized under that title and that Act shall be made by the Governor and the appropriate entity or official with such independent policymaking authority.

''(III) APPEAL BY ONE-STOP PARTNERS.—The Governor shall establish a procedure for the one-stop partner administering a program described in subsection (b) to appeal a determination regarding the portion of funds to be contributed under this paragraph on the basis that such determination is inconsistent with the criteria described in the State plan or with the requirements of this paragraph. Such procedure shall ensure prompt resolution of the appeal.

''(iii) LIMITATIONS.—

''(I) PROVISION FROM ADMINISTRATIVE FUNDS.—The funds provided under this paragraph by each one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the program limitations with respect to the portion of funds under such program that may be used for administration.

''(II) CAP ON REQUIRED CONTRIBUTIONS.—

''(aa) WIA FORMULA PROGRAMS AND EMPLOYMENT SERVICE.—The portion of funds required to be contributed under this paragraph by the programs authorized under chapters 4 and 5 of this title and under the Wagner-Peyser Act shall not be in excess of 3 percent of the amount of Federal funds provided to carry out each such program in the State for a fiscal year.

''(bb) OTHER ONE-STOP PARTNERS.—The portion of funds required to be contributed under paragraph (1)(B)(ii) by a one-stop partner from a program described in subsection (b)(1) other than the programs described under item (aa) shall not be in excess of 1 and ½ percent of the amount of Federal funds provided to carry out such program in the State for a fiscal year.

''(cc) SPECIAL RULE.—Notwithstanding items (aa) and (bb), an agreement, including local memorandums of understanding, entered into prior to the date of enactment of the Workforce Investment Act Amendments of 2003 by an entity regarding contributions under this title that permits the percentages described in such items to be exceeded, may continue to be in effect until terminated by the parties.

''(dd) VOCATIONAL REHABILITATION.—Notwithstanding items (aa) and (bb), an entity administering a program under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) shall not be required to provide, for the purposes of this paragraph, an amount in excess of—

''(AA) 0.75 percent of the amount provided for such program in the State for the second program year that begins after the date of enactment of the Workforce Investment Act Amendments of 2003;

''(BB) 1.0 percent of the amount provided for such program in the State for the third program year that begins after such date;

''(CC) 1.25 percent of the amount provided for such program in the State for the fourth program year that begins after such date; and

''(DD) 1.5 percent of the amount provided for such program in the State for the fifth and each succeeding program year that begins after such date.

''(III) FEDERAL DIRECT SPENDING PROGRAMS.—An entity administering a program funded with direct spending as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(8)) shall not be required to provide, for purposes of this paragraph, an amount in excess of the amount determined to be equivalent to the cost of the proportionate use of the one-stop centers for such program in the State.

''(IV) NATIVE AMERICAN PROGRAMS.—Native American programs established under section 166 shall not be subject to the provisions of this subsection or subsection (i). The method for determining the appropriate portion of funds to be provided by such Native American programs to pay for the costs of infrastructure of a one-stop center certified under subsection (g) shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum.

''(B) ALLOCATION BY GOVERNOR.—From the funds provided under subparagraph (A), the Governor shall allocate the funds to local areas in accordance with the formula established under subparagraph (C) for the purposes of assisting in paying the costs of infrastructure of one-stop centers.

''(C) ALLOCATION FORMULA.—The State board shall develop a formula to be used by the Governor to allocate the funds provided under subparagraph (A) to local areas not funding infrastructure costs under the option described in paragraph (1)(B)(i)(II). The formula shall be based on factors including the number of one-stop centers in a local area, the population served by such centers, the services provided by such centers, and other factors relating to the performance of such centers that the State board determines are appropriate.

''(D) COSTS OF INFRASTRUCTURE.—In this subsection, the term 'costs of infrastructure', used with respect to a one-stop center, means the nonpersonnel costs that are necessary for the general operation of the one-stop center, including the rental costs of the

facilities, the costs of utilities and maintenance, equipment (including adaptive technology for individuals with disabilities), and technology to facilitate remote access to the one-stop center's strategic planning activities, and common outreach activities.

''(i) OTHER FUNDS.—

''(1) IN GENERAL.—In addition to the funds provided to carry out subsection (h), a portion of funds made available under Federal law authorizing the programs described in subsection (b) and administered by one-stop partners, or the noncash resources available under such programs, shall be used to pay the additional costs relating to the operation of the one-stop delivery system involved that are not paid from the funds provided under subsection (h), as determined in accordance with paragraph (2), to the extent not inconsistent with the Federal law involved. Such costs shall include the costs of the provision of core services described in section 134(d)(2) applicable to each program and may include—

''(A) costs of infrastructure, as defined in subsection (h), that are in excess of the amount of funds provided under subsection (h); and

''(B) common costs that are in addition to the costs of infrastructure that are not paid from the funds provided under subsection (h).

''(2) DETERMINATION AND GUIDANCE.—The method for determining the appropriate portion of funds and noncash resources to be provided by each program under paragraph (1) for a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum. The State board shall provide guidance to facilitate the determination of an appropriate allocation of the funds and noncash resources in local areas.''.

SEC. 118. ELIGIBLE PROVIDERS OF TRAINING SERVICES.

Section 122 (29 U.S.C. 2842) is amended to read as follows:

''SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

''(a) IN GENERAL.—The Governor, after consultation with the State board, shall establish criteria and procedures regarding the eligibility of providers of training services described in section 134(d)(4) (referred to in this section as 'training services') to receive funds provided under section 133(b) for the provision of training services.

''(b) CRITERIA.—

''(1) IN GENERAL.—The criteria established by the Governor pursuant to subsection (a) shall take into account—

''(A) the performance of providers of training services with respect to the performance measures described in section 136 or other appropriate measures of performance outcomes for those individuals receiving training services under this subtitle (taking into consideration the characteristics of the population served and relevant economic conditions);

''(B) the need to ensure access to training services throughout the State, including any rural areas;

''(C) the information such providers are required to report to State agencies with respect to Federal and State programs (other than the program carried out under this subtitle), including partner programs;

''(D) the requirements for State licensing of providers of training services, and the licensing status of each provider of training services if applicable;

''(E) to the extent practicable, encouraging the use of industry recognized standards and certification;

''(F) the ability to provide training services to hard-to-serve populations, including individuals with disabilities; and

''(G) such other factors as the Governor determines are appropriate to ensure—

''(i) the quality of services provided;

''(ii) the accountability of the providers;

''(iii) that the one-stop centers in the State will ensure that such providers meet the needs of local employers and participants;

''(iv) the informed choice of participants under chapter 5; and

''(v) that the collection of information required is not unduly burdensome or costly to providers.

''(2) INFORMATION AND RENEWAL.—The criteria established by the Governor shall require that a provider of training services submit appropriate, accurate, and timely information to the State for purposes of carrying out subsection (d). The criteria shall also provide for annual review and renewal of eligibility under this section for providers of training services.

''(3) LOCAL CRITERIA.—A local board in the State may establish criteria in addition to the criteria established by the Governor, or may require higher levels of performance than required under the criteria established by the Governor, for purposes of determining the eligibility of providers of training services to receive funds described in subsection (a) to provide the services in the local areas involved.

''(c) PROCEDURES.—The procedures established under subsection (a) shall identify the application process for a provider of training services to become eligible to receive funds provided under section 133(b) for the provision of training services, and identify the respective roles of the State and local areas in receiving and reviewing the applications and in making determinations of such eligibility based on the criteria established under this section. The procedures shall also establish a process for a provider of training services to appeal a denial or termination of eligibility under this section, that includes an opportunity for a hearing and prescribes appropriate time limits to ensure prompt resolution of the appeal.

''(d) INFORMATION TO ASSIST PARTICIPANTS IN CHOOSING PROVIDERS.—

''(1) IN GENERAL.—In order to facilitate and assist participants in choosing employment and training activities under chapter 5 and in choosing providers of training services, the Governor shall ensure that an appropriate list of providers determined to be eligible under this section in the State, accompanied by appropriate information provided by providers of training in the State in accordance with subsection (b) and such other information as the Governor determines is appropriate, including information on program costs for participants in applicable programs, is provided to the one-stop delivery system in the State. The list and the information shall be made available to such participants and to members of the public through the one-stop delivery system in the State.

''(2) SPECIAL RULE.—An entity that carries out programs under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act', 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) shall be included on the list of eligible providers described in paragraph (1) for so long as such entity remains certified by the Department of Labor.

''(e) ENFORCEMENT.—

''(1) IN GENERAL.—The criteria and procedures established under this section shall provide the following:

''(A) INTENTIONALLY SUPPLYING INACCURATE INFORMATION.—Upon a determination that a provider of training services, or individual providing information on behalf of the provider, intentionally supplied inaccurate information under this section, the eligibility of such provider to receive funds under chapter 5 shall be terminated for a period of time that is not less than 2 years.

''(B) SUBSTANTIAL VIOLATIONS.—Upon a determination that a provider of training services substantially violated any requirement under this title, the eligibility of such provider to receive funds under the program involved may be terminated, or other appropriate action may be taken.

''(C) REPAYMENT.—A provider of training services whose eligibility is terminated under subparagraph (A) or (B) shall be liable for the repayment of funds received under chapter 5 during a period of noncompliance described in such paragraph.

''(2) CONSTRUCTION.—Paragraph (1) shall be construed to provide remedies and penalties that supplement, but do not supplant, other civil and criminal remedies and penalties.''.

''(f) AGREEMENTS WITH OTHER STATES.—States may enter into agreements, on a reciprocal basis, to permit eligible providers of training services to accept career scholarship accounts provided in another State.

''(g) OPPORTUNITY TO SUBMIT COMMENTS.—In establishing criteria, procedures, and information required under this section, the Governor shall provide an opportunity for interested members of the public to make recommendations and submit comments regarding such criteria, procedures, and information.

''(h) TRANSITION PERIOD FOR IMPLEMENTATION.—The requirements of this section shall be implemented not later than December 31, 2004. In order to facilitate early implementation of this section, the Governor may establish transition procedures under which providers eligible to provide training services under chapter 5 of this title as such chapter was in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2003 may continue to be eligible to provide such services until December 31, 2004, or until such earlier date as the Governor determines appropriate.

''(i) ON-THE-JOB TRAINING OR CUSTOMIZED TRAINING EXCEPTION.—

''(1) IN GENERAL.—Providers of on-the-job training or customized training shall not be subject to the requirements of subsections (a) through (h).

''(2) COLLECTION AND DISSEMINATION OF INFORMATION.—A one-stop operator in a local area shall collect such performance information from on-the-job training and customized training providers as the Governor may require, determine whether the providers meet such performance criteria as the Governor may require, and disseminate information identifying providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible providers of training services.''.

SEC. 119. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

Section 123 (29 U.S.C. 2843) is amended to read as follows:

''SEC. 123. ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES.

''(a) IN GENERAL.—From the funds allocated under section 128(b) to a local area, the local board for such area shall award grants or contracts on a competitive basis to providers of youth activities identified based on the criteria in the State plan described in section 112 and shall conduct oversight with respect to such providers.

''(b) EXCEPTIONS.—A local board may award grants or contracts on a sole-source basis if such board determines there is an insufficient number of eligible providers of youth activities in the local area involved (such as a rural area) for grants and contracts to be awarded on a competitive basis under subsection (a).''.

SEC. 120. YOUTH ACTIVITIES.

(a) STATE ALLOTMENTS.—Section 127 (29 U.S.C. 2852) is amended—

(1) in subsection (a)(1), by striking ''opportunity'' and inserting ''challenge''; and

(2) by striking subsection (b) and inserting the following:

''(b) ALLOTMENT AMONG STATES.—

''(1) YOUTH ACTIVITIES.—

''(A) YOUTH CHALLENGE GRANTS.—

''(i) IN GENERAL.—For each fiscal year in which the amount appropriated under section 137(a) exceeds $1,000,000,000, the Secretary shall reserve a portion of the amount to provide youth challenge grants and other activities under section 169 (relating to youth challenge grants) and provide youth activities under section 167 (relating to migrant and seasonal farmworker programs).

''(ii) PORTION.—The portion referred to in clause (i) shall equal, for a fiscal year—

''(I) except as provided in subclause (II), the difference obtained by subtracting $1,000,000,000 from the amount appropriated under section 137(a) for the fiscal year; or

''(II) for any fiscal year in which the amount is $1,250,000,000 or greater, $250,000,000.

''(iii) YOUTH ACTIVITIES FOR FARMWORKERS.—The Secretary shall reserve the greater of $10,000,000 or 4 percent of the portion described in clause (i) for a fiscal year to provide youth activities under section 167.

''(iv) NATIVE AMERICANS.—From the remainder of the amount appropriated under section 137(a) for each fiscal year the Secretary shall reserve not more than 1½ percent of such amount to provide youth activities under section 166 (relating to native Americans).

''(B) OUTLYING AREAS.—

''(i) IN GENERAL.—From the amount made available under subsection (a)(2) for each fiscal year the Secretary shall reserve not more than ¼ of 1 percent of the amount appropriated under section 137(a) for the fiscal year to provide assistance to the outlying areas to carry out youth activities and statewide workforce investment activities.

''(ii) LIMITATION FOR FREELY ASSOCIATED STATES.—

''(I) COMPETITIVE GRANTS.—The Secretary shall use funds described in clause (i)(II) to award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States to carry out youth activities and statewide workforce investment activities.

''(II) AWARD BASIS.—The Secretary shall award grants pursuant to subclause (I) on a competitive basis and pursuant to the recommendations of experts in the field of employment and training, working through the Pacific Region Educational Laboratory in Honolulu, Hawaii.

''(III) ASSISTANCE REQUIREMENTS.—Any Freely Associated State that desires to receive assistance under this subparagraph shall submit an application to the Secretary and shall include in the application for assistance—

''(aa) information demonstrating that the Freely Associated State will meet all conditions that apply to States under this title;

''(bb) an assurance that, notwithstanding any other provision of this title, the Freely Associated State will use such assistance only for the direct provision of services; and

''(cc) such other information and assurances as the Secretary may require.

''(IV) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the funds made available for grants under subclause (I) to pay the administrative costs of the Pacific Region Educational Laboratory in Honolulu, Hawaii, regarding activities assisted under this clause.

''(iii) ADDITIONAL REQUIREMENT.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to assistance provided to those areas, including the Freely Associated States, under this subparagraph.

''(C) STATES.—

''(i) IN GENERAL.—From the remainder of the amount appropriated under section 137(a) for a fiscal year that exists after the Secretary determines the amounts to be reserved under subparagraphs (A) and (B), the Secretary shall allot to the States—

''(I) an amount of the remainder that is less than or equal to the total amount that was allotted to States for fiscal year 2003 under section 127(b)(1)(C) of this Act (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2003), in accordance with the requirements of such section 127(b)(1)(C); and

''(II) the amount of the remainder, if any, in excess of the amount referred to in subclause (I), in accordance with clause (ii).

''(ii) FORMULA.—Subject to clauses (iii) and (iv), of the amount described in clause (i)(II)—

''(I) 33⅓ percent shall be allotted on the basis of the relative number of individuals in the civilian labor force who are ages 16 through 21 in each State, compared to the total number of individuals in the civilian labor force who are ages 16 through 21 in all States;

''(II) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States; and

''(III) 33⅓ percent shall be allotted on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each State, compared to the total number of disadvantaged youth who are ages 16 through 21 in all States.

''(iii) MINIMUM AND MAXIMUM PERCENTAGES.—

''(I) MINIMUM PERCENTAGE.—The Secretary shall ensure that no State shall receive an allotment percentage under this subparagraph for a fiscal year that is less than 90 percent of the allotment percentage of the State for the preceding fiscal year.

''(II) MAXIMUM PERCENTAGE.—Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage under this subparagraph for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.

''(iv) SMALL STATE MINIMUM ALLOTMENT.—Subject to clause (iii), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of—

''(I) ³⁄₁₀ of 1 percent of $1,000,000,000 of the remainder described in clause (i) for the fiscal year; and

''(II) if the remainder described in clause (i) for the fiscal year exceeds $1,000,000,000, ⅖ of 1 percent of the excess.

''(2) DEFINITIONS.—For the purposes of paragraph (1):

''(A) ALLOTMENT PERCENTAGE.—The term 'allotment percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of the remainder described in paragraph (1)(C)(i) that is received by the State involved through an allotment made under this subsection for the fiscal year. The term, used with respect to fiscal year 2003, means the percentage of the amounts allotted to States under this chapter (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2003) that is received by the State involved for fiscal year 2003.

''(B) DISADVANTAGED YOUTH.—Subject to paragraph (3), the term 'disadvantaged youth' means an individual who is age 16 through 21 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

''(C) FREELY ASSOCIATED STATES.—The term 'Freely Associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(3) SPECIAL RULE.—For purposes of the formula specified in paragraph (1)(C), the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged youth.''.

(b) REALLOTMENT.—

(1) AMENDMENT.—Section 127(c) (29 U.S.C. 2852(c)) is amended—

(A) by striking paragraph (2) and inserting the following:

''(2) AMOUNT.—The amount available for reallotment for a program year is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the State under this section during such prior program year (including amounts allotted to the State in all prior program years that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

''(A) the total amount of funds available to the State under this section during the program year prior to the program year for which the determination is made (including amounts allotted to the State in all prior program years that remained available); and

''(B) the accrued expenditures during such prior program year.'';

(B) in paragraph (3)—

(i) by striking ''for the prior program year'' and inserting ''for the program year for which the determination is made''; and

(ii) by striking ''such prior program year'' and inserting ''such program year'';

(C) by striking paragraph (4) and inserting the following:

''(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State that does not have an amount available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made.''; and

(D) in paragraph (5), by striking ''obligation'' and inserting ''expenditure''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)(C) shall take effect for the later of—

(A) the program year that begins after the date of enactment of this Act; or

(B) program year 2004.

(c) WITHIN STATE ALLOCATIONS.—

(1) RESERVATION FOR STATEWIDE ACTIVITIES.—Section 128(a) (29 U.S.C. 2853(a)) is amended to read as follows:

''(a) RESERVATIONS FOR STATEWIDE ACTIVITIES.—

''(1) IN GENERAL.—The Governor of a State shall reserve not more than 15 percent of each of the amounts allotted to the State under section 127(b)(1)(C) and paragraphs (1)(B) and (2)(B) of section 132(b) for a fiscal year for statewide workforce investment activities.

''(2) USE OF FUNDS.—Regardless of whether the reserved amounts were allotted under section 127(b)(1)(C), or under paragraph (1)(B) or (2)(B) of section 132(b), the Governor may use the reserved amounts to carry out statewide youth activities under section 129(b) or

statewide employment and training activities, for adults or dislocated workers, under section 134(a).''.

(2) WITHIN STATE ALLOCATION.—Section 128(b) (29 U.S.C. 2853(b)) is amended to read as follows:

''(b) WITHIN STATE ALLOCATIONS.—

''(1) IN GENERAL.—Of the amount allotted to the State under section 127(b)(1)(C) and not reserved under subsection (a)(1)—

''(A) a portion equal to not less than 80 percent of such amount shall be allocated by the Governor to local areas in accordance with paragraph (2); and

''(B) a portion equal to not more than 20 percent of such amount may be allocated by the Governor to local areas in accordance with paragraph (3).

''(2) ESTABLISHED FORMULA.—

''(A) IN GENERAL.—Of the portion described in paragraph (1)(A), the Governor shall allocate—

''(i) 33⅓ percent on the basis of the relative number of individuals in the civilian labor force who are ages 16 through 21 in each local area, compared to the total number of individuals in the civilian labor force who are ages 16 through 21 in all local areas in the State;

''(ii) 33⅓ percent on the basis of the relative number of unemployed individuals in each local area, compared to the total number of unemployed individuals in all local areas in the State; and

''(iii) 33⅓ percent on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each local area, compared to the total number of disadvantaged youth who are ages 16 through 21 in all local areas in the State.

''(B) MINIMUM AND MAXIMUM PERCENTAGES.—

''(i) MINIMUM PERCENTAGE.—The Governor shall ensure that no local area shall receive an allocation percentage under this paragraph for a fiscal year that is less than 90 percent of the allocation percentage of the local area for the preceding fiscal year.

''(ii) MAXIMUM PERCENTAGE.—Subject to clause (i), the Governor shall ensure that no local area shall receive an allocation percentage under this paragraph for a fiscal year that is more than 130 percent of the allocation percentage of the local area for the preceding fiscal year.

''(C) DEFINITIONS.—In this paragraph:

''(i) ALLOCATION PERCENTAGE.—The term 'allocation percentage', used with respect to fiscal year 2004 or a subsequent fiscal year, means a percentage of the portion described in paragraph (1)(A) that is received by the local area involved through an allocation made under this paragraph for the fiscal year. The term, used with respect to fiscal year 2003, means the percentage of the amounts allocated to local areas under this chapter (as in effect on the day before the date of enactment of the Workforce Investment Act Amendments of 2003) that is received by the local area involved for fiscal year 2003.

''(ii) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' means an individual who—

''(I) is age 16 through 21;

''(II) is not a college student or member of the Armed Forces; and

''(III) received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the poverty line.

''(3) YOUTH DISCRETIONARY ALLOCATION.—The Governor may allocate the portion described in paragraph (1)(B) to local areas where there are a significant number of eligible youth, after consultation with the State board and local board.

''(4) LOCAL ADMINISTRATIVE COST LIMIT.—

''(A) IN GENERAL.—Of the amount allocated to a local area under this subsection and section 133(b) for a fiscal year, not more than 10 percent of the amount may be used by the local board involved for the administrative costs of carrying out local workforce investment activities under this chapter or chapter 5.

''(B) USE OF FUNDS.—Funds made available for administrative costs under subparagraph (A) may be used for the administrative costs of any of the local workforce investment activities described in this chapter or chapter 5, regardless of whether the funds were allocated under this subsection or section 133(b).''.

(3) REALLOCATION.—

(A) AMENDMENT.—Section 128(c) (29 U.S.C. 2853(c)) is amended—

(i) in paragraph (1), by striking ''paragraph (2)(A) or (3) of'';

(ii) by striking paragraph (2) and inserting the following:

''(2) AMOUNT.—The amount available for reallocation for a program year is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the local area under this section during such prior program year (including amounts allocated to the local area in all prior program years that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

''(A) the total amount of funds available to the local area under this section during the program year prior to the program year for which the determination is made (including amounts allocated to the local area in all prior program years that remained available); and

''(B) the accrued expenditures during such prior program year.'';

(iii) by amending paragraph (3)—

(I) by striking ''subsection (b)(3)'' each place it appears and inserting ''subsection (b)'';

(II) by striking ''for the prior program year'' and inserting ''for the program year for which the determination is made'';

(III) by striking ''such prior program year'' and inserting ''such program year''; and

(IV) by striking the last sentence; and

(iv) by striking paragraph (4) and inserting the following:

''(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means a local area that does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.''.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect for the later of—

(i) the program year that begins after the date of enactment of this Act; or

(ii) program year 2004.

(d) YOUTH PARTICIPANT ELIGIBILITY.—Section 129(a) (29 U.S.C. 2854(a)) is amended to read as follows:

''(a) YOUTH PARTICIPANT ELIGIBILITY.—

''(1) ELIGIBILITY.—

''(A) IN GENERAL.—To be eligible to participate in activities carried out under this chapter during any program year an individual shall, at the time the eligibility determination is made, be an out-of-school youth or an in-school youth.

''(B) OUT-OF-SCHOOL YOUTH.—In this section the term 'out-of-school youth' means an individual who is—

''(i) not younger than age 16 (subject to paragraph (3)) nor older than age 21; and

''(ii) one of the following:

''(I) A school dropout.

''(II) A youth who is within the age for compulsory school attendance, but has not attended school for at least 1 school year calendar quarter.

''(III) A recipient of a secondary school diploma or its equivalent who is—

''(aa) deficient in basic skills, including limited English proficiency;

''(bb) a low-income individual; and

''(cc) not attending any school; or

''(IV) Subject to the juvenile justice system or ordered by a court to an alternative school.

''(V) A low-income individual who is pregnant or parenting and not attending any school.

''(VI) A youth who is not attending school or a youth attending an alternative school, who is homeless, a runaway, a foster child, a child eligible for assistance under section 477 of the Social Security Act, or in an out-of-home placement.

''(C) IN-SCHOOL YOUTH.—In this section the term 'in-school youth' means an individual who is—

''(i) not younger than age 14 nor older than age 21;

''(ii) a low-income individual; and

''(iii) one or more of the following:

''(I) Deficient in basic literacy skills, including limited English proficiency.

''(II) Homeless, a runaway, a foster child, a child eligible for assistance under section 477 of the Social Security Act, or in an out-of-home placement.

''(III) Pregnant or parenting.

''(IV) An offender (other than an individual described in subparagraph (B)(ii)(IV)).

''(V) An individual who requires additional assistance to complete an educational program, or to secure or hold employment.

''(2) EXCEPTION.—Not more than 5 percent of the individuals assisted under this section in each local area may be individuals who are not low-income with respect to individuals for whom low-income is a requirement for eligibility under this section.

''(3) LIMITATIONS ON ACTIVITIES FOR IN-SCHOOL YOUTH.—

''(A) IN GENERAL.—For any program year, not more than 60 percent of the funds available for statewide activities that serve youth under subsection (b), and not more than 60 percent of funds available to local areas under subsection (c), may be used to provide activities for in-school youth meeting the requirements of paragraph (1)(B).

''(B) EXCEPTION.—A State that receives a minimum allotment under section 127(b)(1) in accordance with section 127(b)(1)(C)(iv)(II) or under section 132(b)(1) in accordance with section 132(b)(1)(B)(iv)(II) may increase the percentage described in subparagraph (A) for a local area in the State, if—

''(i) after an analysis of the eligible youth population in the local area, the State determines that the local area will be unable to use at least 40 percent of the funds available for activities that serve youth under subsection (b) to serve out-of-school youth due to a low number of out-of-school youth; and

''(ii)(I) the State submits to the Secretary, for the local area, a request including a proposed reduced percentage for purposes of subparagraph (A), and the summary of the eligible youth population analysis; and

''(II) the request is approved by the Secretary.

''(4) CONSISTENCY WITH COMPULSORY SCHOOL ATTENDANCE LAWS.—In providing assistance under this section to an individual who is required to attend school under applicable State compulsory school attendance laws, the priority in providing such assistance shall be for the individual to attend school regularly.''.

(e) STATEWIDE ACTIVITIES.—Section 129(b) (29 U.S.C. 2854(b)) is amended to read as follows:

''(b) STATEWIDE ACTIVITIES.—

''(1) IN GENERAL.—Funds reserved by a Governor for a State as described in sections 128(a) and 133(a)(1) shall be used, regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or under paragraph (1) or (2) of section 132(b) for statewide activities, which may include—

''(A) conducting—

''(i) evaluations under section 136(e) of activities authorized under this chapter and chapter 5 in coordination with evaluations carried out by the Secretary under section 172;

''(ii) research; and

''(iii) demonstration projects;

''(B) providing incentive grants to local areas for regional cooperation among local boards (including local boards in a designated region as described in section 116(c)), for local coordination of activities carried out under this title, and for exemplary performance by local areas under section 136(i)(2);

''(C) providing technical assistance and capacity building activities to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, the provision of technical assistance to local areas that fail to meet local performance measures described in section 136(c), and the provision of technology to facilitate remote access to services provided through one-stop delivery systems;

''(D) operating a fiscal and management accountability information system under section 136(f);

''(E) carrying out monitoring and oversight of activities carried out under this chapter and chapter 5, which may include a review comparing the services provided to male and female youth;

''(F) providing additional assistance to local areas that have high concentrations of eligible youth;

''(G) supporting the development of alternative programs and other activities that enhance the choices available to eligible youth and encourage such youth to reenter secondary education, enroll in postsecondary education and advanced training, and obtain career path employment; and

''(H) supporting the provision of core services described in section 134(d)(2) in the one-stop delivery system in the State;

''(2) LIMITATION.—Not more than 5 percent of the funds allotted to a State under section 127(b)(1)(C) shall be used by the State for administrative activities carried out under this subsection or section 134(a).

''(3) PROHIBITION.—No funds described in this subsection may be used to develop or implement education curricula for school systems in the State.''.

(f) LOCAL ELEMENTS AND REQUIREMENTS.—

(1) PROGRAM DESIGN.—Section 129(c)(1) (29 U.S.C. 2854(c)(1)) is amended—

(A) in the matter that precedes subparagraph (A), by striking ''paragraph (2)(A) or (3), as appropriate, of'';

(B) in subparagraph (B), by inserting ''are directly linked to 1 or more of the performance measures relating to this chapter under section 136, and that'' after ''for each participant that''; and

(C) in subparagraph (C)—

(i) by redesignating clauses (i) through (iv) as clauses (ii) through (v), respectively;

(ii) by inserting before clause (ii) (as redesignated by clause (i)) the following:

''(i) activities leading to the attainment of a secondary school diploma or its equivalent, or another recognized credential;'';

(iii) in clause (ii) (as redesignated by clause (i)), by inserting ''and advanced training'' after ''opportunities'';

(iv) in clause (iii) (as redesignated by clause (i))—

(I) by inserting ''instruction based on State academic content and student academic achievement standards established under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)'' after ''academic''; and

(II) by inserting ''that lead to the attainment of recognized credentials'' after ''learning''; and

(v) by striking clause (v) (as redesignated by clause (i)) and inserting the following:

''(v) effective connections to all employers, including small employers, in sectors of the local and regional labor markets that are experiencing high growth in employment opportunities.''.

(2) PROGRAM ELEMENTS.—Section 129(c)(2) (29 U.S.C. 2854(c)(2)) is amended—

(A) in subparagraph (A), by striking ''secondary school, including dropout prevention strategies'' and inserting ''the requirements for a secondary school diploma or its recognized equivalent (including recognized alternative standards for individuals with disabilities) or for another recognized credential, including dropout prevention strategies'';

(B) in subparagraph (B), by inserting '', with a priority on exposing youth to technology and nontraditional jobs'' before the semicolon;

(C) in subparagraph (F), by striking ''during nonschool hours'';

(D) in subparagraph (I), by striking ''and'' at the end;

(E) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

''(K) on-the-job training opportunities;

''(L) opportunities to acquire financial literacy skills;

''(M) entrepreneurial skills training and microenterprise services; and

''(N) information about average wages for a range of jobs available in the local area, including technology jobs.''.

(3) ADDITIONAL REQUIREMENTS.—Section 129(c)(3)(A) (29 U.S.C. 2854(c)(3)(A)) is amended in the matter preceding clause (i) by striking ''or applicant who meets the minimum income criteria to be considered an eligible youth''.

(4) PRIORITY AND EXCEPTIONS.—Section 129(c) (29 U.S.C. 2854(c)) is amended by striking paragraphs (4) and (5).

(5) PROHIBITIONS AND LINKAGES.—Section 129(c) (29 U.S.C. 2854(c)), as amended by paragraph (4), is further amended—

(A) by redesignating paragraphs (6), (7), and (8) as paragraphs (4), (5), and (6), respectively;

(B) in paragraph (4) (as redesignated by subparagraph (A))—

(i) by striking subparagraph (B); and

(ii) by redesignating subparagraph (C) as subparagraph (B); and

(C) in paragraph (5) (as redesignated by subparagraph (A)), by striking ''youth councils'' and inserting ''local boards''.

SEC. 121. ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.

(a) STATE ALLOTMENTS.—

(1) RESERVATIONS.—Section 132(a)(2)(A) is amended by striking ''national emergency grants'' and inserting ''national dislocated worker grants''.

(2) ALLOTMENT AMONG STATES.—Section 132(b) (29 U.S.C. 2862(b)) is amended—

(A) in paragraph (1)(A)(ii), by striking ''section 127(b)(1)(B)'' and all that follows and inserting ''section 127(b)(1)(D).'';

(B) by striking paragraph (1)(B)(ii) and inserting the following:

''(ii) FORMULA.—Subject to clauses (iii) and (iv), of the remainder—

''(I) 40 percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

''(II) 25 percent shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State, compared to the total number of such individuals in all States; and

''(III) 35 percent shall be allotted on the basis of the relative number of disadvantaged adults in each State, compared to the total number of disadvantaged adults in all States, except as described in clause (iii).'';

(C) in paragraph (1)(B)(iii), by striking ''section 116(a)(2)(B)'' and inserting ''section 116(a)(2)(A)(ii)''; and

(D) in paragraph (2)(A)(ii), by striking ''section 127(b)(1)(B)'' and all that follows and inserting ''section 127(b)(1)(D).''.

(3) REALLOTMENT.—Section 132(c) (29 U.S.C. 2862(c)) is amended—

(A) by striking paragraph (2) and inserting the following:

''(2) AMOUNT.—The amount available for reallotment for a program year for programs funded under subsection (b)(1)(B) (relating to adult employment and training) and subsection (b)(2)(B) (relating to dislocated worker employment and training), respectively, is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the State under subsection (b)(1)(B) or (b)(2)(B), respectively, during such prior program year (including amounts allotted to the State in all prior program years under such provisions that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

''(A) the total amount of funds available to the State under subsection (b)(1)(B) or (b)(2)(B), respectively, during the program year prior to the program year for which the determination is made (including amounts allotted to the State in all prior program years under such provisions that remained available); and

''(B) the accrued expenditures from such total amount of funds available under subsection (b)(1)(B) or (b)(2)(B), respectively, during such prior program year.'';

(B) in paragraph (3)—

(i) by striking ''under this section for such activities for the prior program year'' and inserting ''under subsection (b)(1)(B) or (b)(2)(B), as appropriate, for the program year for which the determination is made''; and

(ii) by striking ''under this subsection for such activities for such prior program year'' and inserting ''under subsection (b)(1)(B) or (b)(2)(B), as appropriate, for such program year'';

(C) by striking paragraph (4) and inserting the following:

''(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means—

''(A) with respect to funds allotted under subsection (b)(1)(B), a State that does not have an amount of such funds available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made; and

''(B) with respect to funds allotted under subsection (b)(2)(B), a State that does not have an amount of such funds available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made.''; and

(D) in paragraph (5), by striking ''obligation'' and inserting ''expenditure''.

(4) EFFECTIVE DATE.—The amendments made by paragraph (3) shall take effect for the later of—

(A) the program year that begins after the date of enactment of this Act; or

(B) program year 2004.

(b) WITHIN STATE ALLOCATIONS.—

(1) ALLOCATION.—Section 133(b)(5)(B)(ii) (29 U.S.C. 2863(b)(5)(B)(ii)) is amended by striking ''section 134(c)'' and inserting ''section 121(e)''.

(2) REALLOCATION.—Section 133(c) (29 U.S.C. 2863(c)) is amended—

(A) in paragraph (1), by inserting '', and under subsection (b)(2)(B) for dislocated worker employment and training activities,'' after ''activities'';

(B) by striking paragraph (2) and inserting the following:

''(2) AMOUNT.—The amount available for reallocation for a program year for programs funded under paragraphs (2)(A) and (3) of subsection (b) (relating to adult employment and training) and subsection (b)(2)(B) (relating to dislocated worker employment and training), respectively, is equal to the amount by which the unexpended balance at the end of the program year prior to the program year for which the determination is made exceeds 30 percent of the total amount of funds available to the local area under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during such prior program year (including amounts allocated to the local area in all prior program years under such provisions that remained available). For purposes of this paragraph, the unexpended balance is the amount that is the difference between—

''(A) the total amount of funds available to the local area under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during the program year prior to the program year for which the determination is made (including amounts allotted to the local area in all prior program years under such provisions that remained available); and

''(B) the accrued expenditures from such total amount of funds available under paragraphs (2)(A) and (3) of subsection (b), or subsection (b)(2)(B), respectively, during such prior program year.'';

(C) by striking paragraph (3) and inserting the following:

''(3) REALLOCATION.—In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State—

''(A) with respect to amounts that are available for reallocation under paragraph (2) that were allocated under paragraphs (2)(A) or (3) of subsection (b), an amount based on the relative amount allocated to such local area under paragraphs (2)(A) or (3) of subsection (b), as appropriate, for the program year for which the determination is made, as compared to the total amount allocated to all eligible local areas under paragraphs (2)(A) or (3) of subsection (b), as appropriate, of such program year; and

''(B) with respect to amounts that are available for reallocation under paragraph (2) that were allocated under subsection (b)(2)(B), an amount based on the relative amount allocated to such local area under subsection (b)(2)(B) for the program year for which the determination is made, as compared to the total amount allocated to all eligible local areas under subsection (b)(2)(B) for such program year.''; and

(D) by striking paragraph (4) and inserting the following:

''(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means—

''(A) with respect to funds allocated under paragraphs (2)(A) or (3) of subsection (b), a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made; and

''(B) with respect to funds allocated under subsection (b)(2)(B), a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.''.

(3) EFFECTIVE DATE.—The amendments made by paragraph (2) shall take effect for the later of—

(A) the program year that begins after the date of enactment of this Act; or

(B) program year 2004.

(c) USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) STATEWIDE RAPID RESPONSE ACTIVITIES.—Section 134(a)(2)(A) (29 U.S.C. 2864(a)(2)(A)) is amended to read as follows:

''(A) STATEWIDE RAPID RESPONSE ACTIVITIES.—

''(i) IN GENERAL.—A State shall carry out statewide rapid response activities using funds reserved by a Governor for a State under section 133(a)(2). Such activities shall include—

''(I) provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials for the local areas; and

''(II) provision of additional assistance to local areas that experience disasters, mass layoffs, or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State, working in conjunction with the local boards and the chief elected officials for the local areas.

''(ii) USE OF UNEXPENDED FUNDS.—Funds reserved under section 133(a)(2) to carry out this subparagraph that remain unexpended after the first program year for which such funds were allotted may be used by the Governor to carry out statewide activities authorized under subparagraphs (B) and (C) in addition to activities under this subparagraph.''.

(B) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(a)(2) (29 U.S.C. 2864(a)(2)) is amended by striking subparagraph (B) and inserting the following:

''(B) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Funds reserved by a Governor for a State under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A) shall be used for statewide employment and training activities, including—

''(i) disseminating—

''(I) the State list of eligible providers of training services, including eligible providers of nontraditional training services;

''(II) information identifying eligible providers of on-the-job training and customized training;

''(III) performance information and program cost information, as described in subsections (e) and (h) of section 122; and

''(IV) information on physical and programmatic assessability for individuals with disabilities;

''(ii) conducting evaluations under section 136(e) of activities authorized under this chapter and chapter 5 in coordination with evaluations carried out by the Secretary under section 172;

''(iii) providing incentive grants to local areas in recognition of exceptional achievement relating to—

''(I) regional cooperation among local boards (including local boards in a designated region as described in section 116(c));

''(II) expanded local coordination of programs and activities carried out as part of a comprehensive workforce investment system, including—

''(aa) coordination of employment services under the Wagner-Peyser Act and core activities under this title; and

''(bb) partner programs described in section 121;

''(III) exemplary performance by local areas as described in section 136(i)(2); and

''(IV) providing expanded access to education and training services, especially through increased leveraging of resources other than those provided through programs under this title;

''(iv) providing technical assistance and capacity building to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the development of exemplary program activities, and the provision of technical assistance to local areas that fail to meet local performance measures described in section 136(c), which may include the development and training of staff to provide opportunities for hard-to-serve populations to enter high-wage, high-skilled, and nontraditional occupations;

''(v) operating a fiscal and management accountability system under section 136(f); and

''(vi) carrying out monitoring and oversight of activities carried out under this chapter and chapter 4.''.

(C) ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(a)(3)(A) (29 U.S.C. 2864(a)(3)(A) is amended to read as follows:

''(A) IN GENERAL.—A State may use funds reserved as described in sections 128(a) and 133(a)(1) (regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b)) to carry out additional statewide employment and training activities, which may include—

''(i) implementing innovative programs and strategies designed to meet the needs of all businesses in the State, including small businesses, which may include incumbent worker training programs, sectoral and industry cluster strategies and partnerships, including regional skills alliances, career ladder programs, micro-enterprise and entrepreneurial training and support programs, utilization of effective business intermediaries, activities to improve linkages between the one-stop delivery systems in the State and all employers (including small employers), in the State and other business services and strategies that better engage employers in workforce activities and make the workforce investment system more relevant to the needs of State and local businesses, consistent with the purposes of this Act;

''(ii) developing strategies for effectively serving hard-to-serve populations and for coordinating programs and services among one-stop partners;

''(iii) implementing innovative programs for displaced homemakers, which for purposes of this subparagraph may include an individual who is receiving public assistance and is within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

''(iv) developing strategies for ensuring that activities carried out under this section are placing men and women in jobs, education, and training that lead to comparable pay;

''(v) implementing programs to increase the number of individuals training for and placed in nontraditional employment;

''(vi) carrying out activities to facilitate remote access to services, including training services described in subsection (d)(4), provided through a one-stop delivery system, including facilitating access through the use of technology;

''(vii) supporting the provision of core services described in subsection (d)(2) in the one-stop delivery system in the State;

''(viii) coordinating with the child welfare system to facilitate services for children in foster care and those who are eligible for assistance under section 477 of the Social Security Act;

''(ix) activities—

''(I) to improve coordination between workforce investment activities carried out within the State involved and economic development activities;

''(II) to improve coordination between employment and training assistance and child support services and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

''(III) to improve coordination between employment and training assistance and cooperative extension programs carried out by the Department of Agriculture; and

''(IV) to develop and disseminate workforce and labor market information;

''(x) conducting—

''(I) research; and

''(II) demonstration projects; and

''(xi) adopting, calculating, or commissioning a minimum self-sufficiency standard that specifies the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations.''.

(2) REQUIRED LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) ALLOCATED FUNDS.—Section 134(d)(1) (29 U.S.C. 2864(d)(1)) is amended—

(i) in clause (i), by striking ''described in subsection (c)'';

(ii) in clause (iii), by striking ''and'' at the end;

(iii) in clause (iv), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

''(v) to designate a dedicated business liaison in the local area who may be funded with funds provided under this title or from other sources to establish and develop relationships and networks with large and small employers and their intermediaries; and

''(vi) in order to avoid duplication of services and enhance coordination of services, to require the colocation of employment services provided under the Wagner-Peyser Act at the comprehensive one-stop centers.''.

(B) CORE SERVICES.—Section 134(d)(2) (29 U.S.C. 2864(d)(2)) is amended—

(i) in the matter preceding subparagraph (A), by striking ''paragraph (1)(A)'' and inserting ''paragraph (1)'';

(ii) in subparagraph (A), by striking ''under this subtitle'' and inserting ''under the programs described in section 121(b) and administered by one-stop partners, consistent with the requirements of such programs'';

(iii) by striking subparagraph (D) and inserting the following:

''(D) labor exchange services, including—

''(i) job search and placement assistance and, in appropriate cases, career counseling, including—

''(I) exposure to high wage, high skill jobs; and

''(II) nontraditional employment; and

''(ii) appropriate recruitment and other business services for all employers, including small employers, in the local area, which may include services described in this subsection, including information and referral to specialized business services not traditionally offered through the one-stop delivery system;'';

(iv) in subparagraph (E)(iii)—

(I) by inserting '', career ladders,'' after ''earnings''; and

(II) by striking ''and'' at the end;

(v) in subparagraph (F)—

(I) by striking ''and program cost information''; and

(II) by striking ''described in section 123'';

(vi) by striking subparagraph (H) and inserting the following:

''(H) provision of accurate information, in formats that are usable and understandable to all one-stop customers, relating to the availability of supportive services or assistance, including childcare, child support, medical or child health assistance under title XIX or XXI of the Social Security Act, benefits under the Food Stamp Act of 1977, the earned income tax credit under section 32 of the Internal Revenue Code of 1986, and assistance under a State program funded under part A of title IV of the Social Security Act and other supportive services and transportation provided through funds made available under such part, available in the local area, and referral to such services or assistance as appropriate;''; and

(vii) in subparagraph (J), by striking ''for—'' and all that follows through ''(ii) programs'' and inserting ''for programs''.

(C) INTENSIVE SERVICES.—Section 134(d)(3) (29 U.S.C. 2864(d)(3)) is amended—

(i) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—

''(i) ELIGIBILITY.—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide intensive services to adults and dislocated workers, respectively—

''(I) who are unemployed and who, after an interview, evaluation, or assessment, have been determined by a one-stop operator or one-stop partner to be—

''(aa) unlikely or unable to obtain employment, that leads to self-sufficiency or wages comparable to or higher than previous employment, through core services described in paragraph (2); and

''(bb) in need of intensive services in order to obtain employment that leads to self-sufficiency or wages comparable to or higher than previous employment; or

''(II) who are employed, but who, after an interview, evaluation, or assessment are determined by a one-stop operator or one-stop partner to be in need of intensive services to obtain or retain employment that leads to self-sufficiency.

''(ii) SPECIAL RULE.—A new interview, evaluation, or assessment of a participant is not required under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program.''; and

(ii) in subparagraph (C)—

(I) in clause (v), by striking ''for participants seeking training services under paragraph (4)''; and

(II) by adding at the end the following:

''(vii) Internships and work experience.

''(viii) Literacy activities relating to basic work readiness, and financial literacy activities.

''(ix) Out-of-area job search assistance and relocation assistance.

''(x) English language acquisition and integrated training programs.''.

(D) TRAINING SERVICES.—Section 134(d)(4) (29 U.S.C. 2864(d)(4)) is amended—

(i) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—

''(i) ELIGIBILITY.—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide training services to adults and dislocated workers, respectively—

''(I) who, after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

''(aa) be unlikely or unable to obtain or retain employment, that leads to self-sufficiency or wages comparable to or higher than previous employment, through the intensive services described in paragraph (3);

''(bb) be in need of training services to obtain or retain employment that leads to self-sufficiency or wages comparable to or higher than previous employment; and

''(cc) have the skills and qualifications to successfully participate in the selected program of training services;

''(II) who select programs of training services that are directly linked to the employment opportunities in the local area or region involved or in another area to which the adults or dislocated workers are willing to commute or relocate;

''(III) who meet the requirements of subparagraph (B); and

''(IV) who are determined to be eligible in accordance with the priority system in effect under subparagraph (E).

''(ii) SPECIAL RULE.—A new interview, evaluation, or assessment of a participant is not required under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program.'';

(ii) in subparagraph (B)(i), by striking ''Except'' and inserting ''Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except'';

(iii) in subparagraph (D)—

(I) in clause (viii), by striking ''and'' after the semicolon;

(II) in clause (ix), by striking the period and inserting ''; and''; and

(III) by adding at the end the following:

''(x) English language acquisition and integrated training programs.'';

(iv) in subparagraph (F)—

(I) in clause (ii), by striking ''referred to in subsection (c), shall make available—'' and all that follows and inserting ''shall make available a list of eligible providers of training services, and accompanying information, in accordance with section 122(d).'';

(II) in the heading of clause (iii), by striking ''INDIVIDUAL TRAINING ACCOUNTS'' and inserting ''CAREER SCHOLARSHIP ACCOUNTS'';

(III) in clause (iii)—

(aa) by striking ''identifying information'' and inserting ''accompanying information'';

(bb) by striking ''clause (ii)(I)'' and inserting ''clause (ii)''; and

(cc) by striking ''individual training account'' and inserting ''career scholarship account''; and

(IV) by adding the following clause after clause (iii):

''(iv) COORDINATION.—Each local board may, through one-stop centers, coordinate career scholarship accounts with other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services.''; and

(v) in subparagraph (G)—

(I) in the subparagraph heading, by striking ''INDIVIDUAL TRAINING ACCOUNTS'' and inserting ''CAREER SCHOLARSHIP ACCOUNTS'';

(II) in clause (i), by striking ''individual training accounts'' and inserting ''career scholarship accounts'';

(III) in clause (ii)—

(aa) by striking ‘‘individual training account’’ and inserting ‘‘career scholarship account’’; and

(bb) in subclause (II), by striking ‘‘individual training accounts’’ and inserting ‘‘career scholarship accounts’’;

(cc) in subclause (II), by striking ‘‘or’’ after the semicolon;

(dd) in subclause (III), by striking the period and inserting ‘‘; or’’; and

(ee) by adding at the end the following:

‘‘(IV) the local board determines that it would be most appropriate to award a contract to an institution of higher education in order to facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice.’’; and

(IV) in clause (iv)—

(aa) by redesignating subclause (IV) as subclause (V); and

(bb) by inserting after subclause (III) the following:

‘‘(IV) Individuals with disabilities.’’.

(3) PERMISSIBLE ACTIVITIES.—Section 134(e) (29 U.S.C. 2864(e)) is amended—

(A) by striking the matter preceding paragraph (2) and inserting the following:

‘‘(e) PERMISSIBLE LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

‘‘(1) IN GENERAL.—

‘‘(A) ACTIVITIES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved—

‘‘(i) customized screening and referral of qualified participants in training services described in subsection (d)(4) to employment;

‘‘(ii) customized employment-related services to employers on a fee-for-service basis;

‘‘(iii) customer support to enable members of hard-to-serve populations, including individuals with disabilities, to navigate among multiple services and activities for such populations;

‘‘(iv) technical assistance and capacity building for serving individuals with disabilities in local areas, and by one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, the provision of outreach, intake, assessments, and service delivery, and the development of performance measures;

‘‘(v) employment and training assistance provided in coordination with child support enforcement activities of the State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

‘‘(vi) activities to improve coordination between employment and training assistance and child support services and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

‘‘(vii) activities to improve coordination between employment and training assistance and cooperative extension programs carried out by the Department of Agriculture;

‘‘(viii) activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology;

‘‘(ix) activities—

‘‘(I) to improve coordination between workforce investment activities carried out within the local area involved and economic development activities; and

‘‘(II) to improve services and linkages between the local workforce investment system including the local one-stop delivery system, and all employers, including small employers in the local area, through services described under this section, including subparagraph (B);

‘‘(x) training programs for displaced homemakers and for individuals training for nontraditional occupations, in conjunction with programs operated in the local area;

‘‘(xi) using a portion of the funds allocated under section 133(b), activities to carry out business services and strategies that meet the workforce development needs of local area employers, as determined by the local board, consistent with the local plan under section 118, which services—

‘‘(I) may be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee for service basis or through the leveraging of economic development and other resources as determined appropriate by the local board; and

‘‘(II) may include—

‘‘(aa) identifying for and disseminating to business, educators, and job seekers, information related to the workforce, economic and community development needs, and opportunities of the local economy;

‘‘(bb) development and delivery of innovative workforce investment services and strategies for area businesses, which may include sectoral, industry cluster, regional skills alliances, career ladder, skills upgrading, skill standard development and certification, apprenticeship, and other effective initiatives for meeting the workforce development needs of area employers and workers;

‘‘(cc) participation in seminars and classes offered in partnership with relevant organizations focusing on the workforce-related needs of area employers and job seekers;

‘‘(dd) training consulting, needs analysis, and brokering services for area businesses, including the organization and aggregation of training (which may be paid for with funds other than those provided under this title), for individual employers and coalitions of employers with similar interests, products, or workforce needs;

‘‘(ee) assistance to area employers in the aversion of layoffs and in managing reductions in force in coordination with rapid response activities;

‘‘(ff) the marketing of business services offered under this Act, to appropriate area employers, including small and mid-sized employers;

‘‘(gg) information referral on concerns affecting local employers; and

‘‘(hh) other business services and strategies designed to better engage employers in workforce development activities and to make the workforce investment system more relevant to the workforce development needs of area businesses, as determined by the local board to be consistent with the purposes of this Act; and

‘‘(xii) activities to adjust the self-sufficiency standards for local factors, or activities to adopt, calculate, or commission a self-sufficiency standard that specifies the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations.

‘‘(B) WORK SUPPORT ACTIVITIES FOR LOW-WAGE WORKERS.—

‘‘(i) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved, work support activities designed to assist low-wage workers in retaining and enhancing employment. The one-stop partners shall coordinate the appropriate programs and resources of the partners with the activities and resources provided under this subparagraph.

‘‘(ii) ACTIVITIES.—The activities described in clause (i) may include the provision of activities described in this section through the one-stop delivery system in a manner that enhances the opportunities of such workers to participate in the activities, such as the provision of activities described in this section during nontraditional hours and the provision of on-site child care while such activities are being provided.’’;

(B) in paragraph (2), by striking the matter preceding subparagraph (A) and inserting the following:

‘‘(2) SUPPORTIVE SERVICES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide supportive services to adults and dislocated workers, respectively—’’; and

(C) by adding at the end the following:

‘‘(4) INCUMBENT WORKER TRAINING PROGRAMS.—

‘‘(A) IN GENERAL.—The local board may use up to 10 percent of the funds allocated to the local area involved under section 133(b) to pay for the Federal share of the cost of providing training through an incumbent worker training program carried out in accordance with this paragraph. The Governor or State board may make recommendations to the local board regarding incumbent worker training with statewide impact.

‘‘(B) TRAINING ACTIVITIES.—The training program for incumbent workers carried out under this paragraph shall be carried out by the local board in conjunction with the employers or groups of employers of such workers for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs.

‘‘(C) EMPLOYER SHARE REQUIRED.—

‘‘(i) IN GENERAL.—Employers participating in the program carried out under this paragraph shall be required to pay the non-Federal share of the costs of providing the training to incumbent workers of the employers. The local board shall establish the non-Federal share of such costs, which may include in kind contributions. The non-Federal share shall not be less than—

‘‘(I) 10 percent of the costs, for employers with 50 or fewer employees;

‘‘(II) 25 percent of the costs, for employers with more than 50 employees but fewer than 100 employees; and

‘‘(III) 50 percent of the costs, for employers with 100 or more employees.

‘‘(ii) CALCULATION OF EMPLOYER SHARE.—The non-Federal share paid by such an employer may include the amount of the wages paid by the employer to a worker while the worker is attending a training program under this paragraph.’’.

SEC. 122. PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) STATE PERFORMANCE MEASURES.—

(1) INDICATORS OF PERFORMANCE.—Section 136(b)(2)(A) (29 U.S.C. 2871(b)(2)(A)) is amended—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking ‘‘ and (for participants who are eligible youth age 19 through 21) for youth activities authorized under section 129’’;

(ii) by striking subclause (III) and inserting the following:

‘‘(III) increases in earnings from unsubsidized employment; and’’; and

(iii) in subclause (IV), by striking ‘‘, or by participants’’ and all that follows through ‘‘unsubsidized employment’’; and

(B) by striking clause (ii) and inserting the following:

‘‘(ii) CORE INDICATORS FOR ELIGIBLE YOUTH.—The core indicators of performance

for youth activities authorized under section 129 shall consist of—

''(I) entry into employment, education or advanced training, or military service;

''(II) attainment of secondary school diplomas or their recognized equivalents, and postsecondary certificates; and

''(III) literacy or numeracy gains.''.

(2) ADDITIONAL INDICATORS.—Section 136(b)(2)(C) (29 U.S.C. 2871(b)(2)(C)) is amended to read as follows:

''(C) ADDITIONAL INDICATORS.—A State may identify in the State plan additional indicators for workforce investment activities under this subtitle, including indicators identified in collaboration with State business and industry associations, with employee representatives where applicable, and with local boards, to measure the performance of the workforce investment system in serving the workforce needs of business and industry in the State.''.

(3) LEVELS OF PERFORMANCE.—Section 136(b)(3)(A) (29 U.S.C. 2871(b)(3)(A)) is amended—

(A) in clause (iii)—

(i) in the heading, by striking ''FOR FIRST 3 YEARS'';

(ii) by striking ''and the customer satisfaction indicator of performance, for the first 3'' and inserting ''described in clauses (i) and (ii) of paragraph (2)(A) and the customer satisfaction indicator of performance, for the first 2''; and

(iii) by inserting at the end the following: ''Agreements on levels of performance for each of the core indicators of performance for the third and fourth program years covered by the State plan shall be reached prior to the beginning of the third program year covered by the State plan, and incorporated as a modification to the State plan.'';

(B) in clause (iv)—

(i) in subclause (II)—

(I) by striking ''taking into account'' and inserting ''and shall ensure that the levels involved are adjusted, using objective statistical methods, based on'';

(II) by inserting ''(such as differences in unemployment rates and job losses or gains in particular industries)'' after ''economic conditions'';

(III) by inserting ''(such as indicators of poor work history, lack of work experience, educational or occupational skills attainment, dislocation from high-wage and benefit employment, low levels of literacy or English proficiency, disability status, homelessness, and welfare dependency)'' after ''program''; and

(IV) by striking ''and'' at the end;

(ii) in subclause (III), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(IV) the extent to which the levels involved will assist the State in meeting the national goals described in clause (v).'';

(C) by striking clause (v) and inserting the following:

''(v) ESTABLISHMENT OF NATIONAL GOALS.—In order to promote enhanced performance outcomes on the performance measures and to facilitate the process of reaching agreements with the States under clause (iii) and to measure systemwide performance for the one-stop delivery systems of the States, the Secretary shall establish long-term national goals for the adjusted levels of performance for that systemwide performance to be achieved by the programs assisted under chapters 4 and 5 on the core indicators of performance described in subparagraphs (A) and (B) of subsection (b)(2). Such goals shall be established in accordance with the Government Performance and Results Act of 1993 in consultation with the States and other appropriate parties.''; and

(D) in clause (vi)—

(i) by striking ''or (v)''; and

(ii) by striking ''with the representatives described in subsection (i)'' and inserting ''with the States and other interested parties''.

(b) LOCAL PERFORMANCE MEASURES.—Section 136(c)(3) (29 U.S.C 2871(c)(3))—

(1) by striking ''shall take into account'' and inserting ''shall ensure such levels are adjusted based on'';

(2) by inserting ''(characteristics such as unemployment rates and job losses or gains in particular industries)'' after ''economic''; and

(3) by inserting ''(characteristics such as indicators of poor work history, lack of work experience, educational and occupational skills attainment, dislocation from high-wage and benefit employment, low levels of literacy or English proficiency, disability status, homelessness, and welfare dependency)'' after ''demographic''.

(c) REPORT.—Section 136(d) (29 U.S.C. 2871(d)) is amended—

(1) in paragraph (1), by adding at the end the following: ''In the case of a State or local area that chooses to expend funds under section 134(a)(3)(A)(i) or 134(e)(1)(A)(vii), respectively, the report also shall include the amount of such funds so expended and the percentage that such funds are of the funds available under section 134;

(2) in paragraph (2)—

(A) in subparagraph (E)—

(i) by striking ''(excluding participants who received only self-service and informational activities)''; and

(ii) by striking ''and'' after the semicolon;

(B) in subparagraph (F)—

(i) by inserting ''noncustodial parents with child support obligations, homeless individuals,'' after ''displaced homemakers,''; and

(ii) by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(G) the number of participants served and the cost per participant; and

''(H) the amount of adult and dislocated worker funds spent on—

''(i) core, intensive, and training services, respectively; and

''(ii) services provided under section 134(a)(3)(A)(i) or 134(e)(1)(A)(iii), if applicable.''; and

(3) by adding at the end the following:

''(4) DATA VALIDATION.—In preparing the reports described in this subsection, the States shall establish procedures, consistent with guidelines issued by the Secretary, to ensure that the information contained in the reports is valid and reliable.''.

(d) SANCTIONS FOR STATE.—Section 136(g) is amended—

(1) in paragraph (1)(B), by striking ''If such failure continues for a second consecutive year'' and inserting ''If a State performs at less than 80 percent of the adjusted level of performance for a core indicator of performance described in subsection (b)(2)(A) for 2 consecutive years with respect to the same indicator of performance''; and

(2) in paragraph (2), by striking ''section 503'' and inserting ''subsection (i)(1)''.

(e) SANCTIONS FOR LOCAL AREA.—Section 136(h)(2)(A) (29 U.S.C. 2871(h)(2)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''If such failure continues for a second consecutive year'' and inserting ''If a local area performs at less than 80 percent of the adjusted level of performance for a core indicator of performance described in subsection (b)(2)(A) for 2 consecutive years with respect to the same indicator of performance'';

(2) in clause (ii), by striking ''or'' after the semicolon;

(3) by redesignating clause (iii) as clause (iv); and

(4) by inserting after clause (ii) the following:

''(iii) redesignate the local area in accordance with section 116(a)(2); or''.

(f) INCENTIVE GRANTS.—Section 136(i) (29 U.S.C. 2871(i)) is amended to read as follows:

''(i) INCENTIVE GRANTS FOR STATES AND LOCAL AREAS.—

''(1) INCENTIVE GRANTS FOR STATES.—

''(A) IN GENERAL.—From funds appropriated under section 174(b) and made available under subsection (g)(2), the Secretary may award incentive grants to States for exemplary performance in carrying out programs under chapters 4 and 5.

''(B) BASIS.—The Secretary shall award the grants on the basis—

''(i) of the States meeting or exceeding the performance measures established under subsection (b)(3)(A)(iii);

''(ii) of exemplary performance of the States in serving hard-to-serve populations (including performance relating to the levels of service provided and the performance outcomes on such performance measures with respect to the populations);

''(iii) of States that are effectively—

''(I) coordinating multiple systems into a more effective workforce development system, including coordination of employment services under the Wagner-Peyser Act and core activities under this title as well as partner programs described in section 121;

''(II) expanding access to training, including through increased leveraging of resources other than those funded through programs under this title; or

''(III) implementing innovative business and economic development initiatives.

''(iv) of such other factors relating to the performance of the States under this title as the Secretary determines are appropriate.

''(C) USE OF FUNDS.—The funds awarded to a State under this paragraph may be used to carry out any activities authorized for States under chapters 4 and 5, title II of this Act, and the Carl D. Perkins Vocational and Technical Education Act of 1998, including demonstration projects and innovative programs for hard-to-serve populations.

''(2) INCENTIVE GRANTS FOR LOCAL AREAS.—

''(A) IN GENERAL.—From funds reserved under sections 128(a) and 133(a)(1), the Governor involved shall award incentive grants to local areas for exemplary performance in carrying out programs under chapters 4 and 5.

''(B) BASIS.—The Governor shall award the grants on the basis—

''(i) that the local areas met or exceeded the performance measures established under subsection (c)(2) relating to indicators described in subsection (b)(3)(A)(iii);

''(ii) of exemplary performance of the local areas in serving hard-to-serve populations; or

''(iii) of States and local areas that are effectively—

''(I) coordinating multiple systems into a comprehensive workforce development system, including coordination of employment services under the Wagner-Peyser Act and core activities under this title as well as partner programs described in section 121;

''(II) expanding access to training, including through increased leveraging of resources other than those funded through programs under this title; or

''(III) implementing innovative business and economic development initiatives.

''(C) USE OF FUNDS.—The funds awarded to a local area under this paragraph may be used to carry out activities authorized for local areas under chapters 4 and 5, and such

demonstration projects or innovative programs for hard-to-serve populations as may be approved by the Governor.''.

(g) USE OF CORE MEASURES IN OTHER DEPARTMENT OF LABOR PROGRAMS.—Section 136 (29 U.S.C. 2871) is amended by adding at the end the following:

''(j) USE OF CORE INDICATORS FOR OTHER PROGRAMS.—In addition to the programs carried out under chapters 4 and 5, and consistent with the requirements of the applicable authorizing laws, the Secretary shall use the indicators of performance described in subparagraphs (A) and (B) of subsection (b)(2) to assess the effectiveness of the programs described in clauses (i), (ii), and (vi) of section 121(b)(1)(B) that are carried out by the Secretary.''.

(h) PREVIOUS DEFINITIONS OF CORE INDICATORS AND INCENTIVE GRANTS.—Sections 502 and 503 (29 U.S.C. 9272 and 9273) are repealed.

SEC. 123. AUTHORIZATION OF APPROPRIATIONS.

(a) YOUTH ACTIVITIES.—Section 137(a) (29 U.S.C. 2872(a)) is amended by striking ''such sums as may be necessary for each of fiscal years 1999 through 2003'' and inserting '' such sums as may be necessary for each of fiscal years 2004 through 2009''.

(b) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—Section 137(b) (29 U.S.C. 2872(b)) is amended by striking ''such sums as may be necessary for each of fiscal years 1999 through 2003'' and inserting '' such sums as may be necessary for each of fiscal years 2004 through 2009''.

(c) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—Section 137(c) (29 U.S.C. 2872(c)) is amended by striking ''such sums as may be necessary for each of fiscal years 1999 through 2003'' and inserting ''such sums as may be necessary for each of fiscal years 2004 through 2009''.

Subtitle C—Job Corps

SEC. 131. JOB CORPS.

(a) ELIGIBILITY.—Section 144(3) (29 U.S.C. 2884(3)) is amended by adding at the end the following:

''(F) A child eligible for assistance under section 477 of the Social Security Act.''.

(b) IMPLEMENTATION OF STANDARDS AND PROCEDURES.—Section 145(a)(3) (29 U.S.C. 2885(a)(3)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) in subparagraph (C), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(D) child welfare agencies that are responsible for children in foster care and children eligible for assistance under section 477 of the Social Security Act.''.

(c) INDUSTRY COUNCILS.—Section 154(b) (29 U.S.C. 2894(b)) is amended—

(1) in paragraph (1)(A), by striking ''local and distant''; and

(2) by adding at the end the following:

''(3) EMPLOYERS OUTSIDE OF LOCAL AREA.—The industry council may include, or otherwise provide for consultation with, employers from outside the local area who are likely to hire a significant number of enrollees from the Job Corps center.

''(4) SPECIAL RULE FOR SINGLE LOCAL AREA STATES.—In the case of a single local area State designated under section 116(b), the industry council shall include a representative of the State Board.''.

(d) INDICATORS OF PERFORMANCE.—Section 159 (29 U.S.C. 2983) is amended—

(1) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

''(1) PERFORMANCE INDICATORS.—The Secretary shall annually establish expected levels of performance for Job Corps centers and the Job Corps program relating to each of the core indicators of performance for youth activities identified in section 136(b)(2)(A)(ii).'';

(B) in paragraph (2), by striking ''measures'' each place it appears and inserting ''indicators''; and

(C) in paragraph (3)—

(i) in the first sentence, by striking ''core performance measures, as compared to the expected performance level for each performance measure'' and inserting ''performance indicators described in paragraph (1), as compared to the expected level of performance established under paragraph (1) for each performance measure''; and

(ii) in the second sentence, by striking ''measures'' each place it appears and inserting ''indicators''; and

(2) in subsection (f)(2), in the first sentence, by striking ''core performance measures'' and inserting ''indicators of performance''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 161 (29 U.S.C. 2901) is amended by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

Subtitle D—National Programs

SEC. 141. NATIVE AMERICAN PROGRAMS.

(a) ADVISORY COUNCIL.—Section 166(h)(4)(C) (29 U.S.C. 2911(h)(4)(C)) is amended to read as follows:

''(C) DUTIES.—The Council shall advise the Secretary on the operation and administration of the programs assisted under this section, including the selection of the individual appointed as head of the unit established under paragraph (1).''.

(b) ASSISTANCE TO UNIQUE NATIVE POPULATIONS IN ALASKA AND HAWAII.—Section 166(j) (29 U.S.C. 2911(j)) is amended to read as follows:

''(j) ASSISTANCE TO UNIQUE NATIVE POPULATIONS IN ALASKA AND HAWAII.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to provide assistance to unique native populations who reside in Alaska or Hawaii to improve job training and workforce investment activities.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2004.''.

(c) PERFORMANCE INDICATORS.—Section 166 (29 U.S.C. 2911 is amended by adding at the end the following':

''(c) PERFORMANCE INDICATORS.—

''(1) DEVELOPMENT OF INDICATORS.—The Secretary, in consultation with the Native American Employment and Training Council, shall develop a set of performance indicators and standards which shall be applicable to programs under this section.

''(2) SPECIAL CONSIDERATIONS.—Such performance indicators and standards shall take into account—

''(A) the purposes of the programs under this section as described in paragraph (a)(1);

''(B) the needs of the groups served by this section, including the differences in needs among such groups in various geographic service areas; and

''(C) the economic circumstances of the communities served, including differences in circumstances among various geographic service areas.''.

SEC. 142. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.

Section 167(d) (29 U.S.C. 2912(d)) is amended by inserting ''(including permanent housing)'' after ''housing''.

SEC. 143. VETERANS' WORKFORCE INVESTMENT PROGRAMS.

Section 168(a)(3)(C) (29 U.S.C. 2913(a)(3)(C)) is amended by striking ''section 134(c)'' and inserting ''section 121(e)''.

SEC. 144. YOUTH CHALLENGE GRANTS.

Section 169 (29 U.S.C. 2914) is amended to read as follows:

''SEC. 169. YOUTH CHALLENGE GRANTS.

''(a) IN GENERAL.—Of the amounts reserved by the Secretary under section 127(a)(1)(A) for a fiscal year—

''(1) the Secretary shall use not less than 80 percent to award competitive grants under subsection (b); and

''(2) the Secretary may use not more than 20 percent to award discretionary grants under subsection (c).

''(b) COMPETITIVE GRANTS TO STATES AND LOCAL AREAS.—

''(1) ESTABLISHMENT.—From the funds described in subsection (a)(1), the Secretary shall award competitive grants to eligible entities to carry out activities authorized under this subsection to assist eligible youth in acquiring the skills, credentials, and employment experience necessary to achieve the performance outcomes for youth described in section 136

''(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a State or consortium of States;

''(B) a local board or consortium of local boards;

''(C) a recipient of a grant under section 166 (relating to Native American programs); or

''(D) a public or private entity (including a consortium of such entities) with expertise in the provision of youth activities, applying in partnership with a local board or consortium of local boards.

''(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the activities the eligible entity will provide to eligible youth under this subsection, and how the eligible entity will collaborate with State and local workforce investments systems established under this title in the provision of such activities;

''(B) a description of the programs of demonstrated effectiveness on which the provision of the activities under subparagraph (A) are based, and a description of how such activities will expand the base of knowledge relating to the provision of activities for youth;

''(C) a description of the State, local, and private resources that will be leveraged to provide the activities described under subparagraph (A) in addition to funds provided under this subsection, and a description of the extent of the involvement of employers in the activities;

''(D) the levels of performance the eligible entity expects to achieve with respect to the indicators of performance for youth specified in section 136(b)(2)(A)(ii); and

''(E) an assurance that the State board of each State in which the proposed activities are to be carried out had the opportunity to review the application, and including the comments, if any, of the affected State boards on the application, except that this subparagraph shall not apply to an eligible entity described in paragraph (2)(C).

''(4) FACTORS FOR AWARD.—

''(A) IN GENERAL.—In awarding grants under this subsection the Secretary shall consider—

''(i) the quality of the proposed activities;

''(ii) the goals to be achieved;

''(iii) the likelihood of successful implementation;

''(iv) the extent to which the proposed activities are based on proven strategies or the extent to which the proposed activities will expand the base of knowledge relating to the provision of activities for youth;

''(v) the extent of collaboration with the State and local workforce investment systems in carrying out the proposed activities;

''(vi) the extent of employer involvement in the proposed activities;

''(vii) whether there are other Federal and non-Federal funds available for similar activities to the proposed activities, and the additional State, local, and private resources that will be provided to carry out the proposed activities; and

''(viii) the quality of proposed activities in meeting the needs of the youth to be served.

''(B) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this subsection the Secretary shall ensure an equitable distribution of such grants across geographically diverse areas.

''(5) USE OF FUNDS.—

''(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the grant funds to carry out activities that are designed to assist youth in acquiring the skills, credentials, and employment experience that are necessary to succeed in the labor market, including the activities identified in section 129.

''(B) ACTIVITIES.—The activities carried out pursuant to subparagraph (A) may include the following:

''(i) Training and internships for out-of-school youth in sectors of the economy experiencing, or projected to experience, high growth.

''(ii) Dropout prevention activities for in-school youth.

''(iii) Activities designed to assist special youth populations, such as court-involved youth and youth with disabilities.

''(iv) Activities combining remediation of academic skills, work readiness training, and work experience, and including linkages to postsecondary education, apprenticeships, and career-ladder employment.

''(v) Activities, including work experience, paid internships, and entrepreneurial training, in areas where there is a migration of youth out of the areas.

''(C) PARTICIPANT ELIGIBILITY.—Youth who are 14 years of age through 21 years of age, as of the time the eligibility determination is made, may be eligible to participate in activities carried out under this subsection.

''(6) GRANT PERIOD.—The Secretary shall make a grant under this subsection for a period of 2 years and may renew the grant, if the eligible entity has performed successfully, for a period of not more than 3 succeeding years.

''(7) MATCHING FUNDS REQUIRED.—The Secretary shall require that an eligible entity that receives a grant under this subsection provide non-Federal matching funds in an amount to be determined by the Secretary that is not less than 10 percent of the cost of activities carried out under the grant. The Secretary may require that such non-Federal matching funds be provided in cash resources, noncash resources, or a combination of cash and noncash resources.

''(8) EVALUATION.—The Secretary shall reserve not more than 3 percent of the funds described in subsection (a)(1) to provide technical assistance to, and conduct evaluations of (using appropriate techniques as described in section 172(c)), the projects funded under this subsection.

''(c) DISCRETIONARY GRANTS FOR YOUTH ACTIVITIES.—

''(1) IN GENERAL.—From the funds described in subsection (a)(2), the Secretary may award grants to eligible entities to provide activities that will assist youth in preparing for, and entering and retaining, employment.

''(2) ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means a public or private entity that the Secretary determines would effectively carry out activities relating to youth under this subsection.

''(3) EQUITABLE DISTRIBUTION TO RURAL AREAS.—In awarding grants under this subsection the Secretary shall ensure an equitable distribution of such grants to rural areas.

''(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(5) USE OF FUNDS.—

''(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the grant funds to carry out—

''(i) activities that will assist youth in preparing for, and entering and retaining, employment, including the activities described in section 129 for out-of-school youth;

''(ii) activities designed to assist in-school youth to stay in school and gain work experience;

''(iii) activities designed to assist youth in economically distressed areas; and

''(iv) such other activities that the Secretary determines are appropriate to ensure that youth entering the workforce have the skills needed by employers.

''(B) PARTICIPANT ELIGIBILITY.—Youth who are 14 years of age through 21 years of age, as of the time the eligibility determination is made, may be eligible to participate in activities carried out under this subsection.

''(6) MATCHING FUNDS REQUIRED.—The Secretary shall require that an eligible entity that receives a grant under this subsection provide non-Federal matching funds in an amount to be determined by the Secretary that is not less than 10 percent of the cost of activities carried out under the grant. The Secretary may require that such non-Federal matching funds be provided in cash resources, noncash resources, or a combination of cash and noncash resources.

''(7) EVALUATIONS.—The Secretary may require that an eligible entity that receives a grant under this subsection participate in an evaluation of activities carried out under this subsection, including an evaluation using the techniques described in section 172(c).''.

SEC. 145. TECHNICAL ASSISTANCE.

Section 170 (29 U.S.C. 2915) is amended—

(1) in subsection (a)(1), by—

(A) inserting ''the training of staff providing rapid response services, the training of other staff of recipients of funds under this title, the training of members of State boards and local boards, peer review activities under this title,'' after ''localities,''; and

(B) striking ''from carrying out activities'' and all that follows through the period and inserting ''to implement the amendments made by the Workforce Investment Act Amendments of 2003.'';

(2) in subsection (a)(2), by adding at the end the following: ''The Secretary shall also hire staff qualified to provide the assistance described in paragraph (1).'';

(3) in subsection (b)(2), by striking the last sentence and inserting ''Such projects shall be administered by the Employment and Training Administration.''; and

(4) by adding at the end the following:

''(c) BEST PRACTICES COORDINATION.—The Secretary shall—

''(1) establish a system through which States may share information regarding best practices with regard to the operation of workforce investment activities under this Act;

''(2) evaluate and disseminate information regarding best practices and identify knowledge gaps; and

''(3) commission research under section 172 to address knowledge gaps identified under paragraph (2).''.

SEC. 146. DEMONSTRATION, PILOT, MULTISERVICE, RESEARCH, AND MULTISTATE PROJECTS.

(a) DEMONSTRATION AND PILOT PROJECTS.—Section 171(b) (29 U.S.C. 2916(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''Under a'' and inserting ''Consistent with the priorities specified in the'';

(B) by striking subparagraphs (A) through (E) and inserting the following:

''(A) projects that assist national employers in connecting with the workforce investment system established under this title in order to facilitate the recruitment and employment of needed workers for career ladder jobs and to provide information to such system on skills and occupations in demand;

''(B) projects that promote the development of systems that will improve the maximum effectiveness of programs carried out under this title;

''(C) projects that focus on opportunities for employment in industries and sectors of industries that are experiencing, or are likely to experience, high rates of growth and jobs with wages leading to self-sufficiency;

''(D) projects that establish and implement innovative integrated systems training programs targeted to dislocated, disadvantaged incumbent workers that utilize equipment and curriculum designed in partnership with local, regional, or national industries that is computerized, individualized, self-paced, and interactive that delivers skills and proficiencies that are measurable to train workers for employment in the operations, repair, and maintenance of high-tech equipment that is used in integrated systems technology;

''(E) projects carried out by States and local areas to test innovative approaches to delivering employment-related services;'';

(C) in subparagraph (G), by striking ''and'' after the semicolon; and

(D) by striking subparagraph (H) and inserting the following:

''(H) projects that provide retention grants to qualified job training programs upon placement or retention of a low-income individual trained by the program in employment with a single employer for a period of 1 year, if such employment provides the low-income individual with an annual salary that is not less than twice the poverty line applicable to the individual;

''(I) targeted innovation projects that improve access to and delivery of employment and training services, with emphasis given to projects that incorporate advanced technologies to facilitate the connection of individuals to the information and tools they need to upgrade skills; and

''(J) projects that promote the use of distance learning, enabling students to take courses through the use of media technology such as videos, teleconferencing computers, and the Internet.''; and

(2) in paragraph (2)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(b) MULTISERVICE PROJECTS.—Section 171(c)(2)(B) (29 U.S.C. 2916(c)(2)(B)) is amended to read as follows:

''(B) STUDIES AND REPORTS.—

''(i) NET IMPACT STUDIES AND REPORTS.—

''(I) IN GENERAL.—The Secretary shall conduct studies to determine the net impacts of programs, services, and activities carried out under this title.

''(II) REPORTS.—The Secretary shall prepare and disseminate to the public reports containing the results of the studies conducted under subclause (I).

''(ii) STUDY ON RESOURCES AVAILABLE TO ASSIST OUT-OF-SCHOOL YOUTH.—The Secretary, in coordination with the Secretary of Education, may conduct a study examining the resources available at the Federal, State, and local levels to assist out-of-school youth in obtaining the skills, credentials, and work experience necessary to become successfully employed, including the availability of funds provided through average daily attendance and other methodologies used by States and local areas to distribute funds.

''(iii) STUDY OF INDUSTRY-BASED CERTIFICATION AND CREDENTIALS.—

''(I) IN GENERAL.—The Secretary shall conduct a study concerning the role and benefits of credentialing and certification to businesses and workers in the economy and the implications of certification to the services provided through the workforce investment system. The study may examine issues such as—

''(aa) the characteristics of successful credentialing and certification systems that serve business and individual needs;

''(bb) the relative proportions of certificates and credentials attained with assistance from the public sector, with private-sector training of new hires or incumbent workers, and by individuals on their own initiative without other assistance, respectively;

''(cc) the return on human capital investments from occupational credentials and industry-based skill certifications, including the extent to which acquisition of such credentials or certificates enhances outcomes such as entry into employment, retention, earnings (including the number and amount of wage increases), career advancement, and layoff aversion;

''(dd) the implications of the effects of skill certifications and credentials to the types and delivery of services provided through the workforce investment system;

''(ee) the role that Federal and State governments play in fostering the development of and disseminating credentials and skill standards; and

''(ff) the use of credentials by businesses to achieve goals for workforce skill upgrading and greater operating efficiency.

''(II) REPORT TO CONGRESS.—The Secretary shall prepare and submit to Congress a report containing the results of the study conducted pursuant to subclause (I). Such report may include any recommendations that the Secretary determines are appropriate to include in such report relating to promoting the acquisition of industry-based certification and credentials, and the appropriate role of the Department of Labor and the workforce investment system in supporting the needs of business and individuals with respect to such certification and credentials.

''(iv) STUDY OF EFFECTIVENESS OF WORKFORCE INVESTMENT SYSTEM IN MEETING BUSINESS NEEDS.—

''(I) IN GENERAL.—Using funds available to carry out this section jointly with funds available to the Secretary of Commerce and Administrator of the Small Business Administration, the Secretary, in coordination with the Secretary of Commerce and the Administrator of the Small Business Administration, may conduct a study of the effectiveness of the workforce investment system in meeting the needs of business, with particular attention to the needs of small business, including in assisting workers to obtain the skills needed to utilize emerging technologies. In conducting the study, the Secretary, in coordination with the Secretary of Commerce and the Administrator of the Small Business Administration, may examine issues such as—

''(aa) methods for identifying the workforce needs of businesses and how the requirements of small businesses may differ from larger establishments;

''(bb) business satisfaction with the workforce investment system, with particular emphasis on the satisfaction of small businesses;

''(cc) the extent to which business is engaged as a collaborative partner in the workforce investment system, including the extent of business involvement as members of State boards and local boards, and the extent to which such boards and one-stop centers effectively collaborate with business and industry leaders in developing workforce investment strategies, including strategies to identify high growth opportunities;

''(dd) ways in which the workforce investment system addresses changing skill needs of business that result from changes in technology and work processes;

''(ee) promising practices for serving small businesses;

''(ff) the extent and manner in which the workforce investment system uses technology to serve business and individual needs, and how uses of technology could enhance efficiency and effectiveness in providing services; and

''(gg) the extent to which various segments of the labor force have access to and utilize technology to locate job openings and apply for jobs, and characteristics of individuals utilizing such technology (such as age, gender, race or ethnicity, industry sector, and occupational groups).

''(II) REPORT TO CONGRESS.—The Secretary shall prepare and submit to Congress a report containing the results of the study described in clause (I). Such report may include any recommendations the Secretary determines are appropriate to include in such report, including ways to enhance the effectiveness of the workforce investment system in meeting the needs of business for skilled workers.''.

(c) CONFORMING AMENDMENT.—Section 171(d) (29 U.S.C. 2916(d)) is amended by striking the last sentence.

(d) WAIVER AUTHORITY TO CARRY OUT DEMONSTRATIONS AND EVALUATIONS.—Section 171 (29 U.S.C. 2916) is amended by adding at the end the following:

''(d) WAIVER AUTHORITY.—In carrying out demonstration, pilot, multiservice, research, and multistate projects under this section and evaluations under section 172, the Secretary may waive any provisions of this section that the Secretary determines would prevent the Secretary from carrying out such projects and evaluations, except for provisions relating to wage and labor standards such as nondisplacement protections, grievance procedures and judicial review, and nondiscrimination provisions.''.

(e) NEXT GENERATION TECHNOLOGIES.—Section 171 (29 U.S.C. 2916) is amended further by adding at the end the following:

''(e) SKILL CERTIFICATION PILOT PROJECTS.—

''(1) PILOT PROJECTS.—In accordance with subsection (b) and from funds appropriated pursuant to paragraph (10), the Secretary of Labor shall establish and carry out not more than 10 pilot projects to establish a system of industry-validated national certifications of skills, including—

''(A) not more than 8 national certifications of skills in high-technology industries, including biotechnology, telecommunications, highly automated manufacturing (including semiconductors), nanotechnology, and energy technology; and

''(B) not more than 2 cross-disciplinary national certifications of skills in homeland security technology.

''(2) GRANTS TO ELIGIBLE ENTITIES.—In carrying out the pilot projects, the Secretary of Labor shall make grants to eligible entities, for periods of not less than 36 months and not more than 48 months, to carry out the authorized activities described in paragraph (7) with respect to the certifications described in paragraph (1). In awarding grants under this subsection the Secretary of Labor shall take into consideration awarding grants to eligible entities from diverse geographic areas, including rural areas.

''(3) ELIGIBLE ENTITIES.—

''(A) DEFINITION OF ELIGIBLE ENTITY.—In this subsection the term 'eligible entity' means an entity that shall work in conjunction with a local board and shall include as a principal participant one or more of the following:

''(i) A community college or consortium of community colleges.

''(ii) An advanced technology education center.

''(iii) A local workforce investment board.

''(iv) A representative of a business in a target industry for the certification involved.

''(v) A representative of an industry association, labor organization, or community development organization.

''(B) HISTORY OF DEMONSTRATED CAPABILITY REQUIRED.—To be eligible to receive a grant under this subsection, an eligible entity shall have a history of demonstrated capability for effective collaboration with industry on workforce development activities that is consistent with the goals of this Act.

''(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary may require.

''(5) –CRITERIA.—The Secretary of Labor shall establish criteria, consistent with paragraph (6), for awarding grants under this subsection.

''(6) PRIORITY.—In selecting eligible entities to receive grants under this subsection, the Secretary of Labor shall give priority to eligible entities that demonstrate the availability of and ability to provide matching funds from industry or nonprofit sources. Such matching funds may be provided in cash or in kind.

''(7) AUTHORIZED ACTIVITIES.—

''(A) IN GENERAL.—An eligible entity that receives a grant under this subsection shall use the funds made available through the grant—

''(i) to facilitate the establishment of certification requirements for a certification described in paragraph (1) for an industry;

''(ii) to develop and initiate a certification program that includes preparatory courses, course materials, procedures, and examinations, for the certification; and

''(iii) to collect and analyze data related to the program at the program's completion, and to identify best practices (consistent with paragraph (8)) that may be used by local and State workforce investment boards in the future.

''(B) BASIS FOR REQUIREMENTS.—The certification requirements shall be based on applicable skill standards for the industry involved that have been developed by or linked to national centers of excellence under the National Science Foundation's Advanced Technological Education Program. The requirements shall require an individual to demonstrate an identifiable set of competencies relevant to the industry in order to receive certification. The requirements shall be designed to provide evidence of a transferable skill set that allows flexibility and mobility of workers within a high technology industry.

''(C) RELATIONSHIP TO TRAINING AND EDUCATION PROGRAMS.—The eligible entity shall ensure that—

''(i) a training and education program related to competencies for the industry involved, that is flexible in mode and timeframe for delivery and that meets the needs of those seeking the certification, is offered; and

''(ii) the certification program is offered at the completion of the training and education program.

''(D) RELATIONSHIP TO THE ASSOCIATE DEGREE.—The eligible entity shall ensure that the certification program is consistent with the requirements for a 2-year associate degree.

''(E) AVAILABILITY.—The eligible entity shall ensure that the certification program is open to students pursuing associate degrees, employed workers, and displaced workers.

''(8) CONSULTATION.—The Secretary of Labor shall consult with the Director of the National Science Foundation to ensure that the pilot projects build on the expertise and information about best practices gained through the implementation of the National Science Foundation's Advanced Technological Education Program.

''(9) CORE COMPONENTS; GUIDELINES; REPORTS.—After collecting and analyzing the data obtained from the pilot programs, the Secretary of Labor shall—

''(A) establish the core components of a model high-technology certification program;

''(B) establish guidelines to assure development of a uniform set of standards and policies for such programs;

''(C) submit and prepare a report on the pilot projects to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives; and

''(D) make available to the public both the data and the report.

''(10) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 174(b), there is authorized to be appropriated $30,000,000 for fiscal year 2004 to carry out this subsection.''.

(f) INTEGRATED WORKFORCE TRAINING PROGRAMS FOR ADULTS WITH LIMITED ENGLISH PROFICIENCY.—Section 171 (29 U.S.C. 2916) is amended further by adding at the end the following:

''(f) INTEGRATED WORKFORCE TRAINING PROGRAMS FOR ADULTS WITH LIMITED ENGLISH PROFICIENCY.—

''(1) DEFINITIONS.—In this subsection:

''(A) INTEGRATED WORKFORCE TRAINING.—The term 'integrated workforce training' means training that integrates occupational skills training with language acquisition.

''(B) SECRETARY.—The term 'Secretary' means the Secretary of Labor in consultation with the Secretary of Education.

''(2) DEMONSTRATION PROJECT.—In accordance with subsection (b) and from funds appropriated pursuant to paragraph (11), the Secretary shall establish and implement a national demonstration project designed to both analyze and provide data on workforce training programs that integrate English language acquisition and occupational training.

''(3) GRANTS.—

''(A) IN GENERAL.—In carrying out the demonstration project, the Secretary shall make not less than 10 grants, on a competitive basis, to eligible entities to provide the integrated workforce training programs. In awarding grants under this subsection the Secretary shall take into consideration awarding grants to eligible entities from diverse geographic areas, including rural areas.

''(B) PERIODS.—The Secretary shall make the grants for periods of not less than 24 months and not more than 48 months.

''(4) ELIGIBLE ENTITIES.—

''(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an eligible entity shall work in conjunction with a local board and shall include as a principal participant one or more of the following:

''(i) An employer or employer association.

''(ii) A nonprofit provider of English language instruction.

''(iii) A provider of occupational or skills training.

''(iv) A community-based organization.

''(v) An educational institution, including a 2- or 4-year college, or a technical or vocational school.

''(vi) A labor organization.

''(vii) A local board.

''(B) EXPERTISE.—To be eligible to receive a grant under this subsection, an eligible entity shall have proven expertise in—

''(i) serving individuals with limited English proficiency, including individuals with lower levels of oral and written English; and

''(ii) providing workforce programs with training and English language instruction.

''(5) APPLICATIONS.—

''(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

''(i) contain information, including capability statements, that demonstrates that the eligible entity has the expertise described in paragraph (4)(B); and

''(ii) include an assurance that the program to be assisted shall—

''(I) establish a generalized adult bilingual workforce training and education model that integrates English language acquisition and occupational training, and incorporates the unique linguistic and cultural factors of the participants;

''(II) establish a framework by which the employer, employee, and other relevant members of the eligible entity can create a career development and training plan that assists both the employer and the employee to meet their long-term needs;

''(III) ensure that this framework takes into consideration the knowledge, skills, and abilities of the employee with respect to both the current and economic conditions of the employer and future labor market conditions relevant to the local area; and

''(IV) establish identifiable measures so that the progress of the employee and employer and the relative efficacy of the program can be evaluated and best practices identified.

''(6) –CRITERIA.—The Secretary of Labor shall establish criteria for awarding grants under this subsection.

''(7) INTEGRATED WORKFORCE TRAINING PROGRAMS.—

''(A) PROGRAM COMPONENTS.—

''(i) REQUIRED COMPONENTS.—Each program that receives funding under this subsection shall—

''(I) test an individual's English language proficiency levels to assess oral and literacy gains from the beginning and throughout program enrollment;

''(II) combine training specific to a particular occupation or occupational cluster, with—

''(aa) English language instruction, such as instruction through English as a Second Language program, or English for Speakers of Other Languages;

''(bb) basic skills instruction; and

''(cc) supportive services;

''(III) effectively integrate public and private sector entities, including the local workforce investment system and its functions, to achieve the goals of the program; and

''(IV) require matching or in-kind resources from private and nonprofit entities.

''(ii) PERMISSIBLE COMPONENTS.—The program may offer other services, as necessary to promote successful participation and completion, including work-based learning, substance abuse treatment, and mental health services.

''(B) GOAL.—Each program that receives funding under this subsection shall be designed to prepare limited English proficient adults for and place such adults in employment in growing industries with identifiable career ladder paths.

''(C) PROGRAM TYPES.—In selecting programs to receive funding under this subsection, the Secretary shall select programs that meet 1 or more of the following criteria:

''(i) A program that—

''(I) serves unemployed, limited English proficient individuals with significant work experience or substantial education but persistently low wages; and

''(II) aims to prepare such individuals for and place such individuals in higher paying employment, defined for purposes of this subparagraph as employment that provides at least 75 percent of the median wage in the local area.

''(ii) A program that—

''(I) serves limited English proficient individuals with lower levels of oral and written fluency, who are working but at persistently low wages; and

''(II) aims to prepare such individuals for and place such individuals in higher paying employment, through services provided at the worksite, or at a location central to several worksites, during work hours.

''(iii) A program that—

''(I) serves unemployed, limited English proficient individuals with lower levels of oral and written fluency, who have little or no work experience; and

''(II) aims to prepare such individuals for and place such individuals in employment through services that include subsidized employment, in addition to the components required in subparagraph (A)(i).

''(iv) A program that includes funds from private and nonprofit entities.

''(D) PROGRAM APPROACHES.—In selecting programs to receive funding under this subsection, the Secretary shall select programs with different approaches to integrated workforce training, in different contexts, in order to obtain comparative data on multiple approaches to integrated workforce training and English language instruction, to ensure programs are tailored to characteristics of individuals with varying skill levels and to assess how different curricula work for limited English proficient populations. Such approaches may include—

''(i) bilingual programs in which the workplace language component and the training are conducted in a combination of an individual's native language and English;

''(ii) integrated workforce training programs that combine basic skills, language instruction, and job specific skills training; or

''(iii) sequential programs that provide a progression of skills, language, and training to ensure success upon an individual's completion of the program.

''(8) EVALUATION BY ELIGIBLE ENTITY.—Each eligible entity that receives a grant under this subsection for a program shall carry out a continuous program evaluation and an evaluation specific to the last phase of the program operations.

''(9) EVALUATION BY SECRETARY.—

''(A) IN GENERAL.—The Secretary shall conduct an evaluation of program impacts of the programs funded under the demonstration project, with a random assignment, experimental design impact study done at each worksite at which such a program is carried out.

''(B) DATA COLLECTION AND ANALYSIS.—The Secretary shall collect and analyze the data from the demonstration project to determine program effectiveness, including gains in language proficiency, acquisition of skills, and job advancement for program participants.

''(C) REPORT.—The Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, and make available to the public, a report on the demonstration project, including the results of the evaluation.

''(10) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to recipients of grants under this subsection throughout the grant periods.

''(11) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated under section 174(b), there is authorized to be appropriated $10,000,000 for fiscal year 2004 to carry out this subsection.''.

SEC. 147. NATIONAL DISLOCATED WORKER GRANTS.

(a) IN GENERAL.—Section 173 (29 U.S.C. 2918) is amended—

(1) by striking the heading and inserting the following:

''SEC. 173. NATIONAL DISLOCATED WORKER GRANTS.'';

and

(2) in subsection (a)—

(A) by striking ''national emergency grants'' and inserting ''national dislocated worker grants'';

(B) in paragraph (1), by striking ''subsection (c)'' and inserting ''subsection (b)'';

(C) in paragraph (3), by striking ''and'' after the semicolon; and

(D) by striking paragraph (4) and inserting the following:

''(4) to a State or entity (as defined in subsection (b)(1)(B)) to carry out subsection (d), including providing assistance to eligible individuals;

''(5) to a State or entity (as defined in subsection (b)(1)(B)) to carry out subsection (e), including providing assistance to eligible individuals; and

''(6) to provide additional assistance to a State board or local board where a higher than average demand for employment and training services for dislocated members of the Armed Forces, or spouses of members of the Armed Forces as described in subsection (c)(2)(A)(iv), exceeds State and local resources for providing such services, and where such programs are to be carried out in partnership with the Departments of Defense and Veterans Affairs transition assistance programs.''.

(b) ADMINISTRATION AND ADDITIONAL ASSISTANCE.—Section 173 (29 U.S.C. 2918) is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (g) as subsections (b) through (f), respectively;

(3) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

''(d) ADDITIONAL ASSISTANCE.—

''(1) IN GENERAL.—From the amount appropriated and made available to carry out this section for any program year, the Secretary shall use not more than $20,000,000 to make grants to States to provide employment and training activities under section 134, in accordance with subtitle B.

''(2) ELIGIBLE STATES.—The Secretary shall make a grant under paragraph (1) to a State for a program year if—

''(A) the amount of the allotment that would be made to the State for the program year 2003 under the formula specified in section 132(b)(1)(B) as such section was in effect on July 1, 2003, is greater than

''(B) the amount of the allotment that would be made to the State for the program year under the formula specified in section 132(b)(1)(B).

''(3) AMOUNT OF GRANTS.—Subject to paragraph (1), the amount of the grant made under paragraph (1) to a State for a program year shall be based on the difference between—

''(A) the amount of the allotment that would be made to the State for the program year 2003 under the formula specified in section 132(b)(1)(B) as such section was in effect on July 1, 2003; and

''(B) the amount of the allotment that would be made to the State for the program year under the formula specified in section 132(b)(1)(B).'';

(4) in subsection (e) (as redesignated by paragraph (2))—

(A) in paragraph (1), by striking ''paragraph (4)(A)'' and inserting ''paragraph (4)'';

(B) in paragraph (2), by striking ''subsection (g)'' and inserting ''subsection (e)'';

(C) in paragraph (4), by striking ''subsection (g)'' and inserting ''subsection (e)'';

(D) in paragraph (5), by striking ''subsection (g)'' and inserting ''subsection (e)''; and

(E) in paragraph (6)—

(i) by striking ''subsection (g)'' and inserting ''subsection (e)''; and

(ii) by striking ''subsection (c)(1)(B)'' and inserting ''subsection (b)(1)(B)''; and

(5) in subsection (f)(1) (as redesignated by paragraph (2))—

(A) by striking ''paragraph (4)(B)'' and inserting ''paragraph (4)''; and

(B) by striking ''subsection (f)(1)(A)'' and inserting ''subsection (d)(1)(A)''.

SEC. 148. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL ACTIVITIES.

(a) IN GENERAL.—Section 174(a)(1) (29 U.S.C. 2919(a)(1)) is amended by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

(b) RESERVATIONS.—Section 174(b) (29 U.S.C. 2919(b)) is amended to read as follows:

''(b) TECHNICAL ASSISTANCE; DEMONSTRATION AND PILOT PROJECTS, EVALUATIONS, INCENTIVE GRANTS.—There are authorized to be appropriated to carry out sections 170 through 172 and section 136(i) such sums as may be necessary for each of fiscal years 2004 through 2009.''.

Subtitle E—Administration

SEC. 151. REQUIREMENTS AND RESTRICTIONS.

Section 181(e) (29 U.S.C. 2931(e)) is amended by striking ''economic development activities,''.

SEC. 152. COST PRINCIPLES.

The matter preceding clause (i) of section 184(a)(2)(B) (29 U.S.C. 2934(a)(2)(B)) is amended by striking ''section 134(a)(3)(B)'' and inserting ''section 134(a)(4)''.

SEC. 153. REPORTS.

Section 185(c) (29 U.S.C. 2935(c)) is amended—

(1) in paragraph (2), by striking ''and'' after the semicolon''

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) shall have the option to submit or disseminate electronically any reports, records, plans, or any other data that are required to be collected or disseminated under this Act.''.

SEC. 154. ADMINISTRATIVE PROVISIONS.

(a) ANNUAL REPORT.—Section 189(d) (29 U.S.C. 2939(d)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) the negotiated levels of performance of the States, the States' requests for adjustments of such levels, and the adjustments of such levels that are made; and''.

(b) PROGRAM YEAR.—Section 189(g)(1)(B) (29 U.S.C. 2939(g)(1)(B)) is amended—

(1) by striking ''The'' and inserting ''For fiscal years preceding fiscal year 2005, the''; and

(2) by inserting ''such'' after ''any''.

(c) AVAILABILITY.—Section 189(g)(2) (29 U.S.C. 2939(g)(2)) is amended, in the first sentence—

(1) by striking ''Funds'' and inserting ''Except as otherwise provided in this paragraph, funds''; and

(2) by striking ''each State receiving'' and inserting ''each recipient of''.

(d) GENERAL WAIVERS.—Section 189(i)(4) (29 U.S.C. 2939(i)(4)) is amended by adding at the end the following:

''(D) EXPEDITED REQUESTS.—The Secretary shall expedite requests for waivers of statutory or regulatory requirements that have been approved for a State pursuant to subparagraph (B), provided the requirements of this section have been satisfied.''.

SEC. 155. USE OF CERTAIN REAL PROPERTY.

Section 193 (29 U.S.C. 2943) is amended to read as follows:

''SEC. 193. TRANSFER OF FEDERAL EQUITY IN STATE EMPLOYMENT SECURITY AGENCY REAL PROPERTY TO THE STATES.

''(a) TRANSFER OF FEDERAL EQUITY.—Notwithstanding any other provision of law, any Federal equity acquired in real property through grants to States awarded under title III of the Social Security Act (42 U.S.C. 501 et seq.) or under the Wagner-Peyser Act is transferred to the States that used the grants for the acquisition of such equity. The portion of any real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under title III of the Social Security Act or the Wagner-Peyser Act. Any disposition of such real property shall be carried out in accordance with the procedures prescribed by the Secretary and the portion of the proceeds from the disposition of such real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under title III of the Social Security Act or the Wagner-Peyser Act.

''(b) LIMITATION ON USE.—A State shall not use funds awarded under title III of the Social Security Act or the Wagner-Peyser Act to amortize the costs of real property that is purchased by any State on or after the effective date of this provision.''.

SEC. 156. TABLE OF CONTENTS.

Section 1(b) (29 U.S.C. 9201 note) is amended—

(1) by striking the item relating to section 123 and inserting the following:

''Sec. 123. Eligible providers of youth activities.'';

(2) by striking the item relating to section 169 and inserting the following:

''Sec. 169. Youth challenge grants.'';

(3) by striking the item relating to section 193 and inserting the following:

"Sec. 193. Transfer of Federal equity in State employment security agency real property to the States.";

(4) by striking the item relating to section 173 and inserting the following:

"Sec. 173. National dislocated worker grants.";

(5) by inserting after the item relating to section 212 the following:

"Sec. 213. Incentive grants for States.";

and

(6) by inserting after the item relating to section 243 the following:

"Sec. 244. Integrated english literacy and civics education.".

TITLE II—AMENDMENTS TO THE ADULT EDUCATION AND FAMILY LITERACY ACT

SEC. 201. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This title may be cited as the "Adult Education and Family Literacy Act Amendments of 2003".

(b) PURPOSE.—Section 202 of the Adult Education and Family Literacy Act (20 U.S.C. 9201) is amended—

(1) in paragraph (2), by striking "and" after the semicolon;

(2) in paragraph (3), by striking "education." and inserting "education and in the transition to postsecondary education; and"; and

(3) by adding at the end the following:

"(4) assist immigrants and other individuals with limited English proficiency in improving their reading, writing, speaking, and mathematics skills and acquiring an understanding of the American free enterprise system, individual freedom, and the responsibilities of citizenship.".

SEC. 202. DEFINITIONS.

Section 203 of the Adult Education and Family Literacy Act (20 U.S.C. 9202) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "services or instruction below the postsecondary level" and inserting "academic instruction and education services below the postsecondary level that increase an individual's ability to read, write, and speak in English and perform mathematics skills"; and

(B) by striking subparagraph (C)(i) and inserting the following:

"(i) are basic skills deficient as defined in section 101;";

(2) in paragraph (2), by striking "activities described in section 231(b)" and inserting "programs and services which include reading, writing, speaking, or mathematics skills, workplace literacy activities, family literacy activities, English language acquisition activities, or other activities necessary for the attainment of a secondary school diploma or its State recognized equivalent";

(3) in paragraph (5)—

(A) by inserting "an organization that has demonstrated effectiveness in providing adult education, that may include" after "means";

(B) in subparagraph (B), by striking "of demonstrated effectiveness";

(C) in subparagraph (C), by striking "of demonstrated effectiveness"; and

(D) in subparagraph (I), by inserting "or coalition" after "consortium";

(4) in paragraph (6)—

(A) by striking "LITERACY PROGRAM" and inserting "LANGUAGE ACQUISITION PROGRAM";

(B) by striking "literacy program" and inserting "language acquisition program"; and

(C) by inserting "reading, writing, and speaking" after "competence in";

(5) by redesignating paragraphs (7) through (18) as paragraphs (8) through (19), respectively;

(6) by inserting after paragraph (6) the following:

"(7) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given the term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368)."; and

(7) by striking paragraph (19), as redesignated by paragraph (4), and inserting the following:

"(19) WORKPLACE LITERACY PROGRAM.—The term 'workplace literacy program' means an educational program designed to improve the productivity of the workforce through the improvement of literacy skills that is offered by an eligible provider in collaboration with an employer or an employee organization at a workplace, at an off-site location, or in a simulated workplace environment.".

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Adult Education and Family Literacy Act (20 U.S.C. 9204) is amended—

(1) by striking "1999" and inserting "2004"; and

(2) by striking "2003" and inserting "2009".

SEC. 204. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.

Section 211 of the Adult Education and Family Literacy Act (20 U.S.C. 9211) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) RESERVATION OF FUNDS.—From the sum appropriated under section 205 for a fiscal year, the Secretary—

"(1) shall reserve 1.5 percent to carry out section 242, except that the amount so reserved shall not exceed $10,000,000;

"(2) shall reserve 1.5 percent to carry out section 243, except that the amount so reserved shall not exceed $8,000,000;

"(3) shall make available, to the Secretary of Labor, 1.72 percent for incentive grants under section 136(i); and

"(4) shall reserve 12 percent of the amount that remains after reserving funds under paragraphs (1), (2) and (3) to carry out section 244.";

(2) by striking subsection (d) and inserting the following:

"(d) QUALIFYING ADULT.—For the purpose of subsection (c)(2), the term 'qualifying adult' means an adult who—

"(1) is not less than 16 years of age;

"(2) is beyond the age of compulsory school attendance under the law of the State or outlying area;

"(3) does not have a secondary school diploma or its recognized equivalent (including recognized alternative standards for individuals with disabilities); and

"(4) is not enrolled in secondary school.";

(3) in subsection (e)—

(A) by striking paragraph (2) and inserting the following:

"(2) AWARD BASIS.—The Secretary shall award grants pursuant to paragraph (1) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii."; and

(B) in paragraph (3), by striking "shall" and all that follows through the period and inserting "shall be eligible to receive a grant under this title until the date when an agreement for the extension of the United States education assistance under the Compact of Free Association for each of the Freely Associated States becomes effective."; and

(4) in subsection (f)—

(A) in the heading, by inserting "PROVISIONS" after "HOLD-HARMLESS";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Notwithstanding subsection (c) and subject to paragraphs (2) and (3), for fiscal year 2004 and each succeeding fiscal year, no eligible agency shall receive an allotment under this title that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this title.

"(2) 100 PERCENT ALLOTMENT.—An eligible agency shall receive an allotment under this title that is equal to 100 percent of the allotment the eligible agency received for the preceding fiscal year under this title if the eligible agency received, for the preceding fiscal year, only an initial allotment under subsection (c)(1) and did not receive an additional allotment under subsection (c)(2).".

SEC. 205. PERFORMANCE ACCOUNTABILITY SYSTEM.

Section 212 of the Adult Education and Family Literacy Act (20 U.S.C. 9212) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(ii), by striking "additional indicators of performance (if any)" and inserting "employment performance indicators";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking "Demonstrated" and inserting "Measurable";

(II) by striking clause (ii) and inserting the following:

"(ii) Placement in, retention in, or completion of, postsecondary education or other training programs."; and

(III) in clause (iii), by inserting "(including recognized alternative standards for individuals with disabilities)" after "equivalent";

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting after subparagraph (A), the following:

"(B) EMPLOYMENT PERFORMANCE INDICATORS.—An eligible agency shall identify in the State plan individual participant employment performance indicators, including entry into unsubsidized employment, retention in unsubsidized employment, and career advancement. The State workforce investment board shall assist the eligible agency in obtaining and using quarterly wage records to collect data for such indicators, consistent with applicable Federal and State privacy laws.";

(iv) in subparagraph (C), as redesignated by clause (ii), by inserting "relevant" after "additional"; and

(v) by adding at the end the following:

"(D) INDICATORS FOR WORKPLACE LITERACY PROGRAMS.—Special accountability measures may be negotiated for workplace literacy programs."; and

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (i)(II), by striking "in performance" and inserting "the agency's performance outcomes in an objective, quantifiable, and measurable form";

(II) in clause (ii), by striking "3 programs years" and inserting "2 program years";

(III) in clause (iii), by striking "FIRST 3 YEARS" and inserting "FIRST 2 YEARS";

(IV) in clause (iii), by striking "first 3 program years" and inserting "first 2 program years";

(V) in clause (v), by striking "4TH AND 5TH" and inserting "3RD AND 4TH";

(VI) in clause (v), by striking "to the fourth" and inserting "to the third";

(VII) in clause (v), by striking "fourth and fifth" and inserting "third and fourth"; and

(VIII) in clause (vi), by striking "(II)" and inserting "(I)";

(ii) in subparagraph (B)—

(I) by striking the heading and inserting "LEVELS OF EMPLOYMENT PERFORMANCE";

(II) by striking "may" and inserting "shall"; and

(III) by striking ''additional'' and inserting ''employment''; and

(iii) by adding at the end the following:

''(C) ALTERNATIVE ASSESSMENT SYSTEMS.—Eligible agencies may approve the use of assessment systems that are not commercially available standardized systems if such systems meet the Standards for Educational and Psychological Testing issued by the Joint Committee on Standards for Educational and Psychological Testing of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ''the Governor, the State legislature, and the State workforce investment board'' after ''Secretary''; and

(ii) by striking ''including'' and all that follows through the period and inserting ''including the following:

''(A) Information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance, and employment performance indicators.

''(B) The number and type of each eligible provider that receives funding under such grant.

''(C) The number of enrollees 16 to 18 years of age who enrolled in adult education not later than 1 year after participating in secondary school education.'';

(B) in paragraph (2)(A), by inserting ''eligible providers and'' after ''available to''; and

(C) by adding at the end the following:

''(3) DATA ACCESS.—The report made available under paragraph (2) shall indicate which eligible agencies did not have access to State unemployment insurance wage data in measuring employment performance indicators.''; and

(3) by adding at the end the following:

''(d) PROGRAM IMPROVEMENT.—

''(1) IN GENERAL.—If the Secretary determines that an eligible agency did not meet its adjusted levels of performance for the core indicators of performance described in subsection (b)(2)(A) for any program year, the eligible agency shall—

''(A) work with the Secretary to develop and implement a program improvement plan for the 2 program years succeeding the program year in which the eligible agency did not meet its adjusted levels of performance; and

''(B) revise its State plan under section 224, if necessary, to reflect the changes agreed to in the program improvement plan.

''(2) FURTHER ASSISTANCE.—If, after the period described in paragraph (1)(A), the Secretary has provided technical assistance to the eligible agency but determines that the eligible agency did not meet its adjusted levels of performance for the core indicators of performance described in subsection (b)(2)(A), the Secretary may require the eligible agency to make further revisions to the program improvement plan described in paragraph (1). Such further revisions shall be accompanied by further technical assistance from the Secretary.''.

SEC. 206. STATE ADMINISTRATION.

Section 221(1) of the Adult Education and Family Literacy Act (20 U.S.C. 9221(1)) is amended by striking ''and implementation'' and inserting ''implementation, and monitoring''.

SEC. 207. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

Section 222 of the Adult Education and Family Literacy Act (20 U.S.C. 9222) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''82.5'' the first place such term appears and inserting ''80''; and

(ii) by striking ''the 82.5 percent'' and inserting ''such amount'';

(B) in paragraph (2), by striking ''not more than 12.5 percent'' and inserting ''not more than 15 percent''; and

(C) in paragraph (3), by striking ''$65,000'' and inserting ''$75,000''; and

(2) in subsection (b)(1), by striking ''equal to'' and inserting ''that is not less than''.

SEC. 208. STATE LEADERSHIP ACTIVITIES.

Section 223 of the Adult Education and Family Literacy Act (20 U.S.C. 9223) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''to develop or enhance the adult education system of the State'' after ''activities'';

(B) in paragraph (1), by striking ''instruction incorporating'' and all that follows through the period and inserting ''instruction incorporating the essential components of reading instruction and instruction provided by volunteers or by personnel of a State or outlying area.'';

(C) in paragraph (2), by inserting '', including development and dissemination of instructional and programmatic practices based on the most rigorous research available in reading, writing, speaking, mathematics, English language acquisition programs, distance learning and staff training'' after ''activities'';

(D) in paragraph (5), by striking ''monitoring and'';

(E) by striking paragraph (6) and inserting the following:

''(6) The development and implementation of technology applications, translation technology, or distance learning, including professional development to support the use of instructional technology.''; and

(F) by striking paragraph (7) through paragraph (11) and inserting the following:

''(7) Coordination with—

''(A) other partners carrying out activities authorized under this Act;

''(B) existing support services, such as transportation, child care, mental health services, and other assistance designed to increase rates of enrollment in, and successful completion of adult education and literacy activities, for adults enrolled in such activities.

''(8) Developing and disseminating curricula, including curricula incorporating the essential components of reading instruction as they relate to adults.

''(9) The provision of assistance to eligible providers in developing, implementing, and reporting measurable progress in achieving the objectives of this subtitle.

''(10) The development and implementation of a system to assist in the transition from adult basic education to postsecondary education, including linkages with postsecondary educational institutions.

''(11) Integration of literacy and English language instruction with occupational skill training, and promoting linkages with employers.

''(12) Activities to promote workplace literacy programs.

''(13) Activities to promote and complement local outreach initiatives described in section 243(c)(2)(H).

''(14) In cooperation with efforts funded under sections 242 and 243, the development of curriculum frameworks and rigorous content standards that—

''(A) specify what adult learners should know and be able to do in the areas of reading and language arts, mathematics, and English language acquisition; and

''(B) take into consideration the following:

''(i) State academic standards established under section 1111(b) of the Elementary and Secondary Education Act of 1965.

''(ii) The current adult skills and literacy assessments used in the State.

''(iii) The core indicators of performance established under section 212(b)(2)(A).

''(iv) Standards and academic requirements for enrollment in non-remedial, for-credit, courses in State supported postsecondary education institutions.

''(v) Where appropriate, the basic and literacy skill content of occupational and industry skill standards widely used by business and industry in the State.

''(15) In cooperation with efforts funded under sections 242 and 243, development and piloting of—

''(A) new assessment tools and strategies that identify the needs and capture the gains of students at all levels, with particular emphasis on—

''(i) students at the lowest achievement level;

''(ii) students who have limited English proficiency; and

''(iii) adults with learning disabilities;

''(B) options for improving teacher quality and retention; and

''(C) assistance in converting research into practice.

''(16) The development and implementation of programs and services to meet the needs of adult learners with learning disabilities or limited English proficiency.

''(17) Other activities of statewide significance that promote the purpose of this title.''; and

(2) in subsection (c), by striking ''being State- or outlying area-imposed'' and inserting ''being imposed by the State or outlying area''.

SEC. 209. STATE PLAN.

Section 224 of the Adult Education and Family Literacy Act (20 U.S.C. 9224) is amended—

(1) in subsection (a)—

(A) by striking the heading and inserting ''4-YEAR PLANS''; and

(B) in paragraph (1), by striking ''5'' and inserting ''4'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''and the role of provider and cooperating agencies in preparing the assessment'' after ''serve'';

(B) by striking paragraph (2) and inserting the following:

''(2) a description of how the eligible agency will address the adult education and literacy needs identified under paragraph (1) in each workforce development area of the State, using funds received under this subtitle, as well as other Federal, State, or local funds received in partnership with other agencies for the purpose of adult literacy as applicable;'';

(C) in paragraph (3)—

(i) by inserting ''and measure'' after ''evaluate'';

(ii) by inserting ''and improvement'' after ''effectiveness''; and

(iii) by striking ''212'' and inserting ''212, including—

''(A) how the eligible agency will evaluate and measure annually such effectiveness on a grant-by-grant basis; and

''(B) how the eligible agency—

''(i) will hold eligible providers accountable regarding the progress of such providers in improving the academic achievement of participants in adult education programs under this subtitle and regarding the core indicators of performance described in section 212(b)(2)(A); and

''(ii) will use technical assistance, sanctions, and rewards (including allocation of grant funds based on performance and termination of grant funds based on performance)'';

(D) in paragraph (4), by striking ''will ensure the improvement of'' and inserting ''improved'';

(E) by redesignating paragraphs (5) through (12) as paragraphs (6) through (13), respectively;

(F) by inserting after paragraph (4) the following:

''(5) a description of how the eligible agency will improve teacher quality, the professional development of eligible providers, and instruction;'';

(G) in paragraph (6) (as redesignated by subparagraph (E)), by striking ''who'' and all that follows through the semicolon and inserting ''that—

''(A) offers flexible schedules and coordinates with necessary Federal, State, and local support services (such as child care, transportation, mental health services, and case management) to enable individuals, including individuals with disabilities or individuals with other special needs, to participate in adult education and literacy activities; and

''(B) attempts to coordinate with support services that are not provided under this subtitle prior to using funds for adult education and literacy activities provided under this subtitle for support services;'';

(H) in paragraph (10) (as redesignated by subparagraph (E)), by striking ''plan'' and inserting ''plan, which process—

''(A) shall include the State Workforce Investment Board, the Governor, State officials representing public schools, community colleges, welfare agencies, agencies that provide services to individuals with disabilities, other State agencies that promote or operate adult education and literacy activities, and direct providers of such adult literacy services;

''(B) may include consultation with the State agency for higher education, institutions responsible for professional development of adult education and literacy education program instructors, institutions of higher education, representatives of business and industry, refugee assistance programs, and community-based organizations, as defined in section 101;'';

(I) in paragraph (11) (as redesignated by subparagraph (E))—

(i) by inserting ''assess potential population needs and'' after ''will'';

(ii) in subparagraph (A), by striking ''students'' and inserting ''individuals'';

(iii) in subparagraph (C), by striking ''and'' after the semicolon; and

(iv) by adding at the end the following:

''(E) the unemployed; and

''(F) those who are employed, but at levels below self-sufficiency, as defined in section 101.'';

(J) in paragraph (12) (as redesignated by subparagraph (E))—

(i) by inserting ''and how the plan submitted under this subtitle is coordinated with the plan submitted by the State under title I'' after ''eligible agency''; and

(ii) by striking ''and'' after the semicolon;

(K) in paragraph (13) (as redesignated by subparagraph (E)), by striking ''231(c)(1).'' and inserting ''231(c)(1), including—

''(A) how the State will build the capacity of organizations that provide adult education and literacy activities; and

''(B) how the State will increase the participation of business and industry in adult education and literacy activities;''; and

(L) by adding at the end the following:

''(14) a description of how the eligible agency will consult with any State agency responsible for postsecondary education to develop adult education programs and services (including academic skill development and support services) that prepare students to enter postsecondary education upon completion of secondary school programs or their recognized equivalent;

''(15) a description of how the eligible agency will consult with the State agency responsible for workforce development to develop adult education programs and services that are designed to prepare students to enter the workforce; and

''(16) a description of how the eligible agency will improve the professional development of eligible providers of adult education and literacy activities.'';

(3) in subsection (c), by adding at the end the following: ''At a minimum, such revision shall occur every 2 years.''; and

(4) in subsection (d)—

(A) in paragraph (1), by inserting '', the chief State school officer, the State officer responsible for administering community and technical colleges, and the State Workforce Investment Board'' after ''Governor''; and

(B) in paragraph (2), by striking ''comments'' and all that follows through the period and inserting ''comments regarding the State plan by the Governor, the chief State school officer, the State officer responsible for administering community and technical colleges, and the State Workforce Investment Board, and any revision to the State plan, are submitted to the Secretary.''.

SEC. 210. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

Section 225 of the Adult Education and Family Literacy Act (20 U.S.C. 9225) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''basic education'' and inserting ''adult education and literacy activities'';

(B) in paragraph (2) by inserting ''and'' after the semicolon;

(C) by striking paragraph (3); and

(D) by redesignating paragraph (4) as paragraph (3); and

(2) in subsection (d), by striking ''DEFINITION OF CRIMINAL OFFENDER.—'' and inserting ''DEFINITIONS.—In this section:''.

SEC. 211. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

Section 231 of the Adult Education and Family Literacy Act (20 U.S.C. 9241) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''workplace literacy services'' and inserting ''workplace literacy programs''; and

(B) in paragraph (3), by striking ''literacy'' and inserting ''language acquisition'';

(2) in subsection (e)—

(A) in paragraph (1), by inserting ''to be achieved annually on the core indicators of performance and employment performance indicators described in section 212(b)(2)'' after ''outcomes'';

(B) by striking paragraph (3) and inserting the following:

''(3) the commitment of the eligible provider to be responsive to local needs and to serve individuals in the community who were identified by the assessment as most in need of adult literacy services, including individuals who are low-income, have minimal literacy skills, have learning disabilities, or have limited English proficiency;'';

(C) in paragraph (4)(B), by striking '', such as'' and all that follows through the semicolon and inserting ''that include the essential components of reading instruction;'';

(D) in paragraph (5), by striking ''research'' and inserting ''the most rigorous research available'';

(E) in paragraph (7), by inserting '', when appropriate and based on the most rigorous research available,'' after ''real life contexts'';

(F) in paragraph (9), by inserting ''education, job-training, and social service'' after ''other available'';

(G) in paragraph (10)—

(i) by inserting ''coordination with Federal, State, and local'' after ''schedules and''; and

(ii) by striking ''and transportation'' and inserting '', transportation, mental health services, and case management'';

(H) in paragraph (11)—

(i) by inserting ''measurable'' after ''report'';

(ii) by striking ''eligible agency'';

(iii) by inserting ''established by the eligible agency'' after ''performance measures''; and

(iv) by striking ''and'' after the semicolon;

(I) in paragraph (12), by striking ''literacy programs.'' and inserting ''language acquisition programs and civics education programs;''; and

(J) by adding at the end the following:

''(13) the capacity of the eligible provider to produce information on performance results, including enrollments and measurable participant outcomes;

''(14) whether reading, writing, speaking, mathematics, and English language acquisition instruction provided by the eligible provider are based on the best practices derived from the most rigorous research available;

''(15) whether the eligible provider's applications of technology and services to be provided are sufficient to increase the amount and quality of learning and lead to measurable learning gains within specified time periods; and

''(16) the capacity of the eligible provider to serve adult learners with learning disabilities.''.

SEC. 212. LOCAL APPLICATION.

Section 232 of the Adult Education and Family Literacy Act (20 U.S.C. 9242) is amended—

(1) in paragraph (1)—

(A) by inserting ''consistent with the requirements of this subtitle'' after ''spent''; and

(B) by striking ''and'' after the semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) each of the demonstrations required under section 231(e).''.

SEC. 213. LOCAL ADMINISTRATIVE COST LIMITS.

Section 233 of the Adult Education and Family Literacy Act (20 U.S.C. 9243) is amended—

(1) in subsection (a)(2)—

(A) by inserting ''and professional'' after ''personnel''; and

(B) by inserting ''development of measurable goals in reading, writing, and speaking the English language, and in mathematical computation,'' after ''development,''; and

(2) in subsection (b)—

(A) by inserting ''and professional'' after ''personnel''; and

(B) by inserting ''development of measurable goals in reading, writing, and speaking the English language, and in mathematical computation,'' after ''development,''.

SEC. 214. ADMINISTRATIVE PROVISIONS.

Section 241(b) of the Adult Education and Family Literacy Act (20 U.S.C. 9251(b)) is amended—

(1) in paragraph (1)(A)—

(A) by striking ''adult education and literacy activities'' both places such terms appear and inserting ''activities under this subtitle''; and

(B) by striking ''was'' and inserting ''were''; and

(2) in paragraph (4)—

(A) by inserting ''not more than'' after ''this subsection for''; and

(B) by striking ''only''.

SEC. 215. NATIONAL INSTITUTE FOR LITERACY.

Section 242 of the Adult Education and Family Literacy Act (20 U.S.C. 9252) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''literacy'' and inserting ''effective literacy programs for children, youth, adults, and families'';

(B) in paragraph (2), by inserting ''and disseminates information on'' after ''coordinates''; and

(C) by striking paragraph (3)(A) and inserting the following:

''(A) coordinating and participating in the Federal effort to identify and disseminate information on literacy that is derived from scientifically based research, or the most rigorous research available and effective programs that serve children, youth, adults, and families.'';

(2) by striking subsection (b)(3) and inserting the following:

''(3) RECOMMENDATIONS.—The Interagency Group, in consultation with the National Institute for Literacy Advisory Board (in this section referred to as the 'Board') established under subsection (e), shall plan the goals of the Institute and the implementation of any programs to achieve the goals. The Board may also request a meeting of the Interagency Group to discuss any recommendations the Board may make.'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''to establish'' and inserting ''to maintain'';

(II) in clause (i), by striking ''phonemic awareness, systematic phonics, fluency, and reading comprehension'' and inserting ''the essential components of reading instruction'';

(III) in clause (iii), by striking ''and'' after the semicolon;

(IV) in clause (iv), by inserting ''and'' after the semicolon; and

(V) by adding at the end the following:

''(v) a list of local adult education and literacy programs;'';

(ii) in subparagraph (C)—

(I) by striking ''reliable and replicable research'' and inserting ''reliable and replicable research as defined by the Institute of Education Sciences''; and

(II) by striking ''especially with the Office of Educational Research and Improvement in the Department of Education,'';

(iii) in subparagraph (D), by striking ''phonemic awareness, systematic phonics, fluency, and reading comprehension based on'' and inserting ''the essential components of reading instruction and'';

(iv) in subparagraph (H), by striking ''and'' after the semicolon;

(v) in subparagraph (I), by striking the period at the end and inserting a semicolon; and

(vi) by adding at the end the following:

''(J) to work cooperatively with the Department of Education to assist States that are pursuing the implementation of standards-based educational improvements for adults through the dissemination of training, technical assistance, and related support and through the development and dissemination of related standards-based assessment instruments; and

''(K) to identify rigorous research on the effectiveness of instructional practices and organizational strategies relating to literacy programs on the acquisition of skills in reading, writing, English acquisition, and mathematics.''; and

(B) by adding at the end the following:

''(3) COORDINATION.—In identifying the reliable and replicable research the Institute will support, the Institute shall use standards for research quality that are consistent with those of the Institute of Education Sciences.'';

(4) in subsection (e)—

(A) in paragraph (1)(B)—

(i) in clause (i), by striking ''literacy programs'' and inserting ''language acquisition programs'';

(ii) in clause (ii), by striking ''literacy programs'' and inserting ''or have participated in or partnered with workplace literacy programs'';

(iii) in clause (iv), by inserting '', including adult literacy research'' after ''research'';

(iv) in clause (vi), by striking ''and'' after the semicolon;

(v) in clause (vii), by striking the period at the end and inserting ''; and''; and

(vi) by adding at the end the following:

''(viii) institutions of higher education.'';

(B) in paragraph (2)—

(i) in subparagraph (B), by striking ''and'' after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) review the biennial report submitted to Congress pursuant to subsection (k).''; and

(C) in paragraph (5), by striking the second sentence and inserting the following: ''A recommendation of the Board may be passed only by a majority of the Board's members present at a meeting for which there is a quorum.''; and

(5) in subsection (k)—

(A) by striking ''Labor and Human Resources'' and inserting ''Health, Education, Labor, and Pensions''; and

(B) by striking ''The Institute shall submit a report biennially to'' and inserting ''Not later than 1 year after the date of enactment of the Adult Education and Family Literacy Act Amendments of 2003, and biennially thereafter, the Institute shall submit a report to''.

SEC. 216. NATIONAL LEADERSHIP ACTIVITIES.

Section 243 of the Adult Education and Family Literacy Act (20 U.S.C. 9253) is amended to read as follows:

''SEC. 243. NATIONAL LEADERSHIP ACTIVITIES.

''(a) IN GENERAL.—The Secretary shall establish and carry out a program of national leadership activities to enhance the quality of adult education and literacy programs nationwide.

''(c) PERMISSIVE ACTIVITIES.—The national leadership activities described in subsection (a) may include the following:

''(1) Technical assistance, including—

''(A) assistance provided to eligible providers in developing and using performance measures for the improvement of adult education and literacy activities, including family literacy services;

''(B) assistance related to professional development activities, and assistance for the purposes of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education and literacy activities, including family literacy services, based on scientific evidence where available;

''(C) assistance in distance learning and promoting and improving the use of technology in the classroom;

''(D) assistance in developing valid, measurable, and reliable performance data, including data around employment and employment outcome, and using performance information for the improvement of adult education and literacy programs; and

''(E) assistance to help States, particularly low-performing States, meet the requirements of section 212.

''(2) A program of grants, contracts, or cooperative agreements awarded on a competitive basis to national, regional, or local networks of private nonprofit organizations, public libraries, or institutions of higher education to build the capacity of such networks' members to meet the performance requirements of eligible providers under this title and involve adult learners in program improvement.

''(3) Funding national leadership activities that are not described in paragraph (1), either directly or through grants, contracts, or cooperative agreements awarded on a competitive basis to or with postsecondary educational institutions, public or private organizations or agencies, or consortia of such institutions, organizations, or agencies, such as—

''(A) developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults, including instructional practices using the essential components of reading instruction based on the work of the National Institute of Child Health and Human Development;

''(B) increasing the effectiveness of, and improving the quality of, adult education and literacy activities, including family literacy services;

''(C) carrying out research on national literacy basic skill acquisition for adult learning, including estimating the number of adults functioning at the lowest levels of literacy proficiency;

''(D)(i) carrying out demonstration programs;

''(ii) disseminating best practices information, including information regarding promising practices resulting from federally funded demonstration programs; and

''(iii) developing and replicating best practices and innovative programs, including—

''(I) the development of models for basic skill certificates;

''(II) the identification of effective strategies for working with adults with learning disabilities and with adults with limited English proficiency;

''(III) integrated basic and workplace skills education programs;

''(IV) coordinated literacy and employment services; and

''(V) postsecondary education transition programs;

''(E) providing for the conduct of an independent evaluation and assessment of adult education and literacy activities through studies and analyses conducted independently through grants and contracts awarded on a competitive basis, which evaluation and assessment shall include descriptions of—

''(i) the effect of performance measures and other measures of accountability on the delivery of adult education and literacy activities, including family literacy services;

''(ii) the extent to which the adult education and literacy activities, including family literacy services, increase the literacy skills of adults (and of children, in the case of family literacy services), lead the participants in such activities to involvement in further education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes, such as reductions in recidivism in the case of prison-based adult education and literacy activities;

''(iii) the extent to which the provision of support services to adults enrolled in adult education and family literacy programs increase the rate of enrollment in, and successful completion of, such programs; and

''(iv) the extent to which different types of providers measurably improve the skills of participants in adult education and literacy programs;

''(F) supporting efforts aimed at capacity building of programs at the State and local

levels such as technical assistance in program planning, assessment, evaluation, and monitoring of activities carried out under this subtitle;

''(G) collecting data, such as data regarding the improvement of both local and State data systems, through technical assistance and development of model performance data collection systems;

''(H) supporting the development of an entity that would produce and distribute technology-based programs and materials for adult education and literacy programs using an interconnection system (as defined in section 397 of the Communications Act of 1934 (47 U.S.C. 397)) and expand the effective outreach and use of such programs and materials to adult education eligible providers;

''(I) determining how participation in adult education and literacy activities prepares individuals for entry into postsecondary education and employment and, in the case of prison-based services, has an effect on recidivism; and

''(J) other activities designed to enhance the quality of adult education and literacy activities nationwide.''.

SEC. 217. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.

Chapter 4 of subtitle A of title II (29 U.S.C. 9251 et seq.) is amended by adding at the end the following:

''SEC. 244. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.

''(a) IN GENERAL.—From funds made available under section 211(a)(4) for each fiscal year the Secretary shall award grants to States, from allotments under subsection (b), for integrated English literacy and civics education.

''(b) ALLOTMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), from amounts made available under section 211(a)(4) for a fiscal year the Secretary shall allocate—

''(A) 65 percent to the States on the basis of a State's need for integrated English literacy and civics education as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years; and

''(B) 35 percent to the States on the basis of whether the State experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available.

''(2) MINIMUM.—No State shall receive an allotment under paragraph (1) in an amount that is less than $60,000.''.

SEC. 218. TRANSITION.

The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of the Adult Education and Family Literacy Act (as amended by this title) from any authority under provisions of the Adult Education and Family Literacy Act (as such Act was in effect on the day before the date of enactment of the Adult Education and Family Literacy Act Amendments of 2003).

TITLE III—AMENDMENTS TO OTHER PROVISIONS OF LAW

SEC. 301. WAGNER-PEYSER ACT.

(a) CONFORMING AMENDMENT.—Section 2(3) of the Wagner-Peyser Act (29 U.S.C. 49a(3)) is amended by striking ''section 134(c)'' and inserting ''section 121(e)''.

(b) COLOCATION.—Section 3 of the Wagner-Peyser Act (29 U.S.C. 49b) is amended by adding at the end the following:

''(d) In order to avoid duplication of services and enhance integration of services, employment services offices in each State shall be colocated with comprehensive one-stop centers established under title I of the Workforce Investment Act of 1998.''.

(c) COOPERATIVE STATISTICAL PROGRAM.—Section 14 of the Wagner-Peyser Act (29 U.S.C. 491–1) is amended by striking the section heading and all that follows through ''There'' and inserting the following:

''SEC. 14. COOPERATIVE STATISTICAL PROGRAM.

''There''.

(d) WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.—Section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 15. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.'';

(2) by striking ''employment statistics system'' each place it appears and inserting ''workforce and labor market information system'';

(3) in subsection (a)(1), by striking ''of employment statistics'';

(4) in subsection (b)(2)(E)—

(A) in clause (i), by adding ''and'' at the end;

(B) in clause (ii), by striking ''; and'' and inserting a period; and

(C) by striking clause (iii);

(5) by striking subsections (c) and (d) and inserting the following:

''(c) NATIONAL ELECTRONIC TOOLS TO PROVIDE SERVICES.—The Secretary, in consultation with States, is authorized to assist in the development of national electronic tools that may be used to improve access to workforce information for individuals through—

''(1) the one-stop delivery systems established under section 121(e); and

''(2) such other delivery systems as the Secretary determines to be appropriate.

''(d) TWO-YEAR PLAN.—The Secretary, working through the Bureau of Labor Statistics, and in cooperation with the States and with the assistance of the Employment and Training Administration and other appropriate Federal agencies, shall prepare a 2-year plan which shall be the mechanism for achieving cooperative management of the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system. The plan shall—

''(1) describe the steps the to be taken in the following 2 years to carry out the duties described in subsection (b)(2);

''(2) evaluate the performance of the system and recommend needed improvements, with particular attention to the improvements needed at the State and local levels; and

''(3) describe the involvement of States in the development of the plan, pursuant to a process established by the Secretary in cooperation with the States in accordance with subsection (d).

''(e) COORDINATION WITH THE STATES.—The Secretary, working though the Bureau of Labor Statistics and in coordination with the Employment and Training Administration, shall consult at least annually with representatives of each of the 10 Federal regions of the Department of Labor, elected (pursuant to a process established by the Secretary) by and from the State workforce and labor market information directors affiliated with the State agencies that perform the duties described in subsection (e)(2).'';

(6) in subsection (e)(2)—

(A) in subparagraph (G), by adding ''and'' at the end;

(B) by striking subparagraph (H); and

(C) by redesignating subparagraph (I) as subparagraph (H); and

(7) in subsection (g), by striking ''1999 through 2004'' and inserting ''2004 through 2009 to enable the Secretary to carry out the provisions of this section through grants or cooperative agreements with the States''.

TITLE IV—REHABILITATION ACT AMENDMENTS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Rehabilitation Act Amendments of 2003''.

SEC. 402. TECHNICAL AMENDMENTS TO TABLE OF CONTENTS.

(a) INCENTIVE GRANTS.—Section 1(b) of the Rehabilitation Act of 1973 (29 U.S.C. 701 note) is amended by inserting after the item relating to section 112 the following:

''Sec. 113. Incentive grants.''.

(b) INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND.—Section 1(b) of the Rehabilitation Act of 1973 (29 U.S.C. 701 note) is amended by striking the items relating to sections 752 and 753 and inserting the following:

''Sec. 752. Training and technical assistance.

''Sec. 753. Program of grants.

''Sec. 754. Authorization of appropriations.''.

SEC. 403. PURPOSE.

Section 2(b) of the Rehabilitation Act of 1973 (29 U.S.C. 701(b)) is amended—

(1) in paragraph (1)(F), by striking ''and'' after the semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) to provide opportunities for employers and rehabilitation service providers to provide meaningful input at all levels of government to ensure successful employment of individuals with disabilities.''.

SEC. 404. DEFINITIONS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) in paragraph (2)(B)—

(A) in the matter preceding clause (i), by inserting ''and literacy services'' after ''supported employment''; and

(B) in clause (iii), by inserting ''and literacy skills'' after ''educational achievements'';

(2) in paragraph (17)—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(E) maintaining individuals with disabilities in, or transitioning individuals with disabilities to, community-based living.'';

(3) by redesignating paragraphs (24) through (28), (29) through (34), and (35) through (39), as paragraphs (25) through (29), (31) through (36), and (38) through (42), respectively;

(4) by inserting after paragraph (23) the following:

''(24) LITERACY.—The term 'literacy' has the meaning given the term in section 203 of the Adult Education and Family Literacy Act (20 U.S.C. 9202).'';

(5) by inserting after paragraph (29), as redesignated by paragraph (3), the following:

''(30) POST-EMPLOYMENT SERVICE.—The term 'post-employment' service means a service identified in section 103(a) that is—

''(A) provided subsequent to the achievement of an employment outcome; and

''(B) necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.'';

(6) by inserting after paragraph (36), as redesignated by paragraph (3), the following:

''(37) STUDENT WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'student with a disability' means an individual with a disability who attends an elementary school or secondary school and who—

''(i) is not younger than 14 years of age;

''(ii) is not older than 21 years of age;

''(iii) has been determined to be eligible under section 102(a) for assistance under title I; and

''(iv)(I) is eligible for, and receiving, special education and related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or

''(II) is an individual with a disability, for purposes of section 504.

''(B) STUDENTS WITH DISABILITIES.—The term 'students with disabilities' means more than 1 student with a disability.''; and

(7) in paragraph (38)(A)(ii), as redesignated by paragraph (3), by striking ''paragraph (36)(C)'' and inserting ''paragraph (39)(C)''.

SEC. 405. ADMINISTRATION OF THE ACT.

Section 12(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 709(a)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)'';

(2) by striking the semicolon and inserting ''; and''; and

(3) by adding at the end the following:

''(B) provide technical assistance to the designated State units on developing successful partnerships with employers;''.

SEC. 406. CARRYOVER.

Section 19 of the Rehabilitation Act of 1973 (29 U.S.C. 716) is amended—

(1) in subsection (a)(1)—

(A) by striking '', section 509 (except as provided in section 509(b))'';

(B) by striking ''or (C)''; and

(C) by striking ''752(b)'' and inserting ''753(b)''; and

(2) by adding at the end the following:

''(c) PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.—

''(1) APPROPRIATED AMOUNTS.—Notwithstanding any other provision of law, any funds appropriated for a fiscal year to carry out a grant program under section 509 (except as provided in section 509(b)), including any funds reallotted under such grant program, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year shall remain available for obligation and expenditure by such recipients during such succeeding fiscal year.

''(2) PROGRAM INCOME.—Notwithstanding any other provision of law, any amounts of program income received by recipients under a grant program under section 509 that are not obligated and expended by recipients prior to the beginning of the fiscal year succeeding the fiscal year in which such amounts were received, shall remain available for obligation and expenditure by such recipients during any of the 4 succeeding fiscal years.''.

Subtitle A—Vocational Rehabilitation Services

SEC. 411. DECLARATION OF POLICY; AUTHORIZATION OF APPROPRIATIONS.

Section 100(b)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)(1)) is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 412. STATE PLANS.

Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended—

(1) in paragraph (6)(B), by striking ''to employ and advance in employment'' and inserting ''to recruit, employ, and advance in employment'';

(2) in paragraph (8)(A), by adding at the end the following:

''(iii) SERVICES IDENTIFIED IN INDIVIDUALIZED WORK PLAN.—For purposes of clause (i), for an individual who receives assistance under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), comparable benefits and services available under such program only include those benefits and services identified in the individual's individualized work plan developed by an employment network pursuant to such section.'';

(3) in paragraph (11)—

(A) by striking subparagraph (D)(ii) and inserting the following:

''(ii) transition planning by personnel of the designated State agency and the State educational agency that will facilitate the development and completion of the individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) and, as appropriate, the development and completion of the individualized plan for employment, in order to achieve post-school employment outcomes of students with disabilities;''; and

(B) by adding at the end the following:

''(G) COORDINATION WITH TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.—The State plan shall provide that the designated State unit will coordinate activities with any other State agency that administers a Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19).''; and

(4) in paragraph (20)—

(A) by redesignating subparagraph (B) as subparagraph (D);

(B) by inserting after subparagraph (A) the following:

''(B) INFORMATION ON ASSISTANCE FOR BENEFICIARIES OF ASSISTANCE UNDER TITLE II OR XVI OF THE SOCIAL SECURITY ACT.—The State plan shall include an assurance that the designated State agency will make available to individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness, information on the availability of—

''(i) medical assistance under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

''(ii) benefits under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

''(iii) assistance through benefits planning and assistance programs under section 1149 of the Social Security Act (42 U.S.C. 1320b–20) and protection and advocacy programs under section 1150 of the Social Security Act (42 U.S.C. 1320b–21); and

''(iv) medical assistance under other federally-funded programs.

''(C) INFORMATION FOR INDIVIDUALS UNDER THE TICKET TO WORK PROGRAM.—The State plan shall include an assurance that the designated State agency will make available to individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness and eligible for assistance under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), general information regarding the Ticket to Work and Self-Sufficiency Program and specific information on how to contact the program manager of the Ticket to Work and Self-Sufficiency Program to obtain information on approved employment networks.''; and

(C) in subparagraph (D)(ii), as redesignated by subparagraph (A)—

(i) in subclause (II), by inserting '', to the maximum extent possible,'' after ''point of contact''; and

(ii) in subclause (III), by striking ''or regain'' and inserting ''regain, or advance in''.

SEC. 413. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EMPLOYMENT.

Section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking the semicolon at the end and inserting '', including a listing of all the community resources (including resources from organizations of individuals with disabilities), to the maximum extent possible, to assist in the development of such individual's individualized plan for employment to enable the individual to make informed and effective choices in developing the individualized plan for employment;''; and

(ii) in subparagraph (D)—

(I) in clause (i), by striking ''and'' after the semicolon;

(II) in clause (ii), by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following:

''(iii) for individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness, information on the availability of—

''(I) medical assistance under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

''(II) benefits under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

''(III) assistance through benefits planning and assistance programs under section 1149 of the Social Security Act (42 U.S.C. 1320b–20) and protection and advocacy programs under section 1150 of the Social Security Act (42 U.S.C. 1320b–21); and

''(IV) medical assistance under other federally-funded programs; and

''(iv) for individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness and eligible for assistance under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), information—

''(I) on the options under the Ticket to Work and Self-Sufficiency Program; and

''(II) on how to contact the program manager of the Ticket to Work and Self-Sufficiency Program who has contact information on approved employment networks, the benefits planning and assistance programs in the area, and the protection and advocacy programs in the area.'';

(B) in paragraph (2)(E)—

(i) in clause (i)(II), by striking ''and'' after the semicolon;

(ii) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) amended, as necessary, to include the post-employment services and service providers that are necessary for the individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.''; and

(C) in paragraph (3)—

(i) in subparagraph (B)(i)(I), by striking ''and personal assistance services'' and inserting ''mentoring services, and personal assistance services'';

(ii) in subparagraph (F)(ii), by striking ''and'' after the semicolon;

(iii) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(H) for a student with a disability, the description—

''(i) in paragraph (3)(A), may be a description of the student's projected post-school employment outcome; and

''(ii) in paragraph (3)(B), shall include the specific transition services (including, as appropriate, work experience and mentoring activities) needed to achieve the student's

employment outcome or projected employment outcome; and

''(I) for an individual who is receiving assistance under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), a list of services such individual receives from an employment network other than the designated State unit.''; and

(2) in subsection (c)(7), by inserting ''that take into consideration the informed choice of the individual,'' after ''plan development,''.

SEC. 414. VOCATIONAL REHABILITATION SERVICES.

Section 103(a) of the Rehabilitation Act of 1973 (29 U.S.C. 723(a)) is amended—

(1) in paragraph (5), by inserting ''literacy services,'' after ''vocational adjustment services,'';

(2) in paragraph (17), by striking ''and'' after the semicolon;

(3) in paragraph (18), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(19) mentoring services.''.

SEC. 415. STATE REHABILITATION COUNCIL.

Section 105(b)(1)(A)(ix) of the Rehabilitation Act of 1973 (29 U.S.C. 725(b)(1)(A)(ix)) is amended to read as follows:

''(ix) in a State in which 1 or more projects provide services under section 121, not less than 1 representative of the directors of the projects;''.

SEC. 416. EVALUATION STANDARDS AND PERFORMANCE INDICATORS.

Section 106(b)(2)(B)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 726(b)(2)(B)(i)) is amended by striking '', if necessary'' and all that follows through the semicolon and inserting ''if the State has not improved its performance to acceptable levels, as determined by the Commissioner, direct the State to make further revisions to the plan to improve performance, which may include allocating a higher proportion of the State's resources for services to individuals with disabilities if the State's spending on such services is low in comparison to spending on such services in comparable agencies in other States;''.

SEC. 417. STATE ALLOTMENTS.

Section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) REALLOTMENT.—

''(1) DETERMINATION.—Not later than 45 days prior to the end of the fiscal year, the Commissioner shall determine, after reasonable opportunity for the submission to the Commissioner of comments by the State agency administering or supervising the program established under this title, that any payment of an allotment to a State under section 111(a) for any fiscal year will not be utilized by such State in carrying out the purposes of this title.

''(2) FORMULA.—

''(A) IN GENERAL.—As soon as practicable but not later than the end of the fiscal year, the Commissioner shall reallot the amount available under paragraph (1) to other States, consistent with subparagraphs (B) and (C), for carrying out the purposes of this title to the extent the Commissioner determines such other State will be able to use such additional amount during that fiscal year or the subsequent fiscal year for carrying out such purposes.

''(B) FORMULA.—

''(i) ELIGIBLE STATES.—The Commissioner shall reallot the amount available under paragraph (1) for a fiscal year to each State whose allotment under subsection (a) for such fiscal year is less than such State's allotment under subsection (a) for the immediately preceding fiscal year increased by the percentage change in the funds available for subsection (a) from the immediately preceding fiscal year.

''(ii) AMOUNT.—

''(I) IN GENERAL.—A State that is eligible to receive a reallotment under clause (i) shall receive an amount for a fiscal year from the amount available for reallotment under paragraph (1) that is equal to the difference between—

''(aa) the amount such State received for such fiscal year; and

''(bb) the amount such State was allotted under subsection (a) for the immediately preceding fiscal year adjusted by the percentage change in the funds available for subsection (a) from the immediately preceding fiscal year.

''(II) INSUFFICIENT FUNDS.—If the amount available for reallotment under paragraph (1) is insufficient to provide each State eligible to receive a reallotment with the amount described in subclause (I), the amount reallotted to each eligible State shall be determined by the Commissioner.

''(C) REMAINING FUNDS.—If there are funds remaining after each State eligible to receive a reallotment under subparagraph (B)(i) receives the amount described in subparagraph (B)(ii), the Commissioner shall reallot the remaining funds among the States requesting a reallotment.

''(3) NON-FEDERAL SHARE.—The Commissioner shall reallot an amount to a State under this subsection only if the State will be able to make sufficient payments from non-Federal sources to pay for the non-Federal share of the cost of vocational rehabilitation services under the State plan for the fiscal year for which the amount was appropriated.

''(4) INCREASE IN ALLOTMENT.—For the purposes of this part, any amount made available to a State for any fiscal year pursuant to this subsection shall be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.''; and

(2) by striking subsection (c)(2) and inserting the following:

''(2)(A) In this paragraph:

''(i) The term 'appropriated amount' means the amount appropriated under section 100(b)(1) for allotment under this section.

''(ii) The term 'covered year' means a fiscal year—

''(I) that begins after September 30, 2003; and

''(II) for which the appropriated amount exceeds the total of—

''(aa) the appropriated amount for the preceding fiscal year; and

''(bb) 0.1 percent of the appropriated amount for the preceding fiscal year.

''(B) For each covered year, the sum referred to in paragraph (1) shall be, as determined by the Secretary, the lesser of—

''(i) the total of the sum reserved under this subsection for the preceding fiscal year and 0.1 percent of the appropriated amount for the covered year; and

''(ii) 1.5 percent of the appropriated amount for the covered year.''.

SEC. 418. CLIENT ASSISTANCE PROGRAM.

Section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732) is amended—

(1) in subsection (a), by striking ''States'' and inserting ''agencies designated under subsection (c)'';

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''The Secretary'' and all that follows through the period and inserting the following: ''After reserving funds under subparagraphs (E) and (F), the Secretary shall allot the remainder of the sums appropriated for each fiscal year under this section among the agencies designated under subsection (c) within the States on the basis of relative population of each State, except that no such agency shall receive less than $50,000.'';

(ii) in subparagraph (B), by inserting ''the designated agencies located in'' after ''each to'';

(iii) in subparagraph (D)(i)—

(I) by inserting ''the designated agencies located in'' after ''$100,000 for''; and

(II) by inserting ''the designated agencies located in'' after ''$45,000 for''; and

(iv) by adding at the end the following:

''(E)(i) Beginning on October 1, 2004, for any fiscal year for which the amount appropriated to carry out this section equals or exceeds $13,000,000, the Secretary shall reserve funds appropriated under this section to make grants to the protection and advocacy system serving the American Indian Consortium to provide client assistance services in accordance with this section. The amount of such grants shall be the same amount as provided to territories under subparagraph (B), as increased under clauses (i) and (ii) of subparagraph (D).

''(ii) In this subparagraph:

''(I) The term 'American Indian Consortium' has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002).

''(II) The term 'protection and advocacy system' means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

''(F) For any fiscal year for which the amount appropriated to carry out this section equals or exceeds $14,000,000, the Secretary shall reserve not less than 1.8 percent and not more than 2.2 percent of such amount to provide training and technical assistance to the programs established under this section. Such training and technical assistance shall be coordinated with funds available under section 509(c)(1)(A).'';

(B) in paragraph (2)—

(i) by striking ''State'' each place such term appears and inserting ''designated agency''; and

(ii) by striking ''States'' each place such term appears and inserting ''designated agencies''; and

(C) in paragraph (3), by striking ''Except as specifically prohibited by or as otherwise provided in State law, the Secretary shall pay'' and inserting ''The Secretary shall pay directly'';

(3) in subsection (f), by striking ''State'' and inserting ''agency designated under subsection (c)''; and

(4) in subsection (h), by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 419. INCENTIVE GRANTS.

Part B of title I of the Rehabilitation Act of 1973 (29 U.S.C. 730 et seq.) is amended by adding at the end the following:

''SEC. 113. INCENTIVE GRANTS.

''(a) AUTHORITY.—The Commissioner is authorized to make incentive grants to States that, based on the criteria established under subsection (b)(1), demonstrate—

''(1) a high level of performance; or

''(2) a significantly improved level of performance as compared to the previous reporting period or periods.

''(b) CRITERIA.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Commissioner shall establish, and publish in the Federal Register, criteria for making grant awards under subsection (a).

''(2) DEVELOPMENT AND EVALUATION STANDARDS.—The criteria under paragraph (1) shall—

''(A) be developed with input from State vocational rehabilitation agencies and other vocational rehabilitation stakeholders, including vocational rehabilitation consumers and consumer organizations; and

''(B) be based upon the evaluation standards and performance indicators established under section 106 and other performance related measures that the Commissioner determines to be appropriate.

''(c) USE OF FUNDS.—A State that receives a grant under subsection (a) shall use the grant funds for any approved activities in the State's State plan submitted under section 101.

''(d) NO NON-FEDERAL SHARE REQUIREMENT.—The provisions of sections 101(a)(3) and 111(a)(2) shall not apply to this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2004 through 2009.''.

SEC. 420. VOCATIONAL REHABILITATION SERVICES GRANTS.

Section 121 of the Rehabilitation Act of 1973 (29 U.S.C. 741) is amended—

(1) in subsection (a), in the first sentence, by inserting '', consistent with such individuals' strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for, and engage in, gainful employment'' before the period at the end; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'' after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) contains assurances that—

''(i) all decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available services, and the provision of such services, will be made by a representative of the tribal vocational rehabilitation program; and

''(ii) such decisions will not be delegated to another agency or individual.'';

(B) in paragraph (3), by striking the first sentence and inserting the following: ''An application approved under this part that complies with the program requirements set forth in the regulations promulgated to carry out this part shall be effective for 5 years and shall be renewed for additional 5-year periods if the Commissioner determines that the grantee demonstrated acceptable past performance and the grantee submits a plan, including a proposed budget, to the Commissioner that the Commissioner approves that identifies future performance criteria, goals, and objectives.''; and

(C) by striking paragraph (4) and inserting the following:

''(4) In allocating funds under this part, the Secretary shall give priority to paying the continuation costs of existing projects and may provide for increases in funding for such projects as determined necessary.''.

SEC. 421. GAO STUDIES.

(a) STUDY ON TITLE I AND TICKET TO WORK.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the interaction of title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) with the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), including the impact of the interaction on beneficiaries, community rehabilitation programs, and State vocational rehabilitation agencies.

(2) CONDUCT OF STUDY.—In conducting the study under paragraph (1), the Comptroller General of the United States shall consult with all participants in the Ticket to Work and Self-Sufficiency Program, including the Social Security Administration, the Rehabilitation Services Administration, ticketholders, State agencies, community rehabilitation programs (including employment networks and nonemployment networks), protection and advocacy agencies, MAXIMUS, and organizations representing the interests of ticketholders.

(3) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this title, the Comptroller General of the United States shall submit the study conducted pursuant to this subsection to the appropriate committees of Congress.

(b) STUDY ON THE ALLOTMENT FORMULA.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the relationship between the State allotment formula under section 110 of the Rehabilitation Act of 1973 (29 U.S.C. 730) and the ability of States to provide vocational rehabilitation services in accordance with the State's State plan under section 101 of such Act.

(2) CONDUCT OF STUDY.—In conducting the study under paragraph (1), the Comptroller General of the United States shall consult with appropriate entities.

(3) REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this title, the Comptroller General of the United States shall submit the study conducted pursuant to this subsection to the appropriate committees of Congress.

Subtitle B—Research and Training

SEC. 431. AUTHORIZATION OF APPROPRIATIONS.

Section 201(a) of the Rehabilitation Act of 1973 (29 U.S.C. 761(a)) is amended—

(1) in paragraph (1), by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''; and

(2) in paragraph (2), by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 432. NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.

Section 202(f)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 762(f)(1)) is amended by striking ''Federal employees'' and inserting ''Department of Education employees''.

SEC. 433. RESEARCH AND OTHER COVERED ACTIVITIES.

Section 204(c)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 764(c)(2)) is amended by striking ''$500,000'' and inserting ''$750,000''.

SEC. 434. REHABILITATION RESEARCH ADVISORY COUNCIL.

Section 205(c) of the Rehabilitation Act of 1973 (29 U.S.C. 765(c)) is amended by adding at the end the following: ''The Council also shall include a representative from the business community who has experience with the vocational rehabilitation system and hiring individuals with disabilities.''.

Subtitle C—Professional Development and Special Projects and Demonstrations

SEC. 441. TRAINING.

Section 302 of the Rehabilitation Act of 1973 (29 U.S.C. 772) is amended—

(1) in subsection (b)(1)(B)(i), by striking ''or prosthetics and orthotics'' and inserting ''prosthetics and orthotics, rehabilitation for the blind, or orientation and mobility instruction''; and

(2) in subsection (i), by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 442. DEMONSTRATION AND TRAINING PROGRAMS.

Section 303 of the Rehabilitation Act of 1973 (29 U.S.C. 773) is amended—

(1) by redesignating subsection (e) as subsection (f);

(2) in subsection (f), as redesignated by paragraph (1), by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''; and

(3) by inserting after subsection (d) the following:

''(e) ACCESS TO TELEWORK.—

''(1) DEFINITION OF TELEWORK.—In this subsection, the term 'telework' means to work from home and other telework sites with the assistance of a computer and with reasonable accommodations, including the necessary equipment to facilitate successful work from home and other telework sites.

''(2) AUTHORIZATION OF PROGRAM.—The Commissioner is authorized to make grants to States and governing bodies of American Indian tribes located on Federal and State reservations (and consortia of such governing bodies) to pay for the Federal share of the cost of establishing or expanding a telework program.

''(3) APPLICATION.—A State that desires to receive a grant under this subsection shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

''(4) USE OF FUNDS.—A State that receives a grant under this subsection shall establish or expand a telework program that shall provide loans or other alternative financing mechanisms to individuals with disabilities to enable such individuals to purchase computers or other equipment, including adaptive equipment, that facilitates work from home and other telework sites so that such individuals are able to telework.

''(5) ANNUAL REPORT.—

''(A) IN GENERAL.—A State that receives a grant under this subsection shall submit an annual report to the Commissioner.

''(B) CONTENTS.—The report under subparagraph (A) shall include the following:

''(i) The characteristics of each individual with a disability that receives a loan or other alternative financing mechanism under the program, including information about the individual such as the following:

''(I) Age.

''(II) Ethnicity.

''(III) Type of disability.

''(IV) Employment status at the time of application for a loan or other alternative financing mechanism under this subsection.

''(V) Whether the individual attempted to secure financial support from other sources to enable the individual to telework and, if so, a description of such sources.

''(VI) Whether the individual is working and, if so, whether the individual teleworks, the occupation in which the individual is working, the hourly salary the individual receives, and the hourly salary of the individual prior to receiving a loan or other alternative financing mechanism under the program.

''(VII) Whether the individual has repaid the loan or other alternative financing mechanism received under the program, is in repayment status, is delinquent on repayments, or has defaulted on the loan or other alternative financing mechanism.

''(ii) Any other information that the Commissioner may require.

''(6) FEDERAL SHARE.—The Federal share of the cost of establishing a telework program shall be 10 percent of the cost.''.

SEC. 443. MIGRANT AND SEASONAL FARMWORKERS.

Section 304(b) of the Rehabilitation Act of 1973 (29 U.S.C. 774(b)) is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 444. RECREATIONAL PROGRAMS.

Section 305 of the Rehabilitation Act of 1973 (29 U.S.C. 775) is amended—

(1) in subsection (a)(1)(B), by striking ''construction of facilities for aquatic rehabilitation therapy,''; and

(2) in subsection (b), by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

Subtitle D—National Council on Disability

SEC. 451. AUTHORIZATION OF APPROPRIATIONS.

Section 405 of the Rehabilitation Act of 1973 (29 U.S.C. 785) is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

Subtitle E—Rights and Advocacy

SEC. 461. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

Section 502(j) of the Rehabilitation Act of 1973 (29 U.S.C. 792(j)) is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 462. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

Section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) is amended—

(1) in subsection (g)(2), by striking ''was paid'' and inserting ''was paid, except that program income generated from the amount paid to an eligible system shall remain available to such system for obligation during any succeeding fiscal year''; and

(2) in subsection (*l*), by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

Subtitle F—Employment Opportunities for Individuals With Disabilities

SEC. 471. PROJECTS WITH INDUSTRY AUTHORIZATION OF APPROPRIATIONS.

Section 612 of the Rehabilitation Act of 1973 (29 U.S.C. 795a) is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 472. SERVICES FOR INDIVIDUALS WITH SIGNIFICANT DISABILITIES AUTHORIZATION OF APPROPRIATIONS.

Section 628 of the Rehabilitation Act of 1973 (29 U.S.C. 795n) is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

Subtitle G—Independent Living Services and Centers for Independent Living

SEC. 481. STATE PLAN.

Section 704 of the Rehabilitation Act of 1973 (42 U.S.C. 795c) is amended by adding at the end the following:

''(o) PROMOTING FULL ACCESS TO COMMUNITY LIFE.—The plan shall describe how the State will provide independent living services that promote full access to community life for individuals with significant disabilities. The services shall include, as appropriate, facilitating transitions from nursing homes and other institutions, including institutions serving individuals with cognitive disabilities, to community-based residences, assisting individuals with significant disabilities at risk of entering institutions to remain in the community, and promoting home ownership among individuals with significant disabilities.''.

SEC. 482. STATEWIDE INDEPENDENT LIVING COUNCIL.

Section 705(b)(5) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(b)(5)) is amended to read as follows:

''(5) CHAIRPERSON.—The Council shall select a chairperson from among the voting membership of the Council.''.

SEC. 483. INDEPENDENT LIVING SERVICES AUTHORIZATION OF APPROPRIATIONS.

Section 714 of the Rehabilitation Act of 1973 (29 U.S.C. 796e–3) is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 484. PROGRAM AUTHORIZATION.

Section 721 of the Rehabilitation Act of 1973 (42 U.S.C. 796f) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) ALLOTMENTS TO STATES.—

''(1) DEFINITIONS.—In this subsection:

''(A) ADDITIONAL APPROPRIATION.—The term 'additional appropriation' means the amount (if any) by which the appropriation for a fiscal year exceeds the total of—

''(i) the amount reserved under subsection (b) for that fiscal year; and

''(ii) the appropriation for fiscal year 2003.

''(B) APPROPRIATION.—The term 'appropriation' means the amount appropriated to carry out this part.

''(C) BASE APPROPRIATION.—The term 'base appropriation' means the portion of the appropriation for a fiscal year that is equal to the lesser of—

''(i) an amount equal to 100 percent of the appropriation, minus the amount reserved under subsection (b) for that fiscal year; or

''(ii) the appropriation for fiscal year 2003.

''(2) ALLOTMENTS TO STATES FROM BASE APPROPRIATION.—After the reservation required by subsection (b) has been made, the Commissioner shall allot to each State whose State plan has been approved under section 706 an amount that bears the same ratio to the base appropriation as the amount the State received under this subsection for fiscal year 2003 bears to the total amount that all States received under this subsection for fiscal year 2003.

''(3) ALLOTMENTS TO STATES OF ADDITIONAL APPROPRIATION.—From any additional appropriation for each fiscal year, the Commissioner shall allot to each State whose State plan has been approved under section 706 an amount equal to the sum of—

''(A) an amount that bears the same ratio to 50 percent of the additional appropriation as the population of the State bears to the population of all States; and

''(B) 1⁄56 of 50 percent of the additional appropriation.''; and

(2) by adding at the end the following:

''(e) CARRYOVER AUTHORITY.—Any amount paid to an agency to operate a center for independent living under this chapter for a fiscal year and any amount of program income that remains unobligated at the end of such year shall remain available to such agency for obligation during the next 2 fiscal years for the purposes for which such amount was paid.''.

SEC. 485. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH FEDERAL FUNDING EXCEEDS STATE FUNDING.

Section 722(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–1(c)) is amended by striking ''by September 30, 1997'' and inserting ''during the preceding year''.

SEC. 486. GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH STATE FUNDING EQUALS OR EXCEEDS FEDERAL FUNDING.

Section 723(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–2(c)) is amended by striking ''by September 30, 1997'' and inserting ''during the preceding year''.

SEC. 487. STANDARDS AND ASSURANCES FOR CENTERS FOR INDEPENDENT LIVING.

Section 725(b) of the Rehabilitation Act of 1973 (29 U.S.C. 796f–4(b)) is amended—

(1) in paragraph (4), by striking ''disabilities.'' and inserting ''disabilities, including maintaining individuals with disabilities in, or transitioning individuals with disabilities to, community-based living.''; and

(2) by adding at the end the following:

''(8) PROMOTING FULL ACCESS TO COMMUNITY LIFE.—The center shall provide independent living services that promote full access to community life for individuals with significant disabilities. The services shall include, as appropriate, facilitating transitions from nursing homes and other institutions, including institutions serving individuals with cognitive disabilities, to community-based residences, assisting individuals with significant disabilities at risk of entering institutions to remain in the community, and promoting home ownership among individuals with significant disabilities.''.

SEC. 488. CENTERS FOR INDEPENDENT LIVING AUTHORIZATION OF APPROPRIATIONS.

Section 727 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–6) is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

SEC. 489. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND.

Chapter 2 of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796j et seq.) is amended—

(1) by redesignating sections 752 and 753 as sections 753 and 754, respectively; and

(2) by inserting after section 751 the following:

''SEC. 752. TRAINING AND TECHNICAL ASSISTANCE.

''(a) GRANTS; CONTRACTS; OTHER ARRANGEMENTS.—For any fiscal year for which the funds appropriated to carry out this chapter exceed the funds appropriated to carry out this chapter for fiscal year 2003, the Commissioner shall first reserve from such excess, to provide training and technical assistance to eligible entities for such fiscal year, not less than 1.8 percent, and not more than 2 percent, of the funds appropriated to carry out this chapter for the fiscal year involved.

''(b) ALLOCATION.—From the funds reserved under subsection (a), the Commissioner shall make grants to, and enter into contracts and other arrangements with, entities that demonstrate expertise in the provision of services to older individuals who are blind to provide training and technical assistance with respect to planning, developing, conducting, administering, and evaluating independent living programs for older individuals who are blind.

''(c) FUNDING PRIORITIES.—The Commissioner shall conduct a survey of designated State agencies that receive grants under section 753 regarding training and technical assistance needs in order to determine funding priorities for grants, contracts, and other arrangements under this section.

''(d) REVIEW.—To be eligible to receive a grant or enter into a contract or other arrangement under this section, an eligible entity shall submit an application to the Commissioner at such time, in such manner, containing a proposal to provide such training and technical assistance, and containing such additional information as the Commissioner may require.

''(e) PROHIBITION ON COMBINED FUNDS.—No funds reserved by the Commissioner under this section may be combined with funds appropriated under any other Act or part of this Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this chapter are separately identified in such grant or payment and are used for the purposes of this chapter.''.

SEC. 490. PROGRAM OF GRANTS.

Section 753 of the Rehabilitation Act of 1973, as redesignated by section 489, is amended—

(1) in subsection (g), by inserting '', or contracts with,'' after ''grants to'';

(2) by striking subsection (h);

(3) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively;

(4) in subsection (b), by striking ''section 753'' and inserting ''section 754'';

(5) in subsection (c)—

(A) in paragraph (1), by striking ''section 753'' and inserting ''section 754''; and

(B) in paragraph (2)—

(i) by striking ''subsection (i)'' and inserting ''subsection (h)''; and

(ii) by striking ''subsection (j)'' and inserting ''subsection (i)'';

(6) in subsection (h), as redesignated by paragraph (3)—

(A) in paragraph (1), by striking ''subsection (j)(4)'' and inserting ''subsection (i)(4)''; and

(B) in paragraph (2)—

(i) in subparagraph (A)(vi), by adding ''and'' after the semicolon;

(ii) in subparagraph (B)(ii)(III), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (C); and

(7) in subsection (i), as redesignated by paragraph (3)—

(A) by striking paragraph (2) and inserting the following:

''(2) MINIMUM ALLOTMENT.—

''(A) STATES.—In the case of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, the amount referred to in paragraph (1)(A) for a fiscal year is the greater of—

''(i) $350,000;

''(ii) an amount equal to the amount the State, the District of Columbia, or the Commonwealth of Puerto Rico received to carry out this chapter for fiscal year 2003; or

''(iii) an amount equal to ⅓ of 1 percent of the amount appropriated under section 754, and not reserved under section 752, for the fiscal year and available for allotments under subsection (a).

''(B) CERTAIN TERRITORIES.—In the case of Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the amount referred to in paragraph (1)(A) for a fiscal year is $60,000.'';

(B) in paragraph (3)(A), by striking ''section 753'' and inserting ''section 754, and not reserved under section 752,''; and

(C) in paragraph (4)(B)(i), by striking ''subsection (i)'' and inserting ''subsection (h)''.

SEC. 491. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND AUTHORIZATION OF APPROPRIATIONS.

Section 754 of the Rehabilitation Act of 1973, as redesignated by section 489, is amended by striking ''fiscal years 1999 through 2003'' and inserting ''fiscal years 2004 through 2009''.

Subtitle H—Miscellaneous

SEC. 495. HELEN KELLER NATIONAL CENTER ACT.

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) is amended by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

(b) HELEN KELLER NATIONAL CENTER FEDERAL ENDOWMENT FUND.—The first sentence of section 208(h) of the Helen Keller National Center Act (29 U.S.C. 1907(h)) is amended by striking ''1999 through 2003'' and inserting ''2004 through 2009''.

TITLE V—TRANSITION AND EFFECTIVE DATE

SEC. 501. TRANSITION PROVISIONS.

The Secretary of Labor shall, at the discretion of the Secretary, take such actions as the Secretary determines to be appropriate to provide for the orderly implementation of this Act.

SEC. 502. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act, shall take effect on the date of enactment of this Act.

By Mr. ALEXANDER (for himself, Mr. SCHUMER, Mr. BURNS, Mr. SESSIONS, Mr. GRAHAM of South Carolina, Mr. INHOFE, Mr. ROBERTS, Mr. ENZI, Mr. THOMAS, Mr. CRAIG, Mr. ALLARD, Mr. COLEMAN, Mr. COCHRAN, Mr. BUNNING, Mr. CORNYN, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. BENNETT, Mr. BROWNBACK, Mr. VOINOVICH, Mr. LOTT, Mr. DOMENICI, Ms. MURKOWSKI, Mr. MCCAIN, Mr. KYL, Mr. ENSIGN, Mrs. DOLE, Mr. SANTORUM, Mr. GRASSLEY, Mr. ALLEN, and Mr. CHAMBLISS):

S. 1628. A bill to prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

Mr. ALEXANDER. Mr. President, today is Citizenship Day. On this day in 1787 the Constitution of the United States was signed. In 1952, Congress passed a law designating Citizenship Day on this day with the intent of recognizing those who had become American citizens during the preceding year.

In the ceremony where an immigrant becomes a naturalized citizen of this country, where he or she becomes a new American, he or she swears an oath of renunciation and allegiance.

Last week, on September 11, I noted that the oath of allegiance is currently a matter of mere Federal regulation and not a matter of law. I said that Congress ought to enshrine the oath in law.

Today, on behalf of Mr. BURNS, Mr. SESSIONS, and 30 Members of the Senate, I rise to introduce legislation to do precisely that—to make the current oath of allegiance the law of the land. Doing so will give the oath of allegiance the same status enjoyed by other key symbols and statements of being an American—the American flag, the Pledge of Allegiance, the national anthem, and our national motto. All these symbols and statements have been specifically approved by Congress and are now a matter of law. The oath of allegiance ought to be treated with the same dignity.

The Bureau of Citizenship and Immigration Services—or BCIS—an agency of the Department of Homeland Security, was recently planning to change the oath of allegiance that immigrants take to become a citizen of this Nation. While those changes seem now to be on hold, it seems inappropriate to me that the BCIS, or any other Government agency, no matter how well intentioned, should have the power to alter the oath without congressional approval.

In the first 5 months of this fiscal year, 166,968 immigrants took the oath and were naturalized as new citizens of this country.

The oath assumed its present form in the 1950s and was first adopted in Federal regulations in 1929. But some of the language dates all the way back to 1790.

Yesterday, I attended a naturalization ceremony for new citizens. They were proud to take the oath of allegiance to the United States. They were proud to become Americans. This is the oath they took to become U.S. citizens—the oath which will become law if the bill I will introduce today should pass and be signed by the President.

I quote:

I—and the citizen states his or her name—hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.

That is the oath of allegiance. That is quite an oath. It has strength. It has clarity. It sounds as if it might have been written by some rowdy patriots in Philadelphia or Williamsburg.

Yet, surprisingly, Congress has never voted on the content of this oath. We have left it to Federal regulators. It is time to protect it.

This is a straightforward bill that simply codifies the oath of allegiance as it presently stands. The bill I introduce today has, as I mentioned, already attracted 30 cosponsors, including the distinguished Senator from North Carolina who is presiding today.

I hope more Senators will join us in protecting this key statement on what it means to become an American.

By Mr. DEWINE (for himself and Mr. DODD):

S. 1629. A bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I would like to take a few moments to talk about a bill I will be introducing today, along with Senator CHRIS DODD, a bill that has to do with children. It is an issue that is difficult to think about or talk about but one that is critical to many children and their families in our Nation.

What I am taking about is what we do, or what we can do, when a child develops a life-threatening or terminal illness. What I am talking about is we need to make sure we do everything in our power to make sick children as comfortable as possible and as happy as possible—everything in our power to ease their suffering. What I am talking about is the pressing need for comprehensive, compassionate, continuous care for children who are facing death as a result of serious illness; the need

to make palliative care available to any child who is seriously ill and who might possibly be facing death.

No parent or family member ever expects a child to die. With today's modern medicine and research advances, it is easy to think that only older people die, but, tragically, we all know that is not the case. That is why today, along with Senator DODD and Congresswoman PRYCE and Congressman MURTHA, we are introducing a bill, the Compassionate Care for Children Act, 2003, in an effort to help ensure that very sick children receive a continuum of care and that young lives do not end in preventable pain or fear or sadness.

Every year, over 55,000 children die in the United States. Some children will die suddenly and unexpectedly, in a car accident, by drowning, or fire, or by choking. Some may even be murdered.

Others, though, thousands of children, will be diagnosed with life-threatening illnesses or disease that might eventually, over a period of time, take away their lives. Children with these kinds of illnesses are in and out of hospitals and clinics. They receive chemotherapy and radiation treatments. They might undergo multiple surgeries.

They might have nurses and doctors poking and prodding at them nearly all the time. Some of these children are old enough to realize that they might die if the treatments for their diseases might not work. Others are too young to understand that reality.

One poor girl—Liza—knew she was going to die. Shortly after her fourth birthday, she was diagnosed with a form of leukemia. For the next year, Liza's parents explored every possible medical option for her, and every possible treatment. They took her to doctor after doctor after doctor, and they had access to the most cutting-edge therapies available to treat Liza's disease. But nothing seemed to work. At the age of 5, Liza began to ask her mother about what would come next, and whether she would soon die after her bone marrow transplant—her last chance for a cure—had failed.

Once the medical treatments had failed, hospitals has little else to offer Liza. There was no discussion, tragically, about end-of-life care at the hospital for this little child. No one wanted to admit that they were out of treatment options, that there was no cure, that she wasn't going to get better, have her life restored and her health restored, and that she wasn't going to grow up and become an adult and have her own children someday. There was no discussion of that. No one in that hospital wanted to talk with Liza about death, even though this little girl pleaded with them to do so.

Liza's mother told the Washington Post that Liza asked her oncologist to tell her when death was near. This little 5-year-old girl asked her doctor to tell her when she was going to die. Yet on the final night of her life, as this little child lay dying in her mother's arms, near her father and her older sister, Liza asked, ''Why didn't the doctor call to tell me.''

Liza's parents were able to get some hospice care for their daughter during the last 3 months of her life. Tragically, fewer than 10 percent of children who die in the United States ever receive any sort of hospice care. When children like Liza are terminally ill, parents are forced to make decisions for their children under extremely emotional and stressful conditions. The decisions that confront these parents are ones that they never, of course, expected to have to make. Parents want what is best for their children. They want their children to get better and be healthy. They want their children to be pain free. They want their children to receive comfort and care when they are sick.

God forbid that parents find out their children are very sick—so sick they are never going to get better, so sick there are no more treatments and no more cures, and so sick they know their children are going to die. Those parents will try to do everything imaginable and everything possible in their power to help their children and make them comfortable, pain-free, and happy in their remaining days.

We have an obligation to help those parents achieve those goals.

Children with life-threatening diseases and illnesses require special medical attention to make their shortened lives more comfortable. We know that. Yet despite that knowledge, the fact is, current Federal law and regulations do not take into consideration the special care needs of a gravely ill or dying child. In fact, these Federal laws and regulations get in the way of taking care of these children.

The legislation we are introducing today would help correct the deficiencies in current law and help sick children facing possible death live more comfortably and live with dignity and would help them receive the comprehensive care they deserve and the comprehensive care we would expect for our own children.

Let me take a few moments to explain what our bill actually does.

First, it offers grants so doctors and nurses can receive training and education to enable them to better understand these issues and to help them provide end-of-life care for these kids. The goal of these grants is to improve the quality of care terminally ill children receive. One of the ways we do this is to make sure doctors and nurses truly understand these issues so they can provide the care and be better informed.

Our bill also provides money for the National Institutes of Health to conduct research in pain and symptom management in children. This research is critically important to improve the type of care dying children receive.

A recent article in the New England Journal of Medicine stated that 89 percent of children dying of cancer die experiencing ''a lot or a great deal'' of pain and suffering.

This does not have to happen. We can change that, and we must. This is simply not acceptable. Research has to be done so that children will not suffer needlessly.

In addition to grants, the second piece of our bill changes the way care is delivered to children with life-threatening illnesses. Right now, doctors, hospitals, and parents have to overcome significant insurance and eligibility barriers to enroll a dying child in hospice. First, to qualify for hospice, a doctor must certify that a child has 6 months or less to live. The problem with this ''6-month rule'' is that it is harder for a doctor to determine the life expectancy of a sick child than it is to determine the life expectancy of a sick adult or elderly person. A child dying of cancer, for example, may die in 6 months or 6 years, making that child ineligible for hospice care that would ensure a comfortable life while that child is alive. It is very difficult many times to estimate how long that child is going to live. This very rigid 6-month predictability rule which denies care is very inhumane for these kids. It is wrong, and we have to change that rule.

According to Dr. Joanne Hilden and Dr. Dan Tobin, ''Sick children are still growing, which is a biological process very much like healing. So when a child is diagnosed with illness such as cancer or heart disease, he is much more likely to be cured than an adult.''

Simply put, diseases progress differently in children than adults, and children with terminal diseases get lost in the health care system designed for adults—a health care system that does not take into consideration the special needs of children.

Furthermore, the current system does not allow a patient to receive curative and palliative care simultaneously. In other words, current law does not allow doctors to continue trying life-prolonging treatments—treatments that could cure an illness or extend their life, and also at the same time provide palliative care to that patient. In other words, current law does not allow the assistance, the doctors to go in to try to provide typical hospice care where you make that child comfortable and do all the things to alleviate the pain and at the same time you are still trying to save the child's life.

That is wrong. That is simply wrong. That presents a parent with a horrible choice, a choice that no parent should have.

That is tragic. Palliative care offers a continuum of care, care that involves counseling to families and patients about how to confront death, care that involves making the patient comfortable in his or her sickest hours, care that acknowledges that death is a real possibility.

Federal law requires a person who wishes to receive end-of-life care to discontinue receiving curative or life-prolonging treatment. When a child is involved, this means a parent must agree to no longer provide curative treatment, treatment that could cure the child—that is wrong—in order for their child to receive care and support for the possible end of life.

This should not be an either/or decision for parents. I don't know of any parent who would give up trying to cure a sick child when there was any chance that child might be saved. They should not be put in this position.

Current law places parents in impossible positions. We simply must fix this. End-of-life care should be integrated with curative care so that parents, children, and doctors have access to a range of benefits and services. As I said earlier, palliative care should not be confined to the dying. It should be available to any child who is seriously ill.

That is why our bill creates Medicare and private market demonstration programs to remove these barriers, making it simpler and easier for doctors and parents to make end-of-life decisions for children. the demonstration program will allow children to receive curative and palliative care concurrently. This means children can continue to receive treatment and life-prolonging care while receiving palliative care at the same time. The demonstration program also removes the 6-month rule so children can receive palliative care benefit at the time of diagnosis.

I take a moment to tell my colleagues about another girl, Rachel Ann. Rachel Ann was a little girl who did receive palliative care from the time she was diagnosed with a grave heart problem. Rachel Ann had a heart that doctors describe as ''incompatible with life.'' Most babies with heart malformations like Rachel Ann die within a matter of days after birth. Rachel Ann's parents were devastated and distraught to see their tiny baby connected to a sea of wire and tubes, clinging to life.

Rachel Ann's parents were referred to a pediatric hospice and decided to bring their daughter home from the hospital so she could experience life with her family, surrounded by parents, brothers, relatives and church community at home. Rachel Ann's parents say she seemed truly happy at home. She smiled and wiggled in response to voices and being held. Her brothers doted on their baby sister.

Rachel Ann was able to spend her life at home in comfort with her family. She lived for 42 days and her family was able to make every single moment count. On Christmas day, after spending the morning with her family, Rachel Ann passed away.

This is truly a tragic story. Fortunately, Rachel Ann and her family were able to spend as much time together as possible with Rachel Ann as comfortable as possible. Her brothers were able to know their sister and to talk with hospice professionals about what was happening to her. Rachel Ann's parents and grandparents also were able to talk about her condition with hospice professionals and maintained an active role in her care. There was a support system in place for this family.

The terminal illness of a child must be an incredibly difficult thing to confront for a parent and a family. No one wants to think about children dying. No one wants to believe that children suffer, especially in this age of great medical advances. It is a horrible situation. But it is one that we must face. We can always do more to improve the care that our children receive. We should continue to support research and finding cures for the diseases and illnesses from which children suffer. But until those cures are found, and as long as children die from these diseases, we must provide care and support for a dying child. We have an obligation to provide that care and that support.

The bill we will introduce later today will be an important step in this direction. It will provide tools and support networks to help grieving families in their time of need. It is the right thing to do. I encourage my colleagues to join us in cosponsoring this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1629

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Children's Compassionate Care Act of 2003''.

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

Sec. 1. Short title; table of contents.

TITLE I—GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE SERVICES AND RESEARCH

Sec. 101. Education and training.
Sec. 102. Grants to expand pediatric palliative care.
Sec. 103. Health professions fellowships and residency grants.
Sec. 104. Model program grants.
Sec. 105. Research.

TITLE II—PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS

Sec. 201. Medicare pediatric palliative care demonstration projects.
Sec. 202. Private sector pediatric palliative care demonstration projects.
Sec. 203. Authorization of appropriations.

TITLE I—GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE SERVICES AND RESEARCH

SEC. 101. EDUCATION AND TRAINING.

Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended—

(1) in section 770(a) by inserting ''except for section 771,'' after ''carrying out this subpart''; and

(2) by adding at the end the following:

''SEC. 771. PEDIATRIC PALLIATIVE CARE SERVICES EDUCATION AND TRAINING.

''(a) ESTABLISHMENT.—The Secretary may award grants to eligible entities to provide training in pediatric palliative care and related services.

''(b) ELIGIBLE ENTITY DEFINED.—

''(1) IN GENERAL.—In this section the term 'eligible entity' means a health care provider that is affiliated with an academic institution, that is providing comprehensive pediatric palliative care services, alone or through an arrangement with another entity, and that has demonstrated experience in providing training and consultative services in pediatric palliative care including—

''(A) children's hospitals or other hospitals or medical centers with significant capacity in caring for children with life-threatening conditions;

''(B) pediatric hospices or hospices with significant pediatric palliative care programs;

''(C) home health agencies with a demonstrated capacity to serve children with life-threatening conditions and that provide pediatric palliative care; and

''(D) any other entity that the Secretary determines is appropriate.

''(2) LIFE-THREATENING CONDITION DEFINED.—In this subsection, the term 'life-threatening condition' has the meaning given such term by the Secretary (in consultation with hospice programs (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))) and academic experts in end-of-life care), except that the Secretary may not limit such term to individuals who are terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

''(c) AUTHORIZED ACTIVITIES.—Grant funds awarded under subsection (a) shall be used to—

''(1) provide short-term training and education programs in pediatric palliative care for the range of interdisciplinary health professionals and others providing such care;

''(2) provide consultative services and guidance to health care providers that are developing and building comprehensive pediatric palliative care programs;

''(3) develop regional information outreach and other resources to assist clinicians and families in local and outlying communities and rural areas;

''(4) develop or evaluate current curricula and educational materials being used in providing such education and guidance relating to pediatric palliative care;

''(5) facilitate the development, assessment, and implementation of clinical practice guidelines and institutional protocols and procedures for pediatric palliative, end-of-life, and bereavement care; and

''(6) assure that families of children with life-threatening conditions are an integral part of these processes.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008.''.

SEC. 102. GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

''SEC. 399Z–1. GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE.

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration may award grants to eligible entities to implement or expand pediatric palliative care programs for children with life-threatening conditions.

''(b) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

''(1) children's hospitals or other hospitals with a capacity and ability to care for children with life-threatening conditions;

''(2) hospices with a demonstrated capacity and ability to care for children with life-threatening conditions and their families; and

''(3) home health agencies with—

''(A) a demonstrated capacity and ability to care for children with life-threatening conditions; and

''(B) expertise in providing palliative care.

''(c) AUTHORIZED ACTIVITIES.—Grant funds awarded under subsection (a) shall be used to—

''(1) create new pediatric palliative care programs;

''(2) start or expand needed additional care settings, such as respite, hospice, inpatient day services, or other care settings to provide a continuum of care across inpatient, home, and community-based settings;

''(3) expand comprehensive pediatric palliative care services, including care coordination services, to greater numbers of children and broader service areas, including regional and rural outreach; and

''(4) support communication linkages and care coordination, telemedicine and teleconferencing, and measures to improve patient safety.

''(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2004 through 2008.''.

SEC. 103. PEDIATRIC PALLIATIVE CARE TRAINING AND RESIDENCY GRANTS.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

''SEC. 404F. PEDIATRIC PALLIATIVE CARE TRAINING AND RESIDENCY GRANTS.

''(a) ESTABLISHMENT.—The Director of the National Institutes of Health is authorized to award training grants to eligible entities to expand the number of physicians, nurses, mental health professionals, and appropriate allied health professionals and specialists (as determined by the Secretary) with pediatric palliative clinical training and research experience.

''(b) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

''(1) a pediatric department of a medical school and other related departments including—

''(A) oncology;

''(B) virology;

''(C) neurology; and

''(D) psychiatry;

''(2) a school of nursing;

''(3) a school of psychology and social work; and

''(4) a children's hospital or other hospital with a significant number of pediatric patients with life-threatening conditions.

''(c) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008.''.

SEC. 104. MODEL PROGRAM GRANTS.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.), as amended by section 102, is further amended by adding at the end the following:

''SEC. 399Z–2. MODEL PROGRAM GRANTS.

''(a) ESTABLISHMENT.—The Secretary may award grants to eligible entities to enhance pediatric palliative care and care for children with life-threatening conditions in general pediatric or family practice residency training programs through the development of model programs.

''(b) ELIGIBLE ENTITY DEFINED.—In this section the term 'eligible entity' means a pediatric department of—

''(1) a medical school;

''(2) a children's hospital; or

''(3) any other hospital with a general pediatric or family practice residency program that serves a significant number of pediatric patients with life-threatening conditions.

''(c) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008.''.

SEC. 105. RESEARCH.

(a) PAIN AND SYMPTOM MANAGEMENT.—The Director of the National Institutes of Health (in this section referred to as the ''Director'') shall provide translational research grants to fund research in pediatric pain and symptom management that will utilize existing facilities of the National Institutes of Health including—

(1) pediatric pharmacological research units;

(2) the general clinical research centers; and

(3) other centers providing infrastructure for patient oriented research.

(b) ELIGIBLE ENTITIES.—In carrying out subsection (a), the Director may award grants for the conduct of research to—

(1) children's hospitals or other hospitals serving a significant number of children with life-threatening conditions;

(2) pediatric departments of medical schools;

(3) institutions currently participating in National Institutes of Health network of pediatric pharmacological research units; and

(4) hospices with pediatric palliative care programs and academic affiliations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

TITLE II—PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS

SEC. 201. MEDICARE PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) CARE COORDINATION SERVICES.—The term ''care coordination services'' means services that provide for the coordination of, and assistance with, referral for medical and other services, including multidisciplinary care conferences, coordination with other providers involved in care of the eligible child, patient and family caregiver education and counseling, and such other services as the Secretary determines to be appropriate in order to facilitate the coordination and continuity of care furnished to an individual.

(2) DEMONSTRATION PROJECT.—The term ''demonstration project'' means a demonstration project established by the Secretary under subsection (b)(1).

(3) ELIGIBLE CHILD.—The term ''eligible child'' means an individual with a life-threatening condition who is entitled to benefits under part A of the medicare program and who is under 18 years of age.

(4) ELIGIBLE PROVIDER.—The term ''eligible provider'' means—

(A) a pediatric palliative care program that is a public agency or private organization (or a subdivision thereof) which—

(i)(I) is primarily engaged in providing the care and services described in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395(dd)(1)) and makes such services available (as needed) on a 24-hour basis and which also provides counseling (including bereavement counseling) for the immediate family of eligible children;

(II) provides for such care and services in eligible children's homes, on an outpatient basis, and on a short-term inpatient basis, directly or under arrangements made by the agency or organization, except that—

(aa) the agency or organization must routinely provide directly substantially all of each of the services described in subparagraphs (A), (C), and (H) of such section 1861(dd)(1);

(bb) in the case of other services described in such section 1861(dd)(1) which are not provided directly by the agency or organization, the agency or organization must maintain professional management responsibility for all such services furnished to an eligible child, regardless of the location or facility in which such services are furnished; and

(III)(aa) identifies medical, community, and social service needs;

(bb) simplifies access to service;

(cc) uses the full range of community resources, including the friends and family of the eligible child; and

(dd) provides educational opportunities relating to health care; and

(ii) has an interdisciplinary group of personnel which—

(I) includes at least—

(aa) 1 physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1)));

(bb) 1 registered professional nurse; and

(cc) 1 social worker;

employed by or, in the case of a physician described in item (aa), under contract with the agency or organization, and also includes at least 1 pastoral or other counselor;

(II) provides (or supervises the provision of) the care and services described in such section 1861(dd)(1); and

(III) establishes the policies governing the provision of such care and services;

(iii) maintains central clinical records on all patients;

(iv) does not discontinue the palliative care it provides with respect to an eligible child because of the inability of the eligible child to pay for such care;

(v)(I) uses volunteers in its provision of care and services in accordance with standards set by the Secretary, which standards shall ensure a continuing level of effort to use such volunteers; and

(II) maintains records on the use of these volunteers and the cost savings and expansion of care and services achieved through the use of these volunteers;

(vi) in the case of an agency or organization in any State in which State or applicable local law provides for the licensing of agencies or organizations of this nature, is licensed pursuant to such law;

(vii) seeks to ensure that children and families receive complete, timely, understandable information about diagnosis, prognosis, treatments, and palliative care options;

(viii) ensures that children and families participate in effective and timely prevention, assessment, and treatment of physical and psychological symptoms of distress; and

(ix) meets such other requirements as the Secretary may find necessary in the interest of the health and safety of the eligible children who are provided with palliative care by such agency or organization; and

(B) any other individual or entity with an agreement under section 1866 of the Social Security Act (42 U.S.C. 1395cc) that—

(i) has demonstrated experience in providing interdisciplinary team-based palliative care and care coordination services (as defined in paragraph (1)) to pediatric populations; and

(ii) the Secretary determines is appropriate.

(5) LIFE-THREATENING CONDITION.—The term ''life-threatening condition'' has the meaning given such term by the Secretary (in consultation with hospice programs (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))) and academic experts in end-of-life care), except that the Secretary may not limit such term to individuals who are terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

(6) MEDICARE PROGRAM.—The term ''medicare program'' means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish demonstration projects in accordance with the provisions of this subsection to provide pediatric palliative care to eligible children.

(2) PARTICIPATION.—

(A) ELIGIBLE PROVIDERS.—Any eligible provider may furnish items or services covered under the pediatric palliative care benefit.

(B) ELIGIBLE CHILDREN.—The Secretary shall permit any eligible child residing in the service area of an eligible provider participating in a demonstration project to participate in such project on a voluntary basis.

(c) SERVICES UNDER DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the provisions of section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) shall apply to the payment for pediatric palliative care provided under the demonstration projects in the same manner in which such section applies to the payment for hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))) provided under the medicare program.

(2) COVERAGE OF PEDIATRIC PALLIATIVE CARE.—

(A) IN GENERAL.—Notwithstanding section 1862(a)(1)(C) of the Social Security Act (42 U.S.C. 1395y(a)(1)(C)), the Secretary shall provide for reimbursement for items and services provided under the pediatric palliative care benefit made available under the demonstration projects in a manner that is consistent with the requirements of subparagraph (B).

(B) BENEFIT.—Under the pediatric palliative care benefit, the following requirements shall apply:

(i) WAIVER OF REQUIREMENT TO ELECT HOSPICE CARE.—Each eligible child may receive benefits without an election under section 1812(d)(1) of the Social Security Act (42 U.S.C. 1395d(d)(1)) to receive hospice care (as defined in section 1861(dd)(1) of such Act (42 U.S.C. 1395x(dd)(1))) having been made with respect to the eligible child.

(ii) AUTHORIZATION FOR CURATIVE TREATMENT.—Each eligible child may continue to receive benefits for disease and symptom modifying treatment under the medicare program.

(iii) PROVISION OF CARE COORDINATION SERVICES.—Each eligible child shall receive care coordination services (as defined in subsection (a)(1)) and hospice care (as so defined) through an eligible provider participating in a demonstration project, regardless of whether such individual has been determined to be terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

(iv) AVAILABILITY OF INFORMATION ON PEDIATRIC PALLIATIVE CARE.—Each eligible child and the family of such child shall receive information and education in order to better understand the utility of pediatric palliative care.

(v) AVAILABILITY OF BEREAVEMENT COUNSELING.—Each family of an eligible child shall receive bereavement counseling, if appropriate.

(vi) ADDITIONAL BENEFITS.—Under the demonstration projects, the Secretary may include any other item or service—

(I) for which payment may otherwise be made under the medicare program; and

(II) that is consistent with the recommendations contained in the report published in 2003 by the Institute of Medicine of the National Academy of Sciences entitled ''When Children Die: Improving Palliative and End-of-Life Care for Children and Their Families''.

(C) PAYMENT.—

(i) ESTABLISHMENT OF PAYMENT METHODOLOGY.—The Secretary shall establish a methodology for determining the amount of payment for pediatric palliative care furnished under the demonstration projects that is similar to the methodology for determining the amount of payment for hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))) under section 1814(i) of such Act (42 U.S.C. 1395f(i)), except as provided in the following subclauses:

(I) AMOUNT OF PAYMENT.—Subject to subclauses (II) and (III), the amount of payment for pediatric palliative care shall be equal to the amount that would be paid for hospice care (as so defined), increased by an appropriate percentage to account for the additional costs of providing bereavement counseling and care coordination services (as defined in subsection (a)(1)).

(II) WAIVER OF HOSPICE CAP.—The limitation under section 1814(i)(2) of the Social Security Act (42 U.S.C. 1395f(i)(2)) shall not apply with respect to pediatric palliative care and amounts paid for pediatric palliative care under this subparagraph shall not be counted against the cap amount described in such section.

(III) SEPARATE PAYMENT FOR COUNSELING SERVICES.—Notwithstanding section 1814(i)(1)(A) of the Social Security Act (42 U.S.C. 1395f(i)(1)(A)), the Secretary may pay for bereavement counseling as a separate service.

(ii) SPECIAL RULES FOR PAYMENT OF MEDICARE+CHOICE ORGANIZATIONS.—The Secretary shall establish procedures under which the Secretary provides for an appropriate adjustment in the monthly payments made under section 1853 of the Social Security Act (42 U.S.C. 1395w–23) to any Medicare+Choice organization that provides health care items or services to an eligible child who is participating in a demonstration project.

(3) COVERAGE OF PEDIATRIC PALLIATIVE CARE CONSULTATION SERVICES.—Under the demonstration projects, the Secretary shall provide for a one-time payment on behalf of each eligible child who has not yet elected to participate in the demonstration project for services that are furnished by a physician who is either the medical director or an employee of an eligible provider participating in such a project and that consist of—

(A) an evaluation of the individual's need for pain and symptom management, including the need for pediatric palliative care;

(B) counseling the individual and the family of such individual with respect to the benefits of pediatric palliative care and care options; and

(C) if appropriate, advising the individual and the family of such individual regarding advanced care planning.

(d) CONDUCT OF DEMONSTRATION PROJECTS.—

(1) SITES.—The Secretary shall conduct demonstration projects in at least 4, but not more than 8, sites.

(2) SELECTION OF SITES.—The Secretary shall select demonstration sites on the basis of proposals submitted under paragraph (3) that are located in geographic areas that—

(A) include both urban and rural eligible providers; and

(B) are geographically diverse and readily accessible to a significant number of eligible children.

(3) PROPOSALS.—The Secretary shall accept proposals to furnish pediatric palliative care under the demonstration projects from any eligible provider at such time, in such manner, and in such form as the Secretary may reasonably require.

(4) FACILITATION OF EVALUATION.—The Secretary shall design the demonstration projects to facilitate the evaluation conducted under subsection (e)(1).

(5) DURATION.—The Secretary shall complete the demonstration projects within a period of 5 years that includes a period of 1 year during which the Secretary shall complete the evaluation under subsection (e)(1).

(e) EVALUATION AND REPORTS TO CONGRESS.—

(1) EVALUATION.—During the 1-year period following the first 4 years of the demonstration projects, the Secretary shall complete an evaluation of the demonstration projects in order—

(A) to determine the short-term and long-term costs and benefits of changing—

(i) hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))) provided under the medicare program to children to include the pediatric palliative care furnished under the demonstration projects; and

(ii) the medicare program to permit eligible children to receive curative and palliative care simultaneously;

(B) to review the implementation of the demonstration projects compared to recommendations contained in the report published in 2003 by the Institute of Medicine of the National Academy of Sciences entitled ''When Children Die: Improving Palliative and End-of-Life Care for Children and Their Families'';

(C) to determine the quality and duration of palliative care for individuals who receive such care under the demonstration projects who would not be eligible to receive such care under the medicare program;

(D) whether any increase in payments for pediatric palliative care is offset by savings in other parts of the medicare program; and

(E) the projected cost of implementing the demonstration projects on a national basis.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than the date that is 2 years after the date on which the demonstration projects are implemented, the Secretary shall submit an interim report to Congress on the demonstration projects.

(B) FINAL REPORT.—Not later than the date that is 1 year after the date on which the demonstration projects end, the Secretary shall submit a final report to Congress on the demonstration projects that includes the results of the evaluation conducted under paragraph (1) together with such recommendations for legislation or administrative action as the Secretary determines is appropriate.

(f) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary shall waive compliance with such requirements of the medicare program to the extent and for the period the Secretary finds necessary to conduct the demonstration projects.

SEC. 202. PRIVATE SECTOR PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROJECT.—The term ''demonstration project'' means a demonstration project established by the Secretary under subsection (b)(1).

(2) ELIGIBLE CHILD.—The term ''eligible child'' means an individual with a life-threatening condition who is—

(A) under 18 years of age;

(B) enrolled for health benefits coverage under an eligible health plan; and

(C) not enrolled under (or entitled to) benefits under a health plan described in paragraph (3)(C).

(3) ELIGIBLE HEALTH PLAN.—

(A) IN GENERAL.—Subject to clauses (ii) and (iii), the term ''eligible health plan'' means an individual or group plan that provides, or pays the cost of, medical care (as such term is defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91)).

(B) TYPES OF PLANS INCLUDED.—For purposes of subparagraph (A), the term ''eligible health plan'' includes the following health plans, and any combination thereof:

(i) A group health plan (as defined in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg–91(a))), but only if the plan—

(I) has 50 or more participants (as defined in section 3(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(7))); or

(II) is administered by an entity other than the employer who established and maintains the plan.

(ii) A health insurance issuer (as defined in section 2791(b) of the Public Health Service Act (42 U.S.C. 300gg–91(b))).

(iii) A health maintenance organization (as defined in section 2791(b) of the Public Health Service Act (42 U.S.C. 300gg–91(b))).

(iv) A long-term care policy, including a nursing home fixed indemnity policy (unless the Secretary determines that such a policy does not provide sufficiently comprehensive coverage of a benefit so that the policy should be treated as a health plan).

(v) An employee welfare benefit plan or any other arrangement which is established or maintained for the purpose of offering or providing health benefits to the employees of 2 or more employers.

(vi) Health benefits coverage provided under a contract under the Federal employees health benefits program under chapter 89 of title 5, United States Code.

(C) TYPES OF PLANS EXCLUDED.—For purposes of subparagraph (A), the term ''eligible health plan'' does not include any of the following health plans:

(i) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(ii) The medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(iii) A medicare supplemental policy (as defined in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss et seq.).

(iv) The health care program for active military personnel under title 10, United States Code.

(v) The veterans health care program under chapter 17 of title 38, United States Code.

(vi) The Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), as defined in section 1072(4) of title 10, United States Code.

(vii) The Indian health service program under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

(4) ELIGIBLE ORGANIZATION.—The term ''eligible organization'' means an organization that provides health benefits coverage under an eligible health plan.

(5) LIFE-THREATENING CONDITION.—The term ''life-threatening condition'' has the meaning given such term under section 201(a)(4).

(6) PEDIATRIC PALLIATIVE CARE.—The term ''pediatric palliative care'' means services of the type to be furnished under the demonstration projects under section 201, including care coordination services (as defined in subsection (a)(1) of such section).

(7) PEDIATRIC PALLIATIVE CARE CONSULTATION SERVICES.—The term ''pediatric palliative care consultation services'' means services of the type described in section 201(c)(3).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality.

(b) NONMEDICARE PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish demonstration projects under this section at the same time as the Secretary establishes the demonstration projects under section 201 and in accordance with the provisions of this subsection to demonstrate the provision of pediatric palliative care and pediatric palliative care consultation services to eligible children who are not entitled to (or enrolled for) coverage under the health plans described in subsection (a)(3)(C).

(2) PARTICIPATION.—

(A) ELIGIBLE ORGANIZATIONS.—The Secretary shall permit any eligible organization to participate in a demonstration project on a voluntary basis.

(B) ELIGIBLE CHILDREN.—Any eligible organization participating in a demonstration project shall permit any eligible child enrolled in an eligible health plan offered by the organization to participate in such project on a voluntary basis.

(c) SERVICES UNDER DEMONSTRATION PROJECTS.—

(1) PROVISION OF PEDIATRIC PALLIATIVE CARE AND CONSULTATION SERVICES.—Under a demonstration project, each eligible organization electing to participate in the demonstration project shall provide pediatric palliative care and pediatric palliative care consultation services to each eligible child who is enrolled with the organization and who elects to participate in the demonstration project.

(2) AVAILABILITY OF ADMINISTRATIVE GRANTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall award grants to eligible organizations electing to participate in a demonstration project for the administrative costs incurred by the eligible organization in participating in the demonstration project, including the costs of collecting and submitting the data required to be submitted under subsection (d)(4)(B).

(B) NO PAYMENT FOR SERVICES.—The Secretary may not pay eligible organizations for pediatric palliative care or pediatric palliative care consultation services furnished under the demonstration projects.

(d) CONDUCT OF DEMONSTRATION PROJECTS.—

(1) SITES.—The Secretary shall conduct demonstration projects in at least 4, but not more than 8, sites.

(2) SELECTION OF SITES.—The Secretary shall select demonstration sites on the basis of proposals submitted under paragraph (3) that are located in geographic areas that—

(A) include both urban and rural eligible organizations; and

(B) are geographically diverse and readily accessible to a significant number of eligible children.

(3) PROPOSALS.—

(A) IN GENERAL.—The Secretary shall accept proposals to furnish pediatric palliative care and pediatric palliative care consultation services under the demonstration projects from any eligible organization at such time, in such manner, and in such form as the Secretary may require.

(B) APPLICATION FOR ADMINISTRATIVE GRANTS.—If the eligible organization desires to receive an administrative grant under subsection (c)(2), the proposal submitted under subparagraph (A) shall include a request for the grant, specify the amount requested, and identify the purposes for which the organization will use any funds made available under the grant.

(4) COLLECTION AND SUBMISSION OF DATA.—

(A) COLLECTION.—Each eligible organization participating in a demonstration project shall collect such data as the Secretary may require to facilitate the evaluation to be completed under subsection (e)(1).

(B) SUBMISSION.—Each eligible organization shall submit the data collected under subparagraph (A) to the Secretary at such time, in such manner, and in such form as the Secretary may require.

(5) DURATION.—The Secretary shall complete the demonstration projects within a period of 5 years that includes a period of 1 year during which the Secretary shall complete the evaluation under subsection (e)(1).

(e) EVALUATION AND REPORTS TO CONGRESS AND ELIGIBLE ORGANIZATIONS.—

(1) EVALUATION.—During the 1-year period following the first 4 years of the demonstration projects, the Secretary shall complete an evaluation of the demonstration projects.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than the date that is 2 years after the date on which the demonstration projects are implemented, the Secretary shall submit an interim report to Congress and each eligible organization participating in a demonstration project on the demonstration projects.

(B) FINAL REPORT.—Not later than the date that is 1 year after the date on which the demonstration projects end, the Secretary shall submit a final report to Congress and each eligible organization participating in a demonstration project on the demonstration projects that includes the results of the evaluation conducted under paragraph (1) together with such recommendations for legislation or administrative action as the Secretary determines is appropriate.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) $2,500,000, to carry out the demonstration projects under section 201; and

(2) $2,500,000, to carry out the demonstration projects under section 202, including for awarding grants under subsection (c)(2) of such section.

(b) AVAILABILITY.—Sums appropriated under subsection (a) shall remain available, without fiscal year limitation, until expended.

By Mrs. CLINTON (for herself, Mrs. DOLE, Ms. CANTWELL, Mr. BENNETT, Mr. BINGAMAN, Mrs. MURRAY, and Ms. LANDRIEU):

S. 1630. A bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. CLINTON. Mr. President, I want to think you Len Roberts and the people of United Way for making this day possible. The tremendous board members, including Brian Gallagher and Dr. Johnnetta Cole. And Paul Thornell and Bridget Gavaghan, of the staff.

I also want to thank Senator DOLE for working with me on this project. Because of her long history with the Red Cross, she understands the important of 2–1–1, and I am so pleased to be working with her to champion the Calling for 2–1–1 Act. I know that she will be a tremendous help in getting this legislation passed into law.

Representatives RICHARD BURR and ANNA ESHOO are leading this effort in the House and I appreciate their efforts.

I also want to thank you Major Dennis E. Fowler who was here this morning from Florida to share his perspective on the value of 2–1–1.

And of course, I have to mention George Clooney who is on the board of United Way and came to a press conference this morning to help publicize this legislation. I am always happy to thank people who take time away from K Street to help Main Street.

This is a piece of legislation whose time has come.

As you all know, I represent a State that experienced a horrible tragedy on September 11. The silver lining in that tragedy was the tremendous outgrowth of volunteerism. We saw thousands of individuals—people from all over the country—who came to New York just to lend a hand.

But the biggest challenge the city experienced was coordinating those efforts. Making sure we knew exactly how many people were needed to heal the wounded, clean up debris at the site, donate blood, bring food and coffee to the firefighters and police officers who were working round the clock, and so much more.

The needs were great and the people of America rose to the challenge. But our infrastructure struggled to keep up.

As time wore on, the economic repercussions of the disaster became more and more apparent. More than 100,000 people lost their jobs. Close to 2,000 families applied for housing assistance because they couldn't pay their rent or mortgage. Ninety thousand people developed symptoms of posttraumatic stress disorder or clinical depression within 8 weeks of the attacks. Another 34,000 people met the criteria for both diagnoses.

Again, our communities rose to the challenge. Philanthropic organizations like United Way, along with corporations, foundations, and community organizations raise more than $1 billion to help the victims.

But our government did not have the infrastructure to handle the outpouring of support. In a study of the aftermath of September 11, the Brookings Institution and Urban Institute found that as the dislocated workers struggled to obtain assistance. people ''found it difficult to connect with resources due to a social-services infrastructure that does not support a simple and deficient method for people to learn about and access services and for agencies to coordinate their activities.''

That's what 2–1–1 is all about. It provides a single, efficient, coordinated way for people who need help to connect with those who can provide it.

The Federal Communications Commission land the groundwork for a 2–1–1 number in 2000 when it directed the telephone number to be reserved for information and referral to social- and human-services agencies. The 2–1–1 system opens the way to a user-friendly social-services network, by providing an easy-to-remember and universally available phone number that links individuals and families in need to the appropriate non-profit and government agencies.

Where 2–1–1 is now active, it has done just that. 2–1–1 is helping our youth to navigate through difficult situations like exiting a gang, assisting a suicidal friend, and rejecting illegal drugs.

2–1–1 was already operating in Connecticut during September 11 and it was critical in helping identify the whereabouts of victims, connecting frightened children with their parents, providing information on terrorist suspects, and linking ready volunteers with coordinated efforts and victims with necessary mental and physical health services. 2–1–1 provided locations of vigils and support groups, and information on bioterrorism.

I want those services to be available to New Yorkers who continue to need services in the recovery process. Some have mental health problems. Other are still out of work. Others need legal and financial advice. Whatever the need, 2–1–1 can help.

So I am thrilled to announce today that I am introducing the Calling for 2–1–1 Act. I hope that we soon reach a day when all Americans have the 4–1–1 on 2–1–1 so it can help them through life's toughest challenges. Thank you.

By Mr. CHAMBLISS:

S. 1635. A bill to amend the Immigration and Nationality Act to ensure the integrity of the L–1 visa for intracompany transferees; to the Committee on the Judiciary.

Mr. CHAMBLISS. Mr. President, I rise today to introduce the L–1 Visa Reform Act which affects intracompany transferees seeking entry to the United States. Congress created the L–1 visa to allow international companies to move executives, managers, and other key personnel within the company and into the U.S. temporarily. The L–1 is an important tool for our multi-national corporations, however, some companies are making an end-run around the visa process by bringing in professional workers on L–1 visas and then outsourcing those workers to a third party company. In other words, some firms are using the so-called ''L–1 loophole'' to become the international equivalent of temp agencies, or ''job shops.'' As a result, American workers are being displaced by foreign workers who are brought to the U.S. essentially for their labor. This must stop—my legislation targets the problem, closes the loophole, and protects U.S. jobs from inappropriate use of the L–1 visa.

The situation in question arises when a company with both foreign and U.S.-based operations obtains an L–1 visa to transfer a foreign employee who has ''specialized knowledge'' of the company's product or processes. The problem occurs only when an employee with specialized knowledge is placed offsite at the business location of a third party company. In this context, if the L–1 employee does not bring anything more than generic knowledge of the third party company's operations, the foreign worker is acting more like an H–1B professional than a true intracompany transferee. Outsourcing an L–1 worker in this way has resulted in American workers being displaced at the third party company. In these difficult economic times, we must ensure that American workers aren't losing their jobs to cheap foreign labor by those circumventing protections already in law.

Several weeks ago I held a hearing on L–1 visa concerns in the Immigration Subcommittee. We heard from a full-range of witnesses—from a displaced worker and labor unions to small and large U.S. companies to business immigration experts. The hearing clearly demonstrated a problem exists, and the testimony of our witnesses directed attention to Congress' intent in creating the L–1 visa. The bill I am introducing today clarifies Congress' intent and restricts the inappropriate use of the L–1 visa. The bill does so without forcing unnecessary restrictions on the visa that would only result in adverse effects on legitimate L–1 users.

The L–1 Visa Reform Act prevents companies from using the L–1 visa when an H–1B visa with its worker protections is appropriate. The legislation requires that any employee with specialized knowledge who is located offsite must, first, be controlled and supervised by the petitioning company and, second, be provided in connection with an exchange of products or services between the petitioning company and the third-party company. This will stop the practice of a consulting company bringing in foreign workers to send over to a manufacturer when the consulting company does nothing more than cut the foreign worker's paycheck once a month. Instead, the bill requires the third-party company to have a preexisting business relationship with the petitioning company that is more than just supplying workers.

In addition, the legislation requires companies to employ a worker for at least one year before sending the employee over on an L–1 intra-company

transfer. One year is a reasonable amount of time to require an employee to have attained the specialized knowledge of the company's products, services or processes to qualify for the visa. The bill also mandates the Department of Homeland Security to maintain statistics differentiating between L–1 transferees who are managers and executives and those who are specialized knowledge employees. This will provide better accountability and fraud prevention when L–1 petitions are reviewed and approved.

We need the best people in the world to come to the United States, to bring their skills and innovative ideas, and to support our business enterprises. The L–1 visa is an important tool to achieve these purposes. But we must ensure that American workers are not displaced by foreign workers, particularly when we have safeguards in place albeit a loophole in law. The L–1 Visa Reform Act will close that loophole for the benefit of U.S. workers and for U.S. businesses who use the visa as it is intended.

I yield the floor.

AMENDMENTS SUBMITTED & PROPOSED

SA 1723. Mr. REID (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

SA 1724. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to 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.

SA 1725. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1726. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1727. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1728. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1729. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1730. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1731. Mr. REID (for himself, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. KENNEDY, Mrs. MURRAY, and Ms. CANTWELL) proposed an amendment to the bill H.R. 2691, supra.

SA 1732. Mr. REID proposed an amendment to the bill H.R. 2691, supra.

SA 1733. Mr. REID proposed an amendment to the bill H.R. 2691, supra.

SA 1734. Mr. DASCHLE proposed an amendment to the bill H.R. 2691, supra.

SA 1735. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1736. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1737. Mr. ENSIGN (for himself, Mr. REID, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2691, supra; which was ordered to lie on the table.

SA 1738. Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. LUGAR, Mr. BIDEN, and Mr. LIEBERMAN)) proposed an amendment to the resolution S. Res. 225, commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria.

TEXT OF AMENDMENTS

SA 1723. Mr. REID (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 16, end of line 12, before the ''.'' insert the following:

: *Provided further*, That $65,000,000 is provided to be used by the Secretary of the Army, acting through the Chief of Engineers, to repair, restore, and clean up projects and facilities of the Corps of Engineers and dredge navigation channels, restore and clean out area streams, provide emergency stream bank protection, restore other crucial public infrastructure (including water and sewer facilities), document flood impacts, and undertake other flood recovery efforts considered necessary by the Chief of Engineers

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SA 1724. Mr. BURNS (for himself and Mr. DORGAN) proposed an amendment to 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; as follows:

Strike all after the enacting clause and insert the following: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $847,091,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; $2,484,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487; (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2004 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $847,091,000; and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $698,725,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (A) local private, nonprofit, or cooperative entities; (B) Youth Conservation Corps crews or related partnerships with state, local, or non-profit youth groups; (C) small or micro-businesses; or (D) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to

enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $12,476,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $25,600,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $106,672,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That section 28 of title 30, United States Code, is amended: (1) in section 28f(a), by striking ''for years 2002 through 2003'' and inserting in lieu thereof ''for years 2004 through 2008''; and (2) in section 28g, by striking ''and before September 30, 2003'' and inserting in lieu thereof ''and before September 30, 2008''.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $942,244,000, to remain available until September 30, 2005: *Provided*, That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed $12,286,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $8,900,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment of this Act: *Provided further*, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $53,285,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $64,689,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That none of the funds appropriated for specific land acquisition projects can be

used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $40,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided*, That the amount provided herein is for a Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $86,614,000, of which $36,614,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $50,000,000 is to be derived from the Land and Water Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $42,982,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $3,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $6,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $75,000,000 to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That of the amount provided herein, $5,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said $5,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That any amount apportioned in 2004 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2005, shall be reapportioned, together with funds appropriated in 2006, in the manner provided herein: *Provided further*, That balances from amounts previously appropriated under the heading ''State Wildlife Grants'' shall be transferred to and merged with this appropriation and shall remain available until expended: *Provided further*, That up to 10 percent of the funds received by any State under this heading may be used for wildlife conservation education and outreach efforts that contribute significantly to the conservation of wildlife species or wildlife habitat.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 157 passenger motor vehicles, of which 142 are for replacement only (including 33 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,636,299,000, of which $10,887,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $96,480,000, to remain available until September 30, 2005, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided further*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,349,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $60,154,000.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $305,000, to remain available until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $75,750,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2005: *Provided*, That, of the amount provided herein, $500,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: *Provided further*, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: *Provided further*, That of the total amount provided, $32,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: *Provided further*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $341,531,000, to remain available until expended, of which $300,000 for the L.Q.C. Lamar House National Historic Landmark and $375,000 for the Sun Watch National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided*, That none of the funds in this or any other Act, may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: *Provided further*, That none of the funds provided in this or any other Act may be used to pre-design, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not been specifically provided if the net construction cost of such facility is in excess of $5,000,000, without prior approval of the House and Senate Committees on Appropriations: *Provided further*, That this restriction applies to all funds available to the National Park Service, including partnership and fee demonstration projects.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2004 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $158,473,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $104,000,000 is for the State assistance program including not to exceed $4,000,000 for the administration of this program: *Provided*, That none of the funds provided for the State assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That the National Park Service may make a grant of not to exceed $70,000 for the construction of a memorial in Cadillac, Michigan in honor of Kris Eggle.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2004, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may obligate to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total obligations in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $928,864,000, of which $64,630,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $15,499,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $23,230,000 shall be available until September 30, 2005, for the operation and maintenance of facilities and deferred maintenance; of which $169,580,000 shall be available until September 30, 2005, for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $166,016,000, of which $80,396,000 shall be available for royalty management activities; and an amount not to exceed $100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent $100,230,000 in additions to receipts are not realized from the sources of receipts stated above, the

amount needed to reach $100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That $3,000,000 for computer acquisitions shall remain available until September 30, 2005: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: *Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $106,424,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2004 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $190,893,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 2004: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,912,178,000, to remain available until September 30, 2005 except as otherwise provided herein, of which not to exceed $87,925,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $135,315,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2004, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $458,524,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2004, and shall remain available until September 30, 2005; and of which not to exceed $55,766,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $46,182,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2003 for the operation of Bureau-funded schools, and up to $3,000,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2004 of Bureau-operated schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2005, may be transferred during fiscal year 2006 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2006.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $351,154,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2004, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $50,583,000, to remain available until expended; of which $31,766,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 107–

331, and 102–575, and for implementation of other enacted water rights settlements; and of which $18,817,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–425, and 106–554.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,797,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $94,568,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $700,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $71,343,000, of which: (1) $65,022,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $6,321,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $6,125,000, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau, section 103(h)(2) of the Compact of Free Association Act of 1985, and section 221(a)(2) of the Amended Compacts of Free Association for the Federated States of Micronesia and the Republic of the Marshall Islands, to remain available until expended.

For grants and necessary expenses as provided for in sections 211, 212, 213, and 218 of the Amended Compact of Free Association for the Republic of the Marshall Islands and as provided for in sections 211, 212, and 217 of the Amended Compact of Free Association for the Federated States of Micronesia, all sums that are or may be required in this and subsequent years are appropriated, to remain available until expended, and shall be drawn from the Treasury, to become available for obligation only upon enactment of proposed legislation to approve the amended Compacts of Free Association as identified in the President's fiscal year 2004 budget.

For grants and necessary expenses, $15,000,000, for impact of the Compacts on certain U.S. areas in this and subsequent years are appropriated, to remain available until expended, and shall be drawn from the Treasury, to become available for obligation only upon enactment of proposed legislation to approve the amended Compacts of Free Association as identified in the President's fiscal year 2004 budget: *Provided*, That for purposes of assistance as provided pursuant to this appropriation, the effective dates of the amended Compacts of Free Association shall be October 1, 2003.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $78,433,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, $11,700,000, to remain available until expended: *Provided*, That from unobligated balances under this heading, $11,700,000 are hereby canceled.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $230,000,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $50,179,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $37,474,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $219,641,000, of which $75,000,000 shall be available for historical accounting, to remain available until expended: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the

Departmental Management, ''Salaries and Expenses'' account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2004, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $22,980,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,633,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of

the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management and reform activities.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2004. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2004 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall hereafter take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2003, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 121. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 122. Of the funds made available under the heading ''Bureau of Land Management, Land Acquisition'' in title I of the Department of the Interior and Related Agencies Appropriation Act, 2002 (115 Stat. 420), the Secretary of the Interior shall grant $500,000 to the City of St. George, Utah, for the purchase of the land as provided in the Virgin River Dinosaur Footprint Preserve Act (116 Stat. 2896), with any surplus funds available after the purchase to be available for the purpose of the preservation of the land and the paleontological resources on the land.

SEC. 123. Funds provided in this Act for Federal land acquisition by the National Park Service for the Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 124. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 125. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 126. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 127. Section 134 of Public Law 107–63 (115 Stat. 442–443) is amended by striking the proviso thereto and inserting the following: ''*Provided*, That nothing in this section affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001): *Provided further*, That nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of Public Law 106–291 (114 Stat. 944–945), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.''.

SEC. 128. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 129. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2005 shall not exceed $12,000,000.

SEC. 130. None of the funds in this Act may be used to fund Cooperative Ecosystem Studies Units in the State of Alaska.

SEC. 131. The State of Utah's contribution requirement pursuant to Public Law 105–363 shall be deemed to have been satisfied and within thirty days of enactment of this Act, the Secretary of the Interior shall transfer to the State of Utah all right, title, and interest of the United States in and to the Wilcox Ranch lands acquired under section 2(b) of Public Law 105–363, for management by the Utah Division of Wildlife Resources for wildlife habitat and public access.

SEC. 132. Upon enactment of this Act, the Congaree Swamp National Monument shall be designated the Congaree National Park.

SEC. 133. The Secretary shall have no more than one hundred and eighty days from October 1, 2003, to prepare and submit to the Congress, in a manner otherwise consistent with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), plans for the use and distribution of the Mescalero Apache Tribe's Judgment Funds from Docket 92–403L, the Pueblo of Isleta's Judgment Funds from Docket 98–166L, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation's Judgment Funds in Docket No. 773–87–L of the United States Court of Federal Claims; each plan shall become effective upon the expiration of a sixty day period beginning on the day each plan is submitted to the Congress.

SEC. 134. Notwithstanding any implementation of the Department of the Interior's trust reorganization plan within fiscal years 2003 or 2004, funds appropriated for fiscal year 2004 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima Maricopa Indian Community, the Confederated Salish-Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation and the Bureau of Indian Affairs Regional offices that serve them, on the same basis as funds were distributed in fiscal year 2003. The Demonstration Project shall operate separate and apart from the Department of the Interior's trust reform reorganization, and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the California Trust Reform Consortium and any other participating tribe having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. Sections 458aa–458hh.

TITLE II—RELATED AGENCIES
DEPARTMENT OF AGRICULTURE
FOREST SERVICE
FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $266,180,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants, and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $295,349,000, to remain available until expended, of which $84,716,000 is to be derived from the Land and Water Conservation Fund: *Provided*, That each forest legacy grant shall be for a specific project or set of specific tasks: *Provided further*, That grants for acquisition of lands or conservation easements shall require that the State demonstrates that 25 percent of the total value of the project is comprised of a non-Federal cost share: *Provided further*, That up to $2,000,000 may be used by the Secretary solely for: (1) rapid response to new introductions of non-native or invasive pests or pathogens in which no previous federal funding has been identified to address, or (2) for a limited number of instances in which any pest populations increase at over 150 percent of levels monitored for that species in the immediately preceding fiscal year and failure to suppress those popultions would lead to a 10-percent increase of annual forest or stand mortality over ambient mortality levels.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,370,731,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That unobligated balances available at the start of fiscal year 2004 shall be displayed by budget line item in the fiscal year 2005 budget justification: *Provided further*, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros, and for the performance of cadastral surveys to designate the boundaries of such lands from National Forest System lands: *Provided further*, That of the funds provided under this heading for Forest Products, $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: *Provided further*, That of the funds provided under this heading, $3,150,000 is for expenses required to implement title I of Public Law 106–248, to be segregated in a separate fund established by the Secretary of Agriculture: *Provided further*, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2004, the Chair of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that the Chair is engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by the Chair in the performance of the Chair's duties.

For an additional amount to reimbuse the Judgment Fund as required by 41 U.S.C. 612(c) for judgment liabilities previously incurred, $188,405,000.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,543,072,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2003 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $231,392,000 is for hazardous fuels reduction activities, $21,427,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $47,752,000 is for State fire assistance, $8,240,000 is for volunteer fire assistance, and $11,934,000 is for forest health activities on State, private, and Federal lands: *Provided further*, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That in using the funds provided in this Act for hazardous fuels reduction activities, the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretary applicable to hazardous fuel reduction activities under the wildland fire management accounts: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, non-profit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: *Provided further*, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $532,406,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with

statutory authority applicable to the Forest Service, $77,040,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That notwithstanding any limitations of the Land and Water Conservation Fund Act (16 U.S.C. 4601–9), the Secretary of Agriculture is henceforth authorized to utilize any funds appropriated from the Land and Water Conservation Fund to acquire Mental Health Trust lands in Alaska and, upon Federal acquisition, the boundaries of the Tongass National Forest shall be deemed modified to include such lands.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,535,000, to remain available until expended, of which not to exceed $100,000 per annum may be used to reimburse the Office of General Counsel, Department of Agriculture, for salaries and related expenses incurred in providing legal services in relation to subsistence management.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 124 passenger motor vehicles of which 21 will be used primarily for law enforcement purposes and of which 124 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned and all wildfire suppression funds under the heading ''Wildland Fire Management'' are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $3,000,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the ''National Forest System'' and ''Capital Improvement and Maintenance'' accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural

resources and public or employee safety: *Provided,* That such amounts shall not exceed $1,000,000.

From funds available to the Forest Service in this Act for payment of costs in accordance with subsection 413(d) of Title IV, Public Law 108–7, $3,000,000 shall be transferred by the Secretary of Agriculture to the Secretary of the Treasury to make reimbursement payments as provided in such subsection.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

Beginning on June 30, 2001 and concluding on December 31, 2004, an eligible individual who is employed in any project funded under Title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

None of the funds made available in this or any other Act may be used by the Forest Service to initiate or continue competitive sourcing studies until such time as the House and Senate Committees on Appropriations have been given a detailed competitive sourcing proposal (including the number of positions to be studied, the amount of funding needed, and the accounts and activities from which the funding will be reprogrammed), and have approved in writing such proposal.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $97,000,000 shall not be available until October 1, 2004: *Provided,* That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected: *Provided further,* That within 30 days of enactment of this Act, the Secretary is directed to provide the House Committee on Appropriations and the Senate Committee on Appropriations with a plan detailing the proposed expenditure of un-obligated or de-obligated funds from terminated Clean Coal Technology projects in support of the FutureGen project.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $593,514,000, to remain available until expended, of which $4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; of which not to exceed $536,000 may be utilized for travel and travel-related expenses incurred by the headquarters staff of the Office of Fossil Energy; and of which $130,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided,* That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further,* That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in 42 U.S.C. 5903d: *Provided further,* That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further,* That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further,* That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further,* That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further,* That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $17,947,000, to remain available until expended: *Provided,* That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2004 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $861,645,000, to remain available until expended: *Provided,* That $274,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): *Provided further,* That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $230,000,000 for weatherization assistance grants and $44,000,000 for State energy program grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,047,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $173,081,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $5,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $80,111,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided,* That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further,* That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further,* That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,546,524,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $472,022,000 for contract medical care shall remain available for obligation until September 30, 2005: *Provided further*, That of the funds provided, up to $27,000,000 to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $268,974,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2004, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: *Provided further*, That of the amounts provided to the Indian Health Service, $15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska to be distributed as direct lump sum payments as follows: (a) $2,000,000 to the State of Alaska for regional distribution to hire and equip additional Village Public Safety Officers to engage primarily in bootlegging prevention and enforcement activities; (b) $10,000,000 to the Alaska Native Tribal Health Consortium, which shall be allocated for (1) substance abuse treatment including residential treatment, (2) substance abuse and behavioral health counselors through the Counselor in Every Village program, and (3) comprehensive substance abuse training programs for counselors and others delivering substance abuse services; (c) $1,000,000 to the State of Alaska for a school peer counseling and education program; and (d) $2,000,000 for the Alaska Federation of Natives sobriety and wellness program for competitive merit-based grants: *Provided further*, That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: *Provided further*, That no more than 10 percent may be used by any entity receiving funding for administrative overhead including indirect costs: *Provided further*, That the State of Alaska, Alaska Native non-profit corporations, and the Alaska Native Tribal Health Consortium must each maintain its existing level of effort and must use these funds to enhance or expand existing efforts or initiate new projects or programs and may not use such funds to supplant existing programs.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $391,188,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That from the funds appropriated herein, $5,043,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to complete a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: *Provided further*, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: *Provided further*, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: *Provided further*, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed $1,000,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund and remain available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE±

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract

under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without the advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $13,532,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $6,250,000, of which $1,000,000 shall remain available until expended to assist with the Institute's efforts to develop a Continuing Education Lifelong Learning Center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $487,989,000, of which not to exceed $46,903,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended; and of which $828,000 for fellowships and scholarly awards shall remain available until September 30, 2005; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of maintenance, repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $89,970,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That balances from amounts previously appropriated under the headings ''Repair, Restoration and Alteration of Facilities'' and ''Construction'' shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $85,650,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $11,600,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,560,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $16,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial

Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,604,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $117,480,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account and ''Challenge America'' account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $125,878,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,422,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,000,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,030,000: *Provided*, That for fiscal year 2004 and thereafter, all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $39,997,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $20,700,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2003.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2004, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, and 107–63, for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2003 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a

State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) (applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 2004 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 316. Amounts deposited during fiscal year 2003 in the roads and trails fund provided for in the 14th paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 318. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2003, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 319. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency;

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for non-compliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 320. Prior to October 1, 2004, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction

may order completion of the plan on an accelerated basis.

SEC. 321. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 322. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2005, qualify for General Service Administration contract airfares.

SEC. 323. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 324. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal year 2004 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

SEC. 325. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2004, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 326. 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 appropriations Act.

SEC. 327. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 328. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That the Secretaries may award grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 329. LOCAL EXEMPTIONS FROM FOREST SERVICE DEMONSTRATION PROGRAM FEES. Section 6906 of Title 31, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Necessary''; and

(2) by adding at the end the following:

''(b) LOCAL EXEMPTIONS FROM DEMONSTRATION PROGRAM FEES.—

''(1) IN GENERAL.—Each unit of general local government that lies in whole or in part within the White Mountain National Forest and persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

''(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from paying user fees under paragraph (1). This method may include valid form of identification including a drivers license.''.

SEC. 330. IMPLEMENTATION OF GALLATIN LAND CONSOLIDATION ACT OF 1998. (a) DEFINITIONS.—For purposes of this section:

(1) ''Gallatin Land Consolidation Act of 1998'' means Public Law 105–267 (112 Stat. 2371).

(2) ''Option Agreement'' has the same meaning as defined in section 3(6) of the Gallatin Land Consolidation Act of 1998.

(3) ''Secretary'' means the Secretary of Agriculture.

(4) ''Excess receipts'' means National Forest Fund receipts from the National Forests in Montana, which are identified and adjusted by the Forest Service within the fiscal year, and which are in excess of funds retained for: the Salvage Sale Fund; the Knutson-Vandenberg Fund; the Purchaser Road/Specified Road Credits; the Twenty-Five Percent Fund, as amended; the Ten Percent Road and Trail Fund; the Timber Sale Pipeline Restoration Fund; the Fifty Percent Grazing Class A Receipts Fund; and the Land and Water Conservation Fund Recreation User Fees Receipts—Class A Fund.

(5) ''Special Account'' means the special account referenced in section 4(c)(2) of the Gallatin Land Consolidation Act of 1998.

(6) ''Eastside National Forests'' has the same meaning as in section 3(4) of the Gallatin Land Consolidation Act of 1998.

(b) SPECIAL ACCOUNT.—

(1) The Secretary is authorized and directed, without further appropriation or reprogramming of funds, to transfer to the Special Account these enumerated funds and receipts in the following order:

(A) timber sale receipts from the Gallatin National Forest and other Eastside National Forests, as such receipts are referenced in section 4(a)(2)(C) of the Gallatin Land Consolidation Act of 1998;

(B) any available funds heretofore appropriated for the acquisition of lands for National Forest purposes in the State of Montana through fiscal year 2003;

(C) net receipts from the conveyance of lands on the Gallatin National Forest as authorized by subsection (c); and,

(D) excess receipts for fiscal years 2003 through 2008.

(2) All funds in the Special Account shall be available to the Secretary until expended, without further appropriation, and will be expended prior to the end of fiscal year 2008 for the following purposes:

(A) the completion of the land acquisitions authorized by the Gallatin Land Consolidation Act of 1998 and fulfillment of the Option Agreement, as may be amended from time to time; and,

(B) the acquisition of lands for which acquisition funds were transferred to the Special Account pursuant to subsection (b)(1)(B).

(3) The Special Account shall be closed at the end of fiscal year 2008 and any monies remaining in the Special Account shall be transferred to the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'', 16 U.S.C. §484a) to remain available, until expended, for the acquisition of lands for National Forest purposes in the State of Montana.

(4) Funds deposited in the Special Account or eligible for deposit shall not be subject to transfer or reprogramming for wildland fire management or any other emergency purposes.

(c) LAND CONVEYANCES WITHIN THE GALLATIN NATIONAL FOREST.—

(1) CONVEYANCE AUTHORITY.—The Secretary is authorized, under such terms and conditions as the Secretary may prescribe and without requirements for further administrative or environmental analyses or examination, to sell or exchange any or all rights, title, and interests of the United States in the following lands within the Gallatin National Forest in the State of Montana:

(A) SMC East Boulder Mine Portal Tract: Principal Meridian, T.3S., R.11E., Section 4, lots 3 to 4 inclusive, W½SE¼NW¼, containing 76.27 acres more or less.

(B) Forest Service West Yellowstone Administrative Site: U.S. Forest Service Administrative Site located within the NE¼ of Block 17 of the Townsite of West Yellowstone which is situated in the N½ of Section 34, T.13S., R.5E., Principal Meridian, Gallatin County, Montana, containing 1.04 acres more or less.

(C) Mill Fork Mission Creek Tract: Principal Meridian, T.13S., R.5E., Section 34, NW¼SW¼, containing 40 acres more or less.

(D) West Yellowstone Town Expansion Tract #1: Principal Meridian, T.13S., R.5E., Section 33, E½E½NE¼, containing 40 acres more or less.

(E) West Yellowstone Town Expansion Tract #2: Principal Meridian, T.13S., R.5E., Section 33, NE¼SE¼, containing 40 acres more or less.

(2) DESCRIPTIONS.—The Secretary may modify the descriptions in subsection (c)(1) to correct errors or to reconfigure the properties in order to facilitate a conveyance.

(3) CONSIDERATION.—Consideration for a sale or exchange of land under this subsection may include cash, land, or a combination of both.

(4) VALUATION.—Any appraisals of land deemed necessary or desirable by the Secretary to carry out the purposes of this section shall conform to the Uniform Appraisal Standards for Federal Land Acquisitions.

(5) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land exchanged under this subsection.

(6) SOLICITATIONS OF OFFERS.—The Secretary may:

(A) solicit offers for sale or exchange of land under this subsection on such terms and conditions as the Secretary may prescribe, or

(B) reject any offer made under this subsection if the Secretary determines that the offer is not adequate or not in the public interest.

(7) METHODS OF SALE.—The Secretary may sell land at public or private sale, including competitive sale by auction, bid, or otherwise, in accordance with such terms, conditions, and procedures as the Secretary determines will be in the best interests of the United States.

(8) BROKERS.—The Secretary may utilize brokers or other third parties in the disposition of the land authorized by this subsection and, from the proceeds of the sale, may pay reasonable commissions or fees on the sale or sales.

(9) RECEIPTS FROM SALE OR EXCHANGE.—The Secretary shall deposit the net receipts of a sale or exchange under this subsection in the Special Account.

(d) MISCELLANEOUS PROVISIONS.—

(1) Receipts from any sale or exchange pursuant to subsection (c) of this section:

(A) shall not be deemed excess receipts for purposes of this section;

(B) shall not be paid or distributed to the State or counties under any provision of law, or otherwise deemed as moneys received from the National Forest for purposes of the Act of May 23, 1908 or the Act of March 1, 1911 (16 U.S.C. §500, as amended), or the Act of March 4, 1913 (16 U.S.C. §501, as amended).

(2) As of the date of enactment of this section, any public land order withdrawing land described in subsection (c)(1) from all forms of appropriation under the public land laws is revoked with respect to any portion of the land conveyed by the Secretary under this section.

(3) Subject to valid existing rights, all lands described in section (c)(1) are withdrawn from location, entry, and patent under the mining laws of the United States.

(4) The Agriculture Property Management Regulations shall not apply to any action taken pursuant to this section.

(e) OPTION AGREEMENT AMENDMENT.—The Amendment No. 1 to the Option Agreement is hereby ratified as a matter of Federal law and the parties to it are authorized to effect the terms and conditions thereof.

SEC. 331. TRANSFER OF FOREST LEGACY PROGRAM LAND. Section 7(*l*) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c(*l*)) is amended by inserting after paragraph (2) the following:

''(3) TRANSFER OF FOREST LEGACY PROGRAM LAND.—

''(A) IN GENERAL.—Subject to any terms and conditions that the Secretary may require (including the requirements described in subparagraph (B)), the Secretary may, at the request of a participating State, convey to the State, by quitclaim deed, without consideration, any land or interest in land acquired in the State under the Forest Legacy Program.

''(B) REQUIREMENTS.—In conveying land or an interest in land under subparagraph (A), the Secretary may require that—

''(i) the deed conveying the land or interest in land include requirements for the management of the land in a manner that—

''(I) conserves the land or interest in land; and

''(II) is consistent with any other Forest Legacy Program purposes for which the land or interest in land was acquired;

''(ii) if the land or interest in land is subsequently sold, exchanged, or otherwise disposed of by the State, the State shall—

''(I) reimburse the Secretary in an amount that is based on the current market value of the land or interest in land in proportion to the amount of consideration paid by the United States for the land or interest in land; or

''(II) convey to the Secretary land or an interest in land that is equal in value to the land or interest in land conveyed.

''(C) DISPOSITION OF FUNDS.—Amounts received by the Secretary under subparagraph (B)(ii) shall be credited to the Forest Legacy Program account, to remain available until expended.''.

SEC. 332. Notwithstanding section 9(b) of Public Law 106–506, funds hereinafter appropriated under Public Law 106–506 shall require matching funds from non-Federal sources on the basis of aggregate contribution to the Environmental Improvement Program, as defined in Public Law 106–506, rather than on a project-by-project basis, except for those activities provided under section 9(c) of that Act, to which this amendment shall not apply.

SEC. 333. Any application for judicial review of a Record of Decision for any timber sale in Region 10 of the Forest Service that had a Notice of Intent prepared on or before January 1, 2003 shall—

(1) be filed in the Alaska District of the Federal District Court within 30 days after exhaustion of the Forest Service administrative appeals process (36 C.F.R. 215) or within 30 days of enactment of this Act if the administrative appeals process has been exhausted prior to enactment of this Act, and the Forest Service shall strictly comply with the schedule for completion of administrative action;

(2) be completed and a decision rendered by the court not later than 180 days from the date such request for review is filed; if a decision is not rendered by the court within 180 days as required by this subsection, the Secretary of Agriculture shall petition the court to proceed with the action.

SEC. 334. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture may cancel, with the consent of the timber purchaser, any contract for the sale of timber in Alaska if—

(1) the Secretary determines, in the Secretary's sole discretion, that the sale is uneconomical to perform; and

(2) the timber purchaser agrees to—

(A) terminate its rights under the contract; and

(B) release the United States from all liability, including further consideration or compensation resulting from such cancellation.

(b) EFFECT OF CANCELLATION.—

(1) IN GENERAL.—The United States shall not surrender any claim against a timber purchaser that arose under a contract before cancellation under this section not in connection with the cancellation.

(2) LIMITATION.—Cancellation of a contract under this section shall release the timber purchaser from liability for any damages resulting from cancellation of such contract.

(c) TIMBER AVAILABLE FOR RESALE.—Timber included in a contract cancelled under this section shall be available for resale by the Secretary of Agriculture.

This Act may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 2004''.

SA 1725. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, line 2, strike the period at the end and insert '': *Provided further*, That of this amount, sufficient funds shall be available for the Secretary of the Interior, not later than 60 days after the last day of the fiscal year, to submit to Congress a report on the amount of acquisitions made by the Department of the Interior during such fiscal year of articles, materials, or supplies that were manufactured outside the United States. Such report shall separately indicate the dollar value of any articles, materials, or supplies purchased by the Department of the Interior that were manufactured outside the United States, an itemized list of all waivers under the Buy American Act (41 U.S.C. 10a et seq.) that were granted with respect to such articles, materials, or supplies, and a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. The Secretary of the Interior shall make the report publicly available by posting the report on an Internet website.''.

SA 1726. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. . (a) PAYMENT TO THE HARRIET TUBMAN HOME, AUBURN, NEW YORK, AUTHORIZED.—(1) The Secretary of the Interior may, using amounts appropriated or otherwise made available by this title, make a payment to the Harriet Tubman Home in Auburn, New York, in the amount of $11,750.

(2) The amount specified in paragraph (1) is the amount of widow's pension that Harriet Tubman should have received from January 1899 to March 1913 under various laws authorizing pension for the death of her husband, Nelson Davis, a deceased veteran of the Civil War, but did not receive, adjusted for inflation since March 1913.

(b) USE OF AMOUNTS.—The Harriet Tubman Home shall use amounts paid under subsection (a) for the purposes of—

(1) preserving and maintaining the Harriet Tubman Home; and

(2) honoring the memory of Harriet Tubman.

SA 1727. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 23 and 24, insert the following:

SEC. 3___. BUREAU OF LAND MANAGEMENT EMERGENCY FIREFIGHTING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be used to pay 80 percent of the cost to the United States for Bureau of Land Management emergency wildland fire suppression activities that exceed amounts annually appropriated for wildland fire suppression activities (referred to in this section as the "Fund"), consisting of—

(1) such amounts as are appropriated to the Fund under subsection (e);

(2) such amounts as are appropriated but not expended for fire suppression activities, to be transferred to the Fund by the Secretary of the Interior; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—Subject to paragraph (2), upon request by the Secretary of the Interior, the Secretary of the Treasury shall transfer from the Fund to the Secretary of the Interior such amounts as the Secretary of the Interior determines is necessary for wildland fire suppression activities under subsection (a).

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) ACCOUNTING AND REPORTING SYSTEM.—The Secretary of the Interior shall establish an accounting and reporting system for the Fund in accordance with National Fire Plan reporting procedures.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

(1) for fiscal year 2004, $160,000,000 for emergency wildland fire suppression activities carried out by the Bureau of Land Management that exceed amounts annually appropriated for wildland fire suppression activities; and

(2) for each subsequent fiscal year, such amount as is necessary to maintain in the Fund the amount that is equal to 80 percent of the greatest of the amounts incurred by the Secretary of the Interior for emergency fire suppression during any of the 5 preceding fiscal years that exceed amounts annually appropriated for wildland fire suppression activities.

SEC. 3___. FOREST SERVICE EMERGENCY FIREFIGHTING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be used to pay 80 percent of the cost to the United States for Forest Service emergency wildland fire suppression activities that exceed amounts annually appropriated for wildland fire suppression activities (referred to in this section as the "Fund"), consisting of—

(1) such amounts as are appropriated to the Fund under subsection (e);

(2) such amounts as are appropriated but not expended for fire suppression activities, to be transferred to the Fund by the Secretary of Agriculture; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—Subject to paragraph (2), upon request by the Secretary of Agriculture, the Secretary of the Treasury shall transfer from the Fund to the Secretary of Agriculture such amounts as the Secretary of Agriculture determines is necessary for wildland fire suppression activities under subsection (a).

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) ACCOUNTING AND REPORTING SYSTEM.—The Secretary of Agriculture shall establish an accounting and reporting system for the Fund in accordance with National Fire Plan reporting procedures.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund—

(1) for fiscal year 2004, $510,000,000 for emergency wildland fire suppression activities carried out by the Forest Service that exceed amounts annually appropriated for wildland fire suppression activities; and

(2) for each subsequent fiscal year, such amount as is necessary to maintain in the Fund the amount that is equal to 80 percent of the greatest of the amounts incurred by the Secretary of Agriculture for emergency fire suppression during any of the 5 preceding fiscal years that exceed amounts annually appropriated for wildland fire suppression activities.

SA 1728. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 21, after "$60,154,000" insert the following: ", of which $175,000 shall be available for activities to commemorate the Louisiana Purchase at the Jean Lafitte National Historical Park and Preserve in the State of Louisiana".

SA 1729. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 23 and 24 insert the following.

SEC. 3___. EXPANSION OF SLEEPING BEAR DUNES NATIONAL LAKESHORE.

(a) IN GENERAL.—When title to the land described in subsection (b) has vested in the United States in fee simple, the boundary of Sleeping Bear Dunes National Lakeshore is revised to include such land in that park.

(b) LAND DESCRIBED.—The land referred to in subsection (a) consists of approximately 104.45 acres of unimproved lands generally depicted on National Park Service map number 634/80078, entitled "Bayberry Mills, Inc. Crystal River, MI Proposed Expansion Unit to Sleeping Bear Dunes National Lakeshore". The Secretary of the Interior shall keep such map on file and available for public inspection in the appropriate offices of the National Park Service.

(c) PURCHASE OF LANDS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Interior may acquire the land described in subsection (b), only by purchase from a willing seller.

(2) BUDGET REQUEST.—The Secretary of the Interior shall include in the National Park Service budget submitted for fiscal year 2005 a request for funds necessary for the acquisition authorized by this subsection.

(d) LIMITATION ON ACQUISITION BY EXCHANGE OR CONVEYANCE.—The Secretary of the Interior may not acquire any of the land described in subsection (b) through any exchange or conveyance of lands that are within the boundary of the Sleeping Bear Dunes National Lakeshore as of the date of the enactment of this Act.

SA 1730. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, line 21, after "6a(i))" insert the following: ", of which $1,000,000 shall be available to the National Forest Foundation for the Downeast Lakes Forestry Partnership, Maine".

SA 1731. Mr. REID (for himself, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. KENNEDY, Mrs. MURRAY, and Ms. CANTWELL) proposed an amendment to 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; as follows:

On page 137, between lines 23 and 24, insert the following:

SEC. 3___. COMPETITIVE SOURCING STUDIES.

None of the funds made available by this Act shall be used to initiate any competitive sourcing studies after the date of enactment of this Act.

SA 1732. Mr. REID proposed an amendment to 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; as follows:

At the appropriate place, insert the following:

SEC. ___. ACQUISITION OF LAND IN NYE COUNTY, NEVADA.

(a) IN GENERAL.—The Secretary of the Interior may acquire by donation all right, title, and interest in and to the parcel of land (including improvements to the land) described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the parcel of land in Nye County, Nevada—

(1) consisting of not more than 15 acres;

(2) comprising a portion of Tract 37 located north of the center line of Nevada State Highway 374; and

(3) located in the E½NW¼, NW¼NE¼ sec. 22, T. 12 S., R. 46 E., Mount Diablo Base and Meridian.

(c) USE OF LAND.—The parcel of land acquired under subsection (a) shall be used by the Secretary of the Interior for the development, operation, and maintenance of administrative and visitor facilities for Death Valley National Park.

SA 1733. Mr. REID proposed an amendment to 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; as follows:

On page 137, between lines 23 and 24, insert the following:

SEC. 3___. CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA.

Section 705(b) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2015) is amended by striking ''parcels of land'' and all that follows through the period at the end and inserting the following: ''parcel of land identified as 'Tract C' on the map and the approximately 10 acres of land in Clark County, Nevada, described as follows: in the NW¼ SE¼ SW¼ of section 28, T. 20 S., R. 60 E., Mount Diablo Base and Meridian.''.

SA 1734. Mr. DASCHLE proposed an amendment to 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; as follows:

On page 88, beginning on line 17, strike ''$2,546,524,000'' and all that follows through ''*Provided*'' on line 20, and insert the following: ''$2,838,524,000, together with payments received during the fiscal year pursuant to section 231(b) of the Public Health Service Act (42 U.S.C. 238(b)) for services furnished by the Indian Health Service, of which $2,329,414,000 shall be available for clinical services: *Provided*, That section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking 'September 30, 2003' and inserting 'September 30, 2004': *Provided further*''.

SA 1735. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

The limitations on Federal expenditures or financial assistance in section 3504 of title 16 and the limitations on flood insurance coverage in section 4028(a) of title 42 shall not apply to lots 15, 16, 25 and 29 within the Jeremy Cay Subdivision on Edisto Island, South Carolina, and depicted on the map entitled John H. Chafee Coastal Barrier Resources System Edisto Complex M09/M09P and dated January 24, 2003.

SA 1736. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 23 and 24 insert the following:

SEC. 3___. CONGAREE SWAMP NATIONAL MONUMENT BOUNDARY REVISION.

The first section of Public Law 94–545 (90 Stat. 2517; 102 Stat. 2607) is amended—

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

''(c) ACQUISITION OF ADDITIONAL LAND.—

''(1) IN GENERAL.—The Secretary may acquire by donation, by purchase from a willing seller with donated or appropriated funds, by transfer, or by exchange, land or an interest in land described in paragraph (2) for inclusion in the monument.

''(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 4,576 acres of land adjacent to the Monument, as depicted on the map entitled ''Congaree National Park Boundary Map'', numbered 178/80015, and dated August 2003.

''(3) AVAILABILITY OF MAP.—The map referred to in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

''(4) BOUNDARY REVISION.—On acquisition of the land or an interest in land under paragraph (1), the Secretary shall revise the boundary of the monument to reflect the acquisition.

''(5) ADMINISTRATION.—Any land acquired by the Secretary under paragraph (1) shall be administered by the Secretary as part of the monument.

''(6) EFFECT.—Nothing in this section—

''(A) affects the use of private land adjacent to the monument;

''(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the monument; or

''(C) negatively affects the economic development of the areas surrounding the monument.

''(d) ACREAGE LIMITATION.—The total acreage of the monument shall not exceed 26,776 acres.''.

SA 1737. Mr. ENSIGN (for himself, Mr. REID, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 137, between lines 23 and 24, insert the following:

SEC. 3___. LAKE TAHOE RESTORATION PROJECTS.

Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is amended—

(1) in clause (v), by striking ''and'' at the end;

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following:

''(vi) environmental restoration projects under sections 6 and 7 of the Lake Tahoe Restoration Act (114 Stat. 2354) and environmental improvement payments under section 2(g) of Public Law 96–586 (94 Stat. 3382), in an amount equal to the cumulative amounts authorized to be appropriated for such projects under those Acts and in accordance with a revision to the Southern Nevada Public Land Management Act of 1998 Implementation Agreement to implement this section, which shall include a mechanism to ensure appropriate stakeholders from the States of California and Nevada participate in the process to recommend projects for funding; and''.

SA 1738. Mr. MCCONNELL (For Mr. MCCAIN (for himself, Mr. LUGAR, Mr. BIDEN, and Mr. LIEBERMAN)) proposed an amendment to the resolution S. Res. 225, commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria; as follows:

In the ninth whereas clause of the preamble, strike ''2003, Bulgaria was invited to join'' and insert ''2002, Bulgaria was invited to accession talks with''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 17, 2003, at 10 a.m. on digital media—consumer privacy technology mandates.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 17, 2003, at 2:30 p.m. on the nominations of Gwendolyn Brown to be Chief Financial Officer of NASA, Karan Bhatia to be an Assistant Secretary of Transportation, and Charles Snelling to be a member of the Board of Directors of the Metropolitan Washington Airports Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, September 17 at 10:00 a.m. to consider pending calendar business:

Agenda Item 1: The nomination of Suedeen Kelly to be a Member of the Federal Energy Regulatory Commission.

Agenda Item 2: Nomination of Rick Dearborn to be Assistant Secretary for Congressional and Intergovernmental Affairs at the Department of Energy.

Agenda Item 3: S.J. Res. 16—Joint resolution 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 year ending on or before September 30, 2023, and for other purposes.

In addition, the Committee may turn to any other measures that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Wednesday, September 17, 2003, at 10 a.m., to consider a Chairman's Mark entitled, Extension of Highway Trust Fund Provisions, and S. 1548, Volumetric Ethanol Excise Tax Credit Act of 2003 (VEETC) (as modified by the Chairman's Mark); and, a Chairman's Mark entitled, National Employee Saving and Trust Equity Guarantee Act; and H.R. 743, The Social Security Program Protection Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 17, 2003 at 2:30 p.m. to hold a hearing on U.S. Energy Security: West Africa & Latin America.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, September 17, 2003, at 10:00 a.m. for a hearing titled ''U.S. Postal Service: What Can Be Done to Ensure Its Future Viability?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 17, 2003, at 10:00 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 420, a bill to provide for the acknowledgement of the Lumbee Tribe of North Carolina, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 17, 2003, at 10 a.m. in the Dirksen Senate Office building room 226 on ''Judicial Nominations.''

Witness List:

Panel I: Senators.

Panel II: David W. McKeague to United States Circuit Judge for the Sixth Circuit.

Panel III: Margaret Catharine Rogers to be United States District Judge for the Northern District of Florida, Roger W. Titus to be United States District Judge for the District of Maryland; George W. Miller to be Judge for the United States Court of Federal Claims.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, September 17, 2003, at 2 p.m. in the Dirksen Senate Office building room 226 on ''Combating Gang Violence in America: Examining Effective Federal, State and Local Law Enforcement Strategies.''

Witness List:

Panel I: The Honorable Patrick Fitzgerald, United States Attorney, Northern District of Illinois, Chicago, IL; The Honorable Debra W. Yang, United States Attorney, Central District of California, Los Angeles, CA; The Honorable Christopher J. Christie, United States Attorney, District of New Jersey, Newark, NJ; Special Agent Grant Ashley, Assistant Director, FBI, Criminal Investigative Division, Washington, DC.

Panel II: The Honorable Robert P. McCulloch, President, National District Attorney Association, Alexandria, VA; Mr. Wes McBride, President, California Gang Investigators Association, Huntington Beach, CA; The Honorable Eddie J. Jordan, Jr., District Attorney, District of New Orleans, New Orleans, LA.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BURNS. I ask unanimous consent Larissa Sommer and Ron Hooper of my staff be granted floor privileges for the duration of debate on the fiscal year 2004 Interior and Related Agencies Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND BULGARIA

Mr. MCCONNELL. I ask unanimous consent that the Foreign Relations Committee be discharged from further action on S. Res. 225 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 225) commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the amendment to the preamble be agreed to, and the preamble, as amended, be agreed to; further, that the motion to reconsider be laid upon the table and any statements regarding this matter appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1738) was agreed to, as follows:

AMENDMENT NO. 1738

(Purpose: To make a technical correction)

In the ninth whereas clause of the preamble, strike ''2003, Bulgaria was invited to join'' and insert ''2002, Bulgaria was invited to accession talks with''.

The resolution (S. Res. 225) was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 225

Whereas the United States established diplomatic relations with the Republic of Bulgaria on September 19, 1903;

Whereas the United States acknowledges the courage of the Bulgarian people in deciding to pursue a free, democratic, and independent Bulgaria and the steadfast perseverance of the Bulgarian people in building a society based on democratic values, the rule of law, respect for human rights, and a free market economy;

Whereas the Bulgarian people, including Bulgarian civil and religious leaders, bravely protected 50,000 Bulgarian Jews from deportation and extermination during the Holocaust;

Whereas Bulgaria has supported stability in the Balkans by rendering support to Operation Allied Force and Operation Joint Guardian led by the North Atlantic Treaty Organization (NATO), and by providing peacekeeping troops to the Stabilisation Force in Bosnia and Herzegovina and to the Kosovo Force in Kosovo;

Whereas Bulgaria was among the very first countries to denounce terrorism and pledge active support to the United States in the fight against terrorism following the events of September 11, 2001;

Whereas Bulgaria provided overflight and basing rights at the town of Burgas for Operation Enduring Freedom and Bulgaria deployed a military unit to Afghanistan as

part of the International Security Assistance Force;

Whereas Bulgaria has stood firmly by the United States in the cause of advancing freedom worldwide during its tenure as a non-permanent member of the United Nations Security Council;

Whereas Bulgaria met each request of the United States relating to overflight and basing rights as well as transit of United States and coalition forces, and deployed a 500-man infantry battalion as part of a stabilization force in Iraq;

Whereas in November 2002, Bulgaria was invited to accession talks with NATO and has shown determination in enacting the continued reforms necessary to be a productive, contributing member of the Alliance;

Whereas Bulgaria strongly supports the strengthening of trans-Atlantic relations and considers the relations to be a basis for NATO unity and cooperation in countering new threats to global security; and

Whereas in May 2003, the Senate gave its consent with 96 votes to 0 for the ratification of the accession protocols of Bulgaria and 6 other aspirant countries from Central and Eastern Europe to NATO, thereby welcoming their contribution to common trans-Atlantic security: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100 years of diplomatic relations between the United States and Bulgaria;

(2) commends the Republic of Bulgaria for developing increasingly friendly and broadly based relations with the United States, which are now the most favorable in the history of United States-Bulgaria relations;

(3) recognizes Bulgaria's continued contributions towards bringing peace, stability, and prosperity to the region of southeastern Europe, including the contributions of Bulgaria to regional security and democratic stability;

(4) salutes Bulgaria's willing cooperation and increasingly vital role as a valuable ally in the war against international terrorism;

(5) highlights the importance of Bulgaria's active participation in regional initiatives such as the Stability Pact for Southeast Europe, the Southeast Europe Cooperative Initiative, and the Southeast Europe Cooperation Process, and the various projects of those initiatives, which are focused on fighting crime and corruption, increasing trade, improving the investment climate, and generally preparing Bulgaria and Southeast Europe as a whole for eventual membership in the European Union; and

(6) encourages opportunities for greater cooperation between the United States and Bulgaria in the political, military, economic, and cultural spheres.

CELEBRATING THE LIFE AND ACHIEVEMENTS OF LAWRENCE EUGENE "LARRY" DOBY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 235 which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 235) celebrating the life and achievements of Lawrence Eugene "Larry" Doby.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LAUTENBERG. Mr. President, the Senate is poised to pass H. Con. Res. 235, a measure that pays tribute to a legendary American pioneer and a long-time friend of mine, Larry Doby, who died on June 18. I appreciate the willingness of the majority and minority leaders to expedite Senate consideration of this measure, and I applaud the efforts of Congressman BILL PASCRELL of my home State of New Jersey, who introduced it in the House of Representatives.

I first met Larry when we were thirteen or fourteen. We went to school together at Eastside High in my hometown, Paterson, NJ. The first time I saw him, he was running track, doing the broad jump. And he was amazing. We stayed in touch over the many years that have passed since then.

Larry Doby was an exceptional athlete—one of our very best—and an exciting player to watch on the field. But he was much more than that; he was a great man and he was also a good man. He had so much dignity. Though Larry Doby has died, the path he blazed for African-Americans remains.

Few people realize that Larry began his groundbreaking athletic career in 1943—at the age of 18—as the first African-American to play in the American Basketball League for the Paterson Panthers. He then moved on to baseball, playing for the Newark Eagles of the Negro National League. After returning from his service to the Navy for 2 years, Larry hit .414 with 14 home runs in his final season in Newark.

It was on July 5, 1947, just 11 weeks after Jackie Robinson broke the color barrier in major league baseball, that Larry Doby signed a contract with the Cleveland Indians of the American league. He was the first African-American player in the American League. Larry had no intention or desire to become part of history. When Indians owner Bill Veeck predicted to Larry that he would "be part of history," Larry replied, "I had no notions about that. I just wanted to play baseball."

And play baseball he did, and quite well. Larry was an All-Star seven times in his 13-year career. In the 1948 World Series between Cleveland and the Boston Braves, his home run in Game 4 broke a 1–1 tie; Cleveland won 2–1 and went on to win the Series in six games. He hit at least 20 home runs in eight straight seasons and was inducted into the Baseball Hall of Fame in 1998.

Larry became the second African-American manager of a major league team when he took over as skipper of the Chicago White Sox in 1978. He was also the director of community relations for the New Jersey Nets in the late 1970s, encouraging the development of youth programs in urban New Jersey.

Larry was a superb athlete, but things didn't come easy for him. When he joined the Indians, he was harassed by opposing players and fans. He was forced to eat in separate restaurants, to sleep in separate hotels. Some of his own teammates wouldn't even shake his hand. But he pressed on, and we're a better country for it.

At the memorial service for Larry, Newark Star-Ledger sports columnist Jerry Izenberg recalled the day that Larry entered the Hall of Fame in Cooperstown, NY. The two of them paused in front of a large photo snapped immediately after Game 4 of the 1948 World Series—the game Larry won with his home run. The photo showed Larry and winning pitcher Steve Gromek hugging each other. Larry reminisced that the photo appeared on the front pages of a lot of newspapers the next day and said to Jerry, "That was the first time you could see a black and white person embrace on the first page of papers." "At the time," Jerry said, "America needed that picture. And Larry was so proud to have played a part in giving America what it needed."

Larry said it best in a speech he gave after his career had ended. He said, "We can see that baseball helped make this a better country. We hope baseball has given (children) some idea of what it is to live together and how you can get along, whether you are black or white."

By this resolution Congress is showing its appreciation on behalf of all Americans to Larry Doby for his role in breaking down racial barriers in baseball and in America. I'll say here what I said at his memorial service: "When we stand every day for the things we believe in, we'll be standing for Larry Doby." His family will miss him. I will miss him. America will miss him.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 235) was agreed to.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—H.R. 49

Mr. MCCONNELL. Mr. President, I understand that H.R. 49 which was just received from the House is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 49) to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

Mr. MCCONNELL. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR THURSDAY, SEPTEMBER 18, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, September 18. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2691, the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. For the information of all Senators, tomorrow the Senate will resume debate on H.R. 2691, the Interior appropriations bill. As announced by the majority leader, there will be no rollcall votes tomorrow but Senators are encouraged to come to the floor to offer and debate further amendments to this bill. The Senate will not be in session on Friday. Therefore, any votes ordered during tomorrow's session will be stacked to occur on Monday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:32 p.m., adjourned until Thursday, September 18, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 17, 2003:

DEPARTMENT OF STATE

WILLIAM CABANISS, OF ALABAMA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CZECH REPUBLIC.

LOUISE V. OLIVER, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-SECOND SESSION OF THE GENERAL CONFERENCE OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

LOUISE V. OLIVER, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE UNITED STATES PERMANENT REPRESENTATIVE TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

RODERICK R. PAIGE, OF TEXAS, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-SECOND SESSION OF THE GENERAL CONFERENCE OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GERILYN A. POSNER, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

GREGORY S. JOHNSON, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

TIMOTHY C. KELLY, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

PAUL D. HARRELL, 0000
WILLIAM S. LEE, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROBERT E. STONE, 0000
JAMES A GOODBOW, 0000
JAMES M HATCH, 0000
LEE W HELLWIG, 0000
WILLIAM J HOLIMAN JR., 0000
TIMOTHY J JANNING, 0000
JOHN T JOHNS, 0000
MYUNG B KIM, 0000
STEPHEN M LEE, 0000
KARL A M LINDBLAD, 0000
DANIEL E LINK, 0000
DAVID L MCBETH, 0000
CHRISTOPHER MERRIS, 0000
WILLIAM P NEIS, 0000
MUHIYYALDIN M M NOEL JR., 0000
JOHN B OWEN, 0000
CHARLES M PUMPHREY, 0000
RONALD P STAKE, 0000
MARK W TEWS, 0000
RICHARD J VIDRINE, 0000
JAMES E WEST, 0000
MICHAEL D WILLIAMS, 0000
RANDY E WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL S AGABEGI, 0000
MARTIN J ANERINO, 0000
MATTHEW C BYARS, 0000
WILLIE S CHAO, 0000
MATTHEW E COLES, 0000
JERRY M COOK, 0000
DAVID M CRAIG, 0000
MICHAEL J DOHERTY, 0000
SEAN P DONOVAN, 0000
RAYNESE S FIKES, 0000
GRETCHEN S FOLK, 0000
ROBERT B FOLK, 0000
SAMAN R GHARIB, 0000
HEATHER L GNAU, 0000
JULIE A HALL, 0000
STEVEN P HERNANDEZ, 0000
THOMAS B JORDAN, 0000
CARL R KRIEBEL JR., 0000
KWANGMYUNG S LEE, 0000
PAUL I LIM, 0000
FRANK X MAC, 0000
RYAN P MATHERNE, 0000
GARY D MATT, 0000
JAMES B MAZOCK, 0000
IVO A MILLER, 0000
ROBERT D PAVEL, 0000
NICOLE B PRUITT, 0000
CHRISTOPHER O REGISTER, 0000
SHERMA R SAIF, 0000
RAOUL H SANTOS, 0000
AARON P SARATHY, 0000
MARTHA S SCOTTY, 0000
SHAYESTER SHAFIE, 0000
SHEPHERD A SITTASON, 0000
RACHELLE M SMITH, 0000
ROSS E STAUFFER, 0000
NICHOLAS J TOSCANO, 0000
CHARLES C TRUNCALE, 0000
JAMES M TYNECKI, 0000
JENNIFER K WALLACE, 0000
SUSAN M WELLMAN, 0000
BENJAMIN D WESTON, 0000
WALTER H WILLIAMS, 0000
REID J WINKLER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOHN R ANDERSON, 0000
MATTHEW J ANDERSON, 0000
RICHARD D ANDERSON III, 0000
ROBERT J BALLISTER JR., 0000
KEITH R BARKEY, 0000
KEITH W BARTON, 0000
CHRISTOPHER L BRADNER, 0000
CHAD M BROOKS, 0000
DONALD R BRUS, 0000
STEVEN C BUKOSKI, 0000
FRANK C CERVASIO, 0000
SCOTT O CLOYD, 0000
MICHAEL L COE, 0000
THERON C COLBERT, 0000
ANDREW B CRIGLER, 0000
ROLAND V J DEGUZMAN, 0000
MICHAEL P DOYLE, 0000
AHMED FERGUSON, 0000
RALPH H FIELD, 0000
DAVID C GARCIA, 0000
THOMAS M HUNT, 0000
KEVIN K JUNTUNEN, 0000
ERIK J KARLSON, 0000
JEFFREY J KILIAN, 0000
PHILLIP KNAUSS, 0000
AARON E KOTTAS, 0000
CHRISTOPHER J KRUS, 0000
KIRK A LAGERQUIST, 0000
LANCE A LEE, 0000
LEONARD E MARSHALL, 0000
DAVID H MCALISTER, 0000
ROBERT D MCCLELLAN, 0000
PATRICK D MEAGHER, 0000
KEITH W MIERTSCHIN, 0000
JOHN D MILLINOR, 0000
MATTHEW C MOTSKO, 0000
ALBERTO J NIETO, 0000
KEVIN M NORTON, 0000
MICHAEL L OBERMILLER, 0000
DORIAN R PARKER, 0000
TABITHA D PIERZCHALA, 0000
SCOTT P RAYMOND, 0000
WHITLEY H ROBINSON, 0000
MIKHAEL H SER, 0000
JONATHAN B SIEGEL, 0000
WILLIAM A SIEMER, 0000
WILLIAM J SIMPKINS, 0000
WILLIAM A SPRAUER JR., 0000
DEMETRIOUS N TASHEURAS, 0000
RONALD G TERRELL, 0000
MICHAEL A THORNTON, 0000
RYAN M TIBBETTS, 0000
ROD W TRIBBLE, 0000
MATTHEW P TUCKER, 0000
VICTOR V VELASCO, 0000
BRIAN L WEINSTEIN, 0000
NICOLAS D I YAMODIS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ALAN L ADAMS, 0000
PAUL D ALLEN, 0000
BRYAN C BOST, 0000
STEPHEN P BROMBEREK, 0000
KIRK L BUKER, 0000
WALTER S CARR, 0000
MICHAEL D CASSADY, 0000
PAUL R CAUCHON, 0000
KENNETH E CHRISTOPHER, 0000
DOUGLAS H DUMAS, 0000
LISA M FINLAYSON, 0000
DOUGLAS W FLETCHER, 0000
KEITH R GIVENS, 0000
ROBERT C GLINCOSKY, 0000
DEBORAH L GOODWIN, 0000
JOSEPH P GOULARTE, 0000
LOUIS V GUARNO, 0000
JACK T GULBRANSON, 0000
CAROL GUZEWICZ, 0000
LEROY W HARRIS JR., 0000
MARK E HEIM, 0000
JOE D HERRE, 0000
DENISE L HOFFMAN, 0000
WILLIAM D HOLDER, 0000
THOMAS C HUGHES, 0000
KEITH L HUTCHINS JR., 0000
CHRISTINE M JOHANNESEN, 0000
SHANNON J JOHNSON, 0000
MICHAEL S KAVANAUGH, 0000
KEVIN F KELLEY, 0000
JOHN P KENDRICK, 0000
BRADLEY J KILLENBECK, 0000
DAVID J LASH, 0000
MARK G LIEB, 0000
MICHAEL A LOWE, 0000
CHRISTOPHER G LYNCH, 0000
SCOTT A MCKENZIE, 0000
CHERYL E MILLER, 0000
DENISE E MILTON, 0000
STEVEN M MINER, 0000
CHAD A MITCHELL, 0000
JUNG H MOON, 0000
DAVID E NIEVES, 0000
SAMUEL B PALMER, 0000
JOE T PATTERSON III, 0000
JAY J PELOQUIN, 0000
ROBERT D POERSCHMANN, 0000
PAUL W PRUDEN, 0000
DOUGLAS E PUTTHOFF, 0000
CYRUS N RAD, 0000
DANIEL S RATICAN, 0000
SHAWN A RICKLEFS, 0000
VALERIE J RIEGE, 0000
SHARON J ROBERTS, 0000
DEBORAH E ROBINSON, 0000
SCOTT P ROSSI, 0000
THOMAS SCHLATER, 0000
FREDERICK K SCHMIDT, 0000
DAVID L SCHOO, 0000
RANDY M SMARGIASSI, 0000
BENNETT J SOLBERG, 0000
JASON S SPILLMAN, 0000
RAYMOND D STIFF, 0000
WILLIAM A SUGGS III, 0000
MATTHEW J SWIERGOSZ, 0000
EDWARD G VONBERG, 0000
SHANNON P VOSS, 0000
GARY D WEST, 0000
RICHARD L WILHOITE, 0000
ANTHONY S WILLIAMS, 0000

CODY L WILSON, 0000
PETER G WISH, 0000
GEORGES E YOUNES, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAMES D ABBOTT, 0000
PATRICK K AMERSBACH, 0000
DAVID W ANDERSON, 0000
FARIA BELMARES, 0000
MARY L BIEGNER, 0000
KRISTEN M BIRDSONG, 0000
KAREN H BISOGNO, 0000
DALE S BORDNER, 0000
RALPH V BRADEEN, 0000
BARBARA L BREUNINGER, 0000
TRACI L BROOKS, 0000
CARL S BROW III, 0000
ABE J BROWN JR., 0000
MARNIE S BUCHANAN, 0000
CAROL A BURROUGHS, 0000
BRENT A BUSHEY, 0000
VIRGINIA L BUTLER, 0000
GILBERT T CANIESO, 0000
CHRISTINE A CHAMBERS, 0000
ERIK C CLINE, 0000
JOSE A COLON, 0000
PAUL M CORNETT, 0000
JOHN N CRANE, 0000
AMY D CRISCITELLO, 0000
DANIEL J CUELLAR, 0000
GEORGE P CULLEN, 0000
CAROLYN M CURRIE, 0000
WILLIE P DANIELS, 0000
JONATHAN A DEINARD, 0000
STEPHEN W DOLAK, 0000
JIMI M DOTY, 0000
JONATHAN S EDWARDS, 0000
KENDALL J ELLINGTON, 0000
TIMOTHY FLEMING, 0000
JAMES D FOUNTAIN, 0000
CYNTHIA R FRENCH, 0000
ANDREW A GALVIN, 0000
DENISE M GECHAS, 0000
JULIE A GINOZA, 0000
KELLY R HAMON, 0000
PATRICIA C HASEN, 0000
ROBERT J HAWKINS, 0000
VICTORIA L HAYWARD, 0000
MICHELE J HENRY, 0000
KATHLEEN A HINZ, 0000
HEATHER M HOLMES, 0000
RODNEY F HOOVER, JR., 0000
JENNIFER L A HUCK, 0000
DARNELL W HUNT, 0000
CHRISTOPHER M JACK, 0000
CHRISTINA A JAMIESON, 0000
ERIK D JENSEN, 0000
VICKI L JERNIGAN, 0000
MAILE E KALINOWSKI, 0000
JOHN G KEENAN, 0000
APRIL R KING, 0000
TROY L KING, 0000
CHARLES W KLEIN, 0000
MICHAEL S KOHLER, 0000
JOHN R KULAS, 0000
TRACEY L KUNKEL, 0000
SUSAN D LABOY, 0000
LAURIE A LANCA, 0000
ROBERT L LAWRENCE, 0000
EFREM R LAWSON, 0000
LAURA J LEDYARD, 0000
LORI A LEE, 0000
KATRINA M LEEK, 0000
TRACY L LOPEZ, 0000
JULIE A LUNDSTAD, 0000
ANGELA R MACON, 0000
LEANNE A MADER, 0000
SUE A MAHONEY, 0000
DAVID S MARKELL, 0000
JAMES MATHES, 0000
DANIEL F MCKENDRY, 0000
REBECCA A MCKNIGHT, 0000
TIMOTHY B MCMURRY, 0000
XANTHE R MIEDEMA, 0000
LEONORA A MILAN, 0000
DANNIEL A MINES, 0000
RANDY L MOORE, 0000
BARBARA A MULLEN, 0000
JUANITA NEIL, 0000
PAUL F NETZEL, 0000
HEATHER A NEWMAN, 0000
JOSEPH W NEWSOME, 0000
TRISHA J OFSTAD, 0000
MARIO PALLANTE, 0000
ANGELA R A PARYS, 0000
ANDREA C PETROVANIE, 0000
MICHAEL D PORTS, 0000
JAMES E REASOR, 0000
KAREN E REILLY, 0000
CATHERINE E RILEY, 0000
ROBERT S RINEHART, 0000
EDWARD B RITTER, 0000
JILL D ROBBINS, 0000
WILMA J ROBERTS, 0000
ERIN C ROBERTSON, 0000
LISA F ROSE, 0000
DEBRA A RUYLE, 0000
PATRICK J RYAN, 0000
MICHAEL P RYON, 0000
TODD A SAYLOR, 0000
TAMARA K SELLERS, 0000
CHRISTIE A SIERRA, 0000
DANAHE O SIERRA, 0000
DANIEL J SIKKINK, 0000
FRANCES C SLONSKI, 0000
CHRISTOPHER R SMITH, 0000
DENNIS L SPENCE, 0000
KENNETH L SPENCE, 0000
LINDA K SPENCER, 0000
GERALD W SPRINGER II, 0000
ELEANOR P STEWARTGARBRECHT, 0000
DAVID B SURBER, 0000
ELIZABETH M TANNER, 0000
KIMBERLY A TAYLOR, 0000
MARILOU THOMPSON, 0000
VALORIE A TOTH, 0000
EVELYN J TYLER, 0000
LISA M UMPHREY, 0000
JENNIFER R WARD, 0000
SHAREE L WEBB, 0000
TYNAH R WEST, 0000
JACK E WILCOX, 0000
JOSEPH M WILKINSON, 0000
BERNIE WILLIAMSMCGUIRE, 0000
NANCY V WILSONJACKSON, 0000
ANTHONY W WINSTON, 0000
THOMAS E WITHERSPOON, 0000
LENORA J YOUNG, 0000
CHRISTINE M ZOHLEN, 0000
ROBERT W ZURSCHMIT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

TIM K ADAMS, 0000
ROGER S AKINS, 0000
OLADAPO A AKINTONDE, 0000
TODD J ALAN, 0000
SAIRA N ALI, 0000
THERESA M ALLEN, 0000
ANTHONY M AMAIO, 0000
ERIC W ANDERSON, 0000
JARED L ANTEVIL, 0000
GLEN M ARLUK, 0000
JOHN C ARNOLD, 0000
DEAN B ASHER, 0000
ROBERT L ASHLOCK, 0000
JAMES E BABASHAK, 0000
JOHN E BAKER, 0000
JAY M BALAGTAS, 0000
LUKE H BALSAMO, 0000
MICHAEL J BARKER, 0000
GLEN W BARRISFORD, 0000
JOHN T BASSETT, 0000
THOMAS C BAUGH, 0000
ROBERT M BEER, 0000
ERIC E BELIN, 0000
GERARD M BENECKI, 0000
RODD J BENFIELD, 0000
JOHN R BENJAMIN, 0000
AMY B BERRY, 0000
JOHN C BIERY, 0000
MICHAEL C BIONDI, 0000
SEAN D BIRMINGHAM, 0000
WILLIAM V BOBO, 0000
KRISTA A BOCKSTAHLER, 0000
RONDA D BOUWENS, 0000
PAUL C BOWN, 0000
RODNEY D BOYUM, 0000
KELVIN R BRAY, 0000
MARY D BROGA, 0000
RENEE D BROWN, 0000
SHANNON A BROWNE, 0000
MATTHEW M BRUCKEL, 0000
ERIC M BUENVIAJE, 0000
JAMES T BURATTO, 0000
JORGE B CABALLERO, 0000
WAYNE A CARDONI, 0000
ROBERT M CARGILE, 0000
FRANCIS S CARLIN, 0000
MICHAEL R CARR, 0000
KENICHI CARRIGAN, 0000
SHAUN D CARSTAIRS, 0000
JOHN M CECCHINI, 0000
DAVID W CHAMP, 0000
IAN J CHAPEL, 0000
MICHAIL CHARISSIS, 0000
SREEHARI CHERUKURI, 0000
KEVI L CHRISTOPHER, 0000
LILY CHU, 0000
HELEN M CHUN, 0000
STEPHEN E CLARK, 0000
THOMAS H CLARK, 0000
TRISHA L CLARKE, 0000
NANCY M CLAYTON, 0000
DANIEL J COMBS, 0000
CHRISTOPHER B CORNELISSEN, 0000
CHARLES E CRAVEN, 0000
PAUL CROARKIN, 0000
JOHN E CROSS, 0000
STEPHANIE A DABULIS, 0000
ARDRA R DAVIS, 0000
AMADO A DAYLO, 0000
PRY D R DE, 0000
STEVEN M DEFREITAS, 0000
ERNESTO DELATORRE, 0000
GERARD DEMERS, 0000
WILLIAM R DENNIS, 0000
JAMES T DEUEL, 0000
ILLY DOMINITZ, 0000
JOHN W DORUNDA, 0000
JENNIFER C DRISCOLL, 0000
JONATHAN E ECKSTEIN, 0000
CHRISTOPHER I ELLINGSON, 0000
NATHAN R ENOKI, 0000
ALEXIS T A EPPERLY, 0000
JENNIFER M ESPIRITU, 0000
CHRISTOPHER A FAUST, 0000
TIMOTHY J FISHER, 0000
COY A FLOWERS, 0000
KAREN J FOOTE, 0000
GREGORY M FRANCISCO, 0000
JONATHAN B FUGITT, 0000
TAMARA N FULLEREDDINS, 0000
MICHAEL S GALITZ, 0000
MEREDITH I GAMBLIN, 0000
RONNIE L GARCIA, 0000
A B GARDNER, 0000
JESSE R GEIBE, 0000
ANDREW B GENTRY, 0000
BARRY C GENTRY, 0000
LAWRENCE M GIBBONS, 0000
SHANE M GJESDAL, 0000
ROBERTO A GONZALEZ, 0000
MARILEE C GRISWOLD, 0000
STEFAN M GROETSCH, 0000
ROBERT A GUARDIANO, 0000
RAMIRO GUTIERREZ, 0000
DAVID E GWINN, 0000
SCOTT J HABAKUS, 0000
RODNEY S HAGERMAN, 0000
STEVEN R HANLING, 0000
JENNIFER A HANNER, 0000
GREGORY W HANSON, 0000
MARSHAL F HARPE, 0000
BRITT H HATFIELD, 0000
CHRISTOPHER J HEJMANOWSKI, 0000
JOSE HENAO, 0000
PATRICK J HENNESSEY, 0000
CHRISTOPHER M HERZER, 0000
DEIRDRE F HESTER, 0000
RICHARD R HIRASUNA, 0000
STEPHEN D HOAG, 0000
MATTHEW J HOFFMAN, 0000
JOSEPH S HONG, 0000
JODY E HOOPER, 0000
TODD HORTON, 0000
MARK C HUGHES, 0000
BYRON J HUMBLE, 0000
CATHERINE M HURLEY, 0000
AMY P HURSH, 0000
TIPTON D Q HUTCHESON, 0000
REBECCA L HUTFILZ, 0000
HENRY A IRVINE, 0000
ANGELA P JACKSON, 0000
MINAL D JACKSON, 0000
MICHAEL B JACOBS, 0000
CHER A JACOBSEN, 0000
GEOFFREY S JACOBY, 0000
JAMES T JOHNSON, 0000
TARAH L JOHNSON, 0000
CARRIE A JONES, 0000
LISA M JONES, 0000
ROBERT J JUHALA, 0000
STEPHEN S KACZYNSKI, 0000
STEVEN B KAILES, 0000
CHRISTOPHER S KAMMER, 0000
JULIAN P KASSNER, 0000
JAMES W KECK, 0000
LISA M KERNEN, 0000
JENNIFER T KILLIAN, 0000
PETER J KILLIAN, 0000
TYPHANIE A KINDER, 0000
ZACHARY J KITCHEN, 0000
ARNETT KLUGH, 0000
BUDDY G KOZEN, 0000
PAMELA L KRAHL, 0000
LUISA C KROPCHO, 0000
WALTER D KUCABA, 0000
CHRISTOPHER T KUZNIEWSKI, 0000
JAMES D LANDREAU, 0000
CHRISTOPHER R LANG, 0000
BRET J LANGENBERG, 0000
TODD R LAROCK, 0000
KELLY M LATIMER, 0000
MEGAN A LEAPLEY, 0000
DONG H LEE, 0000
ALISON M LEX, 0000
JONATHAN M LIESKE, 0000
JOANNE R LIPELAEZ, 0000
MARK Y LIU, 0000
JOHN W LONGWELL, 0000
DAVID P LOS, 0000
KERI L LUND, 0000
STEVEN M MACKAY, 0000
CRAIG MACLEAN, 0000
CHARLES E MADER, 0000
HEATHER L MANN, 0000
WILLIAM MANN, 0000
CHARLES G MARGUET, 0000
GREGARY D MARHEFKA, 0000
KAREN L MATTHEWS, 0000
MONIQUE A MATUSKOWITZ, 0000
GREGORY N MATWIYOFF, 0000
CHRISTINA A MCADAMS, 0000
SCOTT D MCCLELLAN, 0000
KELLY L MCCOY, 0000
ROBERT N MCLAY, 0000
JILL P MCMULLEN, 0000
ROBERT S MEADOWS, 0000
BRIAN W MECKLENBURG, 0000
FAYE P MEYERS, 0000
CHRISTOPHER E MINETTE, 0000
GEORGE J MITCHELL, 0000
LASHAWNE M MITCHELL, 0000
JOHN J MOLL JR., 0000
MICHAEL J MONSOUR, 0000
WON K MOON, 0000
CRAIG A MORGENSTERN, 0000
KENNETT J MOSES, 0000
GEORGE P NANOS III, 0000
CHRISTOPHER S NASIN, 0000
MARJORIE C NASIN, 0000
JOEL NATIONS, 0000
MICHAEL T NEWMAN, 0000

BRICE R NICHOLSON, 0000
ROBERT J OBRIAN, 0000
NICHOLE M OLEKOSKI, 0000
ODETTE OLIVERAS, 0000
KENDAL R OLVEY, 0000
BRIAN A ONEAL, 0000
ETHEL L ONEAL, 0000
KEVIN P OROURKE, 0000
CHRISTOPHER A ORSELLO, 0000
KIMBERLY T OSHIRAK, 0000
EDWARD S PAK, 0000
THOMAS R PALUSKA, 0000
TRUDI PARKER, 0000
ERIC C PARLETTE, 0000
CHRISTOPHER A PARTRIDGE, 0000
JACQUELYN M PAYKEL, 0000
JONATHAN P PEARL, 0000
TAMMY J PENHOLLOW, 0000
SONJA A PENSON, 0000
JOSEPH L PEREZ, 0000
MARLOW PEREZ, 0000
CHARLES D PETERS JR., 0000
CARL E PETERSEN, 0000
SHAUN N PETERSON, 0000
JASON J PORTER, 0000
LAWRENCE H POTTER, 0000
CHARLES POWELL, 0000
GREGORY PRICE, 0000
MATTHEW T PROVENCHER, 0000
TERRANCE L PYLES, 0000
TIMOTHY M QUAST, 0000
SCOTT B RADER, 0000
ANDREA T RAHN, 0000
CLAYTON M RAMSUE, 0000
MARK J RAYBECK, 0000
CHARLES W RENINGER, 0000
DELORES Y RHODES, 0000
BRIAN R RILEY, 0000
DEMETRIUS P RIZOS, 0000
JOEL C ROBINSON, 0000
MATTHEW T ROBINSON, 0000
ANDREW L ROMANO, 0000
CHRISTINE ROMASCAN, 0000
STEVEN C ROMERO, 0000
MICHAEL T ROTHERMICH, 0000
RICHARD W RUPP, 0000
FARZANEH SABI, 0000
NICOLE P SAFINA, 0000
ALICIA R SANDERSON, 0000
JAMEY A SARVIS, 0000
ANTHONY SCHERSCHEL, 0000
LYNNETT L SCHINDLER, 0000
GERALD N SCHMUKER, 0000
DAVID T SCHRODER, 0000
ERICA G SCHWARTZ, 0000
ENRIQUE A SERRANO, 0000
MICHAEL SEXTON, 0000
MARK E SHELLY, 0000
WILLIAM H SHIH, 0000
MARSHALL S SHOOK, 0000
KATERINA R SHVARTSMAN, 0000
BRETT H SIEGFRIED, 0000
ESAN O SIMON, 0000
LESLIE V SIMON, 0000
JOHN W SISSON, 0000
SEAN C SKELTON, 0000
KELLY I SLATER, 0000
JOSEPH A SLIMAN, 0000
ELIZABETH J SMALL, 0000
THOMAS R SMARZ, 0000
CLAYTON M SMILEY, 0000
SILAS W SMITH, 0000
BRYAN M SPALDING, 0000
J W SPARKS, 0000
AGNES M STACIA, 0000
CHRISTOPHER M STAFFORD, 0000
WALTER A STEIGLEMAN, 0000
STEFANIE L STEVENSON, 0000
DOUGLAS W STORM, 0000
WILLIAM H STURGILL III, 0000
BRIAN M SULLIVAN, 0000
SEAN A SWIATKOWSKI, 0000
DENNIS C SZURKUS, 0000
ROBERT K TAKESUYE, 0000
CYNTHIA L TALBOT, 0000
JEFF J TAVASSOLI, 0000
BRIAN J TAYLOR, 0000
KRISTEN A TERRILL, 0000
KEITH E THOMPSON, 0000
KYLE A TOKARZ, 0000
JOHN D TRASK, 0000
CATHERINE TSAI, 0000
ANTHONY TUCKER, 0000
LUIS M TUMIALAN, 0000
JOHN VANSLYKE, 0000
CARLOS VILLAVINCENCIO, 0000
KRISTINA M VOGEL, 0000
EDWARD S VOKOUN, 0000
KARINA VOLODKA, 0000
ANNIE L WADE, 0000
PAUL F WARE, 0000
ERICH F WEDAM, 0000
JEFFREY P WEIGLE, 0000
DAVID R WHIDDON, 0000
ANDREW A WHITE, 0000
JENNIFER B WILKES, 0000
CARLOS D WILLIAMS, 0000
MICHAEL E WILLIAMS, 0000
JOHN WILLIAMSON, 0000
GORDON G WISBACH, 0000
PATRICIA H WOODEN, 0000
KRISTEN D YAKUBISIN, 0000
HOWARD M YANG, 0000
TINGWEI YANG, 0000
JI H YOO, 0000
DAVID N YUE, 0000
ELIZABETH A ZAPP, 0000
TIMOTHY P ZINKUS, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate September 17, 2003:

THE JUDICIARY

SANDRA J. FEUERSTEIN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

RICHARD J. HOLWELL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

STEPHEN C. ROBINSON, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

P. KEVIN CASTEL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

R. DAVID PROCTOR, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. UDALL of Colorado. Mr. Speaker, because of a family medical emergency that required me to remain in Colorado last week, I was unable to participate in a number of recorded votes. Had I been present for those votes, I would have voted as follows:

H.R. 2989, Transportation, Treasury, and Independent Agencies Appropriations: Rollcall No. 481, Hefley amendment—I would have voted "no." Rollcall No. 482, Sessions amendment—I would have voted "no." Rollcall No. 483, Flake amendment—I would have voted "yes." Rollcall No. 484, Delahunt amendment—I would have voted "yes." Rollcall No. 485, Sanders amendment—I would have voted "yes." Rollcall No. 486, Hastings of Florida amendment—I would have voted "yes." Rollcall No. 487, Van Hollen amendment—I would have voted "yes." Rollcall No. 488, Davis of Florida amendment—I would have voted "yes." Rollcall No. 489—passage of the bill—I would have voted "yes."

H.R. 2765, District of Columbia Appropriations: Rolrcall No. 490—Davis of Virginia amendment (2nd vote)—I would have voted "no." Rollcall No. 491—passage of the bill—I would have voted "no."

H. Res. 359: welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy: Rollcall No. 492—passage of the resolution—I would have voted "yes."

Motion to Instruct Conferees on H.R. 1308: Rollcall No. 493—motion to instruct conferees on H.R. 1308—I would have voted "yes."

Motion to instruct conferees on H.R. 2555, Department of Homeland Security appropriations: Rollcall No. 494—on the motion to instruct—I would have voted "yes."

H.R. 2622, Fair and Accurate Credit Transactions Act: Rollcall No. 495, Sanders amendment—I would have voted "yes." Rollcall No. 496, Kanjorski amendment—I would have voted "yes." Rollcall No. 497, Frank amendment—I would have voted "yes." Rollcall No. 498, Ney amendment—I would have voted "no." Rollcall No. 499, passage of H.R. 2622—I would have voted "yes."

Motion to Instruct Conferees on H.R. 1588, Defense Authorization Bill: Rollcall No. 500, motion to instruct conferees—I would have voted "yes."

Motion to Instruct Conferees on H.R. 1308, Tax Legislation: Rollcall No. 501, motion to instruct conferees—I would have voted "yes."

Motion to Instruct Conferees on H.R. 1, Medicare Prescription Drug Benefits: Rollcall No. 502, motion to instruct conferees—I would have voted "yes."

HONORING THE MEMORY OF THE HON. CARLISLE MCCLURE, JR.

HON. JO BONNER
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. BONNER. Mr. Speaker, the other day I lost a dear friend, Carlisle McClure, Jr., and I rise today to honor him and pay tribute to his memory.

Elected to the Monroe County Commission at a young age, Carlisle dedicated his entire adult life to the betterment of his home county and to the great state of Alabama. As you can imagine, I was deeply saddened to learn that Carlisle passed away on Wednesday, August 27, after battling a long illness. Not only did I lose someone I considered to be a good friend but even more importantly, his friends, family and fellow citizens have lost an individual who, during the course of his life, made countless contributions for the betterment of his district and for all of Monroe County.

Mr. Speaker, Carlisle McClure was the very essence of a true public servant. He faithfully—and unselfishly—served the people of Monroe County during some of the county's most difficult times, economically speaking. He was always at work—tirelessly, I might add—with other local and state officials in trying to attract new industry to south Alabama, and he always had an eye to the future in an attempt to improve the vital infrastructure of the county.

Perhaps most importantly, however, Carlisle was deeply concerned for the personal well-being of his fellow Monroe Countians. A devoted and active member of Monroeville's First United Methodist Church, Carlisle sought to extend help and support to his fellow man which often cannot be provided by any government office or public agency. He had a heart as big as the state of Texas and a deep concern and compassion for his fellow man.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated public servant and long-time advocate for Monroe County, Alabama. Carlisle will be deeply missed by his family—his father, Howard Carlisle McClure, Sr., his daughter, Mary Michael McClure and his sister, Nancy Harrell—as well as the many friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

NO TAX $'S FOR UN GUN LAWS

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. PAUL. Mr. Speaker, I rise to introduce the Right to Keep and Bear Arms Act. This legislation prohibits U.S. taxpayer dollars from being used to support or promote any United Nations actions that could in any way infringe on the Second Amendment. The Right to Keep and Bear Arms Act also expresses the sense of Congress that proposals to tax, or otherwise limit, the right to keep and bear arms are "reprehensible and deserving of condemnation."

Over the past decade, the UN has waged a campaign to undermine the right to keep and bear arms, which is protected by the Second Amendment of the US Constitution. UN Secretary-General Kofi Annan has called on members of the Security Council to "tackle" the proliferation and "easy availability" of small arms and light weapons. Just this June, the UN tried to "tackle" gun rights by sponsoring a "Week of Action Against Small Arms." Of course, by small arms, the UN really means all privately owned firearms.

Secretary Annan is not the only globalist calling for international controls on firearms. For example, some world leaders, including French President Jacques Chirac, have called for a global tax on firearms. Meanwhile, the UN Security Council's "Report of the Group of Governmental Experts on Small Arms" calls for a comprehensive program of worldwide gun control and praises the restrictive gun policies of Red China and France!

Contrary to the UN propaganda, the right to keep and bear arms is a fundamental right and, according to the drafters of the Constitution, the guardian of every other right. Scholar John Lott has shown that respecting the right to keep and bear arms is one of the best ways governments can reduce crime. Conversely, areas where the government imposes gun control have higher crime rates. Thus, far from making people safer, gun control endangers innocent people by increasing the odds that they will be victimized!

Gun control also increases the odds that people will lose their lives and liberties to power-hungry government officials. Tyrannical governments throughout the world kill approximately 2,000,000 people annually. Many of these victims of tyranny were first disarmed by their governments. If the UN is successful in implementing a global regime of gun control, then more innocent lives will be lost to public (and private) criminals.

I would remind my colleagues that policies prohibiting the private ownership of firearms were strongly supported by tyrants such as Adolph Hitler, Joseph Stalin, and Mao Tse-Tong.

Mr. Speaker, global gun control is a recipe for global tyranny and a threat to the safety of all law-abiding persons. I therefore hope all my colleagues will help protect the fundamental human right to keep and bear arms by cosponsoring the Right to Keep and Bear Arms Act.

● 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.

IN SPECIAL RECOGNITION OF ALEX MACHASKEE IN CELEBRATION OF HIS AWARD OF INTERNATIONAL BUSINESS EXECUTIVE OF THE YEAR

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. GILLMOR. Mr. Speaker, I rise today to pay a very special tribute to one of Ohio's leading business executives, Mr. Alex Machaskee. Alex Machaskee is the president and publisher of The Plain Dealer, Ohio's largest newspaper. On Thursday September 18, 2003, Alex Machaskee will be honored by the World Trade Center of Cleveland as the International Business Executive of the Year.

Mr. Machaskee's extensive career of forty-three years with The Plain Dealer includes thirteen as publisher. In addition to his many business achievements, Northeastern Ohio is proud of Alex Machaskee's civic involvement. His work on the Board of United Way Services, the Musical Arts Association, the International Children's Games, and Crime Stoppers of Cuyahoga County, Inc., are merely a few of his numerous civic activities.

Alex Machaskee embodies the very spirit of American workmanship through his dedication and service. His commitment to the community combined with his devotion to The Plain Dealer merit the award as International Business Executive of the Year.

Mr. Speaker, we are a nation built upon the ideals of capitalism and the embracing of freedom of speech. Mr. Machaskee advances that which binds us together as one great nation. It has often been said that America succeeds due to the remarkable accomplishments and contributions of her citizens. It is evident that Alex Machaskee has given freely of his time and energy to assist in the promotion of his community.

Mr. Speaker, at this time, I would urge my colleagues to stand and join me in paying special tribute to Mr. Alex Machaskee. On the occasion of being named the International Business Executive of the Year, we congratulate him for his service and wish him the best in all his future endeavors.

HONORING WELLINGTON E. WEBB

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the important public service accomplishments and leadership of the man who was Denver's mayor from 1991 until 2003, the Honorable Wellington E. Webb.

As many of our colleagues already know, Wellington Webb not only served the people of Denver and the State of Colorado with great distinction, he is also recognized as a leader of national stature. As Denver's first African-American mayor, Wellington Webb's leadership stirred hope to minorities across the nation, and gave proof and promise to the late Dr. Martin Luther King's plea for a time when people might be "judged, not by the color of their skin, but the content of their character."

Wellington Webb began public service in the Colorado General Assembly and in the cabinet of Governor Richard Lamm, where he served with distinction. He was a regional administrator for the Carter Administration and a senior campaign official in President Carter's reelection campaign. I hesitate to draw out the long list of his various public offices and awards because such a list does little to convey the depth of his record, or the weight of his contributions to the City and County of Denver, to the State of Colorado and to the United States of America. Suffice it to say that he and his wife, Wilma, were both drawn to public service from an early age and together, they have amassed an amazing amount of personal experience in local, state and federal public service.

Collectively and as individuals, Wellington and Wilma Webb have contributed a great deal to enhance the discourse that has shaped the last thirty years of politics in Colorado. They are both respected leaders, and as the Chair of the National Conference of Mayors, Wellington was particularly forceful in bringing needed attention to the issues that face America's urban centers. Although he has retired from the politics of city hall in Denver, Wellington has not retired from public service, and I believe the Bush Administration and Congress would do well to seek his advice on the myriad of issues that urban America faces in the aftermath of 9/11.

It has been said that the most effective political leaders are those who know how to combine the talents of listening well, inspiring followers and earning the respect, if not fear, of their adversaries. By these measures, Wellington Webb is an extraordinarily effective leader. Even those who were not supporters of Wellington Webb—and that number shrank to fewer and fewer as time went on and his record grew, would readily admit that he is a man who earns respect.

While I have had only a few opportunities to interact with Wellington Webb in my capacity as a Member of Congress, I learned from every one of our conversations. I admire the courage and perseverance he has shown on so many issues, talking bluntly but with wisdom on many topics, and with a sense of humor that cuts through the nonsense that so often characterizes political debate in our time. My sense is that Wellington Webb never suffered fools, but was not unkind either. I imagine he is uncomfortable with the tributes and accolades that are coming his way in the aftermath of his three terms as mayor, but I hope he will understand that these are important milestones that can inspire a whole new generation of young leaders.

I ask my colleagues in the Congress to not only join me in honoring the extraordinary public service of Wellington E. Webb, but also to join me in expressing the hope that he may find other ways to continue to serve our country.

FIRST ANNUAL CONGRESSIONAL CONFERENCE ON CIVIC EDUCATION

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. KILDEE. Mr. Speaker, the problem of civic illiteracy and the ever-diminishing level of public engagement in our representative form of government must be confronted.

I am pleased to report that a new national project, Representative Democracy in America: Voices of the People, funded by the U.S. Department of Education, was created by an Act of Congress to tackle this problem. The project is directed by the Alliance for Representative Democracy, a collaboration of three fine organizations: the Center for Civic Education, The Center on Congress at Indiana University, and the National Conference of State Legislatures.

The Alliance is holding an important conference here in Washington, D.C., from September 20 to 22. The joint bipartisan leadership of the U.S. Congress is serving as the honorary hosts for the conference.

The Conference will bring together key decision-makers on education policy from every state and representatives of professional and civic education organizations. Their common goal will be to create an initiative to encourage our schools to undertake the civic mission of preparing students for effective citizenship. The conference will encourage the establishment of state delegation working groups to improve the status of civic education in their state. I am pleased to note that Linda Start, who is the Executive Director of the Center for Civic Education Through Law, will be the state facilitator for the Michigan delegation.

Student achievement levels in civics simply must improve. I know we all share the hope that out of this conference will come a renewed commitment to make that happen.

REMEMBERING AND HONORING THE MARCH ON WASHINGTON OF AUGUST 18, 2003

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to honor the 40th Anniversary of the March on Washington when over 250,000 Americans convened near the steps of the Lincoln Memorial, brought together by a common cause—achieving equality for all Americans.

On that hot summer day in 1963, Americans arrived in Washington, D.C. to express a dire need for action against the dismal conditions of life for so many of our Nation's African-American citizens. Choosing to respond non-violently to injustices committed against them, the marchers rose above hate, calling for peace and justice with a clear voice that demanded change.

I rise today in support of H. Res. 352, honoring the March on Washington as one of the largest civil rights demonstrations in United States history. It is important that we recognize the monumental importance of this event and its significance in the ongoing struggle for civil rights and equal rights for all Americans. We should also commemorate the courageous and inspiring men and woman who organized and participated in the March and dedicated themselves to the pursuit of equality and justice.

We are a great nation of diverse backgrounds, drawn together by shared values and a common dedication to the cause of freedom,

both at home and abroad. We, as a people, cherish our freedom and should honor those who have helped secure for us, and for those who will follow us, the freedom to pursue opportunity, the freedom to challenge inequality, and the freedom to actively and peacefully participate in the political process.

Let the actions and poignant words of Dr. King serve as an example to us as well as the generations to come, that it is possible to dream and, through persistence and dedication, to realize those dreams. But let us not only commemorate these words, but continue to work to make Dr. King's dream a reality.

As we commemorate the 40th Anniversary of the March on Washington, let us remember the struggles of those who came before us, and in so doing, help fully realize their dream so that one day our children will truly "live in a nation where they will not be judged by the color of their skin but by the content of their character."

CLARIFICATION OF SCOPE AND CONCLUSIONS OF PROFESSOR GUSTON'S STUDY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. HOLT. Mr. Speaker, on May 7 of this year, the House debated and passed an important piece of legislation, the Nanotechnology Research and Development Act of 2003 (H.R. 766). During debate of this bill, it became clear that there was a misunderstanding regarding the conclusions of a scholarly study conducted at Rutgers University. The author of that study, which was cited during the debate, has written to me with the request that he be able to clear up the confusion.

I am enclosing for the record the attached letter from David Guston, Associate Professor and Director of the Public Policy Program at Rutgers. Professor Guston's letter clarifies the scope and conclusions of his study, and will help us move forward on issues related to nanotechnology in an informed and thoughtful way in the future.

RUTGERS, EDWARD J. BLOUSTEIN SCHOOL OF PLANNING AND PUBLIC POLICY, PUBLIC POLICY PROGRAM,
New Brunswick, NJ, September 17, 2003.

Hon. RUSH HOLT,
Longworth House Office Bldg.,
Washington, DC.

DEAR REPRESENTATIVE HOLT: I write regarding the debate on the House floor on 7 May on the Nanotechnology Research and Development Act of 2003 (H.R. 766).

It has come to my attention that, in responding to Representative Johnson's proposed amendment to the bill to provide for regularly occuring consensus conferences or citizens' panels, Representative Burgess cited (at CR H3727) "[a] scholarly review of the Danish-type citizens' panel process convened to study telecommunications and democracy [that] judged the process to be ineffective."

In later remarks on the amendment, Chairman Boehlert referred to the same "scholarly study," saying that he was told the study "concluded that not even those engaged in organizing the US citizens' panel thought it had any impact." Chairman Boehlert then quoted from the study the following passage (at CR H3727–28): "The single greatest area of consensus among the respondents was that the Citizens' Panel on Telecommunications and the Future of Democracy had no actual impact. No respondent, not even those government members of the steering committee or expert cohort, identified any actual impact."

I am the author of the study in question (which can be found in pre-published form at http://policy.rutgers.edu/papers/ and via http://www.loka.org/pages/panel/htm and in peer-reviewed, published from in Science, Technology, & Human Values 24(4):451–82). I believe that these comments indicate real confusion about my findings. I am therefore writing to correct the record and to ensure that no misunderstanding about my study damages efforts to provide public input into the future of nanotechnology R&D.

There are three important aspects of my study on the Citizens' Panel on Telecommunications and the Future of Democracy of which you should be aware.

First, the study concludes that the citizens' panel had no actual impact on policy decisions because, in large part, it was not designed to. The sentence from the study immediately following the one Chairman Boehlert quotes reads: "A primary reason for this lack of impact is that having one was not a primary goal of the citizens' panel." The organizers of the panel designed it as a proof-of-concept, and they were more interested in understanding how to implement such a panel and in seeing how the experts and lay-citizens would interact than they were in having an actual impact on policy. Although conducting citizens' panels is not quite rocket science, questioning their effectiveness by claiming that this panel did not have an actual impact is like blaming the Gemini program for not going to the Moon: Its designers did not intend it to do so.

Second, my study distinguishes between what I call "actual impact," defined as "a concrete consequence to any authoritative public decision," and three other impacts: (1) those on the "general thinking" about a problem; (2) those on the "training of knowledgeable personnel"; and (3) those that result in an "interaction with lay-knowledge." I develop these other measures to evaluate the impact of citizens' panels for two reasons: (1) because—just as with more traditional research—the education of participants is a primary output of citizens' panels; and (2) because even very formal, expert studies such as those conducted by the National Academy of Sciences or by national commissions often fail to have an "actual impact." The comments made in the floor debate by members of both parties emphasize that scientists and lay-citizens need to learn from each other about nanotechnology, and my study finds that such learning can indeed occur in citizens' panels. To question the effectiveness of citizens' panels by pointing to no "actual impact" of this pilot panel misses the study's finding of "tantalizing evidence that many kinds of impacts can be achieved."

Third—and most importantly—rather than undermining the possibility of providing public input into technical decisions, my research concludes that citizens panels are real opportunities for productive interaction between experts and lay-citizens. My research concludes that future citizens' panels would need better "connection to non-participants" and "higher profile institutional partners" in order to achieve their potential. If citizens' panels were authorized by H.R. 766 and conducted by NSF and its partner agencies, then they would indeed have the institutional support my research indicates they require to succeed.

I hope that the record can be corrected to indicate that my research provides evidence and analysis to support the productive use of citizens' panels under the conditions that H.R. 766 envisions them, rather than providing evidence against their effectiveness.

Please let me know if I may be of any assistance on such matters in the future, and I thank you for your work on H.R. 766 and for your attention here.

Sincerely,

DAVID H. GUSTON,
Associate Professor and Director.

COMMEMORATING THE 12TH ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF ARMENIA

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. CANTOR. Mr. Speaker, I rise today to commemorate the 12th anniversary of Armenia's independence from the Soviet Union. For many years, and on many fronts, the people of Armenia have been challenged; for their land, for their distinct heritage and culture and have endured the most atrocious of events, genocide.

On September 21, 1991, after the fall of the Soviet Union, a lifelong dream of many Armenians was finally within sight. The country achieved its independence after an astounding 94 percent of its voters turned out in support of Armenia's sovereignty. We would like to join with the Republic of Armenia in celebrating its 12th anniversary of independence and welcome the growing ties between our two countries.

Since 1991, relations between our two nations have been prosperous. Our common struggle against communism reflects the shared values between Armenians and Americans alike. We have also developed strong economic relations; the addition of Armenia to the World Trade Organization earlier this year demonstrates its commitment to free enterprise and lower barriers to trade. Armenia has also been a strong advocate of sustained stability in the Transcaucas region; it has made significant contributions to the Organization for Security and Cooperation in Europe's peace process for Nagorno-Karabagh.

Lastly, I would like to wish Armenians across the globe well on the day of their independence. I believe that with the continuing support of the United States, Armenia will prosper and continue to be a loyal friend to our country.

INTRODUCTION OF THE FREEDOM TO ESTABLISH STATE HIGH AIR QUALITY ACT OF 2003

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the "Freedom to Establish State High Air Quality (FrESH AIR Quality)" Act. I'm pleased that my colleague from Connecticut, Representative CHRIS SHAYS, is joining me as an original cosponsor of the bill.

This bill is designed to preserve the ability of States, Indian tribes, municipalities, and air

pollution control agencies to protect the public health and the environment. Specifically, it would give them discretion as to whether or not to implement the EPA's August 27, 2003 new source review revisions.

There is no question that our Nation's environmental laws have improved the health, safety and environmental quality of communities across the country. These laws have served us well. Of course, there is always room for improvement, and I am committed to working collaboratively to make sure our environmental laws not only work effectively to bring about environmental and health and safety improvements, but also allow our economy to prosper.

Environmental protection and economic prosperity are not mutually exclusive—in fact, they go hand-in-hand.

However, I'm concerned that the EPA's August revisions tip the balance, and do so in a way that puts the quality of our air at unacceptable risk.

The Clean Air Act allowed for routine maintenance of old, dirty electrical plants and other facilities, while requiring that more extensive changes in these plants would require installation of modern anti-pollution technology. This compromise was intended to allow a smooth transition, not to persist forever. The so-called new source review regulations were designed to draw a line between routine maintenance and the kind of changes that would require the installation of this newer anti-pollution technology.

Some revisions to these regulations might be appropriate. However, the revisions finalized in August, in my opinion, are out of balance. They would allow continued emission of airborne contaminants for many years after such pollution should have become history.

Millions of Americans, including the elderly and young children who are most vulnerable to air pollution, live close to the nearly 17,000 industrial facilities that would be shielded by this radical change in policy. But there would be no incentive for the owners of these facilities to make the investment needed to reduce or prevent continued emission of harmful airborne contaminants.

This is an abdication of the Federal Government's responsibility. But this new policy goes even further. It requires all States to adopt these new regulations in total.

In other words, the new rules would take away the States' legal ability under the Clean Air Act to develop programs that are more protective of health, safety and the environment than required by Federal regulations. This flies in the face of the Clean Air Act and of the principle of State flexibility. Instead of a regulatory "floor" which ensures some minimum level of protection for public health and the environment, these new regulations would create a floor, a ceiling and walls that would hem in every State, every Indian tribe, and every air pollution control agency.

My bill would tear down that structure. It would allow State, tribal, and local officials to decide whether to adopt these new EPA regulations as a "floor," or instead to maintain their current clean air programs—and it reestablishes the principle that these entities can go further to establish more stringent requirements to protect the health and safety of their citizens. They have this option right now under the Clean Air Act, and they should continue to have that flexibility, without fear of Federal punishment or discouragement. It would be their choice.

Mr. Speaker, I believe that we must continue to make progress in improving our air quality, and we should continue to do so through partnerships between the Federal agencies, the States and Indian tribes. The new EPA rules would undermine those partnerships. My bill would preserve them and allow the Federal Government's partners to do all that they can to protect the public and the environment.

For the benefit of my colleagues, I am attaching a section-by-section digest of the bill.

THE FREEDOM TO ESTABLISH STATE HIGH AIR QUALITY ACT (FrESH AIR QUALITY ACT) SECTION-BY-SECTION

SECTION 1. SHORT TITLE

The bill is cited as the Freedom to Establish State High Air Quality (FrESH AIR Quality) Act.

SECTION 2. FINDINGS AND PURPOSE

The bill includes findings related to the August 27 new source review revisions, and states the bill's purpose: "The purpose of this Act is to preserve the ability of States, Indian tribes, municipalities, and air pollution control agencies to protect the public health and the environment by affording them discretion as to whether or not to implement the new source review revisions finalized by the EPA on August 27, 2003."

SECTION 3. PRESERVATION OF STATE AND TRIBAL AUTHORITY

The bill includes the following prohibitions:

(1) No State, Indian tribe, municipality, or air pollution control agency is required to implement or have implemented EPA's new source review revisions.

(2) No revision of a Federal implementation plan pursuant to the new revisions can take effect until the affected State, Indian tribe, municipality, or air pollution control agency notifies the EPA that it agrees to this revision.

(3) If a State, Indian tribe, municipality, or air pollution control agency does not implement the August 27 new source revisions or does not consent to revision of a Federal implementation plan pursuant to the new revisions, it is not subject to sanctions, to the revocation of an approved State implementation plan under the Clean Air Act, or to the imposition of a new or revised Federal implementation plan.

CONGRATULATIONS TO MISS CATHERINE CROSBY, MISS ALABAMA 2004

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. BONNER. Mr. Speaker, this weekend, in Atlantic City, New Jersey, a young lady from my congressional district, Miss Catherine Crosby, will represent Alabama in the 2004 Miss America Pageant.

A native of Brewton, Catherine is the daughter of Larry and Ann Crosby. A 1998 graduate of T.R. Miller High School, she subsequently received her Bachelor of Arts degree in History from Auburn University in 2002.

Catherine was crowned Miss Alabama on the campus of Samford University in Birmingham, on June 14, 2003, following a week of preliminary competitions. The fifty pageant participants competed in four areas of competition: interview, in which she received first place honors; swimsuit; evening wear; and talent. As Miss Alabama, Catherine regularly receives State and national recognition and was awarded an $11,000 scholarship.

Prior to traveling to Atlantic City, Catherine stopped by my office and visited with the other Members of the Alabama Delegation as well. She is as charming and talented as she is beautiful, and I could not help but be impressed with what she has chosen as her pageant platform, "First Vote: America's Freedom to Choose."

This message teaches young people about the importance of voting and works to instill in them the responsibilities and obligations of being good citizens.

Mr. Speaker, Catherine's message could not come at a better time. I trust her words will help open the eyes of many young Americans about the right and privilege of voting . . . one of the many freedoms that, unfortunately, we all-too-often take for granted in this great country.

On behalf of an entire State that will be rooting her on and wishing her well, I salute Miss Alabama Catherine Crosby. I know she will make our entire State—and Nation—proud this Saturday night, and I predict we will be hearing much more from this wonderful young lady in the months and years to come.

CONGRATULATIONS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. PAUL. Mr. Speaker, I rise to honor John and Geraldine Dettling, a couple with longstanding roots in the 14th congressional district of Texas. Mr. and Mrs. Dettling recently celebrated 60 years of marriage, an incredible milestone that deserves recognition and great respect. The longevity of their marriage serves as an inspiration for all couples today.

John Dettling and Geraldine Wendel met in south Texas more than 6 decades ago. They married in El Campo, Texas in 1943, on the eve of World War II. Less than 1 year later, John left for Europe as a soldier. Like many couples of the era, the war separated the young newlyweds for some time. Happily, John returned from the war safe and sound and they began a long life together. The couple built a home in Wharton, Texas, where they still live today.

Over the years the Dettlings were blessed with 6 children, along with (so far) 11 grandchildren and 6 great-grandchildren. John worked as a barber for 30 years, and then worked as a security guard for 6 years. Throughout the decades Geraldine worked hard at home raising the children; when they were older she embarked on a nursing career. Both enjoy retirement today.

I'm happy to report that the Dettlings' momentous 60th anniversary did not go unnoticed. They renewed their vows at Holy Family Catholic Church in Wharton. Afterward, an anniversary reception was held for the couple at the Wharton County Historical Museum, where they celebrated with family and 200 well-wishers.

Mr. Speaker, in today's transient world the Dettlings stand out as a couple who maintained both their marriage and their local roots

for decades. It's my privilege to honor them in the House of Representatives today.

A SPECIAL TRIBUTE TO THE PAULDING COUNTRY CARNEGIE LIBRARY ON THE CELEBRATION OF ITS OHIO BICENTENNIAL HISTORICAL MARKER

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. GILLMOR. Mr. Speaker, it is my distinct privilege to stand before my colleagues in the House to pay tribute to a special library from Ohio's Fifth Congressional District. Tomorrow, Thursday, September 18, 2003, the Paulding County Carnegie Library celebrates an important event—the dedication of its Ohio Bicentennial Historical Marker.

Mr. Speaker, the Paulding County Carnegie Library is one of a number of distinguished libraries in Northwest Ohio. The library was created in 1893 and housed within various homes and stores of the great community of Paulding County, Ohio. It earned its celebrated distinction when, in 1913, the Carnegie Foundation funded the creation of what remains today as the first county library in the United States funded by Andrew Carnegie.

We, in Ohio's Fifth Congressional District, are blessed to have such endowed institutes of learning as the Paulding County Carnegie Library. Open for scholarship on March 3, 1916, the library continues to provide the community with the resources to succeed. The generous gifts of the Carnegie Foundation, funding the creation of 1,945 libraries across America, have contributed to the growth and quality of the American educational system.

As a Member of Congress, I have been fortunate enough to visit Paulding County several times. With the Carnegie library promoting excellence in education, Paulding County, Ohio remains a truly blessed community.

Mr. Speaker, the ingenuity of the American mind and the resolve to enhance our society are embodied in such public works as Paulding County's library. As we celebrate the dedication of the Paulding County Carnegie Library Ohio Bicentennial Historical Marker, I would urge my colleagues to stand and join me in this special tribute. It is my hope that the promotion of excellence will continue long into the future.

IN RECOGNITION OF JIM WILLIAMS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the distinguished service of Mr. Jim Williams, KYSL–FM radio newscaster of Frisco, CO.

Mr. Williams arrived in Summit County in March of 2000 and has since proved to be the voice of Summit County news. Mr. Williams has provided Summit County residents with not only daily newscasts and sportscasts, but has been a major supporter of community events. Williams got his start in broadcast journalism in 1979 in Wray. He has since moved from station to station and state to state.

This past spring, Mr. Williams was honored by the Colorado Broadcasters Association (CBA) with a first and second place in the best newscast category and was named CBA's medium-market broadcast citizen of the year for 2002.

The dedication, enthusiasm and activism with which Mr. Williams has pursued his work deserves our most sincere thanks. Thus, I ask my colleagues to join me in thanking Mr. Jim Williams for his service and many contributions to his community. He is much appreciated.

Sadly for the Summit County community, Mr. Williams will give his last live broadcast on September 10, 2003 and then head to Illinois to co-host a radio talk show.

For the benefit of our colleagues, I am attaching a copy of a recent story about Mr. Williams that appeared in the Summit Daily News.

[From the Summit Daily News, Sept. 3, 2003]

JIM WILLIAMS TO LEAVE KYSL

(By Jane Stebbins)

FRISCO.—Jim Williams, the rare committed radio newscaster to work in the community, is leaving KYSL–FM for a new job in Illinois as co-host of a radio talk show.

In addition to the news, Williams broadcasted Summit High School football games and gave detailed, if not breathless, reports of other Tiger sports, perhaps most memorably the recent state tournament girls volleyball teams.

His last live newscast—he said it will be a difficult one—will be at 9 a.m. September 10.

''It's one of the challenges left, one of the reasons it's so exciting,'' he said of the talk show gig. ''It's something new, something different.''

Williams got his start in broadcast journalism in 1979 in Wray, where he reported farm news, obituaries, hospital admissions and releases, maintained the transmitter, cleaned the toilets and sold ads, he said.

He then moved from station to station and state to state: Morris, Minn., Ogallala, Neb., Sioux Falls, S.D., Springfield, Ill., Myrtle Beach, and Columbia, S.C., Denver, Aspen, Vail, Avon and Frisco.

He landed in Summit County in March 2000 and has written and voiced daily newscasts and sportscasts, provided play-by-play broadcasts of high school games—a feature that was deleted this summer from KYSL's programming—and represented the station as an emcee at numerous community events.

Now, he will co-host an afternoon talk show with Beth Whisman on Citadel Communications' WJBC in a market that has the potential for more than 110,000 listeners.

''It'll be a little bit of everything,'' Williams said of the focus of the show. ''They had a guy there who was really, really political, using the radio as his bully pulpit—you don't want that. The idea when people are going home is not to irritate them. It won't be light talk, but it'll be lighter than that.''

He looks forward to discussing politics, entertainment and local politics. And in his new job, unlike in the news world where reporters try to be unbiased, Williams will be allowed to hold opinions.

''The thing that'll get me to cringe is when people will try to nail me down on social issues,'' he said. ''That's when I'll be sweating and backpedalling. I need to get off the news fence and develop an opinion.''

While here, Williams has reported on at least one major story each year. His first year, he was on the sidelines when Carlos Ebert-Santos was tackled during Summit High School's homecoming football game. The aspiring pro-football player had broken his neck.

''Carlos was on a roll that night,'' Williams recalled. ''He would have gone for 200, 300 yards offense that night. To see him go down and not get up was chilling. It was one of the moments I was speechless. I didn't know what to say to people. I didn't want to alarm them.

''To see him come back and walk was heartwarming,'' he said of Ebert-Santos' recovery. ''It was a terrible story that had about as good an ending as it could have.''

Equally as chilling was the Sharon Garrison murder story and husband Chuck Garrison's murder trial in 2002.

The big story in recent weeks has been basketball star Kobe Bryant's sexual assault charge in Eagle.

In between, Williams has been the emcee for the rubber duck race in Breckenridge—''Anything for the Summit Foundation,'' Williams said—Frisco's Barbecue Challenge, Fourth of July, Music on Main Street and Concerts in the Park, among many other events.

Williams said he will miss Summit County community events, his co-workers and people in the community—but most of all the high school kids, he said, wiping away a tear.

''I hate moving more than anything, but it's the nature of this business,'' he said. ''This job has been pretty close to ideal. This community has been awesome; it's the best place I've been. But this challenge excites me. It's not an opportunity that comes along every day.''

Normally an easy talker, Williams is stumped as to what he'll say that last time on Summit County's airwaves.

''I might try to be silly like Dennis Miller and say, ''That's the news, and I'm out of here,''' he said. ''I think it'll be something more from the heart. These people have really gotten in my heart. If I could have this joy again (in another community), I'd be blessed.''

He'll be back, he said, albeit as a tourist.

''Hopefully, I'll still know enough people to get a lift ticket or two,'' he said.

HONORING ENNIS CENTER FOR CHILDREN, INC.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. KILDEE. Mr. Speaker, I rise before you today to recognize Ennis Center for Children, Inc., for 25 years of dedicated service to six counties throughout Southeast Michigan. On November 13, 2003 Ennis Center will celebrate their anniversary with the community.

Ennis Center for Children is a non-profit, multi-service agency, providing community based in-home foster care, adoption and group home services to children and families. The center helps children from birth to age 19 by providing stability and permanent homes. Most children who utilize the center's services are poor, minority and have at-risk backgrounds, many of them abused, neglected and abandoned. Each year the center assists more than 2,500 children within the Southeast Michigan area. In 2002, they placed 640 children in foster care with 263 foster families, 130 children were adopted, 99 of which were by their foster families, 26 by relatives or

guardians, and 5 by recruited families. The center also assisted more than 900 juvenile delinquents through counseling, mentoring and reintegration services. The center had operating revenues of approximately $12 million in 2002, and over 85 cents of every dollar received was spent on program services. Currently the center employs 200 people.

The center was founded in Flint, Michigan, in 1978. The founder is child advocate Robert E. Ennis. Mr. Ennis started the center with $6,000, which he borrowed from a friend, and a responsibility to 33 foster children. Today the center is operating in four locations, 20100 Greenfield Rd., Detroit; 2921 E. Grand Blvd., Detroit; 3650 Dixie Highway, Waterford; and 129 E. Third Avenue, Flint, Michigan. Ennis Center for Children has been noted as one of Michigan's largest minority-led non-profit organizations of its kind.

Mr. Speaker, as a Member of Congress, I ask that my colleagues in the 108th Congress join me in recognizing Ennis Center for Children on their 25th anniversary for dedication and service to the children and families of Southeast Michigan.

INTRODUCTION OF THE HOLOCAUST VICTIMS INSURANCE FAIRNESS ACT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. SCHIFF. Mr. Chairman, I rise today to introduce the "Holocaust Victims Insurance Fairness Act"—legislation to provide states with the authority to assist survivors of the Holocaust.

Before and during the Holocaust, millions of European Jews purchased life insurance policies with certain European insurance companies as a form of savings and investment for the future. After World War II, however, insurance companies rejected many claims presented by Holocaust survivors or heirs of Holocaust victims because the claimants lacked the requisite documentation such as death certificates that had been confiscated by the Nazi regime.

Some families have tried for years to obtain promised benefits, but insurance companies continue to demand that the survivors produce non-existent documents. In 1998, the International Commission on Holocaust Era Insurance Claims (ICHEIC) was established to address the issue of unpaid insurance policies and to expedite payouts to Holocaust victims.

ICHEIC has received over 90,000 claims, but has only made a few thousand settlement offers. This shortfall has forced disillusioned claimants to turn to the states for assistance in obtaining the swift justice they deserve. To continue to deny these claims would be a further injustice to these survivors and would only serve to perpetuate the horrible acts that occurred years ago.

In a 5–4 ruling, the Supreme Court in ALA v. Garamendi recently struck down a California law aimed at assisting thousands of Holocaust survivors and their families in collecting on millions of dollars of outstanding Holocaust-era insurance policies. The court narrowly rejected the right of states to require insurance companies doing business in their state to disclose information about Holocaust survivor insurance policies.

The court in Garamendi maintained that the president's preference is for Holocaust-era insurance claims to be handled by the International Commission of Holocaust-Era Insurance Claims—an approach that has wholly failed Holocaust victims.

I believe that states should have the authority to assist survivors of the Holocaust to recover benefits from policies lost or stolen before and during these tragic events. Therefore, I am introducing legislation to specifically allow states to collect insurance information for victims of the Holocaust. Unlike similar pieces of legislation that have been introduced, the "Holocaust Victims Insurance Fairness Act" also explicitly expresses Congressional disapproval of any Executive branch policy or agreement that preempts State efforts to collect insurance information for victims of the Holocaust to resolve outstanding claims. Please join me in this effort to finally provide justice to those who have been denied it for so long.

MUSEUM AND LIBRARY SERVICES ACT OF 2003

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. HOLT. Speaker, as an educator and avid reader, it's always a special pleasure for me to visit a library or a museum. Libraries and museums safeguard our freedom and keep democracy healthy. They preserve the past and offer brighter futures to all of us, and their resources surely benefit every community member. That is why I was pleased to be an original cosponsor of H.R. 13, the Museum and Library Services Act.

Libraries are often referred to as the "People's University." It is a fitting name. Libraries provide all of us with free access to a fabulous wealth of information. In this increasingly technology-driven society, they speak directly to what we call the Digital Divide. A recent survey by the Department of Commerce found that our libraries are the number one point of access for those who do not have Internet access at home or at work. Today, 90 percent of public libraries have some kind of Internet connection.

Research also shows us that Americans visit libraries 3.5 billion times each year; 1.6 billion items are borrowed annually from public libraries; and research librarians answer 7 million questions every week. Clearly libraries are responding not only to the daunting challenges of the Information Age and to the changing needs of our communities, but they are continuing to serve all of their traditional roles as well.

Libraries are also true community centers. They create environments where students can do their homework, townspeople can gather, families can interact, seniors can learn new skills, and job seekers can find advice. They are forums building partnerships, linking with everyone from garden clubs to Head Start programs to extend their reach throughout our communities.

Throughout our country, libraries serve as the catalyst for economic revitalization, bringing together our communities civic and social leaders. They provide reading material for people of all ages by sending books into maternity wards, setting up reading stations in pediatrician's offices, developing teen centers, and establishing mobile book carts in nursing homes and senior centers.

At my own public library in Princeton, I can see improvements that are traceable to this authorization bill. The library is in the process of constructing a state of the art library security, inventory, and circulation system that will allow library users to automatically check in and check out books. Because of the Museum and Library Services Act, New Jersey residents will gain greater access to the resources available at their local public library.

Similarly, our nation's museums serve as community centers that offer people of every age access to our nation's cultural and natural heritage. Museums' special role in public education fixes on their unique capacity to provide the public with an interactive environment in which to better understand our communities, our nation, and our world.

From local art museums to the National Zoo in Washington, D.C., museums are gathering places for people to meet and spend meaningful time with families and friends.

The educational role of museums is at the core of their service to the public. People of all ages and backgrounds come to learn from the collections, exhibits and programs created by museums through their research and scholarship. Museums across the nation provide more than 18 million instructional hours of educational programs, including professional development for our nation's teachers, guided field trips to our students, staff visits to local schools, and traveling exhibits in our communities. Annually, they spend more than $1 billion to share these activities with us.

Museums also have forged a deeply-rooted connection to the local communities that have created and cherished them. Americans from all income and education ranges visit museums, and each visit provides a wealth of information about our nation's heritage and our opportunities for the future. Across the country, there are 2.3 million museum visits each, adding up to 865 million visits per year. There are more than 15,000 museums in the United States and 90 percent of counties in America have at least one museum—75% of them considered to be small and 43% located in rural areas.

The 12th District of New Jersey is home to the New Jersey State Museum in Trenton, which was recently awarded a Museum Assessment Grant. This grant will provide the museum with technical assistance that will be invaluable in fulfilling its goal to educate the public. The New Jersey State Museum was one of the first state museums founded with this educational mission, and today it is home to a large collection of artifacts detailing archaeological, cultural, and artistic history. For all residents of central New Jersey, this museum offers exciting opportunities to learn about local history, to explore the far reaches of outer space at its planetarium, and to share time with family members at educational workshops. This museum—and the numerous others in the 12th District of New Jersey—enrich the lives of thousands of residents each year.

Mr. Speaker, Carl Rowan, a noted journalist, once said, "The library is the temple of learning, and learning has liberated more people

than all the wars in history.'' With the passage of H.R. 13, the Museum and Library Services Act, future generations of Americans can enjoy the rich cultural and educational opportunities available to them through our nation's museums and libraries.

COMMEMORATING NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK, 2003

HON. ERIC CANTOR
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. CANTOR. Mr. Speaker, I rise today to honor Virginia Union University during National Historically Black Colleges and Universities week. Historically Black Colleges and Universities have played an integral role in the higher education of students all across America.

Virginia Union University of Richmond, Virginia has been an institution of higher learning since 1870. Virginia Union University continually works hard to provide its students with a first-class education and stay competitive with larger, public schools.

During the last four years, Virginia Union University has achieved accreditation through the Southern Association of Colleges and Schools, established a campus-wide wireless infrastructure, renovated residence and dining halls, added a forensic-science program, and expanded the school of theology.

America values the legacy and the contributions Historically Black Colleges and University graduates make to our country. The viability of Virginia Union University and all institutions of higher learning is of paramount importance to the future security of America.

I look forward to a strong and continued working relationship with Virginia Union University faculty, staff, students, and alumni in the days ahead. I also want to thank Virginia Union University Provost and Chief Operating Officer, Dr. Weldon Hill, for his valued service to the University since 1982. Without his involvement, the completion of the Lombardy Street project would not be possible.

TRIBUTE TO RAYMOND CHU

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Raymond Chu of Boulder. Mr. Chu died in Colorado on May 24th of this year at Rocky Mountain National Park at the age of 78. Throughout his life, he demonstrated his dedication to the earth, all people, and animals.

Raymond Chu was born Oct. 10, 1924 in Shanghai, China. He earned a bachelor's degree in electrical engineering from Antioch College in Ohio. A few years later, in 1959, he married Janet Pattee in Yellow Springs, Ohio. Mr. Chu proudly served as a B–52 pilot in the Chinese National Air Force and graduated from the United States Air Force Academy.

During his life, Raymond Chu made countless contributions to our Colorado community. Those who had the good fortune to work with him at the National Center for Atmospheric Research will not soon forget his long and distinguished career. Nor will he be forgotten by the people who benefited from the many respiratory appliances that he created and patented. Raymond was known for his translations from Chinese script to English for his fellow high school graduates, and he was a noted speaker on the subject of the China-Burma theater of World War II.

We will remember Mr. Chu as an environmentalist, an inventor, and most importantly, a loving father and husband. I ask my colleagues to join me in honoring Raymond Chu and the outstanding contributions of his life.

HONORING DR. DONALD CAPPS AND HIS WIFE, BETTY FOR 50 YEARS OF SERVICE TO THE BLIND

HON. JOE WILSON
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I ask my colleagues to join me in thanking Dr. Donald Capps and his wife, Betty for their leadership and 50 years of service to the blind in South Carolina.

Dr. Donald C. Capps, a lifelong resident of South Carolina, became legally blind in 1953. Capps, a fighter for social change for the underprivileged, attended the South Carolina School for the Blind and the public schools of this state. Upon graduation from high school, Capps received his diploma from Draughton's Business College.

He excelled after college in the vocational arena as a staff manager at Colonial life and Accident Insurance Company. Capps is married and has two children. He began his struggle for the blind with the movement to create the National Federation of the Blind of South Carolina (NFB of SC).

The NFB was originally known as the Aurora Club. Capps served several two-year terms as president of this organization—a position he currently holds.

Under Capps' leadership, his state organization has been responsible for the success of many initiatives to improve programs and services for the blind in this state. During his tenure as president of the state organization, 19 pieces of legislation affecting the blind have been passed in South Carolina, including the model White Cane Law.

A major accomplishment of the South Carolina affiliate under Capps' leadership was the 1966 establishment of the South Carolina Commission for the Blind, an independent state agency. Among his many activities, Capps is editor of the Palmetto Blind, the quarterly publication of the NFB of SC. In 1960 he directed a campaign which led to the construction of the Columbia Chapter's education and training center, which was expanded in 1970 and again in 1978.

Even though Capps has worked for the blind community, he has not been selfish in his endeavors to assist all the state's disabled population. Named to the Governor's committee on Employment of the Physically Handicapped in 1963, Capps also was honored in 1964 as Handicapped Citizen of the Year by the City of Columbia and by the State.

Capps, an active member of the Kilbourne Baptist Church, serves as a deacon and member of the church personnel committee.

His honors in working with the blind continue to cross any avenues. He was the recipient of the prestigious Jacobus tenBroek Award, presented to the blind American considered to have made dedicated and outstanding contributions to the blind. In the many years of its existence, the award has only been presented three times.

Donald C. Capps Fellowship Hall at the Federation Center of the Blind was named in his honor for his lifetime service.

In 1981 Donald Capps was appointed to the Board of Commissioners of the South Carolina School for the Deaf and Blind. He is the first blind member to be appointed to the policy-making board. In May 2001, Capps was given an honorary Doctorate of Public Service degree during commencement exercises at the University of South Carolina Spartanburg.

CONGRATULATIONS TO JOANNE STOCKDALE, IOWA SMALL BUSINESS PERSON OF THE YEAR

HON. STEVE KING
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. KING of Iowa. Mr. Speaker, I rise to congratulate Ms. Joanne Stockdale on the great honor of being named Iowa Small Business Person of the Year by the Small Business Administration. It is because of the excellent reputation that she established since purchasing Northern Iowa Die Casting, Inc. in 1984, that she deserves this recognition. Small businesses are the backbone of Iowa's economy, and it takes true entrepreneurial spirit and determination to ride economic waves in order to remain successful. It is to her credit that Northern Iowa Die Casting, Inc. has grown from six to 100 employees, with sales soaring from $225,000 to $10 million. She is to be commended for bringing jobs and commerce to Lake Park, Iowa.

I also recognize her for the great honor of representing Iowa small business at the National Entrepreneurial Conference and Expo held this week in Washington, D.C., while competing for the national Small Business Person of the Year Award.

As a small business owner for 28 years, I have great personal appreciation for both the struggles she faces and the joys of seeing the fruits of her labor. Since arriving at the U.S. Congress in January, I have made small business a legislative priority, and my work on the Small Business Committee has already enabled me to assist in creating legislation that will help small business leaders like Joanne Stockdale.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. GALLEGLY. Mr. Speaker, on Wednesday, September 10, I was unable to vote on the Motion to Instruct Conferees on H.R.

1588, the National Defense Authorization Act for FY04 (rollcall vote 500). Had I been present, I would have voted "yea." Additionally, I was unable to vote on Motions to Instruct Conferees on H.R. 1308, the Tax Relief, Simplification and Equity Act (rollcall vote 501) and on H.R. 1, the Medicare Prescription Drug and Modernization Act (rollcall vote 502). Had I been present, I would have voted "nay" on each motion.

REMEMBERING AND HONORING THE MARCH ON WASHINGTON OF AUGUST 28, 1963

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Mr. CUMMINGS. Mr. Speaker, it is with a profound sense of pride that I rise today in support of H. Res. 352, which remembers and honors the March on Washington of August 28, 1963.

Mr. Speaker, our nation recently celebrated the fortieth anniversary of this historic demonstration—an event that forever will stand for the proposition of full and equal rights for all Americans. This resolution will serve as a lasting tribute not only to one of the largest peaceful political demonstrations in U.S. history, but will also pay homage to the organizers and participants for their dedication and commitment to the realization of civil and equal rights for all Americans.

Culminating in Dr. King's famous "I Have a Dream" speech, the March on Washington demonstrated that a collective force dedicated to the principles of non-violent protest could successfully fight prejudice and discrimination against African-Americans and other minorities. Properly commemorating this historic event and those who participated in it will also send a message to our youth that the struggle for civil rights continues. That we must remain resolute in our efforts to realize Dr. King's dream of a nation where one is "judged by the content of their character and not the color of their skin."

Mr. Speaker, again it is my honor and privilege today to lend my wholehearted support to this important piece of legislation—which recognizes the monumental significance of the 1963 March on Washington in the ongoing struggle for equality and justice. I want to thank my colleague, Sanford Bishop for sponsoring this important resolution. I urge all of my colleagues to support the Resolution and to never let the dream of Martin Luther King die. I leave my colleagues with a quote from Dr. King which should serve as a gauge in every action and for every vote we take here in this esteemed body, "Injustice anywhere is a threat to justice everywhere."

BUSH MANUFACTURING PLAN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. CONYERS. Mr. Speaker, since President Bush assumed the presidency in January of 2001, American and specifically Michigan manufacturing jobs have been lost because of our trade policies, the lack of effort by our President to open closed markets, and because of the tremendous cost of pension and health care legacy costs. Last week, the Michigan Democratic Delegation sent a letter to the President detailing a fourteen point plan that we felt could help alleviate the dire situation manufacturing finds itself in. Early this week, Commerce Secretary Evans detailed the Administration's plan to save American manufacturing jobs.

I am submitting an article from today's Washington Post, by Steven Pearlstein, which describes our President's efforts at reviving our manufacturing sector as "feeble." America has lost nearly three million jobs since January of 2001. The tax cuts have not worked. War has not worked. And President Bush's plan to save our manufacturing jobs won't work either.

A FEEBLE PLAN TO SAVE U.S. MANUFACTURING

(By Steven Pearlstein)

After a dozen town meetings, a road trip by three Cabinet officers, months of study and countless meetings of assistant secretaries, the Bush administration has finally brought forth its program to rescue the American manufacturing sector. And it's a bad joke, a melange of tired ideas, empty promises and ideological slogans, and an embarrassment for the White House economic team.

The policy was unveiled in a much-anticipated speech to the Detroit Economic Club by Commerce Secretary Don Evans. Instead of offering his knowledgeable audience a cogent, thoughtful analysis of the problems facing manufacturers, Evans trotted out old Rotary Club canards about high taxes, oppressive regulation and frivolous lawsuits.

While correctly identifying runaway health insurance costs as a problem, he failed to come up with even one serious remedy.

And although Evans grabbed headlines with tough talk about China, the only action to back it up—hold on to your hat now—was a new Unfair Trade Practices Team at Commerce to "track, detect and confront unfair competition," as if there weren't already several hundred bureaucrats doing just that.

Perhaps most laughable was Evans's boast that George W. Bush had single-handedly revived the free-trade agenda—conveniently forgetting that President Bill Clinton expended enormous political capital to push through NAFTA and China's accession to the WTO, ignoring as well the inconvenient fact that his own administration had just sold out American manufacturers at trade talks in Cancun to protect subsidized beet farmers and cotton growers.

So what would a serious commerce secretary concerned about manufacturing have said?

First, she would have leveled with her Detroit audience, warning that there are industries and industry segments that are structurally vulnerable to foreign competition and can't be "saved."

She would have warned them that in key industries such as machine tools, survival depends on the consolidation of small, family firms into larger ones that have the clout to deal with large customers, the money to engage in research and development, and the size to realize economies of scale.

She would have acknowledged that the president had been ill advised to cut federal funding for manufacturing research and promised to make amends in the next budget cycle.

She might have floated the idea of a 1 percent tariff on all imports to finance extended unemployment benefits, health insurance and training vouchers for displaced workers, grants to their communities, and financial relief to employers offering early-retirement incentives.

Rather than ranting about regulations that have proven successful in protecting worker safety and public health, she might have said that fair trade requires trading partners to maintain minimal regulatory standards of their own, consistent with their level of economic development.

And she would have acknowledged that while China was making great strides toward developing an open, free-market economy, it wasn't there yet—and that continuing to trade with China as if it were had caused undue harm to American workers and companies. Then she might have announced the immediate imposition of temporary tariffs and quotas on imports of half a dozen key Chinese products, followed by an open invitation to negotiate their removal just as soon as China is ready to get serious about opening its distribution system to U.S. products, protecting U.S. patents and copyrights, and pegging its currency at a reasonable exchange rate.

It is possible to make the case for such an aggressive industrial policy. It is also possible to make a case for doing nothing. But the Bush administration has come up with the worst of both worlds—doing nothing while pretending otherwise and hoping nobody notices until after the next election.

THE PRAIRIE ROSE CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION SALUTES CONSTITUTION WEEK

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. MOORE. Mr. Speaker, the week of September 17–23 has been officially designated as Constitution Week under Public Law 105–225. This marks the 216th anniversary of the signing of our Constitution.

The guardian of our liberties, our Constitution established our republic as a self-governing nation dedicated to rule by law. This document is the cornerstone of our freedom. It was written to protect every American from the abuse of power by government. Without that restraint, our founders believed the republic would perish.

The ideals upon which our Constitution is based are reinforced each day by the success of our political system to which it gave birth. The success of our way of government requires an enlightened citizenry.

Constitution Week provides an opportunity for all Americans to recall the achievements of our founders, the nature of limited government, and the rights, privileges and responsibilities of citizenship. It provides us the opportunity to be better informed about our rights, freedoms and duties as citizens.

Mr. Speaker, at this time I particularly want to take note of the outstanding work of the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution, which is actively involved in the Third Congressional District in events this week commemorating Constitution Week. The Prairie Rose Chapter has been involved with this effort in our communities for a number of years and I commend them for doing so.

Our Constitution has served us well for over 200 years, but it will continue as a strong, vibrant, and vital foundation for freedom only so long as the American people remain dedicated to the basic principles on which it rests. Thus, as the United States continues into its third century of constitutional democracy, let us renew our commitment to, in the words of our Constitution's preamble: "form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity. . . ." I know that the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution joins with me in urging all Americans to renew their commitment to, and understanding of, our Constitution, particularly during our current time of crisis, when Americans are fighting overseas to defend our liberties here at home.

NATIONAL SMALL BUSINESS WEEK

HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I appreciate the opportunity to be here tonight, and I want to especially thank my good friend, Congresswoman NYDIA VELÁZQUEZ from New York and applaud my House colleagues for their hard work in bringing us together here to acknowledge the important role small business plays in our economy and thank those small business owners for their many contributions.

I've always said that small business is the backbone of our State and national economy. Many small businesses are suffering in these trying financial times. Government contracts and spending are a vital source of revenue for small businesses, and in economically tough times it is vital that all levels of government continue to pay diligent attention to small business in their purchasing and contracts. Small businesses do not have high powered lobbyists, and it is important that we ensure that businesses of all sizes have access to government contracts regardless of their ability to buy influence.

Today I would like to discuss some important federal legislation that I believe will have important and positive implications for small business, job growth, and economic recovery in this country. Two of the top priorities for the remainder of the 108th Congress are reviving the struggling U.S. economy and reauthorizing the federal highway and transit programs.

I am also pleased to announce a congressional resolution that I have authored which will continue aggressive advocacy on behalf of American firms competing abroad, and specifically encourage small and medium-sized American businesses to explore trade openings and gain access to potentially lucrative markets, such as Iraq.

We all believe that America's small businesses must not be left behind in the globalization process. Although small businesses are the backbone of the American economy, the overseas investment potential of the small business sector remains relatively untapped.

This resolution's objectives are to continue aggressive trade promotion and advocacy on behalf of American firms competing abroad as well as to focus on the next generation of trade issues growing out of the changing global marketplace.

As Congress continues its work, I will be working to make sure that more good news is on the way for small businesses. And I want to assure you that I will continue to strongly support Federal programs that benefit small businesses.

Both our Federal and state government has an obligation to aid, assist and protect the interests of small businesses. The future of America depends on it.

TRIBUTE TO BASEBALL GREAT MICKEY VERNON

HON. CURT WELDON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. WELDON of Pennsylvania. Mr. Speaker, Saturday, September 20, 2003 will be a special day for legendary baseball batting champ Mickey Vernon as his hometown of Marcus Hook, Pennsylvania honors their favorite son by unveiling a life size statue of Vernon on the same ball field where he played sandlot ball. The statue will be unveiled at 2:30 p.m. at the Marcus Hook Memorial Field on Market Street.

Mickey Vernon is a hero in my hometown. Marcus Hook is a close-knit, working-class town on the Delaware River. The people of Marcus Hook have community spirit and have much cause for civic pride. One of the unifying bonds in our hometown is our great pride in the career and achievements of Mickey Vernon. In the ballparks of Marcus Hook the name of Mickey Vernon is revered. Even today, more than thirty years after his retirement, kids in Marcus Hook still play ball in the Mickey Vernon Little League.

Mickey Vernon, one of baseball's greatest first basemen of all time has earned a special place in the annals of baseball history. Mickey played 21 years in the big leagues, thirteen of those in our Nation's Capital where he played for the Washington Senators. He was known as a slick-fielding left-handed first baseman with a short, compact lefty swing.

In 1946, Mickey won the first of his two American League batting titles, hitting .353 while banging out a league-leading 51 doubles and knocking in 85 runs. He won a second Silver Bat in 1953, when be again lead the league with a .337 average and 43 doubles. That year, he also smashed 15 home runs and drove in a career-best 115 runs.

For his career, Mickey batted .286, drove in 1,311 runs, and hit 490 doubles. He played in seven All-Star games, and after a time held career records for first basemen in assists, put-outs, chances, and games played. He was durable and consistent, playing 115 or more games for 14 straight years.

It is well known that Mickey Vernon was President Dwight D. Eisenhower's favorite player. On opening day, 1954, with Ike in attendance, Vernon hit a home run in the 10th inning to defeat the New York Yankees. President Eisenhower called Vernon into his box to congratulate him.

Typical of many ballplayers of his era, Mickey lost two years in the prime of his career, 1944–45, because he answered his country's call to service during World War II. When we honor individuals like Mickey Vernon we promote the essence of what is good and wholesome in our Nation. Individuals like Mickey Vernon represent the essence of courage and endurance—the qualities that helped make our Nation great. He is a true American hero in every sense of the word.

Few towns in America can claim to be birthplace of a genuine baseball hero, and the people of Marcus Hook are very proud to call Mickey Vernon one of our own.

I ask my colleagues to join me in congratulating Mickey Vernon for his outstanding career and his major league contributions to baseball, to his community, the Commonwealth of Pennsylvania, and to the Nation with best wishes as well to his wife, Libby.

INTRODUCTION OF THE NATIONAL ALL SCHEDULES PRESCRIPTION ELECTRONIC REPORTING (NASPER) ACT

HON. ED WHITFIELD
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. WHITFIELD. Mr. Speaker, on September 4 my colleague FRANK PALLONE and I introduced the National All Schedules Prescription Electronic Reporting (NASPER) Act. This legislation would establish a national electronic data bank for practitioner monitoring of schedule II, III and IV controlled substances.

Our Nation has been fighting a long battle against the scourge of drug abuse and its devastating effects upon our society. The lives that are ruined, the families that are destroyed, and the loss to societal productivity are almost impossible to comprehend.

Unfortunately, one of the fastest growing areas of drug abuse is through the diversion of prescription drugs. This diversion can include such activities as "doctor shopping" where individuals go from doctor to doctor obtaining multiple prescriptions, or through the illegal sales of prescription drugs by doctors and pharmacists, or by prescription forgery.

My own State of Kentucky has been hit particularly hard by the epidemic of oxycontin abuse. In a 2001 hearing before the House Appropriations Subcommittee on Commerce, Justice and State, Rod Maggard, a former police chief in Harzard, KY, testified on the effects of the oxycontin epidemic on our State. He told committee members how the drug had "demoralized our community . . . it bankrupted spiritually, morally, and financially people all over our area." The Associated Press reported how Kentucky was experiencing a crime wave as addicts sought to obtain the drug oxycontin.

Mr. Speaker, I believe that one of the most effective ways we can help prevent prescription drug abuse is by getting information to those who are on the front line in this battle—that is the doctors, themselves. Today, in most States when a patient walks into a doctor's office requesting prescription medication, that doctor has no way of knowing if he is the first physician that patient has seen or the fifth. He simply has to rely on the patient to be honest with him. Now obviously, if this patient is an addict or is trying to scam the doctor, the doctor is not going to be told the truth. And yet

we expect this doctor to treat the patient and to be responsible in prescribing medication.

The NASPER Act would take the guess work out of this situation. With a national electronic data bank, the doctor could simply access prescription information and determine what, if any, medication the patient should be given. The bill is consistent with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) and the patient would have to give his written consent before the doctor could access the data bank. Only the doctor or pharmacist who is currently treating the patient could request the information. Each request would have to be certified by the treating practitioner or pharmacist that the information is necessary for the purpose of providing medical or pharmaceutical treatment or to evaluate the need for such treatment for a bona fide current patient.

It is also important to note that as the population in our country ages, there will be more and more people who visit multiple doctors for various treatments. The NASPER Act would help doctors coordinate the medication their patient is receiving from other practitioners so that the patient does not experience an adverse medication reaction.

Currently 15 States have some type of Intrastate Prescription Drug Monitoring Program (PDMP). Two additional States are currently in the pilot stage of implementing such a program. A May 2002 General Accounting Office (GAO) study found that in States where a PDMP was in place, "the presence of a PDMP helps a State reduce its illegal drug diversion . . ." The same report also states that "the existence of a PDMP within a State, however, appears to increase drug diversion activities in contiguous non-PDMP States. When States begin to monitor drugs, drug diversion activities tend to spill across boundaries to non-PDMP States." In other words, those who want to scam the system know that they will have a difficult time doing so within a particular State, so they just move the problem across State lines.

The State of Kentucky has one of the most effective PDMPs in the Nation. However, there are a number of reports that show drug diversion problems, particularly in the area of oxycontin abuse, have increased in the contiguous States of Tennessee, West Virginia, and Virginia due to the presence of Kentucky's PDMP. I believe the only way we can truly address this problem is by coordinating our efforts across State lines.

The NASPER Act builds on the work that has already begun in the States. Under this legislation, individual States are permitted to set up their own PDMP to the exclusion of the Federal program created by the act, as long as the States submit the information required by the Secretary of Health and Human Services to the Federal data bank. However, the NASPER Act recognizes that if we are truly going to address this problem, we need a Federal role to ensure that the States will be able to share the information across State lines. An interstate system would allow doctors to get the information they need to better serve their patients.

I would like to thank Chairman TAUZIN and the staff of the Energy and Commerce Committee for their assistance on this issue. The chairman has been very attentive to concerns that I and others have raised and I look forward to continuing to work with him on this legislation.

Mr. Speaker, advances in technology have revolutionized health care delivery in this Nation. Isn't it time that we used this technology to better serve our citizens in the area of prescription drugs? I would ask my colleagues to join me in supporting this important legislation.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES: A CELEBRATION

HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. HOYER. Mr. Speaker, I stand before you today to appropriately draw attention to the contributions of our nation's prestigious Historically Black Colleges and Universities (HBCUs) and their proud tradition of educating and preparing African-Americans for the past 166 years.

This year, we celebrate these universities the week of September 14 to September 20, and I feel honored to participate in such a noble cause.

Over 100 Historically Black Colleges and Universities have been established in the United States. These institutions comprise only 3 percent of all centers for higher education in the United States, but account for 30 percent of bachelor's degrees awarded to African Americans each year.

I am very proud that Bowie State University, the oldest of Maryland's four HBCUs is located in my district and I am privileged to represent the students, faculty and staff members who make great things happen on this campus. (There are three other HBCUs in MD—Morgan State in Baltimore City, Coppin State in Baltimore and the University of Maryland—Eastern Shore). Bowie State is the descendant of the first school opened by the Baltimore Association for the Moral and Educational Improvement of Colored People in 1865. BSU rightfully boasts a number of significant and praiseworthy statistics:

First nationally in graduating African Americans with master's degrees in computer science and information sciences;

Second nationally in graduating African Americans with master's degrees in psychology;

Third nationally in graduating African Americans with master's degrees in communications; Eighth, nationally in graduating minorities with master's degrees in psychology;

Fourth among HBCUs in granting master's degrees of all disciplines;

Fourth in extramural funding in the University System of Maryland (USM) with the highest percentage of increase in the System (48.1 percent) for the 2000–2001 fiscal year.

Ninth nationally in graduating all minorities with master's degrees in communications;

Thirteenth nationally in graduating African Americans with master's degrees;

Additionally, in 1995 BSU won an 11–year, $27 million award from the National Aeronautics and Space Administration/National Science Foundation to become one of the six national Model Institutions of excellence in science, engineering, and mathematics.

HBCUs provide a vital role in educating the next generation of our nation's leaders by extending to our students access to the best opportunities for personal and professional success. Most important, these schools champion the cause of equal access to education, access that is critically important during a time when fiscal constraints have burdened our state and ultimately our families, making affording higher education even more difficult for many Americans.

In fact, the Maryland Higher Education Commission recently announced that the number of Maryland college students on a waiting list for state-sponsored financial aid increased almost 50 percent this fall—at the same time, tuition and the number of college applicants has increased. Last school year 133,692 Marylanders filed the Free Application for Federal Student Aid (FAFSA), the nationwide form that determines aid eligibility. That was up from 118,537 applications from Maryland in the 2001–2002 school year, a 12 percent increase.

Many historically black institutions are facing similar financial challenges, and regrettably, for some, closing has become a reality. The federal government must realize that Historically Black Colleges do not simply provide educational opportunities and benefits to African Americans, but educating our nation's young people, regardless of race, improves the aptitude of all of our people. The entire country has gained from these fine institutions of education, and with the help of the federal government, the youth of our nation will continue to be well educated for generations to come.

Congress and the President can acknowledge this by adequately funding the programs that support the efforts of these important institutions. The House of Representatives included $224 million in funding for the Strengthening Historically Black Colleges program and the Strengthening HBCU Graduate Institutions for fiscal year 2004. This is a $10 million increase in funding from last year, and as a member of the Labor, Health and Human Services, and Education Appropriations. Subcommittee, I will continue to support these programs and will fight for increased funding to help them continue their mission and tradition of educating African-Americans.

Mr. Speaker, I ask my colleagues to join me this week in saluting the contributions of America's Historically Black Colleges and Universities, which have been educating students for more than 100 years. I am grateful to the nation's HBCUs for their commitment to academic excellence for all students, including low-income and educationally disadvantaged students, and am especially proud of the four HBCUs in the state of Maryland.

RECOGNITION OF ELECTRIC ENERGY, INCORPORATED

HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize the 50th Anniversary of Electric Energy, Incorporated located in Joppa, Illinois. Electric Energy Incorporated has done an excellent job of providing energy to southern Illinois for the past fifty years.

I am very proud to have Electric Energy, Incorporated located in the 19th Congressional

District of Illinois. Construction first began on the Electric Energy, Incorporated Joppa location on February 15, 1951. Since the first synchronization on April 10, 1953, Electric Energy, Incorporated has been producing coal generated energy to serve the needs of southern Illinois.

I am proud to represent Electric Energy, Incorporated and to share in this special anniversary with them. I thank them for all they do to provide energy to southern Illinois and this great nation and wish them many successes in the years to come. Congratulations!

A TRIBUTE TO COACH DON WATSON

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to my good friend, Coach Don Watson. Don will be inducted into the Hinsdale Central Hall of Fame during a dinner in Hinsdale on Friday, October 3rd, and his former swimmers are planning a reception and reunion to honor him on Saturday evening, October 4th.

The sport of swimming has been uniquely woven into Donald Dale Watson's life. Coach, mentor and friend, this unique man has been dedicated to pursing excellence in the sport of swimming for over 60 years. Don is being honored at a reception organized by his former swimmers and staff on October 4, 2003 in Hinsdale, Illinois. He will be accompanied by his family—wife, Jan, daughter, Ann, and son, Jon.

Don first became interested in swimming at the age of 13 and elected to join a swim team that practiced at the local YMCA in St. Louis, Missouri. Back in the 1940's swimming was not a popular sport. The decision to join a swim team would require hard work and dedication from the young athlete. Without any support from family or friends, Don was required to travel across town via bus to attend daily practices. Many evenings he would arrive home long after dark. Fortunately, his hard work and diligence were rewarded with a trip to the national YMCA senior championships where he was awarded the senior champion medal. In 1946, as a 14-year old high school student, he qualified to attend the Olympic Trials, but unfortunately missed earning a spot on the U.S. Olympic team by 0.00001 of a second. Once again, his hard work was recognized and he was awarded as the "1946 Olympic Trials Outstanding Young Athlete". Missing a spot on the Olympic team did not discourage Don, and he continued to train hard throughout his remaining high school years. He showed significant ability and was given a full athletic scholarship to attend the University of Iowa in Iowa City, where he twice earned NCAA Collegiate All-American honors.

Upon graduation from Iowa, Don married fellow swimmer, Janet Louise Watson, but was soon called to serve his country in the Korean War. After serving as a Navy corpsman on an aircraft carrier for three years, Don returned home and accepted a position as an assistant swimming coach at Indiana University, Bloomington, Indiana, where he was blessed to work under the direction of his mentor, Coach James "Doc" Councilman. While coaching at Indiana, Don obtained a masters degree in physical education. He then accepted a coaching position at Proviso East High School in Maywood, Illinois. Although the school's swimming program had been virtually non-existent, after three short years of dedication and countless hours of practice, Don led Proviso East to an impressive eighth place finish in the Illinois State meet.

In 1963, Don accepted a position as assistant swimming coach at Hinsdale Central High School in Hinsdale, Illinois. This decision would alter and mold the lives of many young swimmers in the Hinsdale community. After serving as assistant coach for two years, Don was promoted to head coach and the dynasty of Hinsdale swimming began. It was not long before people realized that this special and quiet man had an extraordinary gift for coaching and encouraging young swimmers. Don would go on to amass an amazing record of unmatched success in high school swimming.

As Head Swimming Coach at Hinsdale Central High School over the period 1965–1978, Don's coaching record is one of the most successful in American history. From 1967 to 1978, his Hinsdale Central teams won 12 consecutive Illinois state high school swimming and diving championship titles and achieved a phenomenal dual meet record of 163 wins, 3 losses. His team won the National Interscholastic High School championship title in 1970, when he was selected as the United States Swimming Coach of the Year. Don coached four Olympians. His swimmers set seven individual or relay world records. He was selected as the National Interscholastic Swimming Coach of the Year in 1977. The list of athletic accomplishments attributed to Don's leadership is nearly endless.

In 1978, Don retired from coaching at Hinsdale Central. After spending the majority of his life around a swimming pool, he was not ready to throw in the towel and escape the chlorine gas. Don accepted a non-coaching position at the University of Texas at Austin where he continues to serve as Director of the Texas Swimming Center, managing the physical facility as well as collegiate, national and international swimming events. In 2000, he received the Frank Erwin Award for his outstanding achievements and contributions to the sport of swimming in the State of Texas. At the age of 73, Don continues to swim daily. He especially enjoys working out with notables like Governor of Texas, Rick Perry, and federal judge Sam Sparks, who frequently swim at the Center.

As incredible and important as his coaching accomplishments are, Don is fondly remembered by his former staff, friends, and swimmers as a man deeply dedicated to the character development of boys and girls, young men and women. Besides pouring countless hours into their development as athletes, Don diligently invested into building each individual's sense of commitment, sacrifice, and hard work. Through their commitment to family, community and country, Don's many proteges continue to ably contribute to the quality of life throughout our nation.

Don Watson and his family also contributed greatly to my life. I was a graduate student at the University of Missouri, Columbia when Don visited our swimming facility. I was an assistant to Coach Tom Harabediaw. Don offered me a position at Hinsdale High School as an assistant swim coach. His leadership and trust in his students garnered high school All Americans, state championships, and Olympic gold and silver medalists. I was made to feel part of his family and given a lot of responsibility as a young coach. I only left to join naval aviation and fight in the Vietnam War. Much of what Don Watson taught me about team work, caring for the people you work with, and the drive to win helped me both in the Navy and now as a U.S. Congressman. It pains me to not be able to join this celebration of a great man.

DISTRICT OF COLUMBIA VOTING RIGHTS PETITION TO CONGRESS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Ms. NORTON. Mr. Speaker, I rise today in recognition of Constitution Day to submit to Congress a petition from nearly 1,000 District of Columbia residents for voting rights in the Congress. I commend Joseph N. Grano, the leader of the Voting Rights Petition who has gathered the signatures of prominent Washingtonians contained in the petition. Full democracy and voting rights for the District of Columbia residents have been my chief goals since I was first elected to Congress. Joseph Grano has furthered the goal for DC residents through this petition.

Last year in the 107th Congress, a 9–0 Senate Committee vote sent my DC voting rights bill, No Taxation Without Representation, to the Senate floor for the first time in 25 years.

Mr. Speaker, I ask the House to join me in acknowledging that the denial of full congressional voting rights is a denial of fundamental rights to District of Columbia residents.

DISTRICT OF COLUMBIA VOTING RIGHTS PETITION TO CONGRESS, 2001–2002

To the Honorable Senate and House of Representatives of the United States of America:

We, the undersigned residents of Washington, DC and citizens of the United States, respectfully petition for representation in Congress as is duly granted to all citizens residing in the fifty States.—Washington, DC, February 2, 2001–June 14, 2002.

PETITIONERS

Elected Officials

Delegate, U.S. House of Representatives: Eleanor Holmes Norton.

Mayor, District of Columbia: Anthony A. Williams. Council of the District of Columbia: Linda W. Cropp, Chairman; Harold Brazil, At Large; David A. Catania, At Large; Phil Mendelson, At Large; Carol Schwartz, At Large; Jim Graham, Ward 1; Jack Evans, Ward 2; Kathleen Patterson, Ward 3; Adrian Fenty, Ward 4; Vincent B. Orange, Sr., Ward 5; Sharon Ambrose, Ward 6; Kevin P. Chavous, Ward 7; Sandy Allen, Ward 8.

Advisory Neighborhood Commissioners: Jacqueline Arguelles, 1A01; Mack A. James, 1A04; Regina Upchurch, 1A08; Lawrence T. Guyot, Jr., 1B04;

Statehood Delegation to Congress: Florence H. Pendleton, Senator; Paul Strauss, Senator; Ray Browne, Representative.

Board of Education of the District of Columbia: Peggy Cooper Cafritz, President; Julie Mikuta, District 1; Dwight E. Singleton, District 2; Tommy Wells, District 3; William Lockridge, District 4. Theadore B.

Butler, 1B10; Josh Gibson, 1C07; Christopher Shaheen, 1E01; Maria Tyler, 2A03; Dorothy Miller, 2A05; Norma Z. Chaplain, 2B01; Alexander M. Padro, 2C01; Doris L. Brooks, 2C03; Richard B. Westbrook, 2D01; Roger Moffatt, 2D05; Len Levine, 2E02; Thomas L. Birch, 2E07; David H. Stephens, 2F01; All Lloyd Breed, 3B03; James C. Lively, 3B05; Kurt Vorndran, 3C02; Gertrude E. Reeves, 3C06; Lars H. Hydle, 3C07; Rosalyn P. Doggett, 3C08; Nancy J. MacWood, 3C09; Thomas A. Dibiase, 3E03; David J. Bardin, 3F04; Frank Gordan, 3E05; Allen E. Beach, 3G04; Douglas Sloan, 4A01; Jourdinia S. Brown, 4A02; Louis Lieb, 4B03; Pat Kidd, 4B04; Luis W. Thurston, 4B06; Joseph Bowser, 5A03; George A. Jackson, 5B05; Kathy Henderson, 5B10; Cleopatra Jones, 5C03; Vicky Leonard-Chambers, 5C04; Matthew J. Hanka, 5C12; Ronald T.T. Nelson, 6A11; Kenan P. Jarboe, 6B05; Kathy Chamberlain, 7B05; Terrance Johnson, 7C03; Ramon Murchison, 7D06; Johnnie Scott Rice, 7E08; Charles Wilson, 8A03.

Former Elected Officials

United States Senator: Charles H. Percy (R–IL).

U.S. Representative: Fred B. Rooney (D–PA).

Delegate, U.S. House of Representatives: Walter E. Fountroy.

Mayor, District of Columbia: Walter E. Washington; Sharon Pratt.

Council of the District of Columbia: Sterling Tucker, Chairman; Arrington Dixon, Chairman; Betty Ann Kane, At Large; William Lightfoot, At Large; Hilda H.M. Mason, At Large; Douglas Moore, At Large; John Ray, At Large; Frank Smith, Ward 1; James E. Nathanson, Ward 3; Charlene Drew Jarvis, Ward 4; William Spaulding, Ward 5; Nadine Winter, Ward 6; H.R. Crawford, Ward 7; Wilhelmina Rolark, Ward 8.

Statehood Delegation to Congress: John Capozzi, Representative.

Board of Education of the District of Columbia: Tonya Vidal Kinlow, Member; Alaire Rieffel, Member; Barbara Lett Simmons, Member; Wanda Washburn, Member; Phyllis E. Young, Member.

Additional Signers, in Alphabetical Order, Last Name First

Abate, Mary M., Abbott, Richard O., Adielou, Jean-Francois, Adkins, Mark, Agostinelli, Floyd H., Aikin, Robert H., Albers, Gerardine M., Albright, Craig M., Alexander, Clifford, Alexander, Harry, Toussaint, Alford, Susanne E., Ali, Kamil B., Ali, Virginia, Allen, Hugh, Allen, Mildred, Alley, Dionti, Alston, Wanda R., Alvarez, Anne, Anderson, Eleanor A., Anderson, John W. R., Anthony, Lewis M., Apple, Janet, Aranha, Lesley G., Archer, Vivian, Artisst, Robert, Athy, Andrew, Audette, Rose Marie, Auld, Barbara Ann, Axelrod, Kimberly, Baker, A. Cornelius, Baker, Johanna, Baker, Josephine C., Baldrige, Letitia, Barbara, Green, Barker, Dorothy, Barnes, Denise Rolark, Barnes, Johnny, Barton, Shari, Bashkin, June C., Bass, Gerald H., Bates, Barbara D.,

Battle, Roma, Bauch, Michael M., Baxter, Nathan D., Beach, Martha Page, Beach, Walter, Bearden, Janet, Becker, Mary H., Beghe, Bina, Bell, T. David, Benjamin, Julie, Bentley, Jerry, Berg, Al, Berk, Sally, Berkley, Marta W., Berman, Lawrence E., Bermpohl, Barbara J., Bermpohl, Charles, Bernhardt, Sonya, Berry, Jr., James D., Berry, Max N., Bertran, Silvia P., Best, Jr., Richard A., Bick, Barbara, Bicknell, Alesia, Bieri, Sandra J., Birch, Thomas L., Bitondo, Patricia S., Bixley, Donna M., Black, Ethel R., Blackwelder, Brent, Blair, Jr., Philip J., Block, Steven, Blufer, Jennifer, Blume, Joshua S., Boasberg, Tersh, Bolden, A. Scott, Bolt, Janis M., Booker, R. H., Boorstin, Daniel J., Boorstin, Ruth F., Borbely, Marc, Borman, Susan G.,

Bost, Samuel F., Boswell, George W., Boteler, William, Boucher, Marie A., Bourgin, Simon, Bowen, Helen, Bowen, Tracy, Bowling, Kenneth R., Bradburn, Ben, Bray, Joan M., Brazile, Donna, Brizill, Dorthy, Broderick, Katherine S., Bronstein, Harriet, Brooks, Doris L., Brooks, Earline, Brown, C. Dudley, Brown, Chelai, Brown, Danielle M., Brown, Elizabeth F., Brown, Janet Welsh, Brown, Janice, Brown, Sherry, Brown, Theresa F., Brown, William B., Brown, William N., Browne, Elaine A., Browser, Joan B., Brylawski, Henry H., Buavie, Earl, Burden, Valerie K., Burger, Charles A., Burgess, Julie, Burkhart, Edwardo, Burton, Jr., Melvin M., Busang, F. Brett, Butler, Alice Y., Butler, Theodore, Cain, Bonnie J., Calbert, William E., Cantey, Gloria A., Capozzi, Susan U.,

Carliner, David, Carpenter, Anne, Carr, Novella M., Carter, Randolph, Carter, Virginia L., Cartland, Beth, Cassell, Charles I., Ceja, Kathy, Ceja, Paul, Chambers, Cathy, Champagne, Rita V., Chane, John B., Charles, Christopher, Chartowitz, Simon, Cheney, Carolyn, Chevalier, Mellanie, Christian, Elois Felder, Clark, Bruce W., Clark, Jeannine Smith, Clarke, Carole E., Clarke, III, Francis M., Clarke, III, Randolph L., Clay, Carolyn, Clemmons, Richard L., Cleveland, Gwendolyn M., Coan, Nancie S., Coates, Mary M., Cohan, Marsha A., Cohen, Carla, Cohen, Claire, Cohen, David, Cohen, Jean, Cohen, Paul J., Cohen, Roberta S., Cohen, Stephen P., Cole, Carl C., Cole, Michelle C., Coleman, Stephen, Collins, Michael A., Condrell, William A., Conly, Robert J., Connors, Jill, Conroy, Sarah Booth, Cooke, Paul P., Cooper, Dawn M., Cooper, Ethel C., Cooper, Jerry I., Cooper, Maudine R., Cooper, Timothy, Corboy, Joan E., Corvington, Patrick S., Courtney, Sarah,

Critchfield, Margot, Crittenden, Ann, Croft, Howard R., Cropp, Dwight S., Cushing, Joan, Cymrot, Steve, Czaplewski, Ellen, Davis, Dorothy J., Davis, Ellen P., Davis, Judith, Day, Alice T., Day, Lincoln H., Deaver, Laura D., DeGoia, John J., Del Negro, Albert A., Del Signore, Gilda, Demczuk, Bernard, Derrick, Jr., John M., Devall, Donna, Devall, James L., DeVoto, Emily, Dial, Lacy Anne, diGiacomantonio, William C., Dillard, Russell L., Dinan, Donald R., Dixon, Cora O., Dixon, Jane Holmes, Dixon, Jr., Walter, Doctor, Charles A., Doctor, Marcia, Doggett, Bill, Domike, Joan R., Donkin, Steven G., Doucette, Dail D., Dougherty, James B., Douglas, Selma Ford, Downs, Barbara, Downs, Dalton D., Drew, Joseph, Drissel, Anne, Durant, Bene L., Eaddy, Phyllis C., Earhart, Farley, Eck, Barbara Coughlin, Eckles, Kathryn A., Edelman, Peter B., Edwards, Yvonne E., Egendorf, Paul, Eichenlaub, Dawn M., Eichhorn, Jan, Eiland, Genevieve,

Eilenberg, Eleanor F., Eisenhardt, Julie, Elsworth, Robert W., Elwood, Patricia, Emerine, Dan, Eng, Ronald M., Epperson, Audrey I., Erdman, Ann, Espenschied, Peter, Espy, Anita, Essaye, Eileen, Eugene, Elinor F., Evans, Ronald, Evelyn, Douglas E., Fagin, Roy V., Falk, David, Farlee, Coralie, Farley, Kecia M., Farrell, Mary, Farren, Linda, Fasano, Michael V., Fassler, Bettifae, Fay, Peter J., Feldman, Abraham E., Feldman, Margaret, Fenton, Mary E., Ferens, Michael, Fidler, Lillian, Fillmore, Terrence, Fineberg, Rachel, Fischer, Eleanor P., Fitzgerald, IV, William B., FitzGerald, William H.G., Flack, J. Kirkpatrick, Flack, Joan, Fleming, Carol E., Fleming, Jean, Ford, James R., Ford, Jessica M., Forster, John J., Fox, Catherine J., Fox, Howard, Francese, Marge, Freund, Charles Paul, Freundel, Barry, Frye, Denetra T., Furlong, Joan M., Gaffney, James C., Gaine-Jernigan, April C., Gaither, Jr., Charles, Gardiner, Laura, Gardner, Letitia,

Garnett, C. Vance, Gati, Charles, Gati, Tobi T., Gaull, Eric S., Gauntt, Barbara, Gautier, Philip R., Gemmill, Frances C., Gemmill, Robert, Gench, Roger J., Gerstle, Tracy, Gibson, James O., Gildemeister, Joan E., Gildenhorn, Jeffrey N., Gill, Sr., John W., Gilson, Anne E., Gist, John Earl, Gittens, Tony, Glickman, Andrew, Glover, Joseph A., Gold, Gregg H.S., Golden, Ryan, Golomb, Rita, Goodall, Nataki, Goode, James M., Gordon, Lillian A., Gottfried, Bobby, Gottfried, Margery, Gould, Michael A., Grana, Teresa, Grano, Joseph N., Granoff, Nadine, Grant, Denise E., Grant, Evelyn R., Grant, Miriam, Grass, Eleanor, Graves, Jr. Donet D., Gray, Evelyn T., Gray, Harold, Gray, Lawrence A., Graye, Eric S., Green, Charles C., Green, Marjorie Reed, Green, Tyler, Greenan, Linda, Greene, M. Sharon, Greene, Natalie C., Greenfield, Brad, Griffin, Susan, Gundersheimer, Werner, Gunn, Zanette, Gunn-Williams, Berna, Gurley, George E.,

Gwynne, J. Guy, Hagerty, Helen M., Hagler, Graylan S., Hahn, Jr., Gilbert, Hahn, Margot H., Hallman, E. Patricia, Hanrahan, Deborah, Hanrahan, John, Hansen, Erling, Hargrove, Ann Hughes, Hargrove, John Lawrence, Harigan, Merrilee, Haring, Ellen E., Harles, Andrea, Harles, Charles, Harraway, Jane, Harris, Janette Hoston, Harrison, Keyla, Hatry, Audrey H., Hawkins, Ann W., Hawthorne, Annie F., Hayden, Andrea R., Hechinger, Sr., John, Height, Dorothy, Hemphill, Gwendolyn, Henderson, Wade, Henry, James, Herman, Christina C., Herman, Christopher C., Heurich, Gary F., Hier, Thomas C., Hill, Barbara, Hinman, Brian R., Hinton, Shauntay, Hinton, Solomon, Hitchcock, Joanne, Hobbs, Loretta M., Hobson, Phyllis J., Holeman, Larry E., Holman, Kwasi, Holmes, Anastasia M., Hoover, Bette, Hopper, Janice H., Hoskins, Marilyn W., Howard, John M., Hubbard, Reginald, Huff, James E., Hughes, Reginald T., Hughley, Alisa M., Hugo, Glen, Hunter, Deitrich, Hurst, Paul R.,

Hussey, Sandra R., Hydle, Lars S., Hyman, Robert E., Hyman, Toby R., Imperatore, Catherine, Isaac, Donald, Isaac, Fulwood, Ivey, Mary E., Jackson, Jr., Arthur H., Jackson, Jumoke, Jackson, Maurice, Jacques, Kenneth R., Jaffe, Lorna S., James, Sandra P., Jamison, Kay, Janke, Lucinda, Jarvis, Ernest D., Jashinsky, Judy, Jenkins, Anise, Jenkins, Lauretta C., Jenkins, Mark, Jenkins, Timothy L., Jewett, Martha, Johns, Marie C., Johnson, Aaron L., Johnson, Edith, Johnson, Jermaine, Johnson, Linda, Johnson, Mark F., Johnson, Michael, Johnson, Mzilla Boyd, Johnson, Sr., James R., Johnson, Wendell R., Johnstone, James M., Jones, Brenda, Jones, Cecily, Jones, Cliftine, Jones, Elaine R., Jones, Germaine, Jones, Gwen, Jones, Jean C., Jones, Mary C., Jordan, Jr., Vernon E., Joynt, Carol Ross, Junge, Emilie, Kameny, Franklin E., Kaplan, Joel, Kaplan, Michael, Katz, Kenneth S., Kaufman, Sarah E., Keenan, Joan S., Keeny, Jr., Spurgeon M.,

Keeny, Sheila S., Kelley, Kitty, Kelly, Brandy, Kemp, Virginia, Kendrick, Dolores, Kennedy, Adele, Kennedy, Emily A., Kennedy, Mary T., Kidney, Judy, Kiger, Keven, Kimber, Stephanie, Kinch, Patricia, King, Branda J., King, Catherine Y., King, Jean A., Kingsley, Rebecca, Kinlow, Eugene D., Kissel, Sharon M., Klein, Max, Klein, Suzette, Kleinhenz, Laura M., Knot, Kenneth, Koenigs, Marion, Kopper, Starr, Korzenik, Jeremy F., Koskinen, John A., Kraft, Barbara S., Kreitzman, Elizabeth, Kreitzman, Horace, Krowl, Michelle A., Kukulski, Raymond J., Kurtz, Gwendolyn M., Larh, Jack, Larh, Joanna Hanes, Lake, R. Renita, Lancastre, Johncie L., Lane, Joseph, Lane, Madelyn A., LaRoche, George S., Larsen, Amy Gracey, Lawrence, Charles, Lawrence,

Krystal, Lawton, Virginia, Lee, Ethel Delaney, Lee, Vilma L., Leiman, Robin, Leonard, Lloyd S., Levin, Vivian, Lewis, Charles Thomas, Lewis, Iris R., Lewis, Stacey L., Liberatore, Robert G.,

Lidoff, Marjorie, Lindenblad, Irving W., Linder, Geraldine, Linton, Ronald M., Loikow, Ann Hume, Lowe, Charles, Lowell, Kathyrn Solorzano, Lucas, Anne, Luchs, Allison, Luchs, Barbara B., Lugo, Elena, Lynch, Jr., Willie J., Lynch, Terrance, Lytle, Lelia A., Madison, Joseph, Mahone, Othello, Malasky, Gary, Malone, Brenda D., Marsh, Anna, Marsh, Luther, Martin, Elizabeth, Marx, Jay, Marzin, Anne D., Mason, Charles, Mason, Ernest J., Mawber, Carolyn, Maza, Rudy, May, Jr., Ernest N., Mayes, Stanley J., Mayoch, Melanie, McBride, Lindsay, McCauley, Mary T., McClintic, Dusty, McFarlane, Jonda, McIntosh, Janet, McIver, Dale, Mckee, Pamela L., McKiney, Arthur D., McKoy, John H., McLeod, James, McLeod, Kate, McMahon, James B., McSweeny, Dorothy Pierce, McWaters, Mary Harris, Meade, Barbara M., Meehan, Robert, Meehan, Susan, Meigel, Robin, Melder, Keith E., Melendez, Norma.,

Melgren, Linda M., Mersha, Wondimu, Merz, Mary Frances, Method, Francis J., Metzger, Nancy Pryor, Miller, H. Crane, Miller, Iris, Miller, Janette S., Miller, Joan, Miller, Joyce D., Miller, Nancy E., Miller, Rosemary E. Reed, Miller, Sabrina, Miller, Victor J., Mills, Yvette, Minott, Gloria, Mitchell, Cynthia T., Mitchell, Hedrick E., Mitchell, Shirley G., Mitten, Carol J., Moe, Richard, Molinelli, Lucille, Monagan, Rosemary, Mondale, Clarence, Mondale, Virginia, Monteilh, Richard, Moody, Linda H., Moore, Carol, Moore, Carolyn, Moore, Robert L., Morris, Debra S., Mosely, Bill, Muier, Adam E., Mumford, Jennifer, Mumin, Ibrahim, Munson, Marit, Najjab, Jamal, Neal, Beverly, Neil, Cynthia S., Nelson, Judith G., Nelson, Karen, Neumann, Loretta, Neverson, Angela P., Neverson, Norman C., Newsman, Elaine L., Nichols, Susan, Nickerson, Lisa M., Nijjeri, Redus, Noherty, Sean Patrick, Norouzi, Parisa, Norris, Alice L., Noto, Nonna A.,

Nyguard, Debra, O'Field, Jr., William R., Odabas-Geldiay, Filiz F., Odum, Joel, Ogilvie, Phil, Oldham Molly, Olender, Jack H., Oliver, Anne, Pannell, Philip E., Parker, Cheryl A., Patrick, Jaquetta, Patterson, Michael, Payton, II, Douglas Neil, Payton, Pamela, Pearson, Shawn L., Pearson-West, Kathryn A., Peck, Robert A., Peete, Etta C., Perry, Keith Andrew, Peterson, Sushila J., Pigott, Howard, Plotkin, Mark, Pollard, William L., Pollock, Lucia, Pontius, John F., Pontius, Ruth C., Pope, George, Popkin, Joanne, Poteat, Willard C., Potter, Julian, Powell, John, Present, Sheri, President, Delure, Price, Woodruff, Pridgen, Marguerite, Priemou, Lina, Quander, Carmen, Quander, Rohulamin, Quinn, Brigid, Raines, Franklin D., Rainwater, Peggy E., Rausch, Richard L., Ravens, Robert B., Ray, Kathryn C., Redman, Gail, Redwood, Rene A., Reed, Jeanne P., Reeves, Brian, Rega, Elizabeth, Rega, John, Regardie, Renay, Regardie, William,

Reid, Sheila A., Rhodes, Samuel W., Rice, Bill, Rich, Sr., Frank, Richards, Laura, Richards, Mark David, Richardson, Bernard, Richardson, Charles, Richardson, Neil, Richardson, Ronald, Rieffel, Lex, Riley, Paul J., Rimensnyder, James N., Rimensnyder, Nelson F., Rivers, Beverly D., Rivlin, Alice M., Robbins, Stacey, Robbins, Warren, Robin, Alex, Robinson, William L., Rodriguez, Hector, Rogers, Helen H., Rojo, Eric, Roles, Margaret, Rollins, Jr., Robert A., Romanek, Walter, Rooney, Angela, Rooney, Thomas P., Roosevelt, Kermit, Rose, Loraine, Ross, Glyndola C., Ross, Pete, Ross, Tayloe, Roth, Alan J., Rothschild, Kenneth, Rouncie, Hollace, Rowan, Mary Pat, Rowen, Paul R., Russell, Elizabeth, Ruttenberg, Charles B., Rybeck, Richard, Sacks, Benjamin R., Saez, Miriam, Sanders, Charles E., Sandvold, Irene, Sarla, Leo, Saul, Judy Hubbard, Saunders, Sherry J., Schaefer, Christie, Schaefer, Mark A., Scher, Barry F., Schietinger, Egbert F.,

Schietinger, Helen, Schlefer, Marion K., Schyler, Krista, Schmidt, Kathy, Schott, Peter, Schussheim, Hanna L., Schwinn, Gerald Allan, Scott, Edith M., Scott, Paul D., Seegars, Sandra, Seligman, Michele, Sellin, Anne, Sellin, David, Semans, Linda K., Sericca, Cherie, Shaffer, Joseph, Shannon, Donald H., Shannon, Sally, Shapiro, Carol Ann, Shapiro, Sarah, Sheehan, Kathleen M., Shema Yah, Queen Mother, Sheppard, Anthony M., Shepperd, Randall J., Short, Jr. James N., Shulman, Judith L., Sibert, Karen M., Sigerson, Bartlett, Sivlerman, Gary S., Silverstone, Gail, Simmons, Jacquelyn S., Simmons, Nancy L., Simon, Gottlieb, Simons, Elaine D., Simons, William H., Simpson, Alec, Singleton, Harry M. Sinzinger, Kathryn M., Sislen, Myrna, Slemmer, Amy, Smalls, Betty L., Smith, B. Harold V., Smith, Dane F., Smith, Jeffrey, Smith, Judith A., Smith, Juliette W., Smith, Kathryn S., Smith, Kimberly R., Smith, Lloyd D., Smith, Naomi B., Smith, Nelson, Smith, Sherwood,

Smith, Vivian L. Smith, Wallace Charles, Smith, Walter, Snyder, Tanya, Sockwell, Robert N., Softli, Linda E., Solomon, Daniel, Solomon, Elizabeth, Solorzano, John, SoWell, Richard, Sparkman, Jennifer L., Speight, Chester, Spencer, Annette L., Spillinger, Barbara, Springmann, Ruth E., Standing, Benjamin M., Stanmore, Stuart, Starke, George, Steacy, Richard, Steen, Jim, Stein, Gary, Stephens, David H., Sternlieb, Joseph, Stewart, Rhonda, Stock, Richard H., Stout, Anna, Stowell, Kerry H., Strawser, Neil E., Sulton, Cynthia Gayle, Sussman, Michael, Szulgit, Karen A., Talbott, Strobe, Tangherlini, Daniel, Tank, Mary L., Tanney, Faith, Tate, Constance P., Tayler, William, Taylor, Clara S., Taylor, Inell P., Teasley, Inez L., Tellis, Edward L., Temple, Donald M., Tennly, Emanuel Tanen, Terry, Diane, Tess, Dillon, Theobald, Ursula, Thomas, Annie Marcs,

Thomas, Hazel B., Thomas, J. Maurice, Thomas, Martin, Thomas, Romain B., Thomas, W., Thorne, Doris, T., Thorp, Matthew B., Tierney, Mary B., Tillman, Joan E., Tingling, Michele A., Tobias, M., Todd, Ellen, Tottenberg, Polly, Tractenberg, Stephen Joel, Trumbull, Kuann, Tuckerman, Jane, Turner, Wayne, Tyrance, Marian T., Tyson, Harriet, Updike, William A, Valenti, Jack, Van Susteren, Lise, Van Williams, David, Vandivier, Elizabeth, Vicary, Scott, Vigderhouse, Mildred, Volk, Joann, Walker, Alice, Wallace, Elizabeth F., Ward, Derrick, Washburn, Abbott M., Washington, Mary Burke, Washington, Paul, Washington, Robert E., Washington, Shirley A., Waters, Joyce N., Watkins, Erikka B., Watkins, Frank, Watkins, Robert P., Watson, Loretta M., Ways, Sherry B., Weaver, Gladys C., Wedderburn, Daniel H., Weill, Daniel F., Weisman, Jr., Malcolm L., Weiss, Chris, Weiss, Marc A.,

Weiss, Nancy, Welch, Delores H., Wellborn, Clay H., Wellborn, Edna P., Wenham, Gerard R., Werronen, Betsy W., West, Jr., Togo D., Westbrook, Richard B., Wheeler, A.L., Whitman, Sue, Wilbourn, Beverly J., Wilcher, Vickey M., Wilkins, Roger, Willet, Sheila A., Williams, Anthony M., Williams, Elsie B., Williams, Paul, Williams, Shelore, Williams, Virginia Hayes, Wills, Kathleen H., Wilson, Charles, Wilson, Joan R., Wilson, Joann L., Wilson, Raymond J., Wilson, Vaughn, Winborne, Annie M., Wirtz, Jane Q., Wirtz W. Willard, Wiseman, Dewey, Wholberg, Jeffrey A., Wolf, Muriel D., Wolf Richard N., Wolff, P.L., Wooby, William, Woodfork, Ethel S., Woodfork, Sterling V., Woods, Elizabeth M., Woodson, Roderic L., Woosley, Dorothy L., Worthy, Ruth, Wynn, Lester M., Yancey, Elizabeht C., Yeomans, Barbara, Zanders, Miriam, Zeldin, Zelda, Zobgy, James, Zupa, Mary Beth.

HEALTH CARE FOR VETERANS OF PROJECT 112/PROJECT SHAD ACT OF 2003

SPEECH OF

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. LYNCH. Mr. Speaker, I rise in support of H.R. 2433, the Health Care for Veterans of Project 112/Project SHAD Act of 2003. From the year 1962 until 1973, the Department of Defense conducted various biological and chemical warfare tests, which involved several armed forces participants. These veterans were susceptible to the harmful effects of those biological and chemical agents, resulting in various illnesses that have been detrimental to their health and to their general welfare. The fact that these brave veterans have not been ensured essential medical services, hospital care, and nursing home care is a shameful one indeed.

Experimental warfare testing has had notoriously degenerative effects upon its participants. The consequences of Vietnam-era toxins, for example, are still being researched to better understand just how damaging the exposure has been. Another instance, Gulf War Syndrome, has been attributed to numerous military endeavors, such as petroleum-related hazards to the depleted uranium shells of the M1–A1 Abrams battle tank. These unintentional, unfortunate side effects of warfare must not go unheeded.

The noble service and duty of our proud veterans deserves gracious recognition and appropriate compensation on the part of the federal government. We cannot shun the treatment of unnecessary and preventable illnesses, nor can we rest idly while our nation's defenders succumb to such illnesses. There should be no requirement for proof of service-connection for the veterans who participated in the 1962 to 1973 testing. With their health care guaranteed by the federal government, we are rightly paying them back and providing the treatment that they need.

In addition, the VA medical workforce is in need of a significant improvement of healthcare facilities. Working against the VA are the fluctating staff levels of the medical staff who form the backbone of the facility workforce. Their weekend pay is also subject to confusing advantages and disadvantages, depending on one's position. Current standards of promoting nurses do not take into account experience, but rather favor those with a Bachelor's degree in Nursing Science. These issues further complicate and hamper the efforts of honest, hardworking healthcare employees to administer proper care and treatment to patients.

We must develop innovative methods of attracting medical personnel into the veterans' healthcare field, especially given the flight of skilled workers and patients to hospitals in the

private sector. Through fair labor negotiations between the VA and medical staffs, adequate staff levels and the means for the delivery of patient care can be properly outlined. Without sufficient communication and coordination on the parts of both the VA and its medical workers, everyone will ultimately suffer, and no one more than our veterans. The physical and emotional well being of our veterans should not be marginalized and this legislation is one step towards ensuring that they receive the proper high-quality care that they deserve.

TRIBUTE TO MOTHER TERESA OF CALCUTTA

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. CAMP. Mr. Speaker, today I would like to pay special tribute to Mother Teresa of Calcutta in celebration of her extraordinary life.

The world has always been filled with great humanitarians, people who donate millions of dollars, and people who make their voices heard. Yet, Mother Teresa stands out in this group. She dedicated her entire adult life to caring for the terminally ill, the unwanted and unloved. Despite these people's pain and suffering, she gave them a reason to smile. Mother Teresa received her calling in 1946 and humbly spent the next 51 years devoted to helping the people of India. In 1979 she received the Nobel Peace Prize and in 1985 she received the highest U.S. civilian award, the Medal of Freedom.

Mother Teresa had love in her heart for all God's children, and for that, I am honored today to pay tribute to her.

A TRIBUTE TO THOMAS C. MOHR OF HILLSDALE, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to offer my congratulations to Thomas C. Mohr of Hillsdale, MI as a friend, a great American, and most recently for being named Michigan's ''Clerk of the Year.''

Selected by a seven-member panel, Mr. Mohr was honored for over 15 years of service to the state and as the Hillsdale County Clerk. Mohr has been active in community service and is responsible for recording the official county statistics as well as criminal and civil trials in Circuit Court. Additionally, Mr. Mohr has supervised elections for the past 15 years in a most professional manner.

Thomas Mohr puts his job first and personal feelings second. It's no wonder then that the local newspaper calls him a leader of Hillsdale. Peers say he is ''dependable, trustworthy, and very conservative.''

Mr. Mohr has a long list of accomplishments: a former teacher in Litchfield, a U.S. Navy Veteran, township clerk, county commissioner, and father of two. In addition to his County Clerk duties he serves as the treasurer for the Michigan Association of County Clerks. He received his Bachelor of Science degree from Central Michigan University and Masters in Public Administration.

Mr. Mohr sets an example for all of us as he has quietly gone about his life and work. As Theodore Roosevelt said, ''The first duty of an American citizen, then, is that he shall work in politics; his second duty is that he shall do that work in a practical manner; and his third is that it shall be done in accord with the highest principles of honor and justice.'' Thomas C. Mohr has done just that.

IN RECOGNITION OF THE HISTORICALLY BLACK COLLEGE AND UNIVERSITIES IN SOUTH CAROLINA'S SECOND CONGRESSIONAL DISTRICT

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. WILSON of South Carolina. Mr. Speaker, I rise to pay tribute to the Historically Black College and Universities of the Second District of South Carolina. Benedict College, South Carolina State University and Claflin University serve more than 10,000 minority students seeking a better future for themselves and their families through education.

I've personally had the chance to visit many of these institutions and have seen firsthand what a tremendous job they are doing in preparing our youth for the future. I have proudly cosponsored legislation to strengthen minority-serving institutions and help to break down barriers that currently prevent some students from pursuing their dreams through education. I have also cosponsored bills to assist minority-serving institutions as they participate in graduate programs under the Higher Education Act, as well as international and foreign language studies programs.

Republicans in Congress have recognized the value of schools like Benedict, SCSU, and Claflin and have increased funding by 96 percent and by 172 percent for Historically Black Graduate Institutions (HBGIs) since 1995. This year, HBCUs received $214 million and the HBGI program received $53.4 million. The House-passed spending measure for next year adds another $10 million for HBCUs, bringing funding to nearly $225 million.

And earlier this year the House approved legislation, the Ready to Teach Act, to strengthen the nation's teacher training programs, including creation of ''Centers of Excellence'' at minority-serving institutions to bolster teacher quality and training.

The strong leadership provided by Presidents Dr. David Holmes Swinton of Benedict College, Dr. Andrew Hugine, Jr. of South Carolina State University, and Dr. Henry N. Tisdale of Claflin University combined with Congress' commitment to increase access to college for all Americans will ensure a brighter future for the students of South Carolina's Second District.

HONORING THE GRAND VALLEY STATE UNIVERSITY PIONEER CLASS OF 1967

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor the Grand Valley State University Pioneer Class of 1967. The first graduating class of Grand Valley State University assembled on the Allendale Campus in September, 1963. There were 226 members of the class, with 156 ultimately graduating with baccalaureate degrees from the institution. The college in that first year consisted of only two fully completed buildings: Lake Michigan Hall and the Seidman House student center. During the four-year journey of the Pioneer Class through Grand Valley State College (as it was then known), the campus was constantly changing as new buildings and facilities were added.

The class was comprised primarily of students from the West Michigan area who were carefully selected for academic aptitude and other indicators of potential success at the new, largely non-residential college. They concentrated and succeeded in their college programs despite the distractions of the increasing turmoil of the Vietnam War and the American cultural revolution that began in the mid–1960s.

The students were challenged by a rigorous curriculum, coupled with shortages of facilities and equipment, rudimentary library and audio-visual resources, and a virtual absence of traditional student life opportunities during their four years on the campus. The college did not receive academic accreditation from the North Central Association until late in the Pioneers' senior year. Members of the Pioneer Class competed on Grand Valley's first intercollegiate athletics teams, and inaugurated new housing, arts, writing, intramural sports, and community service programs at the college. They truly paved the way for generations of Grand Valley students to come.

Nevertheless, the Pioneer Class met all academic expectations and graduated in June, 1967. Class members have gone on to succeed in business, industry, education, religion, science and government. They met the challenges of life and study at the new college and are the first in a long line of distinguished, accomplished graduates from what has become a major regional institution of higher learning.

They are saluted upon the occasion of the 40th anniversary of their arrival at Grand Valley with a gala reunion in connection with Grand Valley State University's Homecoming 2003 on Oct. 3 and 4. The theme of this year's celebration honors them and all those who came after them at Grand Valley: ''Grand Valley State University: A Pioneering Spirit.''

INTERDEPENDENCE DAY

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. WEINER. Mr. Speaker, I would like to bring the attention of this body to an event

that took place last week. On September 12, 2003, some of the finest citizens from around the world assembled in Philadelphia, the birthplace of our democracy, to recognize the first ''Interdependence Day''.

This historic event brought together public, civic and corporate leaders, distinguished academics and diplomats, and interested citizens and students, to reflect together on the fact that the world is becoming more and more connected. In a global climate that is too often rife with conflict, the participants of Interdependence Day examined ways to best diffuse the tensions that exist between nations and cultures. Indeed, the choice of September 12th for Interdependence Day was made in the hope that the symbolism of ''the day after'' would encourage citizens from around the world to see that terrorism and war are also opportunities for civic renewal and global cooperation.

Those in attendance had the opportunity to sign the Declaration of Interdependence—a document affirming the interdependent character of the post-modern world—to ponder questions of the relationship of independence to interdependence, and to celebrate the creation of an important 21st century commemorative event.

Interdependence Day events took place this year not just in Philadelphia, but in Budapest and in a number of schools and colleges in the United States. By the year 2004, the sponsors at the Democracy Collaborative expect to have many more venues. Mr. Speaker, I commend those who came together to celebrate Interdependence Day in Philadelphia, and those around the country and the world who are working to see that that horrors of September 11 are never repeated.

CELEBRATING THE SITE DEDICATION OF THE GERALD R. FORD SCHOOL OF PUBLIC POLICY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. DINGELL. Mr. Speaker, I rise today to celebrate the site dedication of the Gerald R. Ford School of Public Policy at the University of Michigan, which is located in my district.

This University has always been at the vanguard of education, research, and preparing the best minds in the nation to confront the problems of this world. In 1916 the Institute of Public Administration was founded as one of the first schools to prepare students for the challenges of the public sector. It was reorganized as the Institute of Public Policy in 1968, and the curriculum expanded to include economic analysis, political science and quantitative methods. In 1995, the Institute was reestablished as an independent school within the University of Michigan—the School of Public Policy, which was renamed for my dear friend President Gerald R. Ford in 1999. President Ford is the only U.S. President from Michigan and the only president to graduate from this University. He took office at a dark hour in our nation's history and restored its faith in the Presidency through his wisdom, his courage, and his integrity.

The Ford School is guided by the expertise of Dean Rebecca M. Blank, a former advisor to President Clinton. She leads a small, close-knit community that fosters academic rigor, intellectual curiosity, and vigorous debate. Regular luncheon meetings and special presentations draw people together for discussion of pressing policy problems. A wide range of student activities—from soccer teams to lecture series—creates a lively and energetic environment. Students serve on all decision-making committees and play an important role in Ford School governance.

Public policy is a multidisciplinary field and the Ford School is home to several multidisciplinary research centers. The Center for Local, State, and Urban Policy Research (CLOSUP) and the National Poverty Research Center are housed at the Ford School. Their work gives policy makers, from Lansing to Washington, DC, accurate analysis and innovative ideas on society's most pressing problems.

Most importantly, this school prepares our nation's leaders. It takes the best minds from across the country and helps to focus their energies to making this world a better place. This school seeks solutions to our most intractable problems, and ennobles those who have the calling of patriotism, selflessness, and leadership. It is a testament to our great state, our great university, and our great former president, Gerald Ford.

Mr. Speaker, the Gerald R. Ford School of Public Policy is a tremendous asset both to the University and the state of Michigan. I ask that you and all of my colleagues rise to congratulate the school on this important event.

ON THE INAUGURAL BRIEFING OF THE CONGRESSIONAL SPINA BIFIDA CAUCUS AND RECOGNIZING THE SPINA BIFIDA ASSOCIATION OF AMERICA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to recognize one of Congress' newest caucuses—The Congressional Spina Bifida Caucus.

This Congressional Member Organization (CMO) was co-founded and is co-chaired by my good friend Representataive BART STUPAK of Michigan and me. The Congressional Spina Bifida Caucus is dedicated to improving the healthcare and overall quality of life for the 70,000 Americans and their families living with spina bifida.

This year has been a successful year for the patients and families who live with spina bifida, especially the members of the non-profit Spina Bifida Association of America who have done indefatigable work promoting an agenda of hope and research. In addition to securing $2 million to establish the National Spina Bifida Program at the Centers for Disease Control and Prevention (CDC) earlier this year, a major gathering of leading spina bifida researchers was held here in Washington this past May. The successful conference played a major role in helping to chart the future path of spina bifida research.

Yesterday, we marked another milestone—the official launch and first briefing of the Congressional Spina Bifida Caucus. In very short time, more than 20 Representatives supportive of our mission have joined the caucus. As more Members learn of the mission and legislative focus of the caucus, we are confident they too will join. I look forward to hosting additional informative briefings to better educate both Members and staff about spina bifida.

All of these successes would have been impossible if not for the work of the Spina Bifida Association of America and the Spina Bifida Foundation. Under the Leadership of Foundation President Hal Pote, Association President Alex Brodrick, and CEO Cindy Brownstein, the SBAA has made tremendous strides these past few years in helping all Americans—and their families—who live with spina bifida.

I wish the SBAA the best for continued success and I look forward to continuing to lead efforts in Congress on behalf of spina bifida patients and families.

REMEMBERING GENERAL BILL CREECH

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. GIBBONS. Mr. Speaker, it gives me great pleasure to pay tribute to a distinct man of service and to join Nevadans and Americans in honoring the memory of retired Air Force General Wilbur L. ''Bill'' Creech.

Bill Creech started at the bottom as a private in the Air Force in 1944, and he retired forty years later as four-star general, and commander of Tactical Air Command, or TAC. However, he will not be remembered only as a man who rose from the bottom to the highest of heights. He will be remembered as a man who changed the United States Air Force.

The current Chief of Staff of the Air Force, General John Jumper, who served as Creech's executive officer at TAC, said, ''No single officer has had greater influence on the Air Force in recent times than General Bill Creech. He transformed the way the Air Force conducts warfare.''

Bill Creech did indeed change the Air Force. The General revitalized TAC by improving its efficiency, modernizing the forces with transformational weapons and tactics, and developing the teamwork that still exists in our Air Force. As a fighter pilot, I personally experienced the impact Bill Creech had on the Air Force. His leadership philosophy made everyone in a unit-flyers, maintainers, and support personnel-believe in the value of making things better. This philosophy spread beyond TAC to the entire Air Force. The men and women who are fighting in Iraq and Afghanistan today are the beneficiaries of his wisdom and leadership.

For Nevadans, General Creech is probably most appreciated as the ''father of the Thunderbirds''. After a tragic accident on January 18, 1982 claimed the lives of four team members, many people questioned the value of the Aerial Demonstration Squadrons. But Bill Creech believed in the Thunderbirds. He saw the values that the team demonstrated and knew they were important for the Air Force and our nation. General Creech put himself on the line to back the team and make it the great organization it is today. Even today, in the shadow of the accident on September 14,

2003, the first major accident since the tragedy in 1982, there is no question about the value of this team. The earth will continue to tremble under the great wings of the Thunderbirds because of Bill Creech.

To Bill's wife, Caroline, I offer the condolences and admiration of Nevadans and-Americans. The loss of Bill Creech is a loss for our great Nation. We all join together to express our gratitude for the service and sacrifice of a great man.

REOPENING OF BAILEY AND BARCLAY HALLS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. OXLEY. Mr. Speaker, it is my honor to acknowledge the reopening of Bailey and Barclay Halls on the campus of Urbana University in Urbana, Ohio, after extensive renovations to both buildings.

Founded in 1850 by the Swedenborgian Church, Urbana University is known for its strong liberal arts tradition and the solid moral education provided to its students. Bailey Hall is the university's oldest building, constructed in 1853 and named after Francis Bailey, who fought alongside George Washington at Valley Forge. Bailey also served as the official printer of the Continental Congress, and was a close colleague of his fellow printer Benjamin Franklin.

Barclay Hall, completed in 1883, was the third building constructed at Urbana University. It was named for Hester Barclay, an orphan taken in by Francis Bailey. Both Bailey and Barclay Halls appear on the National Registry of Historic Places.

Francis Bailey and Hester Barclay are considered to be the first male and female Swedenborgian converts in North America, and were themselves instrumental in the conversion of John Chapman, better known as Johnny Appleseed. Appleseed distributed Bailey's paper The True Christian Religion on his own missionary and apple-planting travels, and was a frequent visitor to the Urbana area. Bailey Hall houses the Johnny Appleseed Education Center and Museum, the largest known collection of the conservationist's memorabilia. The Center is devoted to promoting Chapman's vital role in helping to develop the Northwest Territory through spreading both apple seeds and his faith in God.

The $1.8 million renovation to these two buildings provides needed improvements to the Appleseed Museum, as well as additional modern classroom space, meeting rooms, and faculty office space. These facilities will enhance the learning experience both of Urbana's students and visiting scholars to the Appleseed Center. I salute the hard work and dedication of everyone who has helped to make this project a success.

CONGRATULATING MS. JOANNE STOCKDALE

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. KING of Iowa. Mr. Speaker, I rise to congratulate Ms. Joanne Stockdale on the great honor of being named Iowa Small Business Person of the Year by the Small Business Administration. It is because of the excellent reputation that she established since purchasing Northern Iowa Die Casting, Inc. in 1984, that she deserves this recognition. Small businesses are the backbone of Iowa's economy, and it takes true entrepreneurial spirit and determination to ride economic waves in order to remain successful. It is to her credit that Northern Iowa Die Casting, Inc. has grown from six to 100 employees, with sales soaring from $225,000 to $10 million. She is to be commended for bringing jobs and commerce to Lake Park, Iowa.

I also recognize her for the great honor of representing Iowa small business at the National Entrepreneurial Conference and Expo held this week in Washington, D.C., while competing for the national Small Business Person of the Year Award.

As a small business owner for 28 years, I have great personal appreciation for both the struggles she faces and the joys of seeing the fruits of her labor. Since arriving at the U.S. Congress in January, I have made small business a legislative priority, and my work on the Small Business Committee has already enabled me to assist in creating legislation that will help small business leaders like Joanne Stockdale.

HONORING THE SMALL BUSINESS ADMINISTRATION ON ITS 50TH ANNIVERSARY

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2003

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to honor our Nation's small businesses. Today we are marking the 50th anniversary of the SBA, an agency with the critical role in our country of supporting and promoting small businesses. Twenty-three million small businesses nationwide produce more than two-thirds of all new U.S. jobs; generate more than half of our Gross Domestic Product; represent 99.7 percent of all employers; and provide almost all workers with their first jobs. Small businesses in America form the backbone of the American economy and they are economic anchors in our communities.

In my home State of Illinois, close to 98.2 percent of our almost 280,000 employer businesses are small businesses with fewer than 500 employees. Currently, there are an estimated 6.2 million women-owned businesses in the United States, accounting for 28 percent of all privately held firms. These firms generate $1.15 trillion in sales and employ 9.2 million workers. Minority-owned businesses have quadrupled over the last decade. Minorities now own 15 percent of American businesses and 99 percent of these firms are small businesses. The fact that small businesses make a substantial contribution to our economy is undeniable.

America's small businesses could also act as a driver for our weakened economy. But they are struggling. They are struggling to cover the soaring cost of providing their employees with healthcare and they are struggling to simply survive in the Bush economy. Only 3 percent of the benefits of the $350 billion tax cut package that President Bush sold as a "job creation plan" went to small businesses. Instead of benefiting those companies that create the most new jobs, the President's tax breaks go into the pockets of the wealthiest Americans.

We should do more than mark the 50th anniversary of the SBA. We should take immediate action to help our small businesses and their employees. We should pass this resolution today, but we must then follow through with real relief to small businesses. Our small business owners and employees know that if you expect to succeed, you don't keep your customers waiting. We can't allow President Bush to keep our small businesses waiting much longer.

RECOGNIZING THE ACCOMPLISHMENTS OF THE EMPLOYEE BENEFIT RESEARCH INSTITUTE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. PORTMAN. Mr. Speaker, I rise to recognize the valuable work of the Employee Benefit Research Institute (EBRI) as it celebrates its 25th anniversary. Established in 1978, EBRI is a nonprofit nonpartisan organization committed exclusively to data dissemination, policy research and education on economic security and employee benefits.

Few issues are as complex and important as those involving retirement security policy. For the past quarter century, EBRI has provided Members of Congress and other policymakers with objective, unbiased information on this critical issue. EBRI helps provide a context for our debates, and because it makes no policy recommendations, EBRI's facts can be comfortably used by all participants in debates.

The information provided by EBRI has served Congress well for the past 25 years. During this time, we have seen some significant changes and improvements to our nation's retirement system. EBRI consistently illuminates the real issues and clarifies the key questions about retirement, which helps us to provide a better future for America's workers and retirees. I am certain that EBRI will continue to be an invaluable resource to policymakers as we continue to strengthen our nation's retirement security laws.

Mr. Speaker, I hope my colleagues will join me in recognizing the contributions of EBRI. As it celebrates its 25th anniversary, all of us congratulate EBRI for its commitment to advancing policymakers' knowledge and understanding of retirement security issues and their importance to our country.

MIEASHA HICKS NAMED NATIONAL YOUTH OF THE YEAR BY BOYS & GIRLS CLUBS OF AMERICA

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Ms. KAPTUR. Mr. Speaker, it gives me great pleasure to announce to our colleagues that Mieasha Hicks, 18, a member of Boys & Girls Clubs of Toledo, Ohio, was named National Youth of the Year by Boys & Girls Clubs of America at its annual Congressional Breakfast held today in Washington, D.C. As noted by the Boys & Girls Clubs of America national office, sponsored by the Reader's Digest Foundation, the Youth of the Year program recognizes outstanding contributions to a member's family, school, community and Club, as well as personal challenges and obstacles overcome. She competed against four other regional finalists, Kewanna Daniels (Gulfport, Miss.), Ambrosia Hafen-Hayes (Las Vegas), Yamarie Negron (Mt. Kisco, N.Y.) and Luis Vasquez (Greeley, Colo.).

In their announcement of this award, the Boys and Girls Clubs of America describe Mieasha Hicks, as a survivor. Her parents were 13 and 15 years old when she was born. Periodically, she was shuffled between households as the family grew. Being the oldest of seven children, Mieasha had no choice but to mature quickly.

Today, she helps her brothers and sisters with their homework and prepares them for tests. She often takes them to the library, the movies, shopping and out to dinner. Thanks to Mieasha, all of her younger siblings have become honor students.

Her father died when she was 12 and her mother left the state when she was 11. Despite these traumatic occurrences, Mieasha's visits to the East Toledo Boys & Girls Clubs gave her a reason to stay positive.

For the last 10 years, the Club has given her a place to belong. There she served as vice president of the Keystone Club, a group which gave her the opportunity to lead community service projects. She has also learned marketing and sales skills while organizing bake sales and candy sales as fundraisers. Among other activities, Hicks assists with Power Hour, her Boys & Girls Club's afterschool homework help program.

Mieasha Hicks was an academic standout at Central Catholic High School, where she has been a member of the National Honor Society and the school choir, a cheerleader, and student council representative. She is also actively involved with the African-American Culture Club.

She began attending Bowling Green University this fall where she will study medicine and science.

Mr. Speaker, it is truly a pleasure to commemorate this accomplishment by one of the first leaders of tomorrow's generation. For the next year she will have the opportunity to represent the Boys and Girls Clubs of America throughout the nation, and be an inspiration to thousands of young people who will see proof that success is possible when young people are willing to commit themselves to life's important goals. Congratulations, Miesha!

IN HONOR OF THE PIONEER MOTHER MONUMENT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. SKELTON. Mr. Speaker, on April 23, 2003, in my hometown of Lexington, MO, a rededication was held on the Pioneer Mother Monument, known as the Madonna of the Trail.

In 1928, the National Society, Daughters of the American Revolution (DAR) erected 12 duplicate monuments known as the Madonna of the Trail paying tribute to the pioneer motherhood of the covered wagon days. The monuments were placed along the Old Trails Memorial Highway in twelve states across the United States. Statues are located in Springfield, Ohio; Wheeling, West Virginia; Council Grove, Kansas; Lexington, Missouri; Lamar, Colorado; Albuquerque, New Mexico; Springerville, Arizona; Vandalia, Illinois; Richmond, Indiana; Washington County, Pennsylvania; Upland, California; and Bethesda, Maryland.

At the original dedication of the Pioneer Mother Monument, 75 years ago, my father Ike Skelton III, spoke as a representative from the Lexington Legion Post. Also speaking that day was the Jackson County Court Judge Harry S. Truman.

The rededication of this monument was under the direction of the Missouri DAR. The moving force behind this event was LaVeda Cross, of Lexington, MO, with the help of her devoted husband Bill. However, without the support of the Lafayette/Lexington Chapter DAR and all the local citizens, the day would not have been possible.

I was privileged to deliver the rededication speech which is set forth as follows:

RE-DEDICATION OF THE PIONEER MOTHER MONUMENT LEXINGTON, MO—AUGUST 23, 2003

Thank you for inviting me to take part in this special ceremony to rededicate the Madonna of the Trail, the Pioneer Mother Monument, here in Lexington. This event could not have taken place but for LaVeda Cross and her devoted husband, Bill. A special thanks to the Lafayette/Lexington Chapter DAR and local citizens for their efforts to make this day possible.

To be able to participate in this event is very special to me, and not just because my wife Susie has been an active member of the Daughters of the American Revolution. Seventy-five years ago, when this very monument was dedicated, many prominent people participated: Mrs. Benjamin L. Hart, the Missouri DAR's State Regent; Edward J. White, Vice President of the Missouri Pacific Railroad Company; Mrs. John Trigg Moss, Chairman of the DAR's National Old Trail Committee; Mrs. Henry C. Chiles, Regent of the Lafayette Lexington DAR Chapter; and Judge Harry S Truman, President of the National Old Trails Road Association, to name a few.

But according to the program, and according to history passed down in my family, my father, Ike Skelton, III, Lafayette County's young Prosecuting Attorney, was allowed to give remarks while presenting a memorial flag and flag pole at the monument site. He was acting as the representative of the Lexington American Legion Post.

On that day, my father first made the acquaintance of Judge Harry Truman, the ''Man From Independence'', the man who would later become President of the United States. Because of the lasting friendship that was formed at the inaugural dedication of this monument, my wife and I in later years came to know President Truman as well—and he was a genuinely nice person.

But imagining that Monday afternoon, September 17, 1928, it's unlikely anyone dreamed that among them stood a future President—a man whose decisions would set the course for the second half of the twentieth century and alter the future of the world. Makes you want to look around a bit at the crowd gathered here today, just in case.

The Pioneer Mother Monument in Lexington has been a landmark in this city for my entire life. As you may know, there are twelve duplicate DAR monuments known as the Madonna of the Trail paying tribute to the pioneer motherhood of the covered wagon days. The monuments have been placed along the Old Trails Memorial Highway in twelve states across the United States.

According to an article in the DAR Magazine written some years ago by Helen Bartlett of the Samuel Huntington Chapter in Huntington, Indiana, the idea of a monument to pioneer mothers came to Mrs. John Trigg Moss of St. Louis after she saw a picture of a statue in Portland, Oregon, dedicated to Sacajawea, the Shoshone Indian woman who guided Lewis and Clark from Fort Mandan, North Dakota, to the mouth of the Columbia River. That Sacajawea was the inspiration of this statue seems quite appropriate.

Lexington sits on the bluffs overlooking the river Lewis and Clark traveled, not quite half-way through their trek across the unknown continent. And like the pioneer mothers who followed, Sacajawea also knew what it was like to care for an infant while leading a party of travelers through the wilderness.

In this world of 24–hour news channels, satellite dishes, thousands of newspapers, magazines, and internet sites, it is difficult to overstate the leap of faith it must have taken for the pioneers who bravely ventured into largely uncharted territory as participants in the Westward Movement. In many respects, it was a jump into the great unknown. And in some cases, what the pioneers thought was true—from pamphlets, from books, from word of mouth—was far from it.

A verse that pays tribute to the covered wagon people goes like this:

The coward never started;
The weak died on the way;
Only the strong came through.

The women and men who pioneered the West built this country, but the role played by the women who built this country deserves special attention and recognition. This statue, symbolizing all of the women who settled the West, is larger than life—just as the women we celebrate led lives that were larger than life.

With a baby in her arms and another child at her side, the Madonna of the Trail glorifies the value of family. We can see her sturdy boots, visible as she strides Westward, but we also see that the Pioneer Mother carries a rifle. Looking at her, there is no reason to doubt that she would be able to use it.

The women who endured the trip West were tough, sturdy and strong. They traveled the mountains, the hills, and the plains, crossed rivers, fought heat and cold, wind and rain. They cared for their husbands, bore children, and protected their families. They tended their animals, hunted and prepared their food, repaired their wagons, camped under the stars, and staked out homesteads.

While men and women together built new communities in a new, strange land, it was

the women who ensured that the communities were actually settled. They built homes, schools, and churches, worked farms and ran businesses.

Some moved West by choice, others by circumstance. They faced terrible hardships. They made great sacrifices. They struggled mightily. Many of these pioneers—women, men, and children alike—did not survive. But those who did passed along to us a rich American heritage—a heritage based on the values of courage, independence, strength, determination, and freedom.

In addition to the pioneer women whose accomplishments are commemorated by this monument, the statue in Lexington also pays tribute to leaders in our local community who were instrumental in our country's development during the covered wagon days.

As noted on the statue's pedestal, Lexington was settled in 1820 by pioneers moving west from Virginia and Kentucky. The town became an early terminal for river transportation and also served as the starting point on the Western Trail of the pack pony and ox cart. Traders and wagon outfitters in Lexington were some of our most prominent citizens—John, James, and Robert Aull, William Russell, Alexander Majors, and William Waddell.

These successful businessmen made their names not only by selling essential supplies to men and women traveling West, but also by running their own wagons into the frontier to supply settlers and U.S. soldiers in their outposts. Russell, Majors, and Waddell's later enterprise, the Pony Express, was extraordinary in its ambition and still today enjoys legendary status.

Our pioneer ancestors seized opportunities that were available to those willing to take risks and settle our young country's Western territories. But unlike Harry Truman, who likely did not foresee in 1928 the prominent role he would play on the world stage, the early pioneers of our country realized that they were making history. From contemporary letters and diaries, we know that they understood that their adventurous spirits and determination to begin anew would shape our new country.

Their motives were diverse. Some may have come West because they could own land. Others traveled to make fast fortunes—some succeeded, and some simply held on to the dream of ''getting rich quick''. But whether immigrating from overseas, leaving crowded cities in the east, or moving from Midwestern cities that at one time bordered the frontier, their optimism was reflected in the belief that westward expansion was our nation's manifest destiny.

After seventy-five years, the DAR's Pioneer Mother Monument, the Madonna of the Trail, remains a fitting reminder of those days. Seventy-five years since the initial dedication of this statue, we again recognize and pay tribute to those who made possible the permanent Westward expansion of the United States, as well as the twentieth century leaders who commissioned this monument and worked to ensure that we would never lose sight of the vital contributions of pioneer women in our nation's history.

INTRODUCTION OF THE NATIONAL HIGHWAY BORDERS AND TRADE ACT OF 2003

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. EHLERS. Mr. Speaker, I am pleased to introduce today a bill to improve transportation efficiency and to facilitate trade along our country's major international borders and trade corridors—the National Highway Borders and Trade Act of 2003.

Congress created two programs in the Transportation Equity Act for the 21st Century to assist the flow of people and goods through the United States-Canada and United States-Mexico borders and international trade corridors. Over the last 6 years, the funds provided through the borders and corridors programs have contributed to the critical improvement of the roads and bridges along these routes. However, despite this dedicated funding, our trade infrastructure is increasingly strained. Border crossing times are significantly delayed, interrupting the efficient flow of goods and disrupting the just-in-time delivery that is critical to our manufacturing and commercial sectors. Moreover, our highway system currently carries 70 percent of the total goods shipped in the United States, and freight traffic is expected to double in the next 20 years. This increased congestion will lead to lost productivity and have a negative impact on our economy. Changes to the borders and corridors programs are essential if we hope to address these increasingly growing concerns.

The National Highway Borders and Trade Act of 2003 will help reduce border crossing congestion and delays and will improve the highway corridors that carry international commerce by boosting funding for the borders and corridors programs to $200 million for each program annually for the next 6 years.

Under the bill, the borders program is converted to a more predictable, formula-based program in order to stabilize funding levels for States' border projects. Under a commonsense formula that considers factors that are directly related to delays and the effect of trade on the economy, funding will be based on cargo weight, trade value, and the number of commercial and passenger vehicles passing over the border. Eligible uses for border program funds include improvements to infrastructure, construction of safety enforcement and inspection facilities, operational improvements such as ITS technology, and coordinated planning with Canadian and Mexican authorities.

The bill also makes improvements to the existing corridors program. The legislation focuses funding eligibility on roads that are one of the previously designated high priority corridors, as determined by Congress, and an intermodal road connector to an ocean or inland sea port that accepts a certain minimum amount of international commercial cargo. The corridors program is maintained as a discretionary program, and eligible uses include corridor planning and design activity, location and routing studies, multistate and intrastate coordination, environmental review, and construction costs.

Finally, the bill maintains fiscal responsibility and ensures State investment by mandating a 20-percent State or local share for projects carried out under either program.

This bill is similar to S. 1535, a bill introduced in the Senate by Senator LEVIN from my home State of Michigan. I look forward to working with Senator LEVIN toward passage of this important legislation.

TO PAY TRIBUTE TO TOMMY NUÑEZ FOR HIS OUTSTANDING SERVICE TO THE NATIONAL BASKETBALL ASSOCIATION AND TO HIS COMMUNITY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. PASTOR. Mr. Speaker, I rise before you today to pay tribute to a man who has served as not only a pioneer in his profession but as a shining role model to our community. I speak of none other than Mr. Tommy Nuñez, who recently retired as a referee from the National Basketball Association (NBA) after thirty years of service.

Considered one of the most respected and honored referees of the game, Tommy began his officiating career with the NBA in 1972 earning the distinction of being the first Latino to referee in any major sport. Throughout his thirty-year career, he has officiated 2,019 NBA games, 64 playoff games and the 1992 All-Star Game.

He began officiating basketball games in predominantly black and Hispanic leagues in his hometown of Phoenix, Arizona. Sharpening his skills he moved on to officiate high school and junior college games. His big break came when an NBA official happened to see him work an exhibition game with the Phoenix Suns and suggested he try out to become an NBA referee. He went on to become one of 16 out of 1000 applicants to join this elite group.

However, Tommy's accomplishments off the court far exceed what he has accomplished with the NBA. His dedication and service to his community have been widely recognized. He speaks and gives clinics for children throughout the country encouraging them to stay in school. His annual National Hispanic Basketball Classic for young Latinos raises money for youth activities. To add to this, he directs a summer work program designed to introduce young adults to the basic principals of employment and instill in them a sense of responsibility and pride.

Tommy's recognitions, to name a few, include being an honoree of the 1994 Hispanic Heritage Awards, inducted into the National Hispanic Sports Hall of Fame in 2001, and presented with the 1992 Roberto Clemente Award for excellence by the National Council of La Raza.

As you can clearly see he serves as an inspiration to us all.

Mr. Speaker, I ask my colleagues to join me in honoring Mr. Tommy Nuñez for his work and dedication to his community and to his sport; and best of wishes on his retirement.

RECOGNIZING THE PLIGHT OF THE ISRAELI PEOPLE DURING THE RECENT CEASE-FIRE PERIOD IN THE MIDDLE EAST

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. FORBES. Mr. Speaker, I rise to call attention to an article written by Rabbi Israel

Zobennan. His article centers around a trip he recently made to Israel.

Rabbi Zoberman is spiritual leader of Congregation Beth Chaverim in Virginia Beach. Born in Chu, Kazakhstan, in 1945, and raised in Haifa, Israel, he lived in Israel of 1949 to 1966.

In the midst of renewed cautious hope to overcome the deadly impasse between Palestinians and Israelis through implementation of the Roadmap, I had the opportunity to witness the resumption of the very lively Israeli way of life during this cease-fire (Hudna in Arabic) period accepted by the Palestinian terror organizations.

The solidarity mission sponsored by my Reform movement whose hallmark is prophetic values, focused on social justice issues in the Jewish state. We were exposed to inspiring efforts to make a difference on the internal front in spite of on-going security concerns. For that will ultimately determine the very quality of Israeli society and the meaning of a challenged yet enduring Zionist enterprise. Surely a nation's strength is a function of its social climate and democratic vitality even more so than its undergirding and reflective military might. But only peace allows for the essential societal flourishing which budded prior to the onset of the Second Intifada and the latter's back setting impact when Chairman Arafat chose the path of destruction over that of dialogue.

A major concern remains the welfare and integration of the 1,200,000 Israeli Arabs who live along five million Jews. While the Arab population in Israel proper has made progress, it still lags behind the Jewish majority socially, economically and educationally. The wide gap is bound to create understandable resentment and dangerous alienation with Israeli Arabs already undergoing troubling Palestinization and Muslim radicalization leading to terrorist acts which work against them, playing into the hands of those who claim they cannot be trusted. The state of war with Israel's Arab and Palestinian antagonists has exacerbated matters, though neglect will only fester a wound whose healing is essential for Israel's long-term well-being. Our group was addressed by volunteer Jewish members of ''Sikkuy'' (meaning a chance) which includes Arab counterparts and offers training to empower Arab municipalities as well as encourage their women to become leaders. We toured the Lower Galilee mountain range, discussing the disadvantaged Arab community in receiving state allocations, the attempt to improve the weak demographic Jewish presence, and the urgent need to improve communication between the two groups.

At the Wolfson Medical Center in Holon we visited the pediatric intensive care unit and saw children kept alive by the unique Israeli project Save A Child's Heart (SACH). It was founded in 1995 by the late American born legendary cardio-thoracic surgeon, Dr. Ami Cohen. A nurse on the hospital team was trained at our own King's Daughters in Norfolk. I was particularly moved by a Palestinian mother and her infant son from the Gaza Strip. The boy is among over 800 children from developing countries, a third from the Palestinian areas, who have benefited from the program which is supported by private funds, volunteer medical care and hostel service when necessary. There was no interruption of service to Palestinians when devastating suicide bombings took place in nearby Tel Aviv and Netanya, and space was needed for emergency treatment of victims. Imprisoned Palestinian leader Marwan Barghouti on terrorism charges had a family baby treated there. Also a free clinic offered services to over 3,000 Palestinians. To save a life, any life, is a supreme sacred Jewish act practiced lovingly by Israelis.

In Jerusalem near the Machene Yehuda marketplace and its lingering memory of a suicide bombing, a community center embraces a most diverse neighborhood of religious and secular Jews, Arabs, Palestinians, foreign workers, haves and have nots. They benefit from a joint educational program where the children of all are attended to. We also lent moral support to demonstrating single parents, mostly women, encamped in tents outside the Knesset (Parliament). They are upset over their subsidies cut following an Israeli version of the ''Wisconsin Plan,'' as Israel is moving more and more from a welfare state to a capitalistic one, leaving the weaker classes behind, thus creating a potential social explosion also in the Jewish majority.

In Haifa, where I grew up, I stunningly paused to offer a memorial prayer at the site of last March's terrorist attack claiming seventeen lives, at the bus stop I use to visit my aging parents. Guards are still posted at the entrance to public places, checking bags and reassuring people. Tears welled up in me upon hearing the breaking news that six elderly Iraqi Jews were brought home to Israel in a special operation representing practically the last survivors of a 2000 year old great exiled Jewry. What a reminder of what a resilient Israel is all about with the complexities and contradictions of a violated yet valiant land!

REMEMBERING STATE SENATOR AND COOK COUNTY JUDGE ROBERT J. EGAN

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. EMANUEL. Mr. Speaker, I rise to celebrate the life of a respected and exceptional public servant for the people of Chicago, the Honorable Robert J. Egan, who passed away on September 15, 2003.

Robert Egan was born in Elmhurst in 1931. In 1958, he married his lovely wife Marie. Together they had five wonderful children, Beth, Margie, Sarah, Robert Jr., and Frank and four grandchildren, Tony, Meggy, Kaitlyn and Sarah.

Judge Egan served as a first lieutenant from 1954–1956 in the U.S. Army infantry in Korea. He then worked his way through law school at Loyola University and was admitted to the Illinois bar in 1959. He later joined the Illinois Attorney General's Office, where he served as Chief Legislative Counsel and Chief Attorney in its antitrust division.

In 1970, Judge Egan was elected to the Illinois State Senate. Although defeated in 1972, he was subsequently reelected in 1974. He served in the Senate until 1984.

During his first year in the State Senate, Judge Egan sponsored seven anticrime measures that were enacted into law. He also was a leader in the movement to strengthen sentences for serious and repeat offenders.

Judge was his last title, gained when he was appointed to the Cook County Circuit Court in 1987. He retired from the bench in 1988.

From 1990–1999, he served on the review board of the Illinois Attorney Registration and Disciplinary Commission.

Mr. Speaker, I join with the people of the northwest side of the City of Chicago in recognizing the life of Robert Egan, and wish to express my deep sense of sorrow to Marie and the rest of Robert's loving family.

TO CONGRATULATE AND HONOR FELIX AND SOLEDAD CORONA FOR THEIR 50TH WEDDING ANNIVERSARY AND CONTRIBUTIONS TO OUR COMMUNITY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. PASTOR. Mr. Speaker, I would like to congratulate a couple who will soon celebrate their 50th wedding anniversary and to honor their outstanding contributions to our community in Phoenix, Arizona.

Felix came to the United States as a migrant worker, toiling the fertile fields of California in the late 40's working for the Acosta Company. In 1950 he accepted a construction position refurbishing the Sacramento Fairgrounds. He worked very hard so that he could send money back home to his beloved family. Mexico was never far from his heart and he would visit when time allowed. On one of his trips back home in 1950 he met Soledad. He returned to California to continue to help support his brothers and sisters but his heart was in Autlan, Jalisco were he returned in 1952 to work and on September 29, 1953 Felix and Soledad were married in the company of friends and family. Felix worked for the Mexico Department of Geology and Minerals from 1952 to 1957. The young couple had their first son, Juan Manuel in 1956 followed by their first daughter Maria in 1957.

Felix and Soledad made the difficult decision of leaving loved ones and moving to the United States. They knew that their future and that of their children was in the North. They maintained a fierce loyalty to the family that they left behind and continued to help fund and educate their siblings while living in their new adopted home.

The Coronas first worked as laborers on the Dansie Farm in Northern California. They wanted to achieve the American dream for themselves and their children and in 1958 they developed a company that helped ranchers cultivate their crops.

During this time the young family grew to include six more children, all born in Marysville, California. They welcomed Armando in 1958, Teresa in 1959, Esperanza in 1961, Hector in 1962, Alex in 1964 and Beatrice in 1965.

In 1967, Felix started what has been a rich legacy of success, achievement and accomplishment when he formed a partnership with life long friends, Raul Ybarra, Albert Rodriguez and Francisco Mejia. They owned and operated Spanish Movie houses in Marysville, San Jose, San Bernardino and Orange County.

In 1970, Felix, Soledad and all eight children moved to Phoenix, Arizona to expand the business. They ran the Palace West Theater from 1970 to 1987. During that time, they saw the need for expanding the Hispanic family entertainment in Arizona and they met that need by opening the Cine Mexico in Chandler in 1979 and the Hayden West Plaza in 1980.

This was a busy time for the young and ambitious family, running a couple of restaurants such as the Courtroom Restaurant in downtown Phoenix as well as a record distribution

company, entertainment promotions, and gift shops.

During this time the Coronas started working on what was going to be their greatest accomplishment as both a family and as leaders in the Hispanic business community. In 1976 they started construction of the Lienzo Charro El Herradero in Laveen, Arizona. Little did they imagine that they were embarking on a project which one day would be known nationally and internationally as Corona Ranch. With Felix at the mast, few deals were made that were not successful. His dream of bringing true Mexican culture and entertainment to the masses has been accomplished during the last 25 years.

The Coronas have enjoyed an accomplished, successful and fulfilling life with their 8 children and 18 grandchildren by their side. And although semi-retired, this couple is not content to sit on their laurels. They have been active in community, cultural and religious organizations such as the Friendly House, Ala de La Gente, St. Anthony's Catholic Church and the Laveen Lions.

Mr. Speaker, as you can see, Felix and Soledad have truly achieved the American dream and have contributed greatly to our community in Phoenix, Arizona. Therefore, I ask my colleagues to join me in congratulating them on their 50th anniversary and for their contributions.

REMEMBERING ANNA LINDH

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. EMANUEL. Mr. Speaker, I rise today to join the people of Sweden in mourning the loss of Foreign Minister Anna Lindh, a dedicated public servant who died last Thursday.

Her brutal murder has shaken the foundation of that proud and peaceful nation. To lose such a young and promising leader is an international tragedy that is difficult to comprehend.

In only 46 years of life, Anna Lindh rapidly ascended the European political community to become one of its most capable, competent, and respected members. She was a singularly instrumental figure during the Swedish presidency of the European Union in 2001.

From joining the Swedish Social Democratic League at age 12, Ms. Lindh was destined for a career in public service. She was elected to the Swedish parliament the year she graduated from law school. She later became the Deputy Mayor of Stockholm, Minister of the Environment, and eventually, Foreign Minister.

The impact of her political skill and achievements touched people worldwide, most notably in the Balkans, where her remarkable talents helped prevent war in Macedonia.

Building coalitions was her calling, and her success in this critically important area earned the respect of leaders from around the globe. When asked once what he appreciated most about Sweden, our own Secretary Colin Powell once replied "Abba, Volvo, and Anna."

Anna Lindh truly epitomized a new generation of internationally-minded politicians. Her murder was a tragedy that cannot be forgotten, but it must not overshadow her achievements and her lasting contributions to the international community.

Mr. Speaker, I join today with the people of Sweden and more than 12,000 of my constituents of Swedish descent in their grief as they remember and honor Anna Lindh's life. And I send my condolences to her husband and her two sons.

FOR A SAFER WORLD, ELIMINATE TORTURE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to express my concerns about reports that some US authorities may have used methods on prisoners captured in Afghanistan and Iraq that may be illegal under accepted definitions of torture. As a member of the Congressional Human Rights Caucus, I am especially concerned about the treatment of prisoners of war.

From its foundation, our country has been clear in its condemnation of torture and in proscription of its use, both at home and abroad. Our position on human rights has been affirmed repeatedly, in our ratification of the Universal Declaration of Human Rights (1948), the Third Geneva Convention (1949), the UN Convention against Torture (ratified by the U.S. in 1994), and other international treaties.

These treaties have forbidden torture and inhumane and degrading punishment in all circumstances and for any purpose. This prohibition is binding on all countries and cannot be overruled by any other law or declaration. It also forbids the extradition of a person to another country "where there are substantial grounds for believing that he would be in danger of being subjected to torture." This policy was adopted officially by Congress on October 21, 1998, and applies "regardless of whether the person is physically present in the United States."

Our policy with respect to torture inflicted by U.S. nationals, whether at home or abroad, is clear. I am concerned, however, of reports that our practice does not always match our principles. Accounts in the media have described "stress and duress" tactics used on terrorism suspects. One U.S. official who has supervised the capture and transfer of accused terrorists was quoted as saying, "If you don't violate someone's human rights some of the time, you probably aren't doing your job." More recently, on March 4, the New York Times described the death of two prisoners while under interrogation at Bagram air base north of Kabul and the mistreatment of others.

Some claim that these alleged actions are necessary for our national security, and therefore should not preoccupy us. However, once torture on a small scale is accepted, it corrupts those who inflict it, and it inevitably expands. For the nation as a whole, it undermines the legal and moral principles on which our society is founded. The U.S. repeatedly has criticized countries that have used inhumane techniques. If we use torture, our efforts against torture in other countries will carry little weight.

International human rights organizations have documented torture and ill treatment in more than 150 countries, including the United States. The torture is widespread in more than seventy countries, and in eighty countries people have been tortured to death. The elimination of the use of torture is a prerequisite for the achievement of a more just and safe world.

The laws of the U.S. are unambiguous with respect to the use of torture, and we must adhere to that high standard. We must not lower that standard by asserting special circumstances and inventing new categories of detainees. It is my hope that our military forces, the most powerful in the world, set an example of the highest integrity.

TRIBUTE TO TODD MARTIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to an extraordinary citizen from my district. Todd Martin of Silverton, Colorado showed remarkable bravery and dedication as a member of the Montezuma County Sheriff's Department. His courage and sacrifice show the spirit of a true hero, and I am honored to share his story here today.

On May 29, 1998, an All Points Bulletin (APB) went out that three armed suspects had stolen a water truck. Todd and his fellow law enforcement officers raced to respond to what would prove to be a dangerous situation, with one officer losing his life in an encounter with the armed men. Todd met the wanted men at an intersection, where the suspects opened fire. He bravely faced them, selflessly putting the well-being of his community before his own safety.

Todd sustained severe injuries from his fateful encounter. He received gunshot wounds to his elbow and knee, lost a significant amount of blood, and required five and a half hours of surgery. Todd's will was strong and he refused to give up. He pushed his way through months of therapy and, on January 11, 1999, Todd returned to active service and joined the Colorado State Patrol.

Mr. Speaker, Todd Martin's bravery and commitment to duty in the face of extreme personal danger is an inspiration. It is through the hard work of law enforcement officers like Todd that our communities stay safe and secure. I am honored to join with my colleagues today in paying tribute to one of Colorado's finest. Thank you, Todd, and keep up the good work.

TRIBUTE TO SALEM BAPTIST CHURCH IN KANSAS CITY, KANSAS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. MOORE. Mr. Speaker, I rise today in honor of the 50th anniversary of the Salem Baptist Church in Kansas City, Kansas, and to honor Rev. Charles Buford Bailey and his wife Geneva Stephens Bailey, who have guided the Salem Baptist Church since 1955.

After combat military service during World War II, Charles Bailey met and married Geneva Stephens. In 1948, Charles was called to

the ministry. In 1954, he graduated from the Western Baptist Seminary. The Baileys are the proud parents of Charles, Nozella, Timothy, and Gelaine.

In 1955, Rev. Bailey became pastor of the Salem Baptist Church, which was founded by a small group on congregants in 1953. The fledgling church began by meeting for services in the Economy Dance Hall on Fifth Street of Kansas City, Kansas. Rev. Bailey's reputation grew as a fiery and dynamic preacher. A year later, the church moved to 1820 N. 11th Street, in Kansas City, Kansas, which became the permanent home of the congregation.

After serving her community as a public school teacher for 14 years, Mrs. Bailey became Director of Christian Education of Salem Baptist Church in 1970. In 1987, she earned her Master's in education from Kansas State University.

The Salem Baptist Church grew in numbers and reputation under the Baileys' stewardship. When Rev. and Mrs. Bailey retired, Rev. Tony Carter, Jr., became pastor of the congregation, and Rev. Bailey became Pastor Emeritus of the church.

Today, on behalf of the hundreds of lives that have been touched by their work and ministry, I would like to thank Rev. and Mrs. Bailey for their years of commitment to the church and the community. Mr. Speaker, congratulations to Salem Baptist Church on this wonderful anniversary!

FRWA 50TH ANNIVERSARY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to recognize the Farmington River Watershed Association (FRWA) on its 50th anniversary of actively protecting one of our state's crown jewels, the Farmington River. The Farmington River is the most fished river in Connecticut, provides drinking water to over 600,000 residents of the Farmington Valley and Greater Hartford region, and was the first river in Connecticut and one of the first in New England to have a section designated as part of the National Wild and Scenic Rivers Act. While the river's outstanding value to fish, wildlife, and people speaks for itself, it would not be so today without the Farmington River Watershed Association.

Since its founding, the FRWA has always focused on substance over style, plugged away effectively behind the scenes rather than basked in the limelight, and worked locally to arrive at solutions to regional conservation issues. FRWA lives by the credo "Eighty percent of success is showing up," and show up they do with compelling facts, figures, and enthusiasm. FRWA shows up at public hearings, provides their Congressional Representatives with great information, presents educational programs to the public, initiates research on key issues, shares its findings broadly, and unwaveringly focuses on its mission of river protection.

Fifty years ago, John Ellsworth and John Leonard discovered that the Farmington River was receiving over 3.4 million gallons of untreated industrial wastewater every day. They and other community leaders decided to do something about this and together, they founded the FRWA. As a result of dedicated, local leadership over many years, and the benefits of the Clean Water Act and designation under the Wild and Scenic Rivers Act, the Farmington River is today a healthy, vibrant river, beloved and protected by its people. Now the challenge for FRWA and for all of us is to continue to solve the parade of problems that threaten river life and preserve the outstanding quality of life enjoyed throughout the watershed.

On the occasion of this 50th anniversary, let me add a personal note. When I was elected 21 years ago, the FRWA had sought recognition of the river under our Wild and Scenic River program but had failed to be designated for study, the first step. Working together, we introduced a new bill and I maneuvered for a hearing. I can attest to the simple, plain fact that FRWA at that hearing won our case. Their testimony simply mowed down the opposition with solid facts and documentation of the river's problems and potential. Their answers to all questions were calm, in depth, and substantive. The committee was won over.

But that was just one battle. Over the next three years there were many, many challenges and it was always the steady, knowledgeable leadership of the FRWA board members and executive directors that got the needed volunteers to serve on the study committee, that helped all to lay aside their suspicions and differences and focus on the facts, and that helped me win additional funding for the national study when the need became clear. I am proud that together, the federal, state, and local team developed the best base data and analysis of any river in our state.

It has also been the FRWA that has helped towns learn how to implement the Wild and Scenic designation protections and round up funds when needed. Rivers run through many towns and river health depends on there being a strong river voice, focused, informed, dedicated and steady. That voice has been the Farmington River Water Association in the form of skilled executive directors and very active board members and volunteers.

I congratulate you all on your fine work over 50 years! We and our children are the richer in environment and spirit because you were there to fight like heck to reclaim the Farmington River and then to husband this outstanding natural resource. May you have many more anniversaries and continue to keep our Farmington River the beautiful, vital part of our lives it is today.

Mr. Chairman, I would like to enter a timeline of 50 Years of Accomplishment by FRWA into the RECORD in recognition of their outstanding efforts, and wish them well on the next 50 years of protecting the Farmington River.

50 YEARS OF ACCOMPLISHMENT: FRWA TIMELINE

1952: Chief Engineer for the State Water Resources Commission informs John Leonard that over 3.4 million gallons of untreated industrial waste is entering the Farmington River daily.

1953: 70 business leaders, farmers, sportsmen and teachers meet at the Ensign-Bickford Toy Building and form the Farmington River Watershed Association. John Leonard becomes President.

1957: John E. Ellsworth reactivates FRWA (after John Leonard's death in'55).

1958: FRWA hires its first Executive Director, Sydney Howe, who begins the newsletter, educational lecture series, and ecological demonstration site.

1960: FRWA expresses concern over Colebrook Dam design. Army Corps incorporates FRWA comments in final design (1964).

1962: FRWA convinces Governor of CT to investigate effects of DDT use. DDT banned nationally in 1972.

1964: FRWA helps secure Talcott Mountain as a State Reservation.

1967: With the Appalachian Mountain Club, FRWA sponsors the first white-water slalom races at Tariffville Gorge.

1970: FRWA publishes the first 'Farmington River Guide.'

1970: FRWA initiates negotiations between the Stanley Works and the State for a shad fishway at Rainbow Dam. Fishway is completed in 1976 and shad pass dam for first time in 50 years.

1972: FRWA holds a public meeting to explain the Inland Wetlands and Watercourses Bill.

1975: FRWA and the Granby Conservation Commission sponsor an educational meeting on cluster housing.

1980: FRWA becomes first CT conservation organization to receive U.S. Interior Department's highest award.

1981: FRWA launches a campaign to educate the public about Metropolitan District Commission (MDC) plans to divert the West Branch of the Farmington. Referendum is defeated.

1983: The FRWA Hazardous Materials Spill Plan is published and over 120 copies distributed to watershed towns.

1985: Congresswoman Nancy Johnson introduces legislation for Wild and Scenic feasibility study.

1987: FRWA receives the prestigious "Outstanding River Advocate" award from American Rivers.

1989: FRWA sponsors 1st "Annual River Clean-up."

1990: FRWA hosts 1st "RiverSplash" river festival.

1990: FRWA builds public awareness and support for Wild and Scenic designation.

1991: FRWA implements land protection program.

1992: All CT watershed towns show support for Wild and Scenic designation.

1993: FRWA adopts Watershed Ecosystem approach, expanding mission to include all watershed lands.

1994: Wild and Scenic legislation passes on August 26, 1994 creating protection for the 14 mile segment from Hogback Dam in Hartland to Canton.

1996: FRWA incorporates GIS mapping technology as a conservation tool.

1998: FRWA negotiates agreement with the MDC to establish a Farmington River watershed withdrawal limit which would require MDC to develop groundwater resources outside the watershed for additional water.

1999: Farmington River Resource Center is established to collect, analyze and disseminate scientific information and encourage stakeholders to develop a long-term sustainable watershed management plan.

2001: FRWA launches the Farmington Valley Biodiversity Project with towns of Avon, Canton, East Granby, Farmington, Granby, Simsbury, and Suffield.

2002: 'State of the Farmington River Watershed' is studied. Report published in 2003.

2003: FRWA publishes the Farmington Valley BioMap.

2003: FRWA launches Farmington Watershed Education Project.

2003: FRWA celebrates 50 years of protecting and preserving the Farmington River and its watershed at Peoples State Forest in Barkhamsted.

TRIBUTE TO CHRIS CUTRONE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. McINNIS. Mr. Speaker, it is my distinct honor to stand before you today and pay tribute to a truly heroic individual from my district. Colorado State Patrol K9 Technician Chris Cutrone of Cortez, Colorado was shot three times while on an otherwise routine traffic stop, nearly ending his life. It is my privilege to pay tribute to Chris in recognition of his inspirational service to the State of Colorado.

Chris was shot after pulling over a car with stolen license plates on a rural highway near the Ute Indian reservation. After being shot, Chris made his way to a nearby casino, where an employee was able to call for help. His most critical wound was a shot to the chest just above his bulletproof vest. After several weeks in critical condition, Chris was released from the hospital and is making a steady recovery.

During his five years with the Colorado State Patrol, Chris has been rapidly promoted and just last spring achieved the rank of technician. He has been described by his peers as a zealous officer who is very dedicated to his profession. Most importantly, Chris is a loving husband and father to two young children.

Chris Cutrone displayed signs of bravery long before he was shot. State patrolmen risk their lives each and everyday to protect the citizens of our state. Mr. Speaker, I would like to thank Chris for his dedication to the protection of Colorado's citizens and wish him the best for a full and speedy recovery. It is truly an honor to recognize his bravery and dedication before my colleagues in this distinguished body here today.

TRIBUTE TO MOTE MARINE LABORATORY'S 25-YEAR PARTNERSHIP WITH THE CITY OF SARASOTA

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Ms. HARRIS. Mr. Speaker, I rise today to recognize a remarkable partnership between the City of Sarasota, Florida and Mote Marine Laboratory that continues to thrive in its third decade. On October 27, 2003, this extraordinary institution will celebrate its 25th anniversary at its current site on Sarasota's City Island. I am proud to have served as a volunteer and advisory council member for this remarkable organization for the last seventeen years.

Founded in 1955 as the Cape Haze Marine Laboratory, Mote Marine Laboratory began as a two-room field station located in Placida, Florida. Under the direction of Dr. Eugenie Clark, the Laboratory developed a strong reputation in shark research over its first decade, during which it moved to Sarasota's Siesta Key. In 1967, the Laboratory assumed its current name to honor the major contributions of William R. Mote and his sister Elizabeth Mote Rose.

Despite its growing prominence as a center for marine research, the emerging inadequacy of Mote Marine Laboratory's Siesta Key location brought its future in Sarasota into doubt. The vision and determination of Sarasota's leaders, however, forged a dynamic public-private relationship that enabled the laboratory to remain in Sarasota, while fueling its dramatic evolution into the powerhouse of education and exploration that we celebrate today.

Today, as one of the preeminent marine research facilities in the world, Mote Marine Laboratory encompasses seven research centers that conduct a diverse variety of studies, which range from sharks and marine mammal behavior to biomedicine and aquaculture, as well as from manatee and dolphin conservation to coral reefs, red tide, fisheries, and coastal ecology. Moreover, the laboratory has expanded its scope to include year-round marine science educational programs. Through its traditional on-campus offerings and student internships as well as through its interactive teleconferencing SeaTrek program and its participation as a Primary Interactive Network Site for National Geographic Explorer-in-residence Dr. Robert Ballard's JASON Project, Mote Marine Laboratory reaches more than 30,000 students in 22 Florida school districts. SeaTrek and JASON have enabled students to climb Hawaiian volcanoes, explore the wilds of Alaska, walk on rainforest treetop canopies in rainforests, and encounter underwater marine sanctuaries—often without leaving their classroom or the laboratory's campus.

Mote Marine Laboratory has also become a resource of discovery and imagination for persons of all ages from Southwest Florida and around the globe. In 1980, the laboratory opened the Mote Marine Science Center. Now known as the Mote Aquarium, the original one-room visitor center has evolved into a world-class facility that has received accreditation from the American Zoo and Aquarium Association and the American Association of Museums. Now hosting 400,000 visitors every year, Mote Aquarium has become the top tourist attraction in Sarasota.

Mr. Speaker, this amazing institution could not have developed without the commitment and foresight of several outstanding public servants, businesses, and private individuals, including the local officials who saved the laboratory for Sarasota: Mayor Elmer Berkel, Vice-Mayor Tony Saprito, and Commissioners Ron Norman, Fred Soto, and Ted Sperling, who in 1976 provided 4.5 acres of land on City Island for the laboratory's new location; the Arvida Corporation, which generously donated 2.2 acres of waterfront property for that facility; William R. Mote, the Honorable Bob Johnson, Dr. Perry Gilbert, then City Manager Ken Thompson, and then Arvida Vice-President John Siegel, who spurred the creation of the unique public-private partnership between the City of Sarasota and Mote Marine Laboratory; the members of the 1992 City Commission (Mayor Jack Gurney, Vice-Mayor Gene Pillot, Commissioners Fredd Atkins, David Merrill, Nora Patterson, and then City Manager David Sollenberger) who arranged for the addition of 3.5 acres of land to the laboratory's complex for the construction of the Ann and Alfred Goldstein Marine Mammal Center for Research and Rehabilitation; and the current leaders of Sarasota's city government (Mayor Lou Ann Palmer, Vice Mayor Richard Martin, Commissioners Fredd Atkins, Danny Bilyeu, Mary Anne Servian, and City Manager Michael McNees).

We venerate their indispensable contributions, together with the incredible leadership that Mote Marine Laboratory continues to receive from the Chairman of its Board of Trustees, Monfort Runyan, and its Executive Director, Dr. Kumar Mahadevan. We also honor the sterling scientists and other professionals who comprise the laboratory's staff, as well as the dedicated corps of 8,000 members and 1,600 volunteers who serve as aquarium guides, turtle patrols, dolphin and whale hospital volunteers.

INTRODUCTION OF THE RIGHT TO KNOW SCHOOL NUTRITION ACT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Ms. LEE. Mr. Speaker, I rise today to talk about an issue that has the potential to affect the lives of 27 million of our children across the nation, who are participants in the National School Lunch Program or the National School Breakfast Program.

The issue is the inclusion of irradiated food in federally-funded programs that are designed to help our disadvantaged children. Last year's Farm Bill opened the door for school districts to purchase irradiated food for use in our school feeding programs.

There are many questions that remain about the scientific validity of serving irradiated products to our growing kids, particularly in regards to nutritious content and the long term-effects of regular consumption of irradiated food.

In anticipation of issuing regulations on serving irradiated food, the U.S. Department of Agriculture opened a comment period for the public to express its opinion on irradiated food. An overwhelming number of the comments received by USDA opposed serving irradiated food in the national school lunch program, over 90% in fact.

Four school boards in California have already moved to ban irradiated food products in their schools, including the city of Berkeley in my district, Point Arena, Ukiah, and Los Angeles Unified. And based on a recent survey conducted by the public interest group Public Citizen, many more school districts and states have indicated that they will not purchase or serve irradiated food during this school year.

But for those school districts and states that may decide to serve irradiated food, under current regulations, there is no requirement for irradiated food to be clearly labeled at lunch areas where it is served. In addition, parents and children who rely on our school nutrition programs are not given the option to refuse irradiated products, and they will have no choice but to eat whatever type of food is served that day.

I am seeking to correct this current deficiency in law by introducing the Right to Know School Nutrition Act. My bill would require the USDA to ensure that: Balanced information on irradiation is given to parents and children before such products are served; that a standard option of non-irradiated food products be served at every meal; that irradiated food be properly labeled and appropriate signage be displayed in the lunch room; and finally, that irradiated and non-irradiated food products are not commingled.

The Right to Know School Nutrition Act represents a simple commonsense solution that empowers individual parents and children to decide for themselves what they will eat. I encourage my colleagues to join me in support of this bill in order to protect our children from the potential dangers of irradiated food products and to preserve consumer choice.

TRIBUTE TO STARS BICYCLE REPAIR PROGRAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress today to honor an outstanding community program. The Grand Junction Parks and Recreation STARS Bicycle Repair Program collects old, used bicycles, repairs them, and places them in the hands of children who would not otherwise know the joy of owning their own bicycle. In the process, the program teaches the children of our community both responsibility and community service. It is for these notable accomplishments that I recognize the STARS Program here today.

The idea for STARS originated in the Central High School El Pomar Youth in Community Service Club. This club helped to found the STARS Bicycle Repair Program and enabled the program to collect bikes, repair them and distribute them to needy individuals and families. There is simply no substitute for the joy in a young child's eyes when he is the recipient of one of STARS' refurbished bikes.

The STARS program allows the children to learn, hands-on, how to repair and maintain bicycles. More than that, they learn that there are many ways that everyone, even children, can help the community.

Mr. Speaker, I join with my colleagues in honoring the Grand Junction Parks and Recreation STARS Bicycle Repair Program. Through STARS, the children of our community learn responsibility and the excitement of being a positive force in the community. Recognition for this program is long overdue, and I am privileged to honor the STARS Bicycle Repair Program here today.

TRIBUTE TO MR. JOHN C. SPERRY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Ms. LORETTA SANCHEZ of California. I rise today to pay tribute to a dear friend, Mr. John C. Sperry. John is retiring from the United Food and Commercial Workers Union, Local 324 after 30 years of dedicated service. He is the second most senior International Vice President in the UFCW.

When President Arthur Berland retired in 1973, Local 324 had 12,000 members with wages at $187.30 per week. John C. Sperry was elected by the Executive Board to succeed Berland. I was a member of Local 324 myself, and was employed at the SavOn drug store in Anaheim—scooping ice cream. I was a very good ice cream scooper, and was thrilled to be a member of the UFCW.

John started as a Box Boy (now called ''Courtesy Clerk'') at age 15. He worked part-time at a Safeway Market. He than worked as a Box Boy and Produce and Food Clerk at Alpha Beta, A&P, Shopping Bag and Hiram's—the latter being subsequently bought by the Lucky supermarket chain. He was hired on May 4, 1959 as a Union Organizer, and then elected (the practice at the time) as Union Representative. He was confirmed as President of Local 324 in 1975, and has been re-elected unanimously 10times since then—quite a record of longevity and leadership.

John has served as the acknowledged leader and official spokesperson of the UFCW in Southern California for 28 years. He has served for decades on the food industry's Joint Labor Management (JLM) Committee, is one of two rank-and-file officials in the National JLM, and was for 20 years Chairman of Food Benefits Trust and Secretary of the Pension Fund.

With John as the spokesperson and chief negotiator for all Southern California UFCW Locals, wages have gone from under $200 per week when he became President to the current $716 for Clerks and $767.20 for Meat Cutters. In addition there have been vast increases in Health and Welfare and Pension benefits; establishment of weekly hour guarantees; establishment of the Defined Contribution Plan; creation of the ''Golden 85 (full retirement benefits for active participants with 30 full-time credited service years at age 55); establishment of the Housing and Educational Fund; and combining of the Food and Meat Agreements to increase the Union's bargaining Power. John was the force behind the UFCW work stoppage of 1978 that resulted in significant increases in wages, night premiums, health benefits and pensions for union members.

From its earliest years, Local 324 has participated in many community activities, with the goal of improving the quality of life of all those who live in Southern California. Under President Sperry, the Union Local has earned a reputation as one of the most general philanthropic organizations in the state for its consistent financial support of worthy causes.

With some 24,000 members, UFCW Local 324 is the eighth largest Union Local in the UFCW. No other sister Local in the United States or Canada enjoys a better or more strictly enforced collective bargaining agreement, a statement that has been true primarily as a result of the leadership of John C. Sperry.

We will all miss John, but know that he will continue to be of counsel to not only Local 324 but also the national union. I will miss him as my union president, and count him not only as a leader, but a valued friend and advisor.

STATE DEPARTMENT TERRORISM VIDEO OFFENSIVE, MUST BE WITHDRAWN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. TOWNS. Mr. Speaker, recently the State Department put out a video called ''Terrorism: A War Without Borders'' that is offensive. The video portrays all Sikhs as terrorists. This characterization is inaccurate. It is also offensive to any fair-minded person. How can the State Department portray an entire group as terrorists? Secretary Powell should order the immediate withdrawal of this offensive video. This kind of stereotyping is simply unacceptable.

There are more than half a million Sikhs in the United States. Are they all terrorists, Mr. Speaker? They are active in all phases of American life, from law to medicine to agriculture to information technology. These are people who contribute a lot to America's way of life. Many of them were attacked after September 11, yet they still believe in America.

To label all Sikhs terrorists demeans the Sikh people, their faith, and their national aspirations and culture. This is extremely unfair. Yet the video consistently labels Sikhs as ''terrorists'' while ignoring the brutal atrocities carried out against minorities by the Indian government. For example, the video's description of the attack on the Golden Temple in June 1984 simply refers to ''Sikhs,'' thus condemning all Sikhs as members of a terrorist organization.

What the video ignores is that Sant Jarnail Singh Bhindranwale, General Shabeg Singh, and many other Sikh leaders took refuge in the Golden Temple to protect themselves from the atrocities that the Indian government was already carrying out. They had been threatened with violence for peacefully speaking out on behalf of the rights of their people.

Over 20,000 Sikhs were killed over that three-day period in June 1984 as the Indian government attacked the Golden Temple and 38 other Sikh Gurdwaras throughout Punjab to frighten the Sikhs and end their movement to free themselves. Instead, just as Bhindranwale predicted, they laid the foundations for an independent Sikh state called Khalistan, which finally declared its independence from India on October 7, 1987. Let me be among the first to congratulate the Sikhs on the upcoming anniversary of that event.

Mr. Speaker, we all seek good relations with India. But it is offensive and inappropriate to suppress atrocities and spread inaccurate propaganda to achieve this objective. Why is our government placing the derogatory label of terrorist on an entire people? This is not something the government of the United States, which was founded on tolerance, should be doing.

The State Department should immediately remove this from circulation immediately so that it can either be corrected or withdrawn. Fairness demands that we stop labelling entire peoples with derogatory characterizations like ''terrorist.''

Our government should stop American aid and trade with India until the Sikhs, the Nagas, the Kashmins and all the people of South Asia enjoy full freedom and democratic rights and we should strongly and actively support these peoples in their effort to have self-determination in free and independent states.

Mr. Speaker, I would like to insert the recent letter from International Sikh Organization to Secretary of State Powell about this video into the RECORD.

GURU GOBIND SINGH JI, TENTH MASTER

Washington, DC, July 29, 2003.

Hon. COLIN POWELL

Secretary of State, Washington, DC.

DEAR SECRETARY POWELL: On behalf of the 25 million strong Sikh Nation and over

500,000 Sikhs in the United States, I am writing to express the outrage of the Sikh community at the new video ''Terrorism: A War Without Borders.'' While Sikhs fully support the war against terrorism, your video inaccurately depicts Sikhs as terrorists.

The video is offensive to Sikhs around the world. It significantly misrepresents the Sikh faith and the Sikh culture. The video inaccurately uses the term ''Sikh terrorist'' to broadly label all of the world's 25 million Sikhs—500,000 of whom live in the United States—and condemns all people of the Sikh faith. This is offensive and inaccurate.

The video's description of the June 1984 Indian military attack on the Golden Temple in Amritsar, the most sacred of Sikh shrines, is completely bogus and entirely false. Every terrorist act cited in the video is described as either the work of an individual or a group of a certain nationality or a group with its own identity. But in the 1984 Attack on Darbar Sahib, the video refers to the terrorists as ''Sikhs''. It shows Sikhs, easily recognizable from their turbans and beards, with weapons in the Darbar Sahib complex along with some Indian soldiers. The fact is that there were no ''terrorists'' in Darbar Sahib. Sikh leaders, including Sant Jarnail Singh Bhindranwale and others, took refuge there to protect themselves from Indian government violence against Sikhs. Letters reprinted in the book Chakravyuh: Web of Indian Secularism show conclusively that India pre-planned this attack in order to kill Bhindranwale and other Sikh leaders who spoke out peacefully for Sikh sovereignty. After the attack, Indira Gandhi said, ''I have broken the back of the Sikh Nation by attacking the Golden Temple.'' If the sanctity of the Golden Temple cannot be protected, how can the Sikh Nation survive?

Labelling all Sikhs who support an independent, sovereign Khalistan as terrorists is the propaganda line of the repressive Indian regime. I would expect better from the State Department, especially under your outstanding leadership, than to spout the cliches of Indian disinformation.

The segment on the Darbar Sahib attack states: ''In an effort to establish an independent state, Sikh terrorists seized Darbar Sahib Shrine in Amritsar, India. Prime Minister Indira Gandhi ordered a military campaign to drive out the terrorists. Hundreds were killed.'' In fact, over 20,000 were murdered in the attack on Darbar Sahib and 38 other Sikh Gurdwaras throughout Punjab, which was known as Operation Bluestar. The aim of this operation was to wipe out the Sikh religion.

In actuality, it is the Indian government that is the terrorist organization. The Washington Times reported on January 2, 2002 that the Indian government is sponsoring cross-border terrorism in the Pakistani province of Sindh. India stationed troops on the border in Kashmir while Pakistani troops were helping American forces look for Al Qaeda operatives, forcing Pakistan to divert troops to that border and reducing the effectiveness of their help in the search for Al Qaeda. This was a de facto pro-terrorist action. It has provided heavy water to Iran and has done business with Iraq for many years. The Indian oil minister declared Iraq ''a strategic partner.''

In November 1994, the Indian newspaper Hitavada reported that India paid the late Governor of Punjab, Surendra Nath, about $1.5 billion to organize and support covert terrorist activities in Punjab and Kashmir. Two independent reports and an article in the New York Times magazine all showed that Indian forces were responsible for the massacre of 35 Sikhs in Chithisinghpora in March 2000 during President Clinton's visit. Indian forces were caught red-handed trying to set fire to a Gurdwara and some Sikh homes in a village in Kashmir. The book Soft Target conclusively shows that India blew up its own airliner, killing 329 innocent people, to blame the Sikhs. Why is the State Department trying to appease such a state?

In all, over 250,000 Sikhs have been murdered by the Indian government since the Golden Temple attack, according to figures compiled by the Punjab State Magistracy and human rights groups and reported in The Politics of Genocide by Inderjit Singh Jaijee. According to a report by the Movement Against State Repression (MASR), the Indian government admits to holding 52,268 political prisoners under the brutal, repressive ''Terrorist and Disruptive Activities Act'' (TADA), which expired in 1995. Another 50,000 have been arrested, tortured, killed in custody, declared ''unidentified,'' and secretly cremated. The man who exposed this secret cremation policy, Jaswant Singh Khalra, was kidnapped by the police and murdered while in police custody. His body was never handed over to his family.

India has murdered over 200,000 Christians in Nagaland since 1947, over 85,000 Kashmiri Muslims since 1988, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and others. An Indian Cabinet minister said that everyone who lives in India must either be a Hindu or be subservient to Hinduism.

Since Christmas 1998, priests have been murdered, nuns have been raped, churches have been burned, Christian schools have been attacked. Missionary Graham Staines and his two sons, ages 8 and 10, were burned to death while sleeping in their jeep. Their killers chanted ''Victory to Hannuman,'' a Hindu god. None of these people has been brought to justice. Missionary Joseph Cooper was deported back to Pennsylvania after Hindus attacked him so severely that he had to spend a week in the hospital. No action has been taken in these cases. Police broke up a Christian religious festival by opening fire on it. All over India, laws are being passed that ban conversion to any religion except Hinduism.

Newspaper reports show that the Indian government pre-planned the attack on Muslims in Gujarat last year in which 2,000 to 5,000 Muslims were killed, according to the Indian newspaper The Hindu. Police were ordered to stand aside and let the massacre happen, in a striking parallel to the 1984 Delhi massacre of Sikhs in which police were locked in their barracks while state-run television and radio called for more Sikh blood.

Secretary Powell, the State Department owes the Sikh Nation an apology. On behalf of the Sikh community in America and worldwide, I request an apology and correction from you for this offensive and inaccurate video. The video should be corrected or withdrawn. I thought that the United States of America was dedicated to the truth, not to spreading the disinformation of a terrorist regime.

I would like to meet with you about this at your earliest convenience. Please contact me at the above number to let me know when we can meet. Thank you for your time.

Sincerely,

DR. GURMIT SINGH AULAKH,
President, International Sikh Organization.

TRIBUTE TO MABEL WALLIS

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress today to pay tribute to an outstanding citizen from my district. Mabel Wallis of Delta, Colorado has dedicated her life to serving her country and her community. She selflessly gives of her time and her talent to a grateful community. I am honored to stand before you today to recognize Mabel and her lifetime of service.

Mabel grew up in Colorado and attended Colorado University, where she earned a Bachelor of Arts degree. She worked as a student teacher before deciding to join the Navy and attend Officer Candidate School. As an Ensign, Mabel was assigned to Lowry Air Force Base in Denver, Colorado, but was chosen shortly thereafter to serve on the staff of Admiral Hyman G. Rickover, the Father of the Nuclear Navy. Mabel retired after twenty years in the Navy with the rank of Commander. Since retiring, Mabel has volunteered extensively in her community. She was active with Meals on Wheels, she volunteers for the Delta County Historical Society by typing their quarterly newsletter, and she volunteers in the Medical Records Department of the Delta County Memorial Hospital. Mabel has logged more than 700 volunteer hours with the hospital alone.

Mr. Speaker, I join with my colleagues in recognizing Mabel Wallis. Her dedication and desire to give back to her community are inspiring and serve as an example to all Americans. I am honored to share her story before this Congress today.

HONORING THE 50TH ANNIVERSARY OF THE SKIPPACK LIONS CLUB

HON. JIM GERLACH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. GERLACH. Mr. Speaker, I rise today to honor the Skippack Lions Club during its 50th anniversary celebration. The Skippack Lions Club was chartered in September of 1953, with the assistance of the nearby Kulpsville Lions Club.

As we all know, Lions Clubs across the nation are made up of active and energetic citizens who undertake numerous initiatives and projects to make their communities better places to live and raise families. Beginning in 1917, Lions Clubs have offered people the opportunity to give something back to their communities. Since 1925, when Helen Keller addressed the Lions Club International Convention and challenged the group to become "knights of the blind in the crusade against darkness," the Lions have been committed to providing assistance and service to the blind through a wide variety of activities. Today, with more than 46,000 clubs in 192 countries, Lions activities have expanded to help meet the needs of the global community.

The Skippack Lions Club hosts several annual events, including a community Halloween parade, an Easter egg hunt and a Veterans Day program. The Club fulfilled an important need within the Skippack area by sponsoring the Skippack Community Ambulance Association. The Lions were also instrumental in forming the Skippack Recreation Association, which continues as an active community organization, providing swimming and other recreation to Skippack area residents.

I am proud to represent an organization that has spent so many years in the service of others. I wish to extend my thanks, and the thanks of all those who have been helped by members of the Club. I encourage my colleagues to join me in saluting Skippack Lions Club on reaching this milestone.

RECOGNIZING THE SERVICE OF RUTH BARBER

HON. JERRY F. COSTELLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. COSTELLO. Mr. Speaker I rise today to ask my colleagues to join me in recognizing the achievements and honoring the service of Ruth Barber.

Ruth has devoted much of her life in the service of others. Much of that time was service to the United States Postal Service. Most recently, Ruth served as the National PAC Chair with the National Association of Postmasters of the United States (NAPUS) until she retired.

Ruth grew up in New Athens, Illinois, "on the wrong side of the tracks" as she puts it. Her father was a coal miner and her mother was a housewife. Ruth married Raymond Barber on August 30, 1941 and he passed away in 1982. Ruth and Ray had two children, a son Richard who passed away in 1995 and the "joy of her life," her daughter Barbara.

Ruth worked as a drill press operator at the Bostich Wire Staple plant during World War II. While at Bostich, Ruth was responsible for drilling the barrels on Garrand rifles and inspected the 30 and 50 caliber shells at the small arms plant in St. Louis, Missouri.

Her service with the United States Postal Service began in 1967, as a clerk in the U.S. Post Office in Freeburg, Illinois. The local Postmaster at the time, Mr. Herbert Baltz, hired Ruth and she then worked in every position available at the Post Office in Freeburg. She started as a clerk, and also worked as a window clerk, Supervisor, finance office, Assistant Postmaster and the Officer in Charge (OIC). She was appointed the U.S. Postmaster of Freeburg in October 1979.

Her involvement with NAPUS started in 1975, when she was a Supervisor. Her active involvement in NAPUS activities allowed her to be appointed as the State Chair in 1990. Ruth has attended every state convention of NAPUS since 1982 and has attended all the national conventions as well. Ruth also has attended every Leadership Conference in Washington, DC since 1982. She retired from the active service with the United States Post Office on August 30, 1990 but remained active in the community having served with the Freeburg Chamber of Commerce.

Ruth works tirelessly in the service of the USPS and NAPUS. I have visited with Ruth on more than one occasion where she has strongly advocated the issues and concerns of the working men and women of the United States Postal Service. She has a genuine, personal interest in helping to improve the working conditions at the Postal Service. Ruth performs all of her duties with a tremendous gusto and enthusiasm, unique to her. I am proud to honor the service of Ruth Barber and wish her all the best in the future.

Mr. Speaker, I ask my colleagues to join me in honoring the service and the achievements of Ruth Barber and wish her and her family all the best.

TRIBUTE TO STEPHANIE MUELLER

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress today to honor an outstanding citizen and a community hero. Stephanie Mueller of Pagosa Springs, Colorado showed quick thinking and level-headedness in the face of personal danger and helped to prevent a catastrophic forest fire. I am honored to share her story here today.

Stephanie was traveling in Archuleta county when she noticed a fire in the trees. Unable to contact local authorities immediately, Stephanie took her shovel and began digging a fire line around the burn area. As others arrived at the site, Stephanie was able to use the skills she learned as part of a Forest Service hand crew to instruct onlookers as to what they could do to help her keep the fire contained until Archuleta Country firefighters arrived and extinguished the blaze.

This is the second time Stephanie has saved her community from a devastating fire. Three years ago Stephanie encountered another fire while driving in the Coyote Park area, which she helped to extinguish. For her efforts in that fire, Stephanie received the much-deserved Angel of the Highway award.

Mr. Speaker, Stephanie Mueller's courage is an inspiration to us all. As ashes fell on her head and shoulders, Stephanie sacrificed her own personal safety for the good of her community. I join with my colleagues and a grateful community in extending my thanks and appreciation to Stephanie Mueller.

25TH ANNIVERSARY OF THE EMPLOYEE BENEFIT RESEARCH INSTITUTE (EBRI)

HON. ROBERT T. MATSUI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. MATSUI. Mr. Speaker, I rise today to honor the Employee Benefit Research Institute (EBRI) on its 25th Anniversary. Over the last quarter century, Congress has been expertly informed by the Institute's bipartisan and balanced analysis of retirement and health benefits issues. I, therefore, ask my colleagues to join me in saluting this important milestone for EBRI.

Efforts to privatize Social Security, the ongoing corporate governance and pension scandals, and the need to add a prescription drug benefit to Medicare make the work of EBRI now more important than ever. Members have come to trust the Institute's data and analysis of these complex issues and today we recognize their contributions to the ongoing debates in these areas.

In addition, I appreciate the fact that they are not advocates. Instead, the Institute simply provides the unvarnished data and let the numbers speak for themselves. Their work has helped me to more thoroughly evaluate policy options. I would like to thank them for the assistance they've provided over the years.

Mr. Speaker, as the Employee Benefit Research Institute celebrates its 25th Anniversary, I ask my colleagues to join me in paying tribute to its significant accomplishments and dedication to public service. I'm sure they will continue to serve Congress and our nation for decades to come.

THE PENSION FUNDING EQUITY ACT OF 2003

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. RANGEL. Mr. Speaker, I am pleased to join BILL THOMAS, Chairman of the Committee on Ways and Means, JOHN BOEHNER, Chairman of the Committee on Education and the Workforce, and GEORGE MILLER, Ranking Democrat on the Committee on Education and the Workforce, to introduce the "Pension Funding Equity Act of 2003." This bill responds to the most pressing pension issue of the day that affects the retirement benefits of 44 million American workers, their families, and beneficiaries. I am pleased that bipartisan cooperation has allowed this process to move forward and enabled us to take action on this important issue.

The lack of retirement security for millions of workers is an issue that demands our immediate attention. More than 50 percent of American workers who work full-time and play by all the rules of corporate America have no retirement benefits. I will not rest until this Congressional body takes the necessary steps to correct this disparity.

The issue addressed in this bill is of great importance as well. The fortunate few workers who do have a pension benefit under our defined benefit system are depending on us to protect those benefits. This bill would accomplish this goal for the next two years by providing plan sponsors the certainty they need in determining the amount that must be contributed to the plan. However, a permanent solution to this issue must be found.

The long-term viability of the defined benefit plan system is crucial for the secured retirement of millions of American workers. Designing a plan to maintain this viability will be a challenge we must undertake over the next two years. Any permanent solution must balance the competing elements of this issue, including (1) providing financial relief to employers who maintain defined benefit plans, (2) protecting the financial security of the pension benefits promised to workers under these plans, and (3) protecting the financial strength of the Pension Benefit Guaranty Corporation, the agency that insures benefits under these plans. I remain hopeful that we can work together to accomplish these goals.

I have long supported the idea of advancing legislation on this issue in a free and unfettered manner. This issue should not be held hostage to additional pension reforms that have little or no chance of being enacted this year. I am pleased to co-sponsor this legislation, and I look forward to working with my colleagues to develop a long-term solution to this issue.

TRIBUTE TO LOWELL THOMPSON

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 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 veteran from my district, Lowell Thompson of Trinidad, Colorado. As Commander of the local chapter of the Veterans of Foreign Wars, Lowell tirelessly dedicates his time to his fellow veterans and the youth of his community.

Lowell was drafted to fight in World War II prior to completing high school and served in Germany for two years. Thanks to a law recently passed by the State of Colorado, veterans who left high school early to serve their nation can now receive their diploma. Last year, alongside four of his fellow veterans, Lowell received his diploma in a ceremony at Rio Grande High School. Selflessly, Lowell chooses not to focus on his military service, but rather on his community.

Lowell's VFW chapter works with local schools, promoting various competitions among all grade levels. Lowell loves spending his time with other veterans and often visits them in hospitals and nursing homes throughout Las Animas County. In addition to his service to the VFW, Lowell worked as a Sears Catalog Merchant for twenty-three years. Prior to his time with Sears, Lowell tried his hand at farming in the San Luis Valley. Today, when not attending to his duties with the VFW, Lowell spends his time with his family.

Mr. Speaker, I join with my colleagues here today in applauding the hard work of Lowell Thompson. I commend Lowell on receiving his diploma and on his many successful endeavors as Commander of his local VFW chapter. I wish him all the best in the years to come.

CELEBRATING THE 100TH ANNIVERSARY OF THE ZETA TAU ALPHA'S EPSILON CHAPTER AT THE UNIVERSITY OF ARKANSAS-FAYETTEVILLE

HON. JOHN BOOZMAN
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. BOOZMAN. Mr. Speaker, I rise today to honor the Zeta Tau Alpha Epsilon chapter at the University of Arkansas at Fayetteville, who will celebrate their 100-year anniversary this year.

Founded back in 1903, Epsilon is the longest existing chapter of the Zeta Tau Alpha (ZTA) national sorority. Seven women in particular—Elizabeth Kell Rose, Hattie Williams, Margaret Hutcherson, Grace Jordan, Bess Byrnes, Della McMillan and Mabel Sutton—were instrumental in establishing the first ZTA chapter west of the Mississippi River.

The mission of Zeta Tau Alpha is to make a difference in the lives of their membership by developing the potential of each individual through visionary programming. They emphasize leadership development, community service, academic success and continued personal growth for women.

Later this month, Epsilon will celebrate this historical milestone with a series of events in Fayetteville, Arkansas. I look forward to joining them for an Arkansas-Alabama football game watch party they are holding on September 26, 2003.

Mr. Speaker, I truly believe that Epsilon has enjoyed 100 successful years because of the wonderful women they attract to their sorority. Epsilon sisters are committed to their traditions, heritage and friendships that last a lifetime. These are among the core values that tie us together as a society and as Epsilon has proven are important ingredients to the success of any organization. Please join me in honoring the Zeta Tau Alpha Epsilon chapter at the University of Arkansas at Fayetteville on reaching the 100-year milestone and wishing them another 100 more to come.

WILLIAM DEARY, SBA 2003 MICHIGAN SMALL BUSINESS PERSON OF THE YEAR

HON. NICK SMITH
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today in honor of William Deary the United States Small Business Administration 2003 Michigan Small Business Person of the Year.

In 1994 William Deary and his wife Cheri Lyn returned to her hometown of Jackson, MI and founded Great Lakes Home Health Services. Since that time the business has not only survived adverse conditions that saw almost a third of home health care companies close their doors, they have thrived. His commitment to his employees and the community was reflected by his decision to cut costs, but not lay off a single employee.

Today they have expanded the business now known as Great Lakes Home Health and Hospice, and are recognized nationally for their excellence in the field. In a national study conducted by Fazzi Associates Great Lakes Home Health ranked #1 in the country among agencies of similar size.

Mr. Deary is a leader in the Jackson community actively involved in assisting various organizations from the grass roots level to serving on the board of directors. He and his wife Cheri Lyn are the primary benefactors to the St. John Parish Educational Scholarship Program where they are parishioners. He serves as a member of the Board of Directors of this program that allows children from families who cannot afford the expense, but feel their children would benifit from a parochial school education to do so.

William is also Chairman of the Board and a member of the Executive Committee of the Jackson Downtown Development Authority. In addition he is active and has served in various capacities on the boards of the United Way of Jackson, Disability Connection, Child Benefit Program, Junior Achievement and helped to raise funds for the Ella Sharp Museum in Jackson. He was honored in 1998 to serve as one of the Congressional appointees for the state of Michigan at the inaugural Small Business Summit and has a been on the National Board of Directors of the Home Care Association of America.

William Deary is truly deserving of his recognition as 2003 Michigan Small Business Person of the Year. He has met and exceeded all the criteria of: Staying power; Growth in employees; Increase in sales; Improved financial position; Innovativeness; Response to adversity; and Contributions to aid community-oriented projects. He has made the Jackson community a better place to live by his commitment to excellence in the services he provides and in his willingness to give something back to the community.

TRIBUTE TO DONALD PALTHE

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. MCINNIS. Mr. Speaker, I rise today before this body of Congress to pay tribute to an outstanding citizen from my district. Donald Palthe of Grand Junction, Colorado is both a devoted teacher and a talented entertainer. From writing lesson books to performing for the elderly in retirement centers, Donald's dedication and civic mindedness make him a credit to our community. I am privileged to share his story here today.

As a boy growing up in Holland during World War II, Donald taught himself to play the ukulele and later the banjo. Donald turned his love of music into a career and has entertained thousands of people over the years, playing under the name Don Van Palta. He played at several restaurants and bars before taking a position at Caesar's Palace on the Las Vegas strip. From there, Donald was then offered a position on a cruise ship, where he had the opportunity to travel all around the world sharing his music with others.

Today, Donald brings joy to the lives of many when he visits retirement centers and reminds the residents the music of their youth. Donald does not stop at playing the banjo, though. He also teaches the instrument to others. He has hundreds of students across the country who have benefited from his instruction books, finger charts, and videotapes. Donald is dedicated to these students and still takes phone calls from them whenever he can.

Mr. Speaker, I am honored to recognize a citizen who has given so much to his community. Donald Palthe's life-long efforts to spread joy through music have made Grand Junction a better place to live. His example of service and creativity model the spirit that make this country great. I join my colleagues in recognizing Donald's achievements here today.

TRIBUTE TO CLARENCE MEDDERS (1927–2003), FORMER MAYOR OF BAKERSFIELD, CA

HON. WILLIAM M. THOMAS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. THOMAS. Mr. Speaker, I rise to honor a public servant, a devoted family man, and a close friend. Clarence Medders was born in Mississippi on December 7, 1927. Clarence served in the Army Signal Corps and graduated from teaching school, beginning a lifelong pursuit to promote the education of young people.

After moving to Bakersfield, California with his wife, Billie Jo, and their two children, Clarence worked for the Bakersfield City School District in various capacities for three decades. As a teacher, Clarence made sure his students received a quality education and understood the fundamentals. As a principal, Clarence was passionate about ensuring that his students were well-educated, and relentlessly worked with teachers, parents, and students to create an environment where his students could excel, both in the classroom and as young people. While Clarence received great recognition for his work, he did not measure his body of work by the accolades and awards he received; he measured it by the success of the students he taught, embraced, and advocated for.

Clarence devoted himself to the lives of Bakersfield's youth, but he also found time to serve the community he so loved. He served as Bakersfield City Councilman, held a leadership role in the League of California Cities, and was elected Mayor of Bakersfield in 1989. As Chairman of the Kern County Republican Central Committee, Clarence also worked to raise awareness of local and national issues with the community and involved his peers and neighbors in politics. In these different capacities, Clarence served with integrity, a plain-spoken straight-shooter that counseled and led with the convictions and strength of his heart. The enthusiasm to serve others is a quality shared by Clarence's family. His wife Billie Jo has been on my staff for the length of my career in the House, and I have always been grateful to Clarence for sharing her with me and with the thousands she has helped.

Bakersfield will miss this wonderful man who shared a rich legacy of accomplishment with his neighbors and students. More personally, I will miss Clarence. Clarence Medders was first and foremost a family man. He leaves behind his wife, his two loving daughters, Emily and Pam, and a large family that grieves an extraordinary loss.

Today, Mr. Speaker, I join many of my neighbors in mourning the loss of a close friend, Clarence Medders. A patriotic American, he embodied our country's best ideals: love for family and a dedication to public service.

INTRODUCING THE RENEWABLE FUELS AND TRANSPORTATION INFRASTRUCTURE ENHANCEMENT ACT OF 2003

HON. JAMES L. OBERSTAR
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. OBERSTAR. Mr. Speaker, I join the gentleman from Missouri, [Mr. HULSHOF], and my distinguished colleagues, in introducing the Renewable Fuels and Transportation Infrastructure Enhancement Act of 2003. A companion bill entitled, the Volumetric Ethanol Excise Tax Credit Act of 2003, has already been introduced in the Other Body.

I have long been a supporter of ethanol, which blended with gasoline, results in a cleaner automotive fuel that reduces harmful vehicle emissions. In addition, ethanol is generally made from corn; it is produced domestically; and it provides our farmers with an additional market for their goods. Further, and perhaps most importantly, the production and use of ethanol and other alcohol-blended fuels help reduce our country's debilitating dependency on foreign oil.

Ethanol production has increased steadily over the past several years. Today, there are 68 ethanol production facilities in 20 states. In 2002, these facilities produced 2.13 billion gallons of ethanol—a 45 percent production increase within the last three years. And there are proposals currently pending in the Conference Committee on the Energy bill to increase that production amount to 5 billion gallons of ethanol over the next decade. These ethanol successes are due in large part to the various tax incentives that encourage ethanol production and use.

To promote the use of ethanol-blended and other alcohol-blended fuels, these fuels are taxed at a lower rate than gasoline. It appears, however, that we have become a victim of our own success. As the production and use of ethanol has increased, it has had a deleterious effect on the Highway Trust Fund. Without the change authorized by this legislation, the current system is projected to cost the Highway Trust Fund more than $2 billion in fiscal year 2004 and more than $25.7 billion over the next ten years.

This bill provides the needed ''ethanol fix.'' By providing an alternative tax credit system to the current system of reduced excise taxes for gasohol, the bill continues to encourage the production and use of ethanol, while at the same time protecting the revenues of the Highway Trust Fund.

Currently, ethanol-blended fuel receives a partial exemption from excise taxes. The current excise tax on gasoline is 18.4 cents per gallon. In contrast, ethanol- and other alcohol-blended fuel (10-percent blend) receive a 5.2-cent exemption from this tax. As a result, the excise tax on these fuels is 13.2 cents per gallon. Tax receipts deposited into the Highway Trust Fund are further reduced because 2.5 cents of that 13.2 cents is transferred to the General Fund. This combination of a partial excise tax exemption and transfer of 2.5 cents into the General Fund severely reduce the amount of funds coming into the Highway Trust Fund, challenging our ability to provide necessary maintenance and improvement to our Nation's highways and bridges.

Not only does the current system of taxation have a detrimental effect on the Highway Trust Fund, but it also disproportionately hurts those states—mostly the Midwestern states—that are the largest producers and consumers of ethanol. The minimum guarantee formula is based in part on a state's contributions to the Highway Trust Fund. Because states that use large amounts of ethanol under the current system contribute less to the Highway Trust Fund than states that use comparable amounts of gasoline, the states' apportionments are comparably reduced.

This bill addresses these issues by eliminating the current reduced excise tax rate for alcohol-blended fuels and introducing a tax credit for ethanol- and other alcohol-blended fuels. Under this proposal, alcohol-blended fuels would be taxed at the same rate as gasoline (18.4 cents per gallon), however producers of these fuels would receive a tax credit of 52 cents per gallon. Amounts claimed for the tax credit would be deducted against General Fund revenues—not Highway Trust Fund revenues. Therefore, the bill continues to provide alcohol-blended fuel producers with the same economic incentives they have under the current tax system, while protecting the receipts of the Highway Trust Fund. The bill also eliminates the 2.5–cent tax transfer to the General Fund and directs all tax revenue on these fuels to the Highway Trust Fund.

Further, the bill introduces a credit for biodiesel fuels. Like ethanol, biodiesel is derived from farm products, most often soybeans. Although biodiesel provides many of the same benefits as ethanol, there currently are no tax incentives for the production and use of biodiesel fuels. This bill would remedy that omission by instituting a 50–cent credit for producers of biodiesel fuel. Accordingly, under the bill, biodiesel fuel would be taxed at the same rate as diesel fuel (24.4 cents per gallon), but producers of the fuel would be eligible to receive a tax credit of 50 cents per gallon of biodiesel fuel.

By substituting these tax credits for the current scheme of varying rates of excise taxes, this bill establishes a simpler, more straightforward approach to providing important incentives for the production and use of ethanol and biodiesel fuels. At the same time, it protects the revenues of the Highway Trust Fund. Highway Trust Fund revenues are dedicated revenues that go directly to pay for the maintenance and improvement of our Nation's highway system. At a time when we should be investing more funds in the improvement of Nation's highways—funds that will improve safety and reduce congestion—we can not afford Highway Trust Fund revenues to be adversely effected by the current system of varying excise tax rates.

As we move forward in crafting the successor to the landmark Transportation Equity Act for the 21st Century legislation, this bill is particularly important to ensure that those states at the forefront of producing and promoting the use of these cleaner, alternative fuels are not punished by receiving reduced highway funds from the Highway Trust Fund, and to ensure that the Highway Trust Fund continues to receive the funds necessary to maintaining and improving our Nation's highway system.

TRIBUTE TO MARGARET LAMB

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress today to pay tribute to an outstanding citizen from my district. Margaret Lamb is a lifelong resident of Creede, Colorado and a fixture of her community. She is extensively involved in the local community and gives freely and selflessly of her time to many different organizations. I am honored to recognize her selfless service here today.

Margaret has twice served as the Creede Postmaster, once in 1941, and then again in 1956. Margaret has given freely of her time for many years, serving as the secretary and treasurer for many organizations, including the Mineral County School Board, Creede's St. Augustine Episcopal Church, and the Order of the Eastern Star. She also helped found the Creede Community Church Board of Christian Education.

Mr. Speaker, Margaret Lamb is an inspiring woman who has lived her life according to her motto that getting along with people is the key to a successful and satisfying life. Margaret has served her community throughout her 83 years. Her hard work and dedication are an inspiration to all those around her, and I am honored to join with my colleagues today in saying thank you to her and wishing her good luck in the years to come.

A TRIBUTE TO FRIENDSHIP BAPTIST CHURCH

HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to honor Friendship Baptist Church in Pasadena, California. Friendship Baptist Church is one of the oldest congregations in Pasadena-celebrating its 110th anniversary this month with the theme "God's People Working Together."

Founded in September 1893, it was the first Negro Baptist church in the city and for many years had the largest membership of any African American church. Throughout its history, the church has played an important religious and civic role not only here in Pasadena, but also in Mexico, Australia and Africa as well.

Beginning as a Sunday school for Pasadena's early Negro settlers, the devoted members later chartered themselves as a full-fledged Baptist Church. The church was organized in the hall located at 12 Kansas Street which has since become known as Green Street. In 1897, the first building was erected on South Vernon Avenue at a cost of $950.

The church grew and prospered under the leadership of several ministers until the 1920's when Reverend W.H. Tillman led the members to acquire a new site and erect the present edifice. In January of 1925, the Reverend W.D. Carter was called to lead the congregation spiritually and complete an ambitious building, which stands today as a monument to the heritage of Pasadena's African American citizens.

Since its ground breaking ceremony held in March of 1925, the Friendship Baptist Church has stood prominently for over 70 years as one of the visible landmark churches in Pasadena. It is the first African American related cultural landmark, recognized as a state of California landmark, and in 1978 was listed on the National Register of Historic Places in the United States of America.

I consider it a great privilege to recognize Friendship Baptist Church for its 110 years of service to the people of Pasadena. I ask all Members to join me in wishing Friendship Baptist Church many more prolific years of service to the community.

PAYING TRIBUTE TO THE BOWEN FAMILY

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 17, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a creative and enterprising family from my state. Bill Bowen, along with his sons David and Roby, of Grand Junction, Colorado operate a unique business creating beautiful art out of large slabs of steel. For their hard work and many contributions to the Grand Junction community, I am honored to pay tribute to the Bowen Family here today.

Bill Bowen began working with metal as a young boy. The welding torch he used to build his mother a rose trellis soon became his ticket to building motorized vehicles and, eventually, amazing works of art. Most of the art that Bill and his sons started making in large quantities about 15 years ago revolve around the theme of dinosaurs, and their work has created quite a stir. People from all over the country and around the world have purchased the Bowen family's hand-made sculptures, and the joy their work has brought to the thousands of owners and admirers is truly immeasurable.

Mr. Speaker, I am honored to recognize Bill, David, and Roby Bowen here today. This trio often toils up to 70 hours a week in order to fashion their artistic creations for others to enjoy. The hard work and dedication they devote to their craft is reminiscent of the work ethic that helped make this nation great, and I am proud to bring these special individuals to the attention of my colleagues in this Congress. I congratulate the Bowen family for their success, thank them for their contributions to the Grand Junction community, and wish them all the best in the future.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 18, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 23

9 a.m.
Environment and Public Works
To hold hearings to examine ... Business meeting to consider a bill to extend the authority of TEA–21 (Transportation Equity Act for the 21st Century) for five months, to be immediately followed by a hearing to consider the nomination of Michael O. Leavitt, of Utah, to be Administrator of the Environmental Protection Agency.
SD–406

9:30 a.m.
Aging
To hold hearings to examine HIPAA medical privacy and transaction rules.
SD–628

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the implementation of the Sarbanes-Oxley Act and restoring investor confidence.
SD–538

Health, Education, Labor, and Pensions
To hold hearings to examine health technology.
SD–430

2 p.m.
Banking, Housing, and Urban Affairs
Business meeting to mark up the National Consumer Credit Reporting System Improvement Act of 2003, the Defense Production Reauthorization Act of 2003, and The Federal Transit Extension Act of 2003.
SD–538

2:30 p.m.
Judiciary
Immigration, Border Security and Citizenship Subcommittee
To hold hearings to examine information sharing and coordination for visa issuance in relation to homeland security.
SD–226

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 213, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, S. 1236, to direct the Secretary of the Interior to establish a program to control or eradicate tamarisk in the western States, S. 1516, to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the commissioner of Reclamation, to carry out an assessment and demonstration program to assess potential increases in water availability for Bureau of Reclamation projects and other uses through control of salt cedar and Russian olive, H.R. 856, to authorize the Secretary of the Interior to revise a repayment contract with the Tom Green County Water Control and Improvement District No. 1, San Angelo project, Texas, and H.R. 961, to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin.
SD–366

SEPTEMBER 24

9 a.m.
Environment and Public Works
Clean Air, Climate Change, and Nuclear Safety Subcommittee
To hold hearings to examine the findings of the GAO concerning the Federal Emergency Management Agency's financial allocations and activities after the terrorist attacks on September 11th, and to conduct oversight on the Federal Emergency Management Agency's effectiveness since becoming part of the Department of Homeland Security.
SD–406

9:30 a.m.
Governmental Affairs
To hold hearings to examine discrimination against employees and retirees relating to social security government pension offset and windfall elimination provisions.
SD–342

Judiciary
To hold hearings to examine the nominations of Dale S. Fischer to be United States District Judge for the Central District of California, Claude A. Allen, of Virginia, to be United States Circuit Judge for the Fourth Circuit, and Gary L. Sharpe to be United States District Judge for the Northern District of New York.
SD–226

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine intellectual diversity.
SD–430

Indian Affairs
To hold hearings to examine S. 1601, to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations.
SR–485

2:30 p.m.
Judiciary
Crime, Corrections and Victims' Rights Subcommittee
To hold hearings to examine elder abuse, neglect, and exploitation.
SD–226

SEPTEMBER 25

9:30 a.m.
Armed Services
To hold hearings to examine the report of the Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy.
SH–216

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine counterterror initiatives in the terror finance program.
SD–538

Health, Education, Labor, and Pensions
Business meeting to consider S. 606, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions, the Workforce Investment Act Amendments of 2003,the Family Smoking Prevention and Tobacco Control Act, and pending nominations.
SD–430

Indian Affairs
To hold hearings to examine proposed legislation to reauthorize the Head Start program.
Room to be announced

2:30 p.m.
Foreign Relations
To hold hearings to examine the nominations of Richard Eugene Hoagland, of the District of Columbia, to be Ambassador to the Republic of Tajikistan, Pamela P. Willeford, of Texas, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein, and James Casey Kenny, of Illinois, to be Ambassador to Ireland.
SD–419

SEPTEMBER 30

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the state of the securities industry.
SD–538

Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine underage drinking.
SD–430

OCTOBER 2

10 a.m.
Health, Education, Labor, and Pensions
To hold joint hearings with the House Committee on Energy and Commerce to examine activities of the National Institutes of Health.
SD–106

2 p.m.
Indian Affairs
To hold hearings to examine S. 1438, to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam.
SR–485

OCTOBER 16

10 a.m.
Indian Affairs
To hold hearings to examine the Missouri River Master Manual.
SR–485

OCTOBER 21

10 a.m.
Indian Affairs
To hold hearings to examine S. 1565, to reauthorize the Native American Programs Act of 1974.
SR–485

Daily Digest

HIGHLIGHTS

Senate agreed to the motion to disagree to the House amendment to S. 3, Partial-Birth Abortion Ban Act.

The House passed H.R. 7, Charitable Giving Act of 2003.

Senate

Chamber Action

Routine Proceedings, pages S11589–S11710

Measures Introduced: Twelve bills were introduced, as follows: S. 1624–1635. **Page S11648**

Measures Reported:

S. 1039, to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works, with an amendment. (S. Rept. No. 108–149) **Page S11647**

Measures Passed:

U.S.-Bulgaria Relations: Committee on Foreign Relations was discharged from further consideration of S. Res. 225, commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Pages S11706–07**

McConnell (for McCain) Amendment No. 1738 (to the preamble), to make a technical correction. **Page S11706**

Celebrating the Life of Larry Doby: Senate agreed to H. Con. Res. 235, celebrating the life and achievements of Lawrence Eugene ''Larry'' Doby. **Page S11707**

Interior Department Appropriations: Senate began consideration of H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, taking action on the following amendments proposed thereto: **Pages S11605–10, S11624–30**

Adopted:

Burns/Dorgan Amendment No. 1724, in the nature of a substitute. (Amendment, as agreed to, will be considered original text for the purpose of further amending.) **Pages S11605–10**

Pending:

Reid Amendment No. 1731, to prohibit the use of funds for initiating any new competitive sourcing studies. **Page S11624**

Reid Amendment No. 1732, to authorize the Secretary of the Interior to acquire certain lands located in Nye County, Nevada. **Page S11625**

Reid Amendment No. 1733, to provide for the conveyance of land to the city of Las Vegas, Nevada, for the construction of affordable housing for seniors. **Page S11625**

Daschle Amendment No. 1734, to provide additional funds for clinical services of the Indian Health Service, with an offset. **Pages S11629–30**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Thursday, September 18, 2003. **Page S11708**

Energy and Water Development Appropriations—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the September 16, 2003 passage of H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, Senate agree to the following amendment proposed thereto: **Page S11605**

Reid/Domenici Amendment No. 1723, to make available funds for the Army Corps of Engineers for water restoration projects and facilities. **Page S11605**

Partial-Birth Abortion Ban—House Message: By a unanimous vote of 93 yeas (Vote No. 351), Senate agreed to the motion to disagree to the House amendment to S. 3, to prohibit the procedure commonly known as partial-birth abortion. **Pages S11589–S11601, S11614–20**

Subsequently, Senate agreed to the request for a conference. **Page S11620**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 92 yeas (Vote No. EX. 352), R. David Proctor, of Alabama, to be United States District Judge for the Northern District of Alabama. **Pages S11620–21**

By unanimous vote of 92 yeas (Vote No. 353), Sandra J. Feuerstein, of New York, to be United States District Judge for the Eastern District of New York. **Pages S11621–23**

Richard J. Holwell, of New York, to be United States District Judge for the Southern District of New York.

Stephen C. Robinson, of New York, to be United States District Judge for the Southern District of New York.

P. Kevin Castel, of New York, to be United States District Judge for the Southern District of New York. **Page S11623**

Nominations Received: Senate received the following nominations:

William Cabaniss, of Alabama, to be Ambassador to the Czech Republic.

Louise V. Oliver, of the District of Columbia, to be a Representative of the United States of America to the Thirty-second Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

Louise V. Oliver, of the District of Columbia, for the rank of Ambassador during her tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, and Cultural Organization.

Roderick R. Paige, of Texas, to be a Representative of the United States of America to the Thirty-second Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

Routine lists in the Air Force, Army, Navy. **Pages S11708–10**

Messages From the House: **Pages S11640–41**

Measures Referred: **Page S11641**

Measures Placed on Calendar: **Page S11641**

Measures Read First Time: **Page S11707**

Executive Communications: **Pages S11641–44**

Petitions and Memorials: **Pages S11644–47**

Executive Reports of Committees: **Pages S11647–48**

Additional Cosponsors: **Pages S11648–49**

Statements on Introduced Bills/Resolutions: **Pages S11649–87**

Additional Statements: **Pages S11637–40**

Amendments Submitted: **Pages S11687–S11705**

Authority for Committees to Meet: **Pages S11705–06**

Privilege of the Floor: **Page S11706**

Record Votes: Three record votes were taken today. (Total—353) **Pages S11620, S11621, S11622**

Adjournment: Senate met at 8:30 a.m., and adjourned at 6:32 p.m., until 9:30 a.m., on Thursday, September 18, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11708.)

Committee Meetings

(Committees not listed did not meet)

DIGITAL MEDIA MARKETPLACE

Committee on Commerce, Science, and Transportation: Committee concluded a hearing on digital rights management and privacy issues, focusing on interests of copyright owners and the threats to those interests that are posed by the misuse of new technologies, including peer-to-peer software, after receiving testimony from William Barr, Verizon Communications, Arlington, Virginia; James D. Ellis, SBC Communications Inc., San Antonio, Texas; John Rose, EMI Group and EMI Music, New York, New York; Lawrence J. Blanford, Philips Consumer Electronics North America, Atlanta, Georgia; Edward W. Felten, Princeton University, Princeton, New Jersey; and Cary Sherman, Recording Industry Association of America, Alan Davidson, Center for Democracy and Technology, Jack Valenti, Motion Picture Association of America, and Chris Murray, Consumers Union, all of Washington, D.C.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Gwendolyn Brown, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration, who was introduced by Senator Stevens, Karen K. Bhatia, of Maryland, to be an Assistant Secretary of Transportation for Aviation and International Affairs, and Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority, who was introduced by Senator Specter, after each nominee testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following business items:

S.J. Res. 16, to approve the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia", and the

"Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands", and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023, with an amendment; and

The nominations of Suedeen G. Kelly, of New Mexico, to be a Member of Federal Energy Regulatory Commission, and Rick A. Dearborn, of Oklahoma, to be an Assistant Secretary of Energy for Congressional and Intergovernmental Affairs.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following business items:

S. 1548, to amend the Internal Revenue Code of 1986 to provide incentives for the production of renewable fuels and to simplify the administration of the Highway Trust Fund fuel excise taxes, with an amendment in the nature of a substitute. (As approved by the committee, the substitute amendment includes the Extension of Highway Trust Fund Provisions.);

An original bill entitled National Employee Savings and Trust Equity Guarantee Act; and

H.R. 743, to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, with an amendment in the nature of a substitute.

FUTURE OF U.S. POSTAL SERVICE

Committee on Governmental Affairs: Committee concluded a hearing to examine what can be done to ensure the future viability of the U.S. Postal Service, focusing on universal mail service, best business practices, processing and distribution facilities, leveraging the private sector, and information technology, after receiving testimony from James A. Johnson, Perseus, L.L.C., Washington, D.C., on behalf of the President's Commission on the U.S. Postal Service.

LUMBEE ACKNOWLEDGMENT

Committee on Indian Affairs: Committee concluded a hearing to examine S. 420, to provide for the acknowledgment of the Lumbee Tribe of North Carolina, focusing on Lumbee identity and culture, governance, and tribal history, after receiving testimony from Senator Dole; Representatives McIntyre and Faleomavaega; Aurene M. Martin, Principal Deputy Assistant Secretary of the Interior for Indian Affairs; Milton Hunt, Pembroke, North Carolina, Jack Campisi, Red Hook, New York, and Arlinda Locklear, Patton Boggs, Jefferson, Maryland, all on behalf of the Lumbee Tribe of North Carolina; and James T. Martin, United South and Easter Tribes, Nashville, Tennessee.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing on the nominations of Margaret Catharine Rodgers, to be United States District Judge for the Northern District of Florida, who was introduced by Senator Nelson; Roger W. Titus, to be United States District Judge for the District of Maryland, who was introduced by Senators Mikulski and Sarbanes; and George W. Miller, of Virginia, to be a Judge of the United States Court of Federal Claims, who was introduced by Senator Allen, after the nominees testified and answered questions in their own behalf.

COMBATING GANG VIOLENCE

Committee on the Judiciary: Committee concluded a hearing to examine effective federal, state and local law enforcement strategies to combat gang violence in America, focusing on the investigation and prosecution of gang members, Safe Streets Task Forces, and witness intimidation, after receiving testimony from Patrick J. Fitzgerald, United States Attorney, Northern District of Illinois, Debra W. Yang, United States Attorney, Central District of California, Christopher J. Christie, United States Attorney, District of New Jersey, and Grant D. Ashley, Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation, all of the Department of Justice; Eddie J. Jordan, Jr., District Attorney, District of New Orleans, New Orleans, Louisiana; Robert P. McCulloch, Prosecuting Attorney, St. Louis County, Missouri, on behalf the National District Attorneys Association; and Wesley D. McBride, California Gang Investigators Association, Huntington Beach.

House of Representatives

Chamber Action

Measures Introduced: 32 public bill, H.R. 3106–3137; and 4 resolutions, H. Con. Res. 285–286 and H. Res 372–373, were introduced. **Pages H8380–81**

Additional Cosponsors: **Pages H8381–83**

Reports Filed: Reports were filed as follows:

H.R. 1813, to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture (H. Rept. 108–261, Pt. 2);

H.R. 2572, to authorize appropriations for the benefit of Amtrak for fiscal years 2004 through 2006 (H. Rept. 108–274);

H.R. 3038, to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002 (H. Rept. 108–275); and

H.R. 3034, to amend the Public Health Service Act to reauthorize the National Bone Marrow Donor Registry, amended (H. Rept. 108–276). **Page H8380**

Speaker: Read a letter from the Speaker wherein he appointed Representative Culberson to act as Speaker Pro Tempore for today. **Page H8287**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Hospital Mortgage Insurance Act of 2003: H.R. 659, to amend section 242 of the National Housing Act regarding the requirements for mortgage insurance under such Act for hospitals; **Pages H8290–92**

Korean War Veterans Recognition Act of 2003: H.R. 292, to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; **Pages H8292–93**

Extending the Immigrant Religious Worker Program: H.R. 2152, to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program; and **Pages H8293–95**

Internet Tax and Nondiscrimination Act: H.R. 49, to permanently extend the moratorium enacted by the Internet Tax Freedom Act. **Pages H8295–H8301**

Charitable Giving Act of 2003: The House passed H.R. 7, to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses by a yea-and-nay vote of 408 yeas to 13 nays, Roll No. 508. **Pages H8301–56**

Rejected the Neal of Massachusetts motion to recommit the bill to the Committee on Ways and Means with instructions by a recorded vote of 201 ayes to 221 noes, Roll No. 507. **Pages H8345–55**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Ways and Means and printed in the bill, as modified by the amendment printed in part A of H. Rept. 108–273 was adopted as the original bill for the purpose of amendment. **Page H8356**

Rejected:

Cardin amendment in the nature of a substitute, printed in part B of H. Rept 108–273, that includes all the provisions in the bill and also increases funding for the Social Security Block Grant by a yea-and-nay vote of 203 yeas to 220 nays, Roll No. 506. **Pages H8326–45**

H. Res. 370, the rule providing for consideration of the bill was agreed to by a voice vote. **Page H8345**

Tax Relief, Simplification, and Equity Act—Motion to Instruct Conferees: The House considered the Ryan of Ohio motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act. Further consideration of the motion will resume on September 23. **Pages H8359–61**

Medicare Prescription Drug Benefit—Motion to Instruct Conferees: The House considered the Stenholm motion to instruct conferees on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003. Further consideration of the motion will resume on September 23. **Pages H8361–66**

National Defense Authorization Act—Motion to Instruct Conferees: The House considered the Rodriguez motion to instruct conferees on H.R. 1588, National Defense Authorization Act for Fiscal Year 2004. Further consideration of the motion will resume on September 23. **Pages H8366–69**

Meeting Hour: Agreed that when the House adjourns tomorrow, September 18, it adjourn to meet at 12:00 p.m. on Monday, September 22, and further that when the House adjourns on Monday, it adjourn to meet at 12:30 p.m. on Tuesday, September 23 for morning hour debate. **Page H8369**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, September 24. **Page H8369**

Adjournment: The House met at 10:00 a.m. and adjourned at 6:44 p.m.

Committee Meetings

GRADUATE OPPORTUNITIES IN HIGHER EDUCATION ACT; INTERNATIONAL STUDIES IN HIGHER EDUCATION ACT

Committee on Education and the Workforce: Subcommittee on Select Education approved for full Committee action, as amended, the following bills: H.R. 3076, Graduate Opportunities in Higher Education Act; and H.R. 3077, International Studies in Higher Education Act.

OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing on H.R. 2731, Occupational Safety and Health Small Employer Access to Justice Act of 2003, Testimony was heard from public witnesses.

INTERNATIONAL CONSUMER PROTECTION ACT

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing on the International Consumer Protection Act of 2003. Testimony was heard from Timothy J. Muris, Chairman, FTC; and public witnesses.

SARBANES-OXLEY: ARE FINANCIAL STATEMENTS MORE RELIABLE?

Committee on Financial Services: Held a hearing entitled "Accounting under Sarbanes-Oxley: Are financial statements more reliable?" Testimony was heard from William H. Donaldson, Chairman, SEC; and William J. McDonough, Chairman, Public Company Accounting Oversight Board.

OVERSIGHT—FEDERAL GOVERNMENT REORGANIZATION—RECOMMENDATIONS—NATIONAL COMMISSION ON PUBLIC SERVICE

Committee on Government Reform: Subcommittee on Civil Service and Agency Organization held an oversight hearing titled "Human Capital Planning: Exploring the National Commission on the Public Service's Recommendations for Reorganizing the Federal Government." Testimony was heard from David M. Walker, Comptroller General, GAO; Clay Johnson III, Deputy Director, Management, OMB; and Paul A. Volcker, Chairman, National Commission on the Public Service.

NATIONAL SUPPLY REDUCTION STRATEGY IMPLEMENTATION

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled "Implementation of National Supply Reduction Strategy." Testimony was heard from Barry Crane, Deputy Director, Supply Reduction, Office of National Drug Control Policy.

OVERSIGHT—SECURITY IN SOFTWARE

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held an oversight hearing titled "Exploring Common Criteria: Can It Ensure That the Federal Government Gets Needed Security in Software?" Testimony was heard from Edward A. Roback, Chief, Computer Security Division, National Institute of Standards and Technology, Department of Commerce; the following officials of the Department of Defense: Michael G. Fleming, Chief, Information Assurance Solutions Group, Information Assurance Directorate, NSA; and Robert G. Gorrie, Deputy Director, Defense-wide Information Assurance Program; and public witnesses.

OVERSIGHT—ENVIRONMENTAL ASPECTS—MODERN OIL AND GAS DEVELOPMENT

Committee on Resources: Subcommittee on Energy and Mineral Resources held an oversight hearing on "Environmental Aspects of Modern Oil and Gas Development." Testimony was heard from Representative Vitter; Steve Kolian, Environmental Scientist, Department of Environmental Quality, State of Louisiana; and public witnesses.

OVERSIGHT—FOREST SERVICE RECREATION FEE DEMONSTRATION PROGRAM

Committee on Resources: Subcommittee on Forests and Forests Health held an oversight hearing on the Forest Service Recreation Fee Demonstration Program. Testimony was heard from Tom Thompson, Deputy Chief, National Forest System, U.S. Forest Service, USDA; Barry Hill, Director, Natural Resources and Environment, GAO; and public witnesses.

NATIONAL SMALL BUSINESS WEEK

Committee on Small Business: Held a hearing on National Small Business Week: Small Business Success Stories. Testimony was heard from public witnesses.

OVERSIGHT—NATION'S INTERMODAL TRANSPORTATION SYSTEM

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held an oversight hearing on Contributions of Ports and Inland Waterways to the Nation's Intermodal Transportation System. Testimony was heard from Norman Y. Mineta, Secretary of Transportation; and the following officials of the Department of the Army: John Paul Woodley, Assistant Secretary (Civil

Works); and Robert B. Flowers, Chief, Corps of Engineers.

COMMITTEE BUSINESS

Permanent Select Committee on Intelligence: Met in executive session to consider pending Committee business.

JOINT INQUIRY RECOMMENDATIONS

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security met in executive session to consider recommendations from the Joint Inquiry.

POWER BLACKOUTS IMPLICATIONS—NATION'S CYBERSECURITY AND CRITICAL INFRASTRUCTURE PROTECTION

Select Committee on Homeland Security: Subcommittee on Cybersecurity, Science, and Research and the Subcommittee on Infrastructure and Border Security concluded joint hearings entitled "Implications of Power Blackouts for the Nation's Cybersecurity and Critical Infrastructure Protection: The Electric Grid, Critical Interdependencies, Vulnerabilities, and Readiness." Testimony was heard from Robert Liscouski, Assistant Secretary, Infrastructure Protection Directorate, Department of Homeland Security; Denise Swink, Acting Director, Office of Energy Assurance, Department of Energy; Robert F. Dacey, Director, Information Security, GAO; and Col. Michael McDaniel, Assistant Adjutant General, Homeland Security, State of Michigan.

Joint Meetings

CHECHNYA

Commission on Security and Cooperation in Europe (Helsinki Commission): on Tuesday, September 16, 2003, Commission concluded a hearing to examine the current situation and future of Chechnya, after receiving testimony from Steven Pifer, Deputy Assistant Secretary of State for European and Eurasian Affairs; Lord Frank Judd, Member of the British House of Lords, London, United Kingdom, former Co-Chairman, Council of Europe-Duma Parliamentary Working Group on Chechnya; and Robert Bruce Ware, Southern Illinois University, Carbondale; and Anna Politkovskaya, Moscow, Russia.

HOMELAND SECURITY APPROPRIATIONS ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004.

LEGISLATIVE BRANCH APPROPRIATIONS ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004.

DEFENSE APPROPRIATIONS ACT

Conferees met in closed session and agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 18, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold a closed briefing on ongoing military operations and areas of key concern around the world, 10:30 a.m., SR–222.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Government Reform, to consider the following: H. Con. Res. 106, recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an "American Jewish History Month;" H. Con. Res. 270, supporting the goals and ideals of College Savings Month; H. Res. 357, Honoring the life and legacy of Bob Hope; H.R. 2075, to designate the facility of the United States Postal Services located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building;" H.R. 2533, to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr. Post Office Building;" and H.E. 3068, to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the "Brigadier General (AUS–Ret.) John H. McLain Post Office," followed by a hearing titled "What Happened to GPRA? A Retrospective Look At Government Performance and Results," 10 a.m., 2154 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Thursday, September 18

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 2691, Interior Department Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, September 18

House Chamber

Program for Thursday: The House will meet in pro forma session at 10 a.m.

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