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No. 129

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 18, 2003.

I hereby appoint the Honorable DAVID DREIER 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: Almighty God, 216 years ago, by the unanimous consent of the States present, in the 12th year of the independence of the United States, the Constitution of this country was ratified.

We praise You and thank You for this founding document of our Republic. It establishes and defines the three branches of our government: the Legislative, the Executive, and the Judiciary. As a government of enumerated powers, those powers not granted to the Federal Government are reserved to the people themselves.

By Divine Providence, Lord, this document of human liberty and God-given rights came upon the world scene.

Ever since, the kind of government our Founders and Framers have given us can best be described as "a government of the people, by the people, and for the people."

Today we celebrate this great proclamation, so brilliant in its brevity and flexibility. As citizens of the Nation, we rejoice to have such guidance and assurance for our future.

As witness to this 108th Congress, we thank You for those who bring to life

the words of the Constitution in our own day. They en flesh this noble and brave idea of our Constitution and serve in the Federal Government as a testament to freedom and as a living promise for the world.

In You our God we trust now and forever. 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. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER 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.

CONFERENCE REPORT ON H.R. 2657

Mr. KINGSTON submitted the following conference report and statement on the bill (H.R. 2657) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes:

CONFERENCE REPORT (H. REPT. 108-279)

The committee of conference on the disagreeing votes of the two Houses on 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", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, \$20,000; the President Pro Tempore of the Senate, \$20,000; Majority Leader of the Senate, \$20,000; Minority Leader of the Senate, \$20,000; Majority Whip of the Senate, \$10,000; Minority Whip of the Senate, \$10,000; President Pro Tempore emeritus, \$7,500; Chairmen of the Majority and Minority Conference Committees, \$5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, \$5,000 for each Chairman; in all, \$127,500.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, \$15,000 for each such Leader; in all, \$30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, \$125,307,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, \$2,028,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, \$539,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore emeritus, \$156,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, \$3,220,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, \$2,324,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, \$12,799,000.

□ 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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H8385

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$1,358,000 for each such committee; in all, \$2,716,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$674,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, \$1,417,000 for each such committee; in all, \$2,834,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$327,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, \$18,299,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$45,789,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,468,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, \$32,134,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$4,843,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, \$1,222,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, \$6,000; Sergeant at Arms and Doorkeeper of the Senate, \$6,000; Secretary for the Majority of the Senate, \$6,000; Secretary for the Minority of the Senate, \$6,000; in all, \$24,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under section 134(a) of the Legislative Reorganization Act of 1946 (Public Law 97-601), section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96-304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, \$118,462,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, \$520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, \$2,265,000, of which \$500,000 shall be transferred to the Senate Preservation Fund and shall be available without fiscal year limitation.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$135,243,000, of which \$30,835,000 shall remain available until September 30, 2006, and of which \$4,255,000 shall remain available until September 30, 2008.

MISCELLANEOUS ITEMS

For miscellaneous items, \$18,425,000, of which up to \$500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which

the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, \$310,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, \$300,000.

ADMINISTRATIVE PROVISIONS

SECTION. 1. GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS. Effective on and after October 1, 2003, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61-1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2003, increased by an additional \$50,000 each.

SEC. 2. PAYMENT OF EXPENSES OF CONFERENCES OF MAJORITY AND MINORITY. (a) IN GENERAL.—Section 120 of Public Law 97-51 (2 U.S.C. 61g-6) is amended in the first sentence by striking "an amount, not in excess of \$100,000," and inserting "such amount as necessary".

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2004, and each fiscal year thereafter.

SEC. 3. PROVISIONS RELATING TO SENATE COMMISSION ON ART. (a) AUTHORITY TO ACQUIRE AND DISPOSE.—

(1) IN GENERAL.—The Senate Commission on Art (referred to in this section as the "Commission") may—

(A) accept gifts of money; and

(B) acquire (by gift, purchase, or otherwise) any work of art, historical object, document, or material relating to historical matters, or exhibit, for placement or exhibition in the Senate Wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof.

(2) ACCESSION OR DISPOSAL.—All works of art, historical objects, documents, or material related to historical matters, or exhibits, acquired by the Commission may, as determined by the Commission and after consultation with the Curatorial Advisory Board, be—

(A) retained for accession to the United States Senate Collection or other use; or

(B) disposed of by sale or other transaction.

(3) REPEAL.—Senate Resolution 95, 92d Congress, agreed to April 1, 1971, and enacted into law by section 901(a) of Public Law 100-696 (2 U.S.C. 2106) is repealed.

(b) ADVISORY BOARDS.—

(1) CURATORIAL ADVISORY BOARD.—There is established a Board which shall be chaired by the Senate Curator. The Curatorial Advisory Board shall provide advice and assistance to the Commission on the acquisition, care, and disposition of items for or within the United States Senate Collection, and on such other matters as the Commission determines appropriate.

(2) ADDITIONAL ADVISORY BOARDS.—

(A) IN GENERAL.—The Commission, or the chairman and vice chairman acting jointly on behalf of the Commission and after giving notice to the Commission, may establish 1 or more additional advisory boards.

(B) TERM.—The term of existence for an additional advisory board—

(i) shall be specified by the Commission but no longer than 4 years; and

(ii) shall be renewable.

(C) PURPOSE.—The purpose of an additional advisory board shall be to provide advice and assistance to the Commission and to further the purposes of the Commission.

(3) APPOINTMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Curatorial Advisory Board and other advisory boards established by the Commission under paragraph (2) shall be composed of mem-

bers appointed by the Commission, or the chairman and vice chairman acting jointly on behalf of the Commission and after giving notice to the Commission.

(B) APPLICABLE RULES.—Members appointed under subparagraph (A)—

(i) shall be appointed from public and private life and shall serve at the pleasure of the Commission; and

(ii) in the case of individuals appointed to the Curatorial Advisory Board, shall be experts or have significant experience in the field of arts, historic preservation, or other appropriate fields.

Each member of the Commission may have appointed to an advisory board created by the Commission at least 1 individual requested by that member.

(4) MEMBERS.—A member of a board under this subsection—

(A) may, at the discretion of the Commission, be reimbursed for actual and necessary expenses incurred in the performance of the official duties of the board from any funds available to the Commission in accordance with applicable Senate regulations for such expenses; and

(B) shall not, by virtue of such member's service on the board, be deemed to be an officer, employee, or agent of the Senate and may not bind the Senate in any contract or obligation.

(5) TERMS FOR ADDITIONAL ADVISORY BOARD MEMBERS.—Members appointed to the other advisory boards created under paragraph (2) shall serve for terms as stated in their appointment, but no longer than a term of 4 years, except that any member may be reappointed upon the expiration of their term.

(6) REGULATIONS.—The Commission, or the chairman and vice chairman acting jointly on behalf of the Commission and after giving notice to the Commission, in consultation with the Committee on Rules and Administration, may promulgate such regulations governing advisory boards established under this subsection as are necessary to carry out the purposes of this subsection.

(7) ASSISTANCE.—The Executive Secretary of the Commission shall provide assistance to an advisory board as authorized by the Commission.

(c) ESTABLISHMENT OF SENATE PRESERVATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury a fund, to be known as the "Senate Preservation Fund" (in this section referred to as the "fund"), which shall consist of amounts deposited and credited under paragraph (3).

(2) PAYMENT OF COSTS.—The fund shall be available to the Commission for the payment of acquisition and transaction costs incurred for acquisitions under subsection (a), for official activities of any advisory board established under subsection (b), and for any purposes for which funds from the contingent fund of the Senate may be used under section 316(a) of Public Law 101-302 (2 U.S.C. 2107).

(3) DEPOSITS, CREDITS, AND DISBURSEMENTS.—

(A) DEPOSITS.—The Commission shall deposit in the fund amounts appropriated for use of the fund, gifts of money, and proceeds of transactions under subsection (a).

(B) CREDITS.—The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

(C) DISBURSEMENTS.—Disbursements from the fund shall be made on vouchers approved by the Commission and signed by the Executive Secretary of the Commission.

(4) INVESTMENTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current withdrawals.

(B) TYPE OF OBLIGATION.—Each investment required by this paragraph shall be made in an

interest bearing obligation of the United States or an obligation guaranteed as to the principal and interest by the United States that, as determined by the Commission, has a maturity suitable for the fund.

(C) COMMISSION APPROVAL.—In carrying out this subsection, the Secretary of the Treasury may make such purchases, sales, and redemption of obligations as may be approved by the Commission.

(5) SERVICES AND SUPPORT.—The Library of Congress shall provide financial management and disbursing services and support to the Commission as may be required and mutually agreed to by the Librarian of Congress and the Executive Secretary of the Commission.

(6) AUDITS.—The Comptroller General of the United States shall conduct annual audits of the Senate Preservation Fund and shall report the results of each audit to the Commission.

(d) ADMINISTRATIVE CHANGES.—

(1) SENATE COMMISSION ON ART.—Section 1 of Senate Resolution 382, 90th Congress, agreed to October 1, 1968, and enacted into law by section 901(a) of Public Law 100-696 (2 U.S.C. 2101) is amended—

(A) in subsection (b), by striking the first sentence and inserting “The Majority Leader and Minority Leader of the Senate shall be the chairman and vice chairman, respectively, of the Commission.”; and

(B) by striking subsection (c) and inserting the following:

“(c) The Secretary of the Senate shall appoint a Senate Curator approved by the Senate Commission on Art. The Senate Curator shall be an employee of the Secretary of the Senate assigned to assist the Commission. The Secretary of the Senate shall assign additional employees to assist the Commission, and provide such other assistance, as the Commission determines necessary.”.

(2) PURCHASE OF ART.—The first sentence of section 316(a) of Public Law 101-302 (2 U.S.C. 2107(a)) is amended by inserting after “in which incurred,” the following: “for the purchase of art and historical objects for the United States Senate Collection, for exhibits and public education relating to the United States Senate Collection, for administrative and transitional expenses of the Senate Commission on Art, and”.

SEC. 4. ORIENTATION SEMINARS. The first sentence of section 107(a) of the Supplemental Appropriations Act, 1979 (Public Law 96-38; 2 U.S.C. 69a) is amended by striking “\$10,000” and inserting “\$25,000”.

SEC. 5. EXPENSE ALLOWANCES FOR CERTAIN OFFICERS OF THE SENATE. (a) IN GENERAL.—Section 119(a) of the joint resolution entitled “Joint resolution making continuing appropriations for the fiscal year 1982, and for other purposes”, approved October 1, 1981 (2 U.S.C. 65c) is amended by striking “\$3,000” and inserting “\$6,000”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to fiscal year 2004, and each fiscal year thereafter.

SEC. 6. CONSULTANTS. With respect to fiscal year 2004, the first sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-6(a)) shall be applied by substituting “nine individual consultants” for “eight individual consultants”.

SEC. 7. UNITED STATES SENATE COLLECTION. Section 316 of Public Law 101-302 (2 U.S.C. 2107) is amended in the first sentence of subsection (a) by striking “2003” and inserting “2004”.

SEC. 8. DATA COMMUNICATION LINES. Notwithstanding section 1348 of title 31, United States Code, the Committee on Rules and Administration of the Senate may authorize the installation of data communication lines and other appropriate Internet connections (not including voice connections) in the private residence of a Senator and up to 2 staff members designated by a Senator and the majority and minority staff director of a committee for conducting the work of the Senate subject to guidelines issued by the Committee on Rules and Administration.

SEC. 9. PROVISION OF SERVICES AND EQUIPMENT ON A REIMBURSABLE BASIS.

(a) IN GENERAL.—Subject to the approval of the Committee on Rules and Administration of the Senate, the Sergeant at Arms and Doorkeeper of the Senate may provide services and equipment funded by appropriations available to the Senate to persons and entities not funded by such appropriations.

(b) REIMBURSEMENT REQUIRED.—The provision of services and equipment under subsection (a) shall be on a reimbursable basis.

(c) CREDITING OF REIMBURSED AMOUNTS.—In the case of services or equipment provided under subsection (a) that were procured using amounts available to the Sergeant at Arms and Doorkeeper of the Senate in the account for Contingent Expenses, Sergeant at Arms and Doorkeeper of the Senate, amounts received under subsection (b) as reimbursement for the provision of such services or equipment shall be credited to that account or, if applicable, to any subaccount of that account. Amounts credited to any such account or subaccount shall be merged with amounts in that account or subaccount and shall be available to the same extent, and subject to the same terms and conditions, as amounts in that account or subaccount.

(d) EFFECTIVE DATE.—This section shall apply to fiscal year 2004 and each succeeding fiscal year.

SEC. 10. HIGH COST OF LIVING ALLOWANCE. (a) IN GENERAL.—Under the authority of section 105(d)(2) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61-1(d)(2)), a Senator from a noncontiguous State may pay a high cost of living allowance to any employee employed in an office of the Senator located in that State.

(b) LIMITATION.—An allowance under this section may not exceed 25 percent of the basic pay of an employee, determined without regard to this section.

(c) BASIC PAY TREATMENT.—An allowance under this section shall be treated as part of the basic pay of an employee.

(d) PAYMENT.—

(1) AGGREGATE GROSS COMPENSATION.—The amount of any allowance under this section shall not be taken into account for determining the amount of aggregate gross compensation in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61-1(d)(1)(A)).

(2) APPROPRIATIONS.—Allowances under this section shall be paid from appropriations under the heading “SENATORS’ OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT”.

(e) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2004 and each fiscal year thereafter.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$1,014,464,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$18,142,000, including: Office of the Speaker, \$2,630,000, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$1,965,000, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$2,756,000, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, \$1,684,000, including \$5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, \$1,259,000, including \$5,000 for official expenses of the Minority Whip; Speaker’s Office for Legislative Floor Activities, \$460,000; Republican Steering Committee, \$862,000; Republican Conference, \$1,448,000; Democratic Steering and Policy Committee, \$1,542,000; Democratic Caucus, \$768,000; nine minority employees, \$1,380,000; training and program development—majority, \$290,000;

training and program development—minority, \$290,000; Cloakroom Personnel—majority, \$404,000; and Cloakroom Personnel—minority, \$404,000.

MEMBERS’ REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS’ CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members’ representational allowances, including Members’ clerk hire, official expenses, and official mail, \$514,454,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, \$107,188,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2004.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, \$24,926,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2004.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, \$156,896,000, including: for salaries and expenses of the Office of the Clerk, including not more than \$13,000, of which not more than \$10,000 is for the Family Room, for official representation and reception expenses, \$19,452,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than \$3,000 for official representation and reception expenses, \$5,471,000; for salaries and expenses of the Office of the Chief Administrative Officer, \$111,141,000, of which \$8,400,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, \$3,847,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, \$5,200,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, \$926,000; for the Office of the Chaplain, \$153,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and \$2,000 for preparing the Digest of Rules, \$1,560,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, \$2,263,000; for salaries and expenses of the Office of the Legislative Counsel of the House, \$6,233,000; for salaries and expenses of the Office of Interparliamentary Affairs, \$500,000; and for other authorized employees, \$150,000: Provided, That of the amounts provided under this heading to the Office of the Chief Administrative Officer, up to \$2,500,000 may be transferred to the Office of the Architect of the Capitol, subject to the approval of the Committee on Appropriations of the House of Representatives.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$192,858,000, including: supplies, materials, administrative costs and Federal tort claims, \$3,975,000; official mail for committees, leadership offices, and administrative offices of the House, \$410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$187,783,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, \$690,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such

amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2112), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISION

SEC. 101. (a) **REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.**—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2004. Any amount remaining after all payments are made under such allowances for fiscal year 2004 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) **REGULATIONS.**—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) **DEFINITION.**—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. None of the funds in this Act may be used to provide supplemental dental or vision health insurance benefits for Members and employees of the House of Representatives.

SEC. 103. **OFFICE OF INTERPARLIAMENTARY AFFAIRS.**

(a) **ESTABLISHMENT.**—There is hereby established in the House of Representatives an office to be known as the "Office of Interparliamentary Affairs" (hereafter in this section referred to as the "Office").

(b) **DUTIES.**—The duties of the Office are as follows:

(1) To receive and respond to inquiries from foreign parliamentarians or foreign legislative bodies regarding official visits to the House of Representatives.

(2) To coordinate official visits to the House of Representatives by parliamentarians, officers, or employees of foreign legislative bodies.

(3) To coordinate with the Sergeant at Arms, the Clerk, and other officers of the House of Representatives in providing services for delegations of Members on official visits to foreign nations.

(4) To carry out other activities to—

(A) discharge and coordinate the activities and responsibilities of the House of Representatives in connection with participation in various interparliamentary exchanges and organizations;

(B) facilitate the interchange and reception in the United States of members of foreign legislative bodies and permanent officials of foreign governments; and

(C) enable the House to host meetings with senior government officials and other dignitaries in order to discuss matters relevant to United States relations with other nations.

(c) **DIRECTOR.**—

(1) **APPOINTMENT.**—The Office shall be headed by the Director of Interparliamentary Affairs of the House of Representatives (hereafter in this section referred to as the "Director"), who shall be appointed by the Speaker without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed shall serve at the pleasure of the Speaker.

(2) **COMPENSATION.**—The Director shall be paid at an annual rate determined by the Speaker.

(d) **OTHER STAFF.**—

(1) **IN GENERAL.**—With the approval of the Speaker, or in accordance with policies and pro-

cedures approved by the Speaker, the Director may appoint and set the pay of such other employees as may be necessary to carry out the functions of the Office. Any such appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed may be removed by the Director with the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker.

(2) **COMPENSATION.**—Any employee of the Office appointed under this subsection shall be paid at an annual rate determined by the Director with the approval of the Speaker or in accordance with policies approved by the Speaker.

(e) **CONFORMING AMENDMENT.**—Subsection (b) of the first section of House Resolution 1047, Ninety Fifth Congress, agreed to April 4, 1978, as enacted into permanent law by section 111 of the Legislative Branch Appropriations Act, 1979 (2 U.S.C. 130–1), is amended by striking "\$80,000" and inserting "\$40,000".

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for fiscal year 2003 and each succeeding fiscal year such sums as may be necessary to carry out this section.

(g) **EFFECTIVE DATE.**—This section shall take effect upon the date of the enactment of this Act.

SEC. 104. (a) Section 8401(20) of title 5, United States Code, is amended by striking the semicolon at the end and inserting the following: "and who (in the case of an individual who is a Member of the House of Representatives, including a Delegate or Resident Commissioner to the Congress) serves as a Member prior to the date of the enactment of the Legislative Branch Appropriations Act, 2004";

(b)(1) During the 60-day period which begins on the date of the enactment of the Legislative Branch Appropriations Act, 2004, any individual who, as of such date, is serving as a Member of the House of Representatives and on such date is not subject to chapter 84 of title 5, United States Code, may elect to become subject to such chapter.

(2) Any election under this paragraph shall be carried out in accordance with such procedures as the Office of Personnel Management may provide.

(3) In this subsection, the term "Member of the House of Representatives" includes a Delegate or Resident Commissioner to the Congress.

SEC. 105. (a) Section 311(d) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e(d)) is amended in the matter preceding paragraph (1)—

(1) by striking "in the House, or official expenses"; and

(2) by striking "in the Senate".

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2004 and each succeeding fiscal year.

SEC. 106. (a)(1) Effective October 1, 2003—

(A) 3 of the positions in the Corrections Calendar Office, and the functions associated with such positions, shall be transferred to the Office of the Speaker; and

(B) 2 of the positions in the Corrections Calendar Office, and the functions associated with such positions, shall be transferred to the Office of the Minority Leader.

(2) Notwithstanding any other provision of law, in the case of any individual who is an incumbent of a position transferred under paragraph (1) at the time of the transfer, the total number of days of annual leave and total number of days of sick leave which were provided by the Corrections Calendar Office to the individual and which remain unused as of the date of the transfer shall remain available for the individual to use after the transfer.

(b) Effective with respect to fiscal year 2004 and each succeeding fiscal year, the lump sum allowance for salaries and expenses of the Corrections Calendar Office provided under House

Resolution 130, One Hundred Fifth Congress, agreed to April 24, 1997, as enacted into permanent law by section 1010 of the Legislative Branch Appropriations Act, 1998 (2 U.S.C. 74d–1 et seq.), is transferred as follows:

(1) 63.5 percent of such allowance shall be transferred to the Office of the Speaker.

(2) 36.5 percent of such allowance shall be transferred to the Office of the Minority Leader.

JOINT ITEMS

For Joint Committees, as follows:

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES OF 2005

For salaries and expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 2005, in accordance with such program as may be adopted by the joint congressional committee authorized to conduct the inaugural ceremonies of 2005, \$1,250,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2005. Funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2004: Provided, That the compensation of any employee of the Committee on Rules and Administration of the Senate who has been designated to perform service with respect to the inaugural ceremonies of 2005 shall continue to be paid by the Committee on Rules and Administration, but the account from which such staff member is paid may be reimbursed for the services of the staff member (including agency contributions when appropriate) out of funds made available under this heading.

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$3,988,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$8,112,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of \$2,175 per month to the Attending Physician; (2) an allowance of \$725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of \$725 per month to two assistants and \$580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) \$1,566,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$2,236,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, \$3,511,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 58 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate

and the House of Representatives, of the statements for the first session of the 108th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, \$30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, and other applicable employee benefits, \$197,600,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than \$5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, \$23,500,000, of which \$1,745,000 shall remain available until expended, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2004 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY. Amounts appropriated for fiscal year 2004 for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. LEGAL REPRESENTATION AUTHORITY. (a) IN GENERAL.—

(1) AUTHORIZATION OF REPRESENTATION.—Any counsel described under paragraph (2) may for the purposes of providing legal assistance and representation to the United States Capitol Police Board or the United States Capitol Police enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof, without compliance with any requirement for admission to practice before such court.

(2) COUNSEL.—Paragraph (1) refers to—

(A) the General Counsel for the United States Capitol Police Board and the Chief of the Capitol Police;

(B) the Employment Counsel for the United States Capitol Police Board and the United States Capitol Police;

(C) any attorney employed in the Office of the General Counsel for the United States Capitol Police or the Office of Employment Counsel for the United States Capitol Police;

(D) the counsel for, or any attorney employed by, any successor office of either office described under subparagraph (C); and

(E) any attorney retained by contract with either office described under subparagraph (C).

(b) LIMITATIONS.—

(1) DIRECTION FOR APPEARANCE.—Entrance of appearance authorized under subsection (a) shall be subject to the direction of the Capitol Police Board.

(2) UNITED STATES SUPREME COURT.—The authority under subsection (a) shall not apply with respect to the admission of any person to

practice before the United States Supreme Court.

(c) EFFECTIVE DATE.—This section shall apply to fiscal year 2004, and each fiscal year thereafter.

SEC. 1003. EXTENDED CAPITOL POLICE JURISDICTION ZONE FOR THE TRUCK INTERDICTION PROGRAM. (a) IN GENERAL.—Section 9B of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (2 U.S.C. 1967) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking "and" after the semicolon;

(B) in paragraph (4), by striking "in subsection (b) of this section." and inserting "under subsection (b)(1); and"; and

(C) by adding at the end the following:

"(5) within the area described under subsection (b)(2)—

"(A) with respect to any crime of violence committed in the presence of the member, if the member is in the performance of official duties, as defined under such regulations, when the crime is committed; and

"(B) to prevent imminent loss of life or injury to person or property, if the officer is in the performance of official duties, as defined under such regulations, when the authority is exercised."; and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and

(B) by adding at the end the following:

"(2) The area referred to under subsection (a)(5) is that area bounded by the north curb of Constitution Avenue from 14th Street, N.W., to 3rd Street, N.W., the east curb of 3rd Street from Constitution Avenue, N.W., to Independence Avenue, S.W., the south curb of Independence Avenue from 3rd Street, S.W., to 14th Street, S.W., and the west curb of 14th Street from Independence Avenue, S.W., to Constitution Avenue, N.W.".

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to limit the authority of the Capitol Police as in effect before the effective date of this section.

(c) EFFECTIVE DATE.—This section shall take effect on the date on which the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives approve regulations prescribed by the Capitol Police Board for the sole implementation, execution and maintenance of the truck interdiction program.

SEC. 1004. RETIREMENT TREATMENT FOR CAPITOL POLICE HAZARDOUS MATERIALS RESPONSE TEAM MEMBERS. (a) RETIREMENT TREATMENT.—

(1) IN GENERAL.—For purposes of chapters 83 and 84 of title 5, United States Code, a hazardous materials response team member of the Capitol Police shall be treated as a member of the Capitol Police.

(2) APPLICATION.—This subsection shall apply to periods of service performed as a hazardous materials response team member of the Capitol Police on and after December 1, 2002.

(b) TREATMENT OF INCUMBENTS.—

(1) DEFINITIONS.—In this subsection, the term—

(A) "incumbent" means an individual who—

(i) is first appointed as a hazardous materials response team member of the Capitol Police before the effective date of this section; and

(ii) is employed as a hazardous materials response team member of the Capitol Police on that date; and

(B) "prior service" means any period of service performed by an incumbent as a hazardous materials response team member of the Capitol Police before the effective date of this section.

(2) INDIVIDUAL CONTRIBUTIONS.—

(A) IN GENERAL.—An incumbent shall pay with respect to prior service an amount into the Civil Service Retirement and Disability Fund equal to—

(i) the difference between the individual contributions that were actually made for such prior service and the individual contributions that would have been made for such service if subsection (a) had then been in effect; and

(ii) interest computed on the amount under clause (i) based on section 8334(e) of title 5, United States Code.

(B) EFFECT OF NOT CONTRIBUTING.—If no part of or less than the full amount required under subparagraph (A) is paid, all prior service of the incumbent shall remain fully creditable as treated under subsection (a), but the resulting annuity shall be reduced in a manner similar to that described under section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(3) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—The Capitol Police shall pay with respect to prior service of each incumbent an amount into the Civil Service Retirement and Disability Fund equal to—

(A) the difference between the Government contributions that were actually made for such prior service and the Government contributions that would have been made for such service if subsection (a) had then been in effect; and

(B) interest computed on the amount under subparagraph (A) based on section 8334(e) of title 5, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 1005. TECHNICAL. (a) IN GENERAL.—Section 1005 of the Legislative Branch Appropriations Act, 2003 (Public Law 108-7; 117 Stat. 358) is repealed.

(b) EFFECTIVE DATE.—The repeal made by this section shall be effective as of February 20, 2003.

SEC. 1006. TRAINING, DETAILING, AND HIRING AUTHORITY PENDING TRANSFER OF LIBRARY OF CONGRESS POLICE EMPLOYEES. (a) TRAINING AND DETAILING.—

(1) IN GENERAL.—To provide for a more effective and efficient transfer under section 1015 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1901 note)—

(A) the Chief of the Capitol Police shall provide for training, on a reimbursable basis, of Library of Congress Police employees who on the date of enactment of this Act, are 42 years of age or less and have 5 years or less of service as a Library of Congress Police employee, which shall be supplemental to Library of Congress Police training;

(B) the Librarian of Congress may detail, with or without reimbursement, Library of Congress Police employees to the Capitol Police; and

(C) the Chief of the Capitol Police may detail, on a reimbursable basis, members of the Capitol Police to the Library of Congress Police.

(2) BEGINNING OF TRAINING.—Training under paragraph (1) shall begin within 90 days of the date of enactment of this Act.

(b) HIRING.—

(1) DEFINITIONS.—In this subsection, the terms "Act of August 4, 1950" and "Library of Congress Police employee" have the meanings given such terms under section 1015(c) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1901 note).

(2) LIMITATION ON NEW LIBRARY OF CONGRESS POLICE EMPLOYEES.—Notwithstanding the first section of the Act of August 4, 1950 or any other provision of law, the Librarian of Congress may not—

(A) hire any individual as a Library of Congress Police employee; or

(B) transfer any employee of the Library of Congress to a Library of Congress Police employee position.

(3) HIRING OF INDIVIDUALS.—

(A) IN GENERAL.—The Librarian of Congress may select individuals to be submitted to the Chief of the Capitol Police for purposes of subparagraph (B).

(B) HIRING.—If an individual submitted under subparagraph (A) meets all qualifications to be

a member of the Capitol Police, the Chief of the Capitol Police shall hire that individual as a member of the Capitol Police.

(C) LIMITATION.—During fiscal year 2004, the number of individuals hired under this subsection may not exceed the total of—

(i) 23 individuals; and

(ii) the number of Library of Congress Police employees who separate from service or transfer to a position other than a Library of Congress Police employee position.

(4) TRAINING AND DETAILING.—An individual hired under this subsection shall receive necessary training, including training by the Library of Congress Police, and be detailed to the Library of Congress Police.

(5) ASSIGNMENTS AND REASSIGNMENTS.—Nothing under this subsection may be construed to affect the authority of the Chief of the Capitol Police, after the date of the transfer of Library of Congress Police employees under section 1015 of the Legislative Appropriations Act, 2003 (2 U.S.C. 1901 note), to assign or reassign any member of the Capitol Police hired under this subsection.

(6) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and apply with respect to—

(A) any remaining portion of fiscal year 2003, if this Act is enacted before October 1, 2003; and

(B) fiscal year 2004 and each fiscal year, thereafter.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), \$2,255,000, of which \$304,700 shall remain available until September 30, 2005: Provided, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than \$3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$33,820,000: Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than \$5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, \$77,053,000, of which \$4,200,000 shall remain available until September 30, 2008.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, \$28,188,000, of which \$13,002,000 shall remain available until September 30, 2008.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol,

the Senate and House office buildings, and the Capitol Power Plant, \$6,886,000, of which \$585,000 shall remain available until September 30, 2008.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, \$63,388,000, of which \$17,433,000 shall remain available until September 30, 2008.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, \$62,816,000, of which \$27,750,000 shall remain available until September 30, 2008.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$81,543,000, of which \$36,652,000 shall remain available until September 30, 2008: Provided, That not more than \$4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2004.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$39,159,000, of which \$21,286,000 shall remain available until September 30, 2008.

CAPITOL POLICE BUILDINGS AND GROUNDS

For all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, \$3,308,000, of which \$2,075,000 shall remain available until September 30, 2008.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$6,189,000, of which \$152,000 shall remain available until September 30, 2008: Provided, That this appropriation shall not be available for construction of the National Garden.

CAPITOL VISITOR CENTER

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the Capitol Visitor Center project, \$35,800,000, to remain available until expended, and in addition, \$1,039,000 for Capitol Visitor Center operation costs of which \$750,000 shall remain available until expended: Provided, That in addition to such amounts, there is transferred to the account under this heading \$12,000,000 of the amounts made available for the United States Capitol Police headquarters under the heading "ARCHITECT OF THE CAPITOL", "CAPITOL POLICE BUILDINGS AND GROUNDS" in chapter 8 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11; 117 Stat. 586), to remain available until expended: Pro-

vided further, That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center without an obligation plan approved by the Committees on Appropriations of the Senate and House of Representatives: Provided further, That the total amount of Federal funds which may be obligated or expended on, before, or after the date of the enactment of this Act for the construction of a tunnel connecting the Capitol Visitor Center with the Library of Congress may not exceed \$10,000,000.

ADMINISTRATIVE PROVISIONS

SEC. 1101. (a) Section 133(a) of the Legislative Branch Appropriations Act, 2002 (Public Law 107-68; 115 Stat. 581), is amended—

(1) by adding at the end of paragraph (2) the following new subparagraph:

“(E) An individual who is covered by a collective bargaining agreement entered into by the Architect of the Capitol establishing terms and conditions of employment which include eligibility for life insurance, health insurance, retirement, and other benefits.”; and

(2) by adding at the end the following new paragraph:

“(4) The Architect of the Capitol shall make employer contributions for benefits for employees of the Architect (including temporary employees) directly to any third party designated to receive such contributions on behalf of the employees under a collective bargaining agreement, participation agreement, or any other arrangement entered into by the Architect which provides for such contributions.”.

(b) Any individual who exercised an option offered by the Architect of the Capitol under section 133(a)(2) of the Legislative Branch Appropriations Act, 2002, prior to the date of the enactment of this Act may revoke the option during the 90-day period which begins on the date of the enactment of this Act.

(c) The amendments made by subsection (a) shall take effect as if included in the enactment of section 133(a) of the Legislative Branch Appropriations Act, 2002.

(d) Notwithstanding any other provision of law, upon enactment of this Act the Architect of the Capitol shall take all steps which may be required to carry out section 133(a) of the Legislative Branch Appropriations Act, 2002.

SEC. 1102. LEASING OF SPACE. (a) IN GENERAL.—Funds appropriated to the Architect of the Capitol shall be available—

(1) for the leasing of space in areas within the District of Columbia and its environs beyond the boundaries of the United States Capitol Grounds to meet space requirements of the United States Senate, United States House of Representatives, United States Capitol Police, and the Architect of the Capitol under such terms and conditions as the Committee or Commission referred to under subsection (b) may authorize; and

(2) to incur any necessary expense in connection with any leasing of space under paragraph (1).

(b) CONDITIONS TO LEASE SPACE.—The Architect of the Capitol may lease space under subsection (a) upon submission of written notice of intent to lease such space to, and approved by—

(1) the Committee on Rules and Administration of the Senate for space to be leased for the Senate;

(2) the House Office Building Commission for space to be leased for the House of Representatives; and

(3) the Committees on Appropriations of the Senate and House of Representatives.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2004, and each fiscal year thereafter.

SEC. 1103. (a) IN GENERAL.—There are transferred into the account under the subheading “GENERAL ADMINISTRATION” under the heading “ARCHITECT OF THE CAPITOL” \$63,000,000, of which—

(1) \$44,000,000 shall be transferred from unobligated funds transferred to “Architect of the

Capitol", "Capitol Buildings and Grounds", "Capitol Buildings" (under the subheading "LEGISLATIVE BRANCH EMERGENCY RESPONSE FUND (INCLUDING TRANSFER OF FUNDS)" under the heading "JOINT ITEMS" under the heading "LEGISLATIVE BRANCH" under chapter 9 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117)) from amounts made available in Public Law 107-38;

(2) \$10,000,000 shall be transferred from unobligated funds transferred to "Capitol Police Board", "Capitol Police", "General Expenses" under that subheading (relating to the Legislative Branch Emergency Response Fund) from amounts made available in Public Law 107-38; and

(3) \$9,000,000 shall be transferred from unobligated funds appropriated under the subheading "CAPITOL POLICE BUILDINGS AND GROUNDS" under the heading "ARCHITECT OF THE CAPITOL" under chapter 8 of title 1 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11).

(b) Funds under subsection (a) shall be obligated upon notification to the Committees on Appropriations of the House and Senate.

(c) EFFECTIVE DATE.—This section shall take effect on September 30, 2004.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$370,897,000, of which not more than \$6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2004, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2004 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the \$6,850,000: Provided further, That of the total amount appropriated, \$11,546,000 shall remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including \$40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, \$905,000 shall remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): Provided further, That of the total amount appropriated, \$8,750,000 shall remain available until expended for the purpose of

teaching educators and librarians how to incorporate the Library's digital collections into school curricula and shall be transferred to the educational consortium formed to conduct the "Adventure of the American Mind" project as approved by the Library: Provided further, That of the amount appropriated, \$250,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106-173, of which amount \$10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, \$1,380,000 shall remain available until September 30, 2008 for the acquisition and partial support for implementation of a Central Financial Management System: Provided further, That of the total amount appropriated, \$11,060,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center: Provided further, That of the total amount appropriated, \$2,762,000 shall remain available until expended for the development and maintenance of the Alternate Computer Facility: Provided further, That, of the total amount appropriated, \$500,000 shall remain available until expended and shall be transferred to the Knox College Abraham Lincoln Studies Center for exhibits relating to the Lincoln-Douglas Debates and the Underground Railroad and for other educational activities of the Center: Provided further, That, of the total amount appropriated, \$500,000 shall remain available until expended and shall be transferred to the Louisiana Department of Culture, Recreation and Tourism for activities relating to the Louisiana Purchase Bicentennial Celebration.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, \$48,290,000, of which not more than \$23,321,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2004 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than \$6,343,000 shall be derived from collections during fiscal year 2004 under sections 111(d)(2), 119(b)(2), 802(h), and 1005 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$29,664,000: Provided further, That not more than \$100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than \$4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$91,726,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the

Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$51,706,000, of which \$14,812,000 shall remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 1201. INCENTIVE AWARDS PROGRAM. Of the amounts appropriated to the Library of Congress in this Act, not more than \$5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1202. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2004, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed \$105,589,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2004, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading "LIBRARY OF CONGRESS" under the subheading "—SALARIES AND EXPENSES" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed \$1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1203. NATIONAL AUDIOVISUAL CONSERVATION CENTER. (a) ACQUISITION.—Section (1)(a) of the Act entitled "An Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes" (2 U.S.C. 141 note; Public Law 105-144) is amended by striking paragraph (1) and inserting the following:

"(1) Three parcels totaling approximately 45 acres, more or less, located in Culpeper County, Virginia, and identified as Culpeper County Tax Parcel Numbers 51-80B, 51-80C, and 51-80D, further described as real estate (consisting of 40.949 acres) conveyed to David and Lucile Packard Foundation by deed from Federal Reserve Bank of Richmond, dated May 15, 1998, and recorded May 19, 1998, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 644, page 372; and real estate (consisting of 4.181 acres) conveyed to Packard Humanities Institute by deed from Russell H. Inskeep, dated February 13, 2002, and recorded February 13, 2002, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, as instrument number 020001299."

(b) LIBRARY BUILDINGS AND GROUNDS.—Section 11(d) of the Act entitled "An Act relating the policing of the buildings of the Library of Congress", approved August 4, 1950 (2 U.S.C. 167(j)), is amended by striking paragraph (1) and inserting the following:

"(1) Three parcels totaling approximately 45 acres, more or less, located in Culpeper County, Virginia, and identified as Culpeper County Tax Parcel Numbers 51-80B, 51-80C, and 51-80D, further described as real estate (consisting of 40.949 acres) conveyed to David and Lucile Packard Foundation by deed from Federal Reserve Bank of Richmond, dated May 15, 1998, and recorded May 19, 1998, in the Clerk's Office, Circuit Court of Culpeper County, Virginia, in Deed Book 644, page 372; and real estate (consisting of 4.181 acres) conveyed to Packard Humanities Institute by deed from Russell H. Inskeep, dated February 13, 2002, and recorded February 13, 2002,

in the Clerk's Office, Circuit Court of Culpeper County, Virginia, as instrument number 020001299.”.

GOVERNMENT PRINTING OFFICE
CONGRESSIONAL PRINTING AND BINDING
(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$91,111,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$34,456,000: Provided, That amounts of not more than \$2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2002 and 2003 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING
FUND

For payment to the Government Printing Office Revolving Fund, \$10,000,000 for working capital. The Government Printing Office may make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the cur-

rent fiscal year for the Government Printing Office revolving fund: Provided, That not more than \$5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings “OFFICE OF SUPERINTENDENT OF DOCUMENTS” and “SALARIES AND EXPENSES” together may not be available for the full-time equivalent employment of more than 3,189 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): Provided further, That activities financed through the revolving fund may provide information in any format.

ADMINISTRATIVE PROVISIONS

SEC. 1301. PAY OF PUBLIC PRINTER AND DEPUTY PUBLIC PRINTER. (a) IN GENERAL.—Section 303 of title 44, United States Code, is amended to read as follows:

“SEC. 303. PUBLIC PRINTER AND DEPUTY PUBLIC PRINTER: PAY

“The annual rate of pay for the Public Printer shall be a rate which is equal to the rate for level II of the Executive Schedule under subchapter II of chapter 53 of title 5. The annual rate of pay for the Deputy Public Printer shall be a rate which is equal to the rate for level III of such Executive Schedule.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 1302. SURPLUS PROPERTY, ACCEPTANCE OF GIFTS, AND VOLUNTARY SERVICES. (a) IN GENERAL.—Chapter 3 of title 44, United States Code, is amended by adding after section 317 the following:

“§318. Transfer of surplus property; acceptance of voluntary services

“(a) The Public Printer may—

“(1) transfer or donate surplus Government publications and condemned Government Printing Office machinery, material, equipment, and supplies to—

“(A) other Federal entities;

“(B) any organization described under section 501(c)(3) or (4) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of such Code; or

“(C) State or local governments; and

“(2) accept voluntary and uncompensated services, notwithstanding section 1342 of title 31.

“(b) Individuals providing voluntary and uncompensated services under subsection (a)(2) shall not be considered Federal employees, except for purposes of chapter 81 of title 5 (relating to compensation for work injuries) and chapter 171 of title 28 (relating to tort claims).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 3 of title 44, United States Code, is amended by inserting after the item relating to section 317 the following:

“318. Transfer of surplus property; acceptance of voluntary services.”.

GENERAL ACCOUNTING OFFICE
SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than \$12,500

to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under section 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$460,322,000: Provided, That not more than \$4,806,200 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2004: Provided further, That not more than \$1,200,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2004: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

ADMINISTRATIVE PROVISION

SEC. 1401. PAYMENT FOR AUDITS. (a) IN GENERAL.—At any time during fiscal year 2004 or thereafter, the Comptroller General may accept payment from the Securities and Exchange Commission for the performance of any audit of the financial statements of the Commission which is conducted by the Comptroller General.

(b) CREDIT TO ACCOUNT.—Any payment accepted under the authority of subsection (a) shall be credited to the account established for salaries and expenses of the General Accounting Office, and shall be available for obligation and expenditure upon receipt.

PAYMENT TO THE OPEN WORLD
LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center, \$13,500,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2004 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated

for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, 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 under existing law.

SEC. 205. AWARDS AND SETTLEMENTS. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$2,000.

SEC. 207. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I-395 tunnel on the southeast.

SEC. 208. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 209. FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD. During fiscal year 2004 and any succeeding fiscal year, any entity in the legislative branch which is a member of the Federal Accounting Standards Advisory Board may use funds made available to the entity for the fiscal year to finance an appropriate share of the costs of the Board for the year.

TITLE III—FISCAL YEAR 2003 EMERGENCY SUPPLEMENTAL

CHAPTER 1

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$12,187,000, to remain available until expended, for costs associated with judgeships authorized by section 312 of Public Law 107-273.

DEFENDER SERVICES

For an additional amount for "Defender Services", \$17,228,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of Jurors and Commissioners", \$2,778,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", for emergency ex-

penses due to flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act of August 16, 1941, as amended (33 U.S.C. 701n), \$60,000,000, to remain available until expended.

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY EMERGENCY PREPAREDNESS AND RESPONSE

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$441,700,000, to remain available until expended.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount to repay advances from other appropriations transferred for wildfire suppression and emergency rehabilitation activities of the Department of the Interior, \$36,000,000, to remain available until expended.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management" for Midway Atoll National Wildlife Refuge, \$5,000,000, to remain available until expended, of which \$4,500,000 is for oil spill clean-up activities, and of which \$500,000 is for air-field operations.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount to repay advances from other appropriations from which funds were transferred for wildfire suppression, and for mitigation and emergency rehabilitation activities of the Forest Service, \$283,000,000, to remain available until expended: Provided, That of the funds provided, \$10,000,000 is for hazardous fuels reduction and hazard mitigation in southern California and \$20,000,000 is for State and volunteer fire assistance in southern California: Provided further, That \$20,000,000 of funds made available in the previous proviso shall be transferred to the "State and Private Forestry" account to fund hazard mitigation, fuels reduction and forest health protection and mitigation activities on State and private lands in southern California.

CHAPTER 5

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For an additional amount for "Human Space Flight" to cover necessary expenses for responding to the Space Shuttle Columbia accident, \$50,000,000, to remain available until expended.

CHAPTER 6

GENERAL PROVISIONS

SEC. 3601. 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. 3602. The Secretary of Agriculture shall use \$9,700,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to provide assistance under the tree assistance program, subtitle C of title X of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.), to compensate eligible orchardists (as defined in section 10201 of such Act) for tree losses incurred since January 1, 2000, due to fire blight in the State of Michigan.

SEC. 3603. The Secretary of Agriculture shall use \$20,000,000 of the funds of the Commodity Credit Corporation, to remain available until ex-

pended, for the suppression and control of the Mormon cricket infestation on public and private land in Nevada, Utah, and Idaho, that amount to be expended in equal amounts among the 3 States.

SEC. 3604. The statement of the managers of the committee of conference accompanying H.R. 4577 (Public Law 106-554; House Report 106-1033), in chapter 13 of division A of the explanatory language on H.R. 5666 (Miscellaneous Appropriations Act, 2001), in the matter under the heading "Community Development Fund", is deemed to be amended with respect to the amount made available to the City of Paso Robles, California by striking "for the Oak Parks Housing Project for modernization and rehabilitation projects" and inserting "for construction of a senior citizen project".

SEC. 3605. The referenced statement of the managers under the heading "Community development fund" in title II of Division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7; House Report 108-10) is deemed to be amended with respect to item number 526 by striking "for an economic development study for the revitalization of Westchester" and inserting "for the reconstruction of renaissance plaza at Maine and Mamaroneck in downtown White Plains".

SEC. 3606. Notwithstanding the first paragraph of the item in title II of Division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7) relating to "Federal Housing Administration, General and special risk program account", during fiscal year 2003, commitments to guarantee loans to carry out the purposes of sections 238 and 519 of the National Housing Act shall not exceed a loan principal of \$25,000,000,000.

SEC. 3607. Notwithstanding any other provision of law, funds awarded under a grant to the San Diego Workforce Partnership on June 30, 2001, pursuant to section 173 of the Workforce Investment Act (29 U.S.C. 2918), may be used to provide services to spouses of members of the Armed Forces.

SEC. 3608. The matter under the heading "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services" in division G of Public Law 108-7, as amended by chapter 5 of title II of Public Law 108-11, is further amended—

(1) by striking "\$296,638,000" and inserting "\$296,238,000" preceding the first proviso; and

(2) by inserting after "\$1,000,000 is available for the Geisinger Health System, Harrisburg, PA, to establish centers of excellence for the treatment of autism" the following: ", \$400,000 is available for the Muskegon Community Health Project, Muskegon, Michigan for the Access Health insurance program."

SEC. 3609. The matter under the heading "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services", in Division G of Public Law 108-7, as amended by chapter 5 of title II of Public Law 108-11, is further amended—

(1) by striking "Venago County Area Vo-tech, Oil City, PA" and inserting "Victim Resource Center, Inc., of Pennsylvania" in lieu thereof;

(2) by striking "\$115,900,000 is available" and inserting "\$116,650,000 is available"; and

(3) by inserting after "health services to at-risk children in day care" the following: ", \$350,000 is available for the Phoenix Children's Health Project in Arizona to address the health needs of extremely vulnerable homeless and runaway youth in underserved rural and urban areas, \$200,000 is available for the Pittsburgh Mercy Health System, Pittsburgh, PA, for health outreach and education, \$200,000 is available for the University of Pennsylvania School of Dental Medicine, Philadelphia, PA, for its minority outreach oral health initiative."

SEC. 3610. (a) The matter under the heading "Department of Education, Special Education", in Public Law 108-7 is amended—

(1) by striking “\$10,095,639,000” and inserting “\$10,095,139,000”; and

(2) by striking “\$7,715,000” and inserting “\$7,215,000”.

(b) In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108-7; House Report 108-10), in the matter in title III of Division G, relating to research and innovation under the heading “Special Education”, the provision specifying \$500,000 for the Ohio Alliance of Community Center for the Deaf, Worthington, Ohio, for Ohio Deaf Assistive Services Model project shall be deleted.

SEC. 3611. (a) The matter under the heading “Department of Education, Rehabilitation Services and Disability Research”, in Public Law 108-7 is amended—

(1) by striking “\$2,956,382,000” and inserting “\$2,956,882,000”; and

(2) by striking “\$3,540,000” and inserting “\$4,040,000”.

(b) In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108-7; House Report 108-10), in the matter in title III of Division G, relating to vocational rehabilitation demonstration and training under the heading “Rehabilitation Services and Disability Research”, a provision shall be added that reads: “Ohio Alliance of Community Center for the Deaf, Worthington, Ohio, for Ohio Deaf Assistive Services Model project, \$500,000”.

SEC. 3612. In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108-7; House Report 108-10), in the matter in title III of Division G, relating to the Fund for the Improvement of Postsecondary Education under the heading “Higher Education”, the provision specifying \$1,000,000 for the Southern Illinois University, Carbondale, IL, for the Paul Simon Public Policy Institute shall be deemed to read: “Southern Illinois University, Carbondale, IL, for the Paul Simon Public Policy Institute, including an endowment, \$1,000,000”.

SEC. 3613. In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108-7; House Report 108-10), in the matter in title III of Division G, relating to the Fund for the Improvement of Postsecondary Education under the heading “Higher Education”, the provision specifying \$275,000 for the Spoon River College, Canton, IL, for equipment for community technology centers in Canton and Macomb, Illinois shall be deemed to read: “Spoon River College, Canton, IL, for community technology centers in Canton and Macomb, Illinois, \$275,000”.

SEC. 3614. Notwithstanding any other provision of law, during the period from September 1 through September 30, 2003, the Secretary of Education shall transfer to the Education for the Disadvantaged account an amount not to exceed \$4,353,368 from amounts that would otherwise lapse at the end of fiscal year 2003 and that were originally made available under the Department of Education Appropriations Act, 2003 or any Department of Education Appropriations Act for a previous fiscal year: Provided, That the funds transferred to the Education for the Disadvantaged account shall be obligated by September 30, 2003: Provided further, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress of any such transfer: Provided further, That any amounts transferred to the Education for the Disadvantaged account pursuant to this paragraph shall be for carrying out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, and shall be allocated, notwithstanding any other provision of law, only to those States that received funds under that subpart for fiscal year 2003 that were less than those States received under that subpart for fiscal year 2002: Provided further, That the Secretary of Education shall use these additional funds to increase those States’ allocations

under that subpart up to the amount they received under that subpart for fiscal year 2002: Provided further, That each such State shall use the funds appropriated under this paragraph to ratably increase the amount of funds for each eligible local educational agency in the State that received less under that subpart in fiscal year 2003 than it received under that subpart in fiscal year 2002: Provided further, That the Secretary shall not take into account the funds made available under this paragraph in determining State allocations under any other program administered by the Secretary in any fiscal year.

SEC. 3615. Funds made available under the heading, “Special Benefits for Disabled Coal Miners” in Division G of Public Law 108-7, shall be subject to the provisions of Public Law 107-275, notwithstanding section 514 of such Division G.

SEC. 3616. The amounts provided or made available by this title are designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

SEC. 3617. This title shall be effective immediately upon the enactment of this Act.

This title may be cited as the “Emergency Supplemental Appropriations Act, 2003”.

TITLE IV—REFERENCES

SEC. 4001. Except as expressly provided otherwise, any reference to “this Act” contained in titles I and II of this Act shall be treated as referring only to the provisions of such titles, and any reference to “this Act” contained in title III of this Act shall be treated as referring only to the provisions of such title.

And the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

Delete the matter stricken, delete the matter inserted, and strike all beginning on page 7, line 6, down through and including page 12, line 22, of the House engrossed bill, H.R. 2657.

And the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

Delete the matter stricken, delete the matter inserted, and strike all beginning on page 12, line 23, down through and including page 30, line 18, of the House engrossed bill, H.R. 2657.

And the Senate agree to the same.

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:

JACK KINGSTON,

(except for the Capitol Visitor Center tunnel)

RAY LAHOOD,

TODD TIAHRT,

JOHN CULBERSON,

MARK KIRK,

BILL YOUNG,

JAMES P. MORAN,

DAVID E. PRICE,

JAMES E. CLYBURN.

For consideration of title III in the Senate amendment numbered 3, and modifications committed to conference:

BILL YOUNG,

CHARLES H. TAYLOR,

Managers on the Part of the House.

BEN NIGHTHORSE

CAMPBELL,

ROBERT F. BENNETT,

TED STEVENS,

THAD COCHRAN,

KIT BOND,

RICHARD J. DURBIN,

TIM JOHNSON,

ROBERT C. BYRD,

BARBARA A. MIKULSKI,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on 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, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amended the House bill with 3 numbered amendments. The conference agreement addresses all the differences contained in the 3 amendments in the disposition of the first numbered amendment. The first numbered amendment therefore includes a complete version of the Legislative Branch bill. An explanation of the resolution of the differences of the other 2 numbered amendments is included in the first numbered amendment. The disposition of the other 2 numbered amendments therefore is purely technical in nature to enable the complete bill text to be included in the first amendment.

LEGISLATIVE BRANCH WIDE MATTERS

The conferees note that over the past several years there have been significant increases made to virtually all existing programs in the Legislative Branch. In addition, several new initiatives and programs have been undertaken which in some cases have supplemented existing efforts and in others augmented them. Even though a large part of these increases has been due to inflation, the conferees believe that overall, increases requested and approved do not adequately reflect offsets which can be reasonably expected through productivity gains resulting from substantial investments in enabling technology, the purchase of new systems and equipment, increases in training, and increased flexibility resulting from human resources changes including increased base salaries, early out and buyout authority. As a result, the conferees believe that there are considerable opportunities to realize meaningful savings by carefully reviewing each agency's budget requirements from a zero base rather than an incremental one. Such a review would assist the House and Senate Appropriations Committees in their appropriating and oversight responsibilities by permitting better understanding of program priorities, scope, effectiveness, and results. The conferees direct the General Accounting Office to develop a budget template for committee approval that can be used by Legislative Branch agencies to present their budget requirements from a zero base as a supplement to their FY 2005 budget submission to Congress. The GAO is also directed to present to the Committees a recommended budget review process that will facilitate the examination of each agency's funding and FTE requirements from a zero base. The General Accounting Office shall report to the Committees on Appropriations of the House and Senate its findings, conclusions and recommendations by October 15, 2003.

Amendment No. 1: Deletes the matter inserted and inserts complete bill text excluding the short title.

Many items in both House and Senate Legislative Branch Appropriations bills are identical and are included in the conference

agreement without change. The conferees have endorsed statements of policy contained in the House and Senate reports accompanying the appropriations bills, unless amended or restated herein. With respect to those items in the conference agreement that differ between House and Senate bills, the conferees have agreed to the following with the appropriate section numbers, punctuation, and other technical corrections:

TITLE I SENATE

Appropriates \$716,769,000 for Senate operations, and includes, at the request of the managers on the part of the Senate, amendments that address data communication lines, provision of services and equipment on a reimbursable basis and allowances for high cost States.

Inasmuch as these items relate solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the amendments of the Senate.

HOUSE OF REPRESENTATIVES

Appropriates \$1,014,464,000 for House operations, and includes, at the request of the managers on the part of the House, amendments that add language establishing an Office of Interparliamentary Affairs, a provision related to expenses of Members of Congress, and language regarding certain employees.

Inasmuch as these items relate solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the amendments of the House.

The Committee on Appropriations of the House requires information from each Legislative Branch entity during the budget formulation and execution process. The Finance Office in the Office of the Chief Administrative Officer, of the House of Representatives, is responsible for collecting this information from each House entity and responding to the Committee's requests. To carry out this role effectively, the Finance Office shall establish deadlines for budget calls and reprogramming activities in order to comply with Committee deadlines. The Committee expects each House entity to provide its utmost support in meeting Office of Finance deadlines. At times this may necessitate an immediate response with little or no advance notification. This is particularly important during the appropriation process as the Committee is working on final adjustments to the House of Representatives budget. In the event the House entity is not available to respond to the Finance Office, the Committee expects the Finance Office to provide their independent analysis to the Committee.

JOINT ITEMS

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES OF 2005

Appropriates \$1,250,000 for the Joint Congressional Committee on Inaugural Ceremonies for inaugural preparation as proposed by the Senate. The conferees agreed to strike the word "construction" from the bill language.

JOINT ECONOMIC COMMITTEE

Appropriates \$3,988,000 as proposed by the Senate instead of \$3,805,000 as proposed by the House and provides for two additional FTEs.

JOINT COMMITTEE ON TAXATION

Appropriates \$8,112,000 as proposed by the House and the Senate.

OFFICE OF THE ATTENDING PHYSICIAN

Appropriates \$2,236,000 as proposed by the House and the Senate. The conferees direct that future budget requests from the Office of the Attending Physician reflect an appropriate adjustment for allowances, in line with Department of Defense policy.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

Appropriates \$3,511,000 for the Capitol Guide Service and Special Services Office as proposed by the House and the Senate. This amount provides for employment of not more than 58 individuals as proposed by the House instead of not more than 70 individuals as proposed by the Senate.

STATEMENTS OF APPROPRIATIONS

Appropriates \$30,000 as proposed by the House and the Senate.

CAPITOL POLICE SALARIES

Appropriates \$197,600,000 for salaries of officers, members, and employees of the Capitol Police instead of \$189,913,000 as proposed by the House and \$207,000,000 as proposed by the Senate.

The increase above the House allowance provides funding for 1,592 sworn positions and 401 civilian positions, an increase of 75 civilian positions. This will allow 30 sworn positions to be civilianized during fiscal year 2004. The conferees direct the Chief of Police to recruit for 75 new positions as follows: Chief of Police (5 positions, including 3 mid level working attorneys for the Office of General Counsel); Chief of Operations (33 positions, including 3 intelligence analysts and 13 positions for the Security Services Bureau); and the Chief Administrative Officer (37 positions). The conferees note that should the Capitol Police strategic plan, and associated staffing plan, be completed and approved by the House and Senate Appropriations Committees, during fiscal year 2004, there is ample funding from the Emergency Response Fund for new sworn positions.

Section 1006 of the conference agreement authorizes the Capitol Police to recruit and train new officers who are to be assigned to the Library of Congress. For fiscal year 2004, 23 new sworn positions are authorized. Funding to accommodate this effort has been included in the Capitol Police budget.

In fiscal year 2002, the conferees approved an additional 14 FTE's for the sole purpose of establishing an Emergency Preparedness Division. The Committees approved the plans for the establishment of this office during the summer of 2002. It has come to the conferees' attention that these positions have been moved to other areas of the Department, without notifying the Committees, and the division has yet to be established. The conferees reiterate the House report language requiring notification and consultation with the House and Senate Committees on Appropriations prior to implementing organization changes or realignments that result in the redistribution, reprogramming, or reallocation of FTE's or funds in a manner different from that presented in each budget year's appropriation hearings; position reports to the Committees; and the final approved budget.

GENERAL EXPENSES

Appropriates \$23,500,000 for general expenses of the Capitol Police instead of \$21,917,000 as proposed by the House and \$33,000,000 as proposed by the Senate. Of the amount appropriated \$1,745,000 shall remain available until expended as proposed by the House instead of \$1,700,000 as proposed by the Senate. General Expenses shall be executed as provided to the House and Senate Committees on Appropriations dated September 17, 2003.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

The conferees have included an administrative provision allowing for the transfer of funds upon the approval of the Committees on Appropriations of the House and Senate.

In addition, the conferees have included administrative provisions that authorize the United States Capitol Police counsel to appear before the courts; provide retirement benefits to the hazardous materials response team members that are comparable to other federal firefighters and law enforcement officers; language that repeals Section 1005 of P. L. 108-7, regarding recruitment without regard to age; and language to provide for a more effective and efficient merger of the Library of Congress Police and Capitol Police Force. In addition, language is included which redefines jurisdictional authority of the police for purposes of implementing the truck interdiction program. The Capitol Police Board is directed to promulgate regulations solely for the implementation, execution, and maintenance of the truck interdiction program, which shall be submitted to the Committees on Appropriations.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

Appropriates \$2,255,000 as proposed by the House and the Senate.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

Appropriates \$33,820,000 and two additional FTE's for salaries and expenses of the Congressional Budget Office, as proposed by the House instead of \$33,612,000 and one FTE as proposed by the Senate. The conferees have agreed, as proposed by the House, to provide authority in a General Provision for Legislative agencies that are members of the Federal Accounting Standards Advisory Board to pay an appropriate share of the Board's costs. Further, the conferees have included language that prohibits the purchase or hire of a passenger motor vehicle as proposed by the House.

ARCHITECT OF THE CAPITOL

The conferees are concerned that without the proper funds control and administration procedures in place in the office of the Architect of the Capitol (AOC) that the standard accepted government separation of duties lends itself to the potential for waste, fraud and abuse in such areas as travel, training, official representation funds, and credit card purchases. AOC is directed to issue agency-wide procedures within 180 days of the enactment of this Act, delineating the funds control procedures and process to prevent waste, fraud, and abuse. A copy of the procedures will be provided to the Committees on Appropriations of the Senate and the House of Representatives.

The conferees encourage the Architect of the Capitol, in cooperation with other relevant Legislative Branch agencies, to take appropriate steps to increase the volume and visibility of works of art reflecting the participation and contributions of African-Americans in American history for display in the Capitol and the various legislative office buildings of the House and the Senate, including the new Capitol Visitor Center.

GENERAL ADMINISTRATION

Appropriates \$77,053,000 for General Administration, instead of \$84,513,000 as proposed by the House and \$71,697,000 as proposed by the Senate. Of the amount appropriated, \$4,200,000 shall remain available until September 30, 2008 as proposed by the Senate instead of \$11,660,000 as proposed by the House.

The conferees have agreed to defer the transfer of FTEs and associated costs related to energy services to the Capitol Power

Plant appropriation as proposed by the House until the study on the AOC organizational structure and administrative services that was directed in the House report has been completed and submitted to the House and Senate Committees on Appropriations for review and action. The Architect of the Capitol is directed to submit the analysis with recommendations for approvals to the Committees not later than 180 days after the enactment of this Act.

The conferees emphasize that the scope of the AOC study will be comprehensive and will include all aspects of AOC central and administrative staff, including any administrative positions that have been established in the offices of the superintendents to ensure that duplicative services do not occur; that all positions are required to conduct business; and that they are aligned with the AOC strategic plan. The AOC is reminded that this study must be conducted within the purview of the AOC Human Resources Act and other pertinent legislation that provides protections to AOC employees. The Architect is further reminded to consider appropriate committee jurisdictional and legislative authority in the final recommendations of the study.

The conferees have agreed to fund the replacement of high voltage switchgear in the appropriations of the jurisdictions where the projects will take place as proposed by the Senate including Senate Office Buildings (\$2,040,000); House Office Buildings (\$3,592,000); and Library Buildings and Grounds (\$1,828,000).

With respect to the object class and projects the House and Senate conferees have agreed to the following:

Operating Budget:	\$72,584,000
Project Budget:	
1. AOC Procurement	
Training Initiative	150,000
2. Bucket Truck	75,000
3. Flat Bed Truck	44,000
4. Capitol Complex Master Plan	4,200,000
Total, General Administration	77,053,000

CAPITOL BUILDING

Appropriates \$28,188,000, of which \$13,002,000 shall remain available until September 30, 2008, for maintenance, care and operation of the Capitol, by the Architect of the Capitol, instead of \$23,307,000, of which \$7,863,000 to remain available until September 30, 2008 as proposed by the House, and instead of \$27,777,000, of which \$12,302,000 to remain available until September 30, 2008, as proposed by the Senate.

The conferees have agreed to provide \$630,000 for study, design, and condition assessment, including the Restoration of Marble Steps (\$105,000); Seismic Study (\$120,000); Replacement of Dimming Systems, East Front Offices (\$40,000); Upgrade Restrooms (\$40,000); Upgrade Electrical Service to House Chamber (\$50,000); and Upgrade Emergency Evacuation and Notification System (\$275,000).

With respect to object class and projects the House and Senate conferees have agreed to the following:

Operating Budget	\$13,179,000
Project Budget:	
1. ADA Requirements	132,000
2. Elevator/Escalator Modernization Program	750,000
3. Replacement of Minton Tile	525,000
4. Computer, Telecom, & Electrical Support	300,000
5. Wayfinding and ADA Signage	130,000

6. Bird Control System	170,000
7. Study, Design, and Condition Assessment	630,000
8. Minor Construction	2,500,000
9. U.S. Capitol Master Plan Phase 2	6,000,000
10. Improvements in the Rotunda	672,000
11. Restore Shutters & Upgrade Window Lighting	400,000
12. Presidential Inaugural Stands	2,800,000

Total, Capitol Building 28,188,000

CAPITOL GROUNDS

Appropriates \$6,886,000, of which \$585,000 shall remain available until September 30, 2008, to the Architect of the Capitol for the care and improvements of the grounds surrounding the Capitol, House and Senate office buildings, and the Capitol Power plant, as proposed by the House, instead of \$6,986,000, of which \$685,000 is to remain available until September 30, 2008, as proposed by the Senate.

With respect to object class and projects the House and Senate conferees have agreed to the following:

Operating Budget	\$6,301,000
Project Budget:	
1. Renovate Former D. C. Street Lights	435,000
2. Wayfinding and ADA-Compliant Signage	100,000
3. Study, Design, and Condition Assessment	50,000

Total, Capitol Grounds 6,886,000

The conferees have agreed to provide \$50,000 for study, design, and condition assessment to address tunnel drainage, S.W. Drive.

SENATE OFFICE BUILDINGS

Appropriates \$63,388,000, of which \$17,433,000 shall remain available until September 30, 2008, for the maintenance, care, and operation of the Senate office buildings to the Architect of the Capitol. Inasmuch as this item relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

Operating Budget	\$45,145,000
Project Budget:	
1. Refinish Historic Woodwork	300,000
2. Repair/Replace Marble Floors & Clean Arch Surfaces	510,000
3. Renovate Restrooms, ADA, DSOB	2,692,000
4. Renovate Restrooms, ADA, HSOB	1,724,000
5. Minor Construction	5,000,000
6. Study, Design, and Condition Assessment	1,000,000
7. Replace Modular Furniture, HSOB	3,000,000
8. Wayfinding & ADA Signage	1,133,000
9. Replace Elevator, Webster Hall	495,000
10. Replace Doors, 3rd Floor Balcony	349,000
11. Replace High Voltage Switchgear	2,040,000
Total, Senate Office Buildings	63,388,000

HOUSE OFFICE BUILDINGS

Appropriates \$62,816,000, of which \$27,750,000 shall remain available until September 30,

2008, for the maintenance, care, and operation of the House office buildings to the Architect of the Capitol. Inasmuch as this item relates solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

Operating Budget

\$34,946,000

Project Budget:

1. Major Elevator Equipment Improvements	120,000
2. Elevator Modernization Program, FHOB	9,460,000
3. Minor Construction	5,000,000
4. Study, Design, and Condition Assessment	1,000,000
5. Sound Improvements, Committee Rooms	240,000
6. Wayfinding and ADA Compliant Signage	407,000
7. Upgrade Public Restrooms	1,500,000
8. Upgrade Data Center ..	4,323,000
9. Escalator Modernization	1,617,000
10. Replace Halon System	611,000
11. Replace High Voltage Switchgear	3,592,000

Total, House Office Buildings

62,816,000

CAPITOL POWER PLANT

In addition to the \$4,400,000 made available from receipts credited as reimbursements to this appropriation, appropriates \$81,543,000 to the Architect of the Capitol for maintenance, care and operation of the Capitol power plant, as proposed by the House, instead of \$88,979,000 as proposed by the Senate. Of this amount, \$36,652,000 shall remain available until September 30, 2008, as proposed by the House, instead of \$38,402,000, as proposed by the Senate.

The conferees are concerned that current Capitol Power plant operations may not adequately reflect up-to-date requirements associated with operational flexibility, such as the need to maintain, secure and upgrade the Capitol Power Plant's utility distribution infrastructure; and the ability to maximize potential efficiency gains in energy consumption and manpower utilization. In addition, the conferees are concerned with the need to complete timely and within budget the West Refrigeration Plant expansion, currently underway. Therefore, the General Accounting Office (GAO) is directed to review the Capitol Power Plant master plan, its operations and its overall management and report to the House and Senate Committees on Appropriations by March 1, 2004 its findings and recommendations on the adequacy of the master plan, the capacity and efficiency of plant operations, the reliability and security of its distribution infrastructure, as well as the status of the expansion project.

With respect to object class and project differences the House and Senate conferees have agreed to the following:

Operating Budget (net)	\$44,791,000
Project Budget:	
1. Emergency Shoring and Repairs to Tunnels	100,000
2. Repair South Capitol Street Steam Line	711,000
3. West Refrigeration Plant Expansion	22,021,000
4. Study, Design, and Condition Assessment	630,000
5. Replace Utility Tunnel Expansion Joints	440,000
6. Replace Stokers, Boilers 1 & 2	1,200,000

7. Install Emergency Egress, Tunnel Access	350,000
8. Install Oil Storage Tanks	4,200,000
9. Installation of Distributed Control System ...	6,500,000
10. Intrinsic Health Monitoring System	600,000
Total, Capitol Power Plant (net)	81,543,000

The conferees have agreed to provide \$630,000 for study, design, and condition assessment including Boilers & Auxiliaries Replacement and Overhaul (\$180,000) and Long-term Preventative Maintenance Plan (\$450,000).

LIBRARY BUILDINGS AND GROUNDS

Appropriates \$39,159,000 for structural and mechanical care, Library Buildings and Grounds instead of \$34,750,000 as proposed by the House and \$41,620,000 as proposed by the Senate. Of this amount, \$21,286,000 shall remain available until September 30, 2008 instead of \$16,877,000 as proposed by the House and \$23,747,000 as proposed by the Senate.

With respect to object class and projects the House and Senate conferees have agreed to the following:

Operating Budget	\$13,235,000
Project Budget:	
1. ADA Requirements	100,000
2. Preservation Environmental Monitoring	100,000
3. Restore Decorative-Painting	110,000
4. Replace Sidewalks, JAB & TJB	100,000
5. Book Storage Facility, Ft. Meade Support	580,000
6. Replace Partitions Supports, JMMB	300,000
7. Replace Compact Stack Safety, JMMB	600,000
8. Repair Deteriorated Wood Panels	190,000
9. Painting of Interior Arches, TJB	170,000
10. Culpeper Support	1,263,000
11. Fire Extinguishers	75,000
12. Fire Safety Project Management	250,000
13. Repair Life Safety Deficiencies	800,000
14. Minor Construction	1,000,000
15. Replace Halon Fire Suppression System	1,997,000
16. Extend/Upgrade Fire Alarm	504,000
17. ADA Modifications, Pickford Theater	424,000
18. ADA Modifications, S.W. Entrance, JMMB	1,280,000
19. Collections Security	857,000
20. Landscaping, Ft. Meade	250,000
21. Elevator Modernization	1,342,000
22. Water Tank, Ft. Meade	4,103,000
23. Study, Design, and Condition Assessment	7,701,000
24. Replace High Voltage Switchgear	1,828,000
Total, Library Buildings and Grounds	39,159,000

The conferees have agreed to provide \$7,701,000 for study, design, and condition assessment including Logistics Warehouse Facility, Ft. Meade (\$2,520,000); Offsite Storage Facility (\$600,000); Book Storage Module 5, Ft. Meade (\$1,500,000); Upgrade Emergency Lighting (\$350,000); Replace Bathroom Exhaust System, Jefferson Building (\$225,000); Damper Smoke Control Study (\$1,397,000);

ADA Bathroom Renovations, Adams Building (\$236,000); Upgrade Book Conveyor System (\$200,000); and Master Plan, Fort Meade (\$673,000).

CAPITOL POLICE BUILDINGS AND GROUNDS

Appropriates \$3,308,000, of which \$2,075,000 shall remain available until September 30, 2008, and 3 FTE's as proposed by the House and the Senate.

BOTANIC GARDEN

Appropriates \$6,189,000 for salaries and expenses, Botanic Garden, instead of \$6,062,000 as proposed by the House and \$6,239,000 as proposed by the Senate. Of this amount, \$152,000 shall remain available until September 30, 2008 instead of \$25,000 as proposed by the House and \$202,000 as proposed by the Senate. The conferees have included language, as proposed by the House, prohibiting the use of appropriated funds for construction of the National Garden. With respect to object class and projects the conferees have agreed to the following:

Operating Budget	\$5,045,000
Project Budget:	
1. Partnership Support	450,000
2. CAFM Data Capture (Bartholdi Project)	50,000
3. Damper Control, D.C. Village	100,000
4. Environmental Control System Replacement	100,000
5. Conservatory Electronics System	90,000
6. West Gallery Exhibit	202,000
7. Study, Design, and Condition Assessment	152,000
Total, Botanic Garden	6,189,000

The conferees have agreed to provide \$152,000 for study, design, and condition assessment including Production Facility Floor Drainage Correction (\$127,000) and ADA Elevator Replacement (\$25,000).

CAPITOL VISITOR CENTER

The conference agreement provides \$48,839,000 for construction, salaries and operational costs of the Visitor Center, of which \$1,039,000 reflects operational costs and the balance reflects the estimated cost to complete. Of the amount provided \$48,550,000 shall remain available until expended. Additionally, the conference agreement established a limit on the amount of Federal funds, which can be obligated for a tunnel connecting the Center to the Library of Congress. The Architect of the Capitol is directed not to obligate any funds for this project without an obligation plan approved by the chairs and ranking members of the Committees on Appropriations of the Senate and House of Representatives. The plan should specify the purpose, amount, and timing of anticipated obligations.

The conferees direct the General Accounting Office to perform quarterly performance reviews of the project so that the Congress is kept abreast of important issues such as cost and scheduling. It is expected that this quarterly reporting will avail the Committee on Appropriations of the House and Senate and the Capitol Preservation Commission with timely information to properly oversee this effort and address important issues.

The conferees direct that thirty days prior to initiating excavation for the eastern portion of the tunnel between the Library of Congress and the Capitol Visitor Center, the Architect of the Capitol will notify the Committee on Appropriations of the House and Senate and the Capitol Preservation Commission, and include in the notification a description of possible construction risks that might be encountered, their implications, and delineating all efforts that have been completed to ameliorate those risks.

The conferees recognize the work of all the parties in creating an exhibit for the Capitol Visitor Center. The conferees urge the exhibit designers and content providers to work with the Library of Congress to ensure that the exhibit presents history of the Congress as well as the role of the Congress in the preservation of the cultural and artistic heritage of the American people.

The conference agreement limits to \$10,000,000 the total amount of Federal funds which may be obligated or expended for the tunnel connecting the Library of Congress Thomas Jefferson Building to the Capitol Visitor Center.

ADMINISTRATIVE PROVISIONS

The conference agreement includes several administrative provisions related to the operations of the Architect of the Capitol. There is a provision that clarifies authority for benefits for temporary employees; provides authority to lease space; and provides transfer authority for an alternate computing facility.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Provides \$370,897,000 for salaries and expenses, Library of Congress, which will fund 2,896 FTE's, instead of \$366,520,000 as proposed by the House and \$367,539,000 as proposed by the Senate. Of this amount \$6,850,000 is made available from receipts collected by the Library of Congress and is to remain available until expended; and \$11,546,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other library materials as proposed by the House instead of \$11,596,000 as proposed by the Senate and \$11,236,000 as proposed by the House.

With respect to program allowances the conferees have agreed to the following:

1. Adventures of the American Mind	\$8,750,000
2. Abraham Lincoln Bicentennial Commission	250,000
3. Security Enhancements	1,077,000
4. Emergency Management	511,000
5. NAVCC—Culpeper	11,060,000
6. Purchase of Library Materials-Foreign Law	310,000
7. Meeting of the Frontiers	379,000
8. Retail Activities Project (Not-to-exceed 3 years)	335,000
9. Louisiana Purchase Bicentennial Celebration (Final Year)	500,000
10. Lincoln-Douglas Debates/Underground RR Exhibit	500,000
11. Veterans History Project	589,000
12. Alternate Computer Facility	2,762,000
13. Mass Deacidification	919,000

The conference agreement includes funding in the amount of \$1,380,000 to remain available until September 30, 2008 for the central financial management system; and includes funding to remain available until expended for seven programs: \$8,750,000 for the Adventures of the American Mind project; \$250,000, which includes \$10,000 for official representation and reception expenses, for the Abraham Lincoln Bicentennial Commission; \$905,000 for the Integrated Library System; \$11,060,000 for the National Audio-Visual Conservation Center; \$500,000 relating to the Lincoln-Douglas debates; \$500,000 for the final year of funding for the Louisiana Purchase Bicentennial celebration and \$2,762,000 for the development of the Alternate Computing Center.

The Conferees are encouraged by the efforts of the U.S. Capitol Police, working

with the Library of Congress, to craft an implementation plan to merge the Library's police force with the U.S. Capitol Police. However, concerns have been expressed about the governance structure for a merged police force. While the conferees recognize that change is inherently difficult, it is expected that security of the Capitol complex will take the highest priority, overriding jurisdictional concerns.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

Provides \$48,290,000, including \$29,664,000 made available from receipts, for salaries and expenses, Copyright Office, as proposed by the Senate instead of \$47,290,000 as proposed by the House. This level of funding provides for 530 full time equivalents.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

Appropriates \$91,726,000 for salaries and expenses, Congressional Research Service, Library of Congress, as proposed by the Senate instead of \$93,590,000 as proposed by the House. This level of funding provides for 729 full time equivalents.

The Congressional Research Service request for voluntary separation incentive authority has been denied because the request was received late in the budget process and prevented appropriate committee review and oversight during the regular hearing cycle. The conferees suggest that CRS review their request and if appropriate include it in their next budget submission.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

Appropriates \$51,706,000 as proposed by the House and the Senate.

ADMINISTRATIVE PROVISIONS

In addition to various technical corrections the conferees have agreed to a provision pertaining to the National Audiovisual Conservation Center.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

Appropriates \$91,111,000 as proposed by the House and the Senate.

The Government Printing Office currently supports Xywrite and the locator code application used by the Office of the Senate Legislative Counsel and the Office of the Senate Enrolling Clerk to draft and update legislative documents. The conferees direct that with the implementation of the Legislative Editing in XML Application (LEXA) that the GPO shall also serve as the entity responsible for providing support for this new application.

OFFICE OF THE SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriates \$34,456,000 as proposed by the House and the Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

Appropriates \$10,000,000 as proposed by the Senate instead of \$5,000,000 proposed by the House. An amount of \$5,000 for official representation as proposed by the Senate is included instead of \$7,500 proposed by the House.

ADMINISTRATIVE PROVISIONS

The conferees have agreed to a provision in the Senate bill that increases the pay level for the Public Printer and Deputy Public Printer; and to a provision that authorizes the transfer of surplus property and acceptance of voluntary services.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

Provides \$466,328,000, of which \$6,006,000 is from offsetting collections, for salaries and expenses, General Accounting Office instead of \$464,539,000 as proposed by the House and \$468,118,000 as proposed by the Senate. The conferees have agreed, as proposed by the House, to provide authority in a General Provision, for legislative agencies that are members of the Federal Accounting Standards Advisory Board to pay an appropriate share of the Board's costs.

For the past two years the General Accounting Office (GAO) has been conducting an evaluation of the need for a technology assessment capability in the Legislative Branch. The results of that evaluation have generally concluded that such a capability would enhance the ability of key congressional committees to address complex technical issues in a more timely and effective manner. To assist in determining the most cost effective and efficient manner of providing that capability to the Congress, the conferees direct that the General Accounting Office to report to the House and Senate Committees on Appropriations the impact that assuming a technology assessment role would have on its current mission and resources. The report should be submitted by December 15, 2003.

The conferees instruct the General Accounting Office to establish and strictly adhere to a non-partisan protocol for formal briefings of Members of Congress and their staffs. The legislative work schedule is always complex and never convenient, but the GAO must always work within the context of that schedule. When individuals on the GAO staff have personal commitments which might prevent them from presenting or attending a Congressional briefing, the individual's supervisor shall attend in that person's place.

PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

Appropriates \$13,500,000 for a payment to the Open World Leadership Center Trust Fund, instead of \$13,000,000 as proposed by the House and \$14,000,000 as proposed by the Senate. The conferees recommend consultation with the Appropriations Committees prior to decisions on pilot programs by the Board.

TITLE II—GENERAL PROVISIONS

In Title II, General Provisions, section numbers have been changed to conform to the conference agreement and technical corrections have been made.

The conferees have included a provision that authorizes the Architect of the Capitol to maintain and improve landscape features of property located near the House office buildings.

The conferees have included the House provision that prohibits funding in this Act from being transferred except as provided in this Act; and provides for Legislative Branch entities that are members of the Federal Accounting Standards Advisory Board to pay an appropriate share of the Board's costs.

TITLE III—FISCAL YEAR 2003 EMERGENCY SUPPLEMENTAL

The conference agreement includes, as Title III, fiscal year 2003 emergency supplemental appropriations totaling \$937,593,000, as follows:

CHAPTER 1

THE JUDICIARY

Courts of Appeals, District Courts, and Other Judicial Services.

SALARIES AND EXPENSES

The conference agreement provides \$12,187,000, as requested, for costs associated

with 15 district judgeships authorized by Section 312 of Public Law 107-273.

DEFENDER SERVICES

The conference agreement provides \$17,228,000 for the Defender Services account, as requested.

FEES OF JURORS AND COMMISSIONERS

The conference agreement provides \$2,778,000 for the Fees of Jurors and Commissioners account, as requested.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement provides \$60,000,000 for Flood Control and Coastal Emergencies to permit the Corps of Engineers to respond to emergencies resulting from hurricanes, flooding, and other natural disasters.

CHAPTER 3

DEPARTMENT OF HOMELAND SECURITY

EMERGENCY PREPAREDNESS AND RESPONSE

DISASTER RELIEF

The conference agreement provides \$441,700,000, instead of \$1,550,000,000 as proposed by the House and by the Senate. This amount is in addition to the \$983,600,000 made available for this program in P.L. 108-69.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$36,000,000 for wildland fire management activities of the Department of the Interior as proposed by the House, instead of \$61,000,000 as proposed by the Senate. The funding provided should be used to refund funds transferred from other accounts during wildfire emergencies. This level provides only partial payback.

The conference agreement does not include language proposed by the House directing that any funds not needed this year be used to repay funds borrowed from other appropriations accounts during the fiscal year 2002 fire season. The managers understand that substantially more funds than provided herein have been expended during extreme wildfire events this year and should be repaid. The \$25,000,000 recommended by the Senate for wildfire hazard reduction activities is included under the Forest Service wildland fire management account.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides \$5,000,000 for emergency expenses at Midway Atoll National Wildlife Refuge as recommended by the House instead of no funding as proposed by the Senate. Of the funds provided, \$4,500,000 is for oil spill cleanup and remediation and \$500,000 is for continued airport operations. Without funding for airport operations, the airport would be shut down this month and Federal Aviation Administration certification would expire.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$283,000,000 for wildland fire management activities of the Forest Service as proposed by the House instead of \$253,000,000 as proposed by the Senate. Of the funds provided,

\$253,000,000, as requested, should be used to refund funds transferred from other accounts during wildfire emergencies. This level provides only partial payback. The remaining \$30,000,000 should be used for the disastrous situation in southern California as described in the House Committee report. Of this funding for southern California, \$10,000,000 is for Forest Service hazardous fuels reduction activities and \$20,000,000 is for transfer to the State and private forestry account for State and volunteer fire assistance and related forest health work in the vicinity of the San Bernardino National Forest. The conference agreement does not include the House language directing that any funds not needed this year be used to repay funds borrowed from other appropriations accounts during the fiscal year 2002 fire season. The managers understand that substantially more funds than provided herein have been expended during extreme wildfire events this year and should be repaid.

CHAPTER 5

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION
HUMAN SPACE FLIGHT

The conferees agree to provide \$50,000,000 for expenses necessary for responding to the Space Shuttle Columbia accident, the same as the amount in the supplemental request. The amount recommended is in addition to funding provided in the fiscal year 2003 Omnibus Appropriations Act. The conferees direct NASA to provide the Committees on Appropriations of the House and the Senate, by September 30, 2003, with detailed information on the expenditure of the funds already appropriated and the expenses which will be covered by this additional increment of funding. In addition, this accounting should include an updated estimate of fiscal year 2003 savings, by activity, associated with the suspension of shuttle flight following the Columbia accident and how NASA intends to apply those savings to both recovery and investigation as well as return to flight efforts.

CHAPTER 6

GENERAL PROVISIONS

The conference agreement includes a provision (Section 3601) regarding the availability of funds, as proposed by the House.

The conference agreement (Section 3602) provides \$9,700,000, to remain available until expended, from the Commodity Credit Corporation, for the Tree Assistance Program authorized by subtitle C of title X of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.), to compensate eligible orchardists for tree losses incurred since January 1, 2000, due to fire blight in the State of Michigan. The Senate bill did not include funding for this provision.

The conference agreement (Section 3603) provides \$20,000,000, to remain available until expended, for suppression and control of Mormon cricket infestation on public and private land in Nevada, Utah, and Idaho, to be expended in equal amounts among the three states. The House bill did not include funding for this provision.

The conference agreement (Section 3604) includes language making a technical correction to a targeted economic development grant funded in a prior appropriations Act.

The conference agreement (Section 3605) includes language making a technical correction to a targeted economic development grant funded in a prior appropriations Act.

The conference agreement (Section 3606) includes language to increase the loan commitment level for certain FHA loans during fiscal year 2003 to correspond with estimated loan volume.

The conference agreement includes a general provision (Section 3607) to permit

spouses of military personnel to be eligible for training under a National Emergency Grant (NEG) awarded to the San Diego Workforce Partnership on June 30, 2001. The Senate bill has no comparable provision.

The conference agreement includes two general provisions (Sections 3608 and 3609) making technical corrections to several projects funded under the Health Resources and Services Administration (HRSA) in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003. The Senate bill does not include comparable provisions to those reported by the House. The conference agreement includes in Section 3610 additional technical corrections to several projects by transferring \$750,000 from the Rural Health Outreach Grants program to the Maternal and Child Health Block Grants Special Projects of Regional and National Significance program. In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108-7; House Report 108-10), in the matter in title II of Division G, under the heading "Health Resources and Services":

—The provision specifying \$350,000 for the Phoenix Children's Health Project in Arizona to address the health needs of extremely vulnerable homeless and runaway youth in underserved rural and urban areas shall be deleted;

—The provision specifying \$200,000 for the Pittsburgh Mercy Health System, Pittsburgh, PA, for health outreach and education shall be deleted; and

—The provision specifying \$200,000 for the University of Pennsylvania School of Dental Medicine, Philadelphia, PA, for its minority outreach oral health initiative shall be deleted.

The conference agreement includes four general provisions (Sections 3610 through 3613) making technical corrections to several Department of Education projects funded in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003. The Senate bill does not include comparable provisions.

The conference agreement includes a general provision (Section 3614) directing the Secretary of Education to transfer up to \$4,353,368 from any account that would otherwise lapse to the Title I program for the purpose of providing additional funds to certain states. The House bill has no comparable provision.

The conference agreement includes a general provision (Section 3615) to permit the transfer of funds, appropriated in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003, from the Social Security Administration to the Department of Labor in order to implement the Black Lung Consolidation of Responsibility Act (P.L. 107-275).

The conference agreement includes a general provision (Section 3616) designating the amounts in Title III as an emergency requirement, as proposed by the House and by the Senate.

The conference agreement includes a general provision (Section 3617) concerning the effective date of this Act.

CONFERENCE TOTAL—WITH COMPARISONS

TITLES I AND II—LEGISLATIVE BRANCH
APPROPRIATIONS, 2004

The total new budget (obligational) authority for the fiscal year 2004 recommended by the Committee of Conference, with comparisons to the fiscal year 2003 amount, the 2004 budget estimates, and the House and Senate bills for 2004 follow:

[In thousands of dollars]

New budget (obligational authority, fiscal year 2003	\$3,461,323
Budget estimates of new (obligational) authority, fiscal year 2004	3,849,643
House bill, fiscal year 2004	2,699,688
Senate bill, fiscal year 2004	3,574,611
Conference agreement, fiscal year 2004	3,548,408
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2003	+87,085
Budget estimates of new (obligational) authority, fiscal year 2004	−301,235
House bill, fiscal year 2004	+848,720
Senate bill, fiscal year 2004	−26,203

CONFERENCE TOTAL—WITH COMPARISONS

TITLE III—EMERGENCY SUPPLEMENTAL
APPROPRIATIONS, 2003

The total new budget (obligational) authority for the fiscal year 2003 recommended by the Committee of Conference, with comparisons to the 2003 budget estimates, and the House and Senate bills for 2003 follow:

[In thousands of dollars]

Budget estimates of new (obligational) authority, fiscal year 2003*	\$1,921,193
House bill, fiscal year 2003*	2,025,893
Senate bill, fiscal year 2003*	2,044,000
Conference agreement, fiscal year 2003	937,593
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 2003	−983,600
House bill, fiscal year 2003	−1,088,300
Senate bill, fiscal year 2003	−1,106,407

*Includes \$983,600,000 for Disaster relief, which was provided in P.L. 108-69.

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:

JACK KINGSTON,
(except for the Capital Visitor Center tunnel)

RAY LAHOOD,
TODD TIAHRT,
JOHN CULBERSON,
MARK KIRK,
BILL YOUNG,
JAMES P. MORAN,
DAVID E. PRICE,
JAMES E. CLYBURN,

For consideration of title III in the Senate amendment number 3, and modifications committed to conference:

BILL YOUNG,
CHARLES H. TAYLOR,
Managers on the Part of the House.

BEN NIGHTHORSE
CAMPBELL,
ROBERT F. BENNETT,
TED STEVENS,
THAD COCHRAN,
KIT BOND,
RICHARD J. DURBIN,
TIM JOHNSON,
ROBERT C. BYRD,
BARBARA A. MIKULSKI,

Managers on the Part of the Senate.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon on Monday next.

There was no objection.

Accordingly (at 10 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Monday, September 22, 2003, at noon.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4305. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Table of Allotments, (Grants and Bosque Farms, New Mexico) [MM Docket No. 01-78, RM-10080] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4306. A letter from the Senior Legal ASdvisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, FM Broadcast Stations (Lincoln City and Monmouth, Oregon) [MB Docket No. 03-41, RM-10642] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

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. OXLEY: Committee on Financial Services. H.R. 2120. A bill to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts, and for other purposes (Rept. 108-277, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2571. A bill to provide for the financing of high-speed rail infrastructure, and for other purposes; with an amendment (Rept. 108-278, Pt. 1). Ordered to be printed.

Mr. KINGSTON: Committee of Conference: Conference report on H.R. 2657. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108-279). Ordered to be printed.

TIME LIMITATION OF REFERRED
BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2120. Referral to the Committee on the Judiciary extended for a period ending not later than October 3, 2003.

H.R. 2571. Referral to the Committee on Ways and Means extended for a period ending not later than October 3, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII:

Mrs. DAVIS of California introduced a bill (H.R. 3138) to amend the Internal Revenue Code of 1986 to allow a refundable credit for expenditures for renewable energy property; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3011: Ms. SOLIS, Mrs. MALONEY, and Mr. THOMAS.

DISCHARGE PETITIONS—
ADDITIONS OR DELETIONS

The following members added their names to the following discharge petitions:

Petition 1, by Mr. MARTIN FROST on S. 121: Diane E. Watson.



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Vol. 149

WASHINGTON, THURSDAY, SEPTEMBER 18, 2003

No. 129

Senate

The Senate met at 9:30 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.

Majestic God, Sustainer of the universe, as storm clouds gather, we thank You that You are Sovereign, yet no one is too small for Your concern. Forgive us for failing to trust Your love and for our sometime reluctance to have faith in each other. Lord, increase our faith, and give us the wisdom to make more deposits in the bank of love. May we remember to consult You as we make decisions. Guide the Senate today. Lead it into a blessed future as our leaders depend on Your wisdom. Strengthen us with Your Spirit and lead us into the newness of life. We pray this 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 MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will resume debate on H.R. 2691, the Interior appropriations bill. It is my understanding that several amendments may be offered during today's session. As I announced previously, there will be no rollcall votes today, and any votes ordered will be stacked to occur during Monday's session. I reiterate that we intend to

finish the Interior bill sometime on Tuesday. Therefore, we could have multiple votes on Monday to further our efforts to complete this bill.

Also, I should add that over the course of the morning we will be closely monitoring the weather situation, recognizing that the weather will have a great impact both on the business here this morning and over the course of this afternoon and tomorrow. Our schedules will be adjusted accordingly, as the weather worsens. When we finish our business today, we will adjourn until Monday, and that time will be announced.

Today, only essential personnel have been encouraged to come to work this morning. And individual offices, individual committees have made decisions. We will continue this morning, and I would think that after we address the amendments that will be brought to us shortly, we will be adjourning.

MEASURE PLACED ON THE CALENDAR—H.R. 49

Mr. FRIST. Mr. President, I understand that H.R. 49 is at the desk and is due for its second reading.

The PRESIDENT pro tempore. The clerk will report.

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.

The PRESIDENT pro tempore. Is there objection to further proceeding on the measure?

Mr. FRIST. I object to further proceedings on the measure at this time.

The PRESIDENT pro tempore. Objection is heard.

The measure will be placed on the calendar.

HONORING THE LIFE OF JOHNNY CASH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of S. Con. Res. 68.

The PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 68) to honor the life of Johnny Cash.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, S. Con. Res. 68 reflects upon the recent loss of Johnny Cash. Tennessee and the world, indeed, lost one of its great heroes. His influence simply cannot be understated in any way. It is felt today, and it will be felt for many years to come.

A country music legend, and one of Rock 'n Roll's founding fathers, Cash's work transcended both generation and genre. But what so many will remember is that he was a man of the people across this great Nation—indeed, across the world, giving a voice to so many people who really did not have a voice before. He captured that not just over one generation but several generations. And that voice will carry on over many generations in the future.

I extend my condolences to the Cash family. I know I speak for many in saying that Johnny Cash is a legend, and his imprint on American music and culture is and will continue to be profound.

Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDENT pro tempore. Is there objection to the request?

Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 68) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S11711

S. CON. RES. 68

Whereas Johnny Cash was one of the most influential and recognized voices of American music throughout the world, whose influence spanned generations and musical genres;

Whereas Johnny Cash was born on February 26, 1932, in Kingsland, Arkansas, and moved with his family at the age of 3 to Dyess, Arkansas, where the family farmed 20 acres of cotton and other seasonal crops;

Whereas those early years in the life of Johnny Cash inspired songs such as "Look at Them Beans" and "Five Feet High and Rising";

Whereas Johnny Cash eventually released more than 70 albums of original material in his lifetime, beginning with his first recording in 1955 with the Tennessee Two;

Whereas Johnny Cash was a devoted husband to June Carter Cash, a father of 5 children, and a grandfather;

Whereas Johnny Cash received extensive recognition for his contributions to the musical heritage of the Nation, including membership in the Grand Old Opry; induction into the Nashville Songwriters Hall of Fame, the Country Music Hall of Fame, and the Rock and Roll Hall of Fame; and his receipt of numerous awards, including Kennedy Center Honors, 11 Grammy awards, and the 2001 National Medal of Arts;

Whereas Johnny Cash embodied the creativity, innovation, and social conscience that define American music;

Whereas Johnny Cash was a vocal champion of the downtrodden, the working man, and Native Americans; and

Whereas the Nation has lost one of its most prolific and influential musicians with the death of Johnny Cash on September 12, 2003, in Nashville, Tennessee: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the life and accomplishments of Johnny Cash;

(2) recognizes and honors Johnny Cash for his invaluable contributions to the Nation, Tennessee, and our musical heritage; and

(3) extends its condolences to the Cash family on the death of a remarkable man.

THIS WEEK IN THE SENATE

Mr. FRIST. Mr. President, as we look back over the last several days, over the course of the week, even though it will be cut short by the impending weather, we have had a very productive week.

We addressed H.R. 2754, which is the energy and water appropriations bill, led by Senator PETE DOMENICI, and over the course of that bill disposed of over 20 amendments over a 2-day period.

The House message to accompany S. 3, the partial-birth abortion ban bill, led on our side by Senator SANTORUM, was completed this week, and now conferees can be appointed and that important piece of legislation addressed in conference and then sent to the President of the United States for his signature.

We also completed S.J. Res. 17, the FCC disapproval resolution. Then, yesterday, we confirmed an additional five U.S. district judges. As I pointed out yesterday, we still have six judges ready to come to the floor, and we will attempt to bring those to the floor as

soon as we possibly can. I would like to get all of those done early next week.

We also, this week, began the Interior Appropriations bill, which we will continue this morning and Monday and aim for completion on Tuesday.

Mr. President, I note, in a few minutes, we are going to be going to the Interior bill, but I would like, at the appropriate time, to make a statement on a recent mission trip that I took to Africa.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2691, which the clerk will report.

The 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.

Pending:

Reid amendment No. 1731, to prohibit the use of funds for initiating any new competitive sourcing studies.

Reid amendment No. 1732, to authorize the Secretary of the Interior to acquire certain lands located in Nye County, Nevada.

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.

Daschle amendment No. 1734, to provide additional funds for clinical services of the Indian Health Service, with an offset.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Montana.

Mr. BURNS. 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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIV/AIDS IN AFRICA

Mr. FRIST. Mr. President, last month I had the privilege of traveling to the southern African nations of South Africa, Mozambique, Botswana, and Namibia, along with five of our colleagues in the Senate. I try to visit the continent of Africa at least once a year. Part of the trip is generally spent doing medical mission work and part of it doing more official business. Over the next several minutes I will reflect a bit upon what we learned as a group with my colleagues on the official part of the recent trip.

As in previous trips, I was again struck by the optimism, the perseverance, the courage of the people I met on the African continent, impressed by

their openness, impressed by their warmth, impressed by their generosity and by their hospitality.

The purpose of our mission was very focused and straightforward. It was not just going and looking at the countries and getting a feel for their governments and overall approach to ruling and to the people there but to determine how best the United States, with others, can coordinate efforts to fight the global HIV/AIDS pandemic which, as I have said many times before, I believe is the greatest humanitarian, moral, and public health challenge of the last 100 years.

Several of my colleagues have already come to the floor and offered some of their reflections and impressions on our recent visit to the continent. I thank Senators WARNER, DEWINE, ENZI, ALEXANDER, and COLEMAN for their comments and for joining our delegation to study HIV/AIDS in Africa, as well as Dr. Joe O'Neill, who is Director of the Office of National AIDS Policy, who accompanied us as well. Dr. O'Neill, who has vast experience as both a physician and someone who has focused on HIV/AIDS, both in the clinic delivering care and in terms of education and research, and now public policy, was a tremendous resource for us. In addition, it allowed us to integrate our ideas on an ongoing basis on this particular trip.

I thank all of them for their thoughts, their remarks, their questions, and comments as we traveled through the southern aspect of Africa, as well as their remarks on the floor since.

In sum, our team had a very productive trip. We met with patients, doctors, nurses. We met with community leaders, activists. We met with the presidents of the countries and other government officials who have been trying to fight and are continuing to fight on the front line this deadly epidemic—this group of people all working together from different vantage points to bring hope and relief to millions and millions of people who are HIV positive, have the manifestations of that infection, which is AIDS, a disease today for which we have no cure.

No part of the world has been more affected by HIV/AIDS than southern Africa, although we all know that the rate of growth was tremendous in Russia and throughout the Caribbean. There are probably more people in India than any other country in the world with HIV/AIDS. But in Africa, where this disease had its impact initially, we see what indeed can happen and is happening to countries throughout the world.

The story of the impact in Africa needs to be told in a way that people understand in order to encourage support of the global community in reversing this epidemic. Graca Machel, who is a truly remarkable former first lady of Mozambique, told us that because of HIV/AIDS:

We are facing extinction. We still face the worst of the epidemic.

Let me repeat:

We are facing extinction.

When you hear those words from leaders, from people who are intimately involved, and you think of extinction caused by this little tiny virus of a people, of a population, of a nation, you realize the significance of this huge challenge before us.

We learned several things. First and foremost, we learned that leadership and political will are absolutely critical. It must come from the top, but it must occur at every level—vertically, down to the most grassroots level. We saw effective, comprehensive responses to HIV/AIDS in many parts of Africa. In those areas where it has been most successful, there has been a strong political will and leadership. We have to start at the very top, with the president or the leader of an affected country. And you need to extend down to that local tribal leader, the person in a local community or a local village or at the tribal level, that person to whom people turn, that person whom people trust, that person who, if they articulate the realities, can cut through the stigma, which I will come to here shortly.

In the country of South Africa, we met with community leaders who were struggling with the political leaders for years over the development of specific response and treatment plans that would save thousands of lives with new treatment approaches and mechanisms and drugs. A lot of this has come to a head over the last year or 2 years.

Indeed, until just several weeks ago, the political leadership there, I believe, had failed to address much of the reality that this little virus causes HIV/AIDS, for which we have no cure. In South Africa, the country itself, more than 5 million people are infected with the disease, for which there is no cure. In contrast to a political will that seems slow to come to the surface, you go to Botswana, in Gaborone, where we met with President Festus Mogae, who, in an effort to reduce the stigma surrounding the virus in the United States and around the world, and in Africa as well, publicly had himself tested. That was part of an effort to show the importance of testing nationwide, to send a strong signal across the country.

This sort of unambiguous leadership sends a strong message to the people. It focuses attention, and indeed it works. As a result of that, Botswana is making notable progress in fighting this pandemic and bringing understanding, security, and hope to its people. Prevention and care must be linked to treatment, and treatment must be preceded by testing because you have to make the diagnosis.

All that sounds straightforward—making the diagnosis so that you can have care and treatment. But what is interesting is that 90 percent of the people in the world who have the virus don't know they are HIV positive, and until you can identify who is positive and who is not, it is hard to engage in

the specific treatment aspect for that virus.

What is not quite so intuitive, but absolutely fact, I believe, is that testing for the virus can become the cornerstone of prevention of the virus. Why? Because testing, because of the great technology today, takes us 15 minutes to do—when I was in Africa before, it took about 3 weeks. In technology there has been great progress. After testing—15 minutes—the counselor or the person doing the test, at that same setting, can have what is called a teachable moment when one can learn about HIV and learn how to prevent HIV. If one is HIV positive, they can learn how to stop and reduce the spread of HIV/AIDS.

It is critical. For example, there are 100 people in this body, and if they were all HIV positive, only 10 would know. You see, we have a lot we need to do in order to at least identify it so that we can educate those people who may have HIV/AIDS.

In Kasane, Botswana, we saw how, using two simple tests, a person can be tested in 15 minutes while receiving that counseling in an effort called voluntary counseling and testing, VCT. I mention those three letters because, as people in this body and our colleagues know more and more about the virus and what we can do, you will hear about VCT, voluntary counseling and testing. If the individual tested negative at that sitting—they don't have HIV—he or she can be counseled as to how to avoid that infection. Then that person is encouraged to go home and talk to their family about the particular virus and about prevention, how to avoid this virus. If the individual tests positive on that encounter, they can immediately be exposed to the options for care and treatment, if available, as well as contact with peer support groups.

Botswana is one of the countries we visited where the overall sophistication is high. There have been a lot of resources devoted, through partnerships to Botswana, and the impact right now is beginning to be felt.

There are no easy answers. This will not be addressed in 1, or 5, or 10 years. It is going to take 15, 20 years to fully address HIV/AIDS.

Another important lesson we learned is that we must take steps to make treatment widely available. This is something that was, for me, really brought out on this particular trip. Even on the trip I took a little over a year ago, it wasn't quite as dramatic. But it is critical that treatment be made available as widely as possible.

President Bush's emergency plan for global AIDS calls for 2 million people to be on treatment by 2006. That is an ambitious goal. We can meet that goal if we focus and make sure that taxpayer dollars we spend are directed to proven, robust prevention care and treatment programs. There is an unlimited amount of money and resources you can devote. People talk \$5 billion,

or \$10 billion, or \$15 billion. You can spend \$100 billion on trying to fight HIV/AIDS.

I think it is important that we spend our taxpayer dollars wisely, in such a way that we know they will have an impact—not just over 6 months or a year but 2, 3, 4, 5, 10, 20 years. This is a long-term commitment and one at which we need to stay in a determined fashion.

Perhaps the single largest challenge to the HIV/AIDS crisis in Africa, through prevention, care, and treatment, is the need to help develop the medical infrastructure to deliver health care safely and effectively. It is not just in South Africa, it is in the United States and every country. It comes down to the fact that it is not just a diagnostic kit. You don't just give diagnostic kits to everybody in the world and expect everything to fall into place. It means you don't just have the drugs, the little vial of drugs, and send it, just as you would not send it anywhere in this country or to other countries; you would not send it to Africa without making sure it could be appropriately stored and appropriately transported, that it could be actually delivered to the patient in a secure and safe way. It is complicated and frustrating, in many ways, in the United States as well. This takes an overall system that we have to continue to develop and partner with and contribute to in terms of resources to make sure it is fully developed.

A message we heard again and again was the request for the United States to help provide expertise and training. This shortage of trained medical and health personnel at Chris Hani Baragwanath Hospital, which is the largest hospital I have ever been in or practiced in, in the United States or in England—it may be the largest hospital in the world. It is in Soweto, South Africa. We had the opportunity to visit the wards there and visit with the staff.

When I close my eyes, I can see the exhausted faces of those nurses, the nurse practitioners, and the physicians, as we listened to them describe the desperate need for more trained staff—staff who have an understanding of HIV-related diseases, the infectious diseases that appear when one has this virus, which suppresses or holds down one's immune system and thus makes an individual more likely to get different infections. They told us about the need for nurses to help do the testing and administer the tests and the need for social workers because it is not just giving the medicine, the antiretroviral therapy, if somebody has HIV/AIDS; it is the care, the nutrition, carrying out daily activities of living in South Africa, and thus you need a whole cadre of social workers to address the care, as well as the treatment aspects of responding to this virus.

They talked about the need for counselors to teach them how to avoid and cope with HIV infection. They talked

about the need for administrative staff. They look to the United States to help partner to provide this trained expertise.

We learned, in addition, that we must build partnerships. It cannot be done by one country, or one organization, or one company; it is going to require huge partnerships. That is going to take partnerships of government and of the NGOs—nongovernment organizations—religious organizations, social organizations, pharmaceutical companies, universities, all of which can come together to build these so-called capacity needs, to build the effective partnerships to address the challenges we have.

In Botswana, we visited the appropriately named Masa—that means “new dawn”—Masa Clinic. Masa is funded by the African Comprehensive HIV/AIDS Program, called ACHAP, which also supports the Coping Centres for People Living with HIV/AIDS, COCEPWA, and the Botswana Christian AIDS Intervention Programme. That sort of partnership, that cross-fertilization is working.

The African Comprehensive HIV/AIDS Program is a unique partnership that is sponsored in part by the Bill and Melinda Gates Foundation, the Merck pharmaceutical company, and the Government of Botswana. It is a remarkable program that was launched 3 years ago in July 2000. It is providing free antiretroviral treatment, counseling, and care for now over 6,000 Africans.

Patients in the Masa program—it has been fascinating to me—have a 92- to 100-percent rate of compliance following this prescribed treatment/drug program, and that is very high. I think compliance with their population in Botswana is equally high to compliance of a similar regimen in any western country—in the United States or in Europe. People are adhering to that regimen that is laid before them day after day. It is truly remarkable.

The highest compliance rates among western countries is 15 to 20 percent lower than that particular figure. So when people say, in Africa it is hard to pull off these complicated treatment programs, that is absolutely wrong. That is just absolutely wrong.

While we were in South Africa, we visited something I have never seen before. We visited the huge gold mining facilities. The one we visited was called Anglo Gold, or part of Anglo Gold. They have their own hospital to treat their miners. There are about 25,000 employees and maybe—they don't really know yet—as many as a third of all those employees are HIV/AIDS infected. Again, that is sort of typical. It may be less than that; it may be a little bit more, but it is a huge number. Therefore, in terms of not just care and compassion but just productivity, because you need a healthy workforce, they have a wonderful program, a comprehensive program that is involved in prevention, care, and treatment at

Anglo Gold. They are bringing antiretroviral treatment to HIV-infected employees directly.

We had the opportunity to talk to the employees and the impact that is making on their lives and the lives of their families and the lives of their extended families in their villages.

We had the real pleasure of visiting St. Mary's Hospital in Rehoboth, Namibia, which is preventing new infections through President Bush's Prevention of Mother-to-Child Transmission Program. We have talked on the floor a lot about the importance of treating the mother with one dose of a drug called Nevirapine—a very inexpensive drug—and then treating the baby within the first 24 hours with one dose of Nevirapine. It cuts that transmission down at least by 50 percent. That particular program is having great success.

In Windhoek, Namibia, we visited the Bernard Noordkamp Camp Center run by the Catholic Church which provides care and nutritional support and counseling to hundreds of orphaned children. All of my colleagues are familiar with the thousands and thousands of orphans as a result of HIV/AIDS, children who have lost their parents to HIV/AIDS. That figure will go to 10 million to 14 million over the next 10 years.

Another point we learned is we must reach people where they live. You cannot have a program designed for even one country and have it apply to every village in another country. You really need to be able to reach people in their own communities.

Most Africans don't live in the big urban areas and, thus, the importance of mobile clinics, going out to the villages, is absolutely critical. We saw a lot of creative responses to the problem. It could be very resource intensive.

In Carletonville, South Africa, we saw the mobile clinics, the mobile vans with trained personnel and medical gear. These vans drive out into the bush to bring that voluntary counseling, treatment, and basic care to people who otherwise simply would not have access to the care. There is no hospital or the nearest hospital or clinic might be 100 miles away, and with most of the people walking, it takes days to reach a clinic. It is impractical. These units would be able to identify people with serious illness and have them come to the local village clinic or the closest village clinic.

In Kasane, Botswana, we saw a mobile rapid-testing lab that travels through that whole Kasane region. By closing the gap between people and health care providers in these innovative ways, we strengthen the overall capacity to deliver health care to those people to cope with HIV/AIDS. That provides a structure which can be replicated throughout not just South Africa, Botswana, Namibia, or Mozambique but in other areas throughout the continent and, indeed, throughout the world.

I mentioned this earlier, and this will be one of my final points, we learned we absolutely have to address the stigma and discrimination that is associated with HIV/AIDS. We have had to address it in the United States of America. We continue to address it throughout Africa. It is very similar.

This stigma is a universal barrier. Every African nation we mentioned said it is a major challenge. Because of fear and discrimination, African women told us again and again they are afraid to get tested out of fear of retribution by their husbands. When we talked with African men, they said they are afraid to be tested because of their fear of discrimination in their workforce or being shunned in their local communities or being shunned by their family.

If you have the stigma, people don't ever make it to the VCT—voluntary counseling and testing. They want to stay at home even if they are sick. They say: I don't want to get tested because if someone finds me HIV positive, then I will be discriminated against. So there is a huge disincentive to be tested. It makes people reluctant to be educated about the virus or even talk about the virus.

One of the most powerful ways of cutting through this stigma is to have the political leaders, the well-recognized leaders of the village come forward and say: We have to address it. Why? Because the possibility of extinction is actually there.

To effectively fight AIDS, it is important that people know what steps to take. Therefore, we have to reach that teachable moment, but to reach that teachable moment, we have to destigmatize. One of the real advances that has been made—and most people have been watching Bono, who has been here this week and talked to a number of people, and who is a very effective voice. He talks passionately about this subject. I have had the opportunity to spend a lot of time working with him on this terribly important issue. He points out the importance of the moral cause and the moral drive in terms of our responsibility, not just the United States but as the global community. I think he is right on target with that particular message as a global community.

In our discussions yesterday, we were commenting on the tremendous positive change in the believers of the world, in the faith-based communities, in the churches, in the mosques, in the temples—in the churches broadly. There has been a huge sea change over the last 2 or 3 years because of the moral necessity, the moral correctness of addressing this particular issue.

That is very important for lots of different reasons. It is important for the offering of hope and compassion and caring and treatment and support, and it is equally important because, to have the church leaders and faith-based leaders stand up repeatedly and say this is an important issue, then people

listen and people understand. If they hear it from their political leaders and they hear it from the church leaders, all of a sudden you can start tearing apart this stigma, which is the barrier to reversing this pandemic that is upon us.

Prevention messages must resonate locally. I mentioned Graca Machel, the former first lady in Mozambique. She told us of the difficulty of discussing HIV/AIDS. She told us of how her Foundation for Community Development works with faith-based organizations to reduce that stigma of HIV/AIDS. We asked her how specifically they do it, and they do it by using well-understood Bible verses and Bible messages that connect with people. All of a sudden, through that connection, they take away the shame that so often is attached to this stigma and discrimination.

She reminded us also of the importance of creating practical messages that appeal specifically to men. Right now in the world there are more women with HIV/AIDS than there are men, which is interesting. Most people would think initially there are a lot more men. The challenge in many ways is to reach the men. She is very directly developing specific messages that help educate them on the dangers of sexual promiscuity as the vehicle of spreading AIDS.

She also shared her thoughts on the way to use multiple media sources—telephone lines, billboards, television, radio—to get the message out. She understands that all the knowledge in the world about HIV/AIDS is not worth very much unless it reaches the individual person.

In Mozambique, we met the traditional healers from 10 villages. It was wonderful for me as a physician to be able to go out in a remote part of Mozambique and to have the traditional healers, for whom Western medicine is not something they have been exposed to much, and who use the traditional healing methods, interested in HIV/AIDS, asking the right questions, putting them forward, and then educating people. These traditional healers are the ones who give health care today. They have relationships like the doctor/patient relationship already with their villagers. They help destigmatize and encourage education about HIV/AIDS. They are the community leaders.

We have to prepare for a future without AIDS. The devastation caused by AIDS is overwhelming. But we must continue to envision a world without HIV/AIDS, especially in countries that have been overtaken and are feeling the effects at the individual level, in families, and on the economies. Even if we get the disease under some sort of control, we need to think ahead and plan for the future.

In all the countries in Africa that we visited we were met with hope for the future, hope for new trade agreements, which we need to work on, I believe,

aggressively in this country. We heard about the hope that trade barriers will fall so economies will improve and jobs will open up. We listened and heard and were struck by the hope that they have for a prosperous life for their families.

You have this devastating pandemic, terrible disease affecting the continent and individual countries. Yet it always comes back at the end of the conversation with a smile and optimism and hope. I think that is one of the aspects that attracts me back to that continent again and again. We should stand by them, partner with them, and maximize their opportunity for growth.

In closing, I do thank the Ambassadors and staff of each of the nations that we visited: Ambassador Cameron Hume in South Africa, Deputy Chief of Mission Dennis Hankins in Mozambique, Ambassador Joe Huggins in Botswana, Ambassador Kevin McGuire in Namibia, for all of their outstanding work, their outstanding support. They opened their world to us in a way that we very much appreciate and that we will act upon over the coming weeks and months and years. They literally opened their homes to our delegation and worked overtime to make our trip a success. For that we are grateful. They are a great credit to the State Department and to the United States and to the people they represent. Those people are the people of the United States of America.

I have gone on too long. Again, it was a dramatic, important trip for Members of the Senate as we look ahead to how best and most wisely invest our taxpayers' money, to this huge, bold, initiative, the boldest initiative taken in public health by any leader of any country ever, the initiative President Bush put forward to fight global HIV/AIDS with \$15 billion over 5 years.

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. 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, as we move into the debate on the Interior appropriations bill, there are still some important amendments that have yet to be offered. I understand the minority leader will be here. He has a couple amendments. We will lay those down today and talk about those. If Members are in town and watching, I suggest they bring their amendments down so we can get the list down to where it is manageable in the first place so we can complete this appropriations as early on Tuesday as we possibly can.

In the meantime, we will be talking about a lot of very emotional issues. When you talk about public lands, everybody becomes a land manager. As we debate this, it never ceases to amaze me that we forget that there is

a lot of knowledge on how to manage lands and the resources that we haven't tapped.

This Saturday, September 20, volunteers across the United States will participate in the 10th annual National Public Lands Day.

This day is coordinated by the congressionally chartered National Environmental Education and Training Foundation, in conjunction with the Take Pride in America Program.

By the way, the Take Pride in America Program goes all the way back to one of the first programs the Interior Department put in when I first came to the Senate.

These two fine organizations team up in an effort to enhance and improve our public lands while promoting awareness of citizen stewardship and increasing volunteer opportunities for the public. This is an excellent idea. I would like to commend them, as well as the 70,000 folks across the United States who volunteered last year, for their hard work in participating in this task.

One-third of the total amount of the U.S. land mass is considered public lands. Recreational activities on these lands are enjoyed by millions of Americans and their families. Glacier National Park alone in my State provides recreational opportunity for snowshoeing, boating, and horseback riding for nearly 580,000 visitors each year.

By the way, we got good news last night. Maybe some of us are watching Isabel. One fellow walked into the office this morning and asked, "Isabel who?" We will proceed with keeping everything operating. But, also, good news is that in Glacier National Park we got 4 inches of snow last night, and they closed the Going to the Sun Highway Road. There are some back here who may not think that is good news, but it is awfully good news to us because that means the end of the fires.

Another national park in my neck of the woods is Yellowstone, which happens to be the oldest national park in the world, and it is sometimes considered the crown jewel of the park system. It is implementing a fee-free day in honor of National Public Lands Day.

As chairman of the subcommittee on Interior appropriations, I would like to extend a premature thank you to at least a dozen members of my own staff and their friends who are participating in Public Lands Day. This wasn't something which I asked them to do.

I ask unanimous consent that their names be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL PUBLIC LANDS DAY

1. Jodie Peters; 2. Melanie Benning; 3. Angela Schulze; 4. Jennifer O'Shea; 5. Chris Heggem; 6. Ryan Thomas; 7. Bruce Evans; 8. Ginny James; 9. Leif Fønnesbeck; 10. Kassy Hodges; 11. Stan Ullman; 12. Jarrod Thompson; 13. Christen Petersen.

Mr. BURNS. Mr. President, in the East it is a good idea to work on public

lands, particularly if this storm hits us and we sustain a little damage from it. It may be a good time to not only take care of our own property but also to volunteer to help clean up those areas of public lands that we enjoy.

This is something we are asking Americans to do, and 70,000 responded last year.

We have a fine group in this area that is going to work along the Potomac River shoreline where they will undertake the task of painting trash cans, railings, and benches on Hains Point Park early Saturday morning. Many in my office are going to participate.

As we look forward to Public Lands Day and Saturday, I encourage citizens of this great country to think about Take Pride in America's slogan: "It's your land, lend a hand."

I think that is an important message.

I notice that my good friend from South Dakota, the minority leader, is on the Senate floor.

I yield the floor.

THE PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I thank the Senator from Montana who has done a great job of working with this legislation once again this year. I commend him for his efforts.

AMENDMENT NO. 1739

Mr. DASCHLE. Mr. President, I ask unanimous consent that the pending amendments be set aside and that amendment No. 1739 be considered.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk will report.

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1739.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

THE PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike funding for implementation of the Department of the Interior's reorganization plan for the Bureau of Indian Affairs and the Office of Special Trustee and to transfer the savings to the Indian Health Service)

On page 46, line 7, strike "Provided, That" and insert the following: "and of which \$79,282,000 (composed of \$20,000,000 from administrative accounts for operation and support, \$6,346,000 from the trust accountability account, \$15,168,000 from the field operations account, and \$37,768,000 from the historical accounting account) shall be transferred to the Indian Health Service and shall be available for clinical services: *Provided*, That none of the funds made available by this Act may be used for the proposed trust reform reorganization of the Bureau of Indian Affairs or the Office of Special Trustee: *Provided further*, That".

Mr. DASCHLE. Mr. President, for over 100 years, the Department of Interior has managed for the benefit of Indian people a trust fund containing the proceeds from the leasing of oil, gas, land and mineral rights on Indian land. Today, far from enjoying a sense of se-

curity about the investment of these assets, tribal and individual Indian account holders cannot even be assured of the accuracy of the balances that the Department of Interior claims are in their accounts, and the Interior Department's discharge of its trust responsibility is being litigated in Federal court.

There is little disagreement that the Department of Interior's stewardship of Indian trust funds has been a colossal and longstanding failure. But rather than get directly at the underlying problem, the department continues to focus on reorganization of the bureaucracy. Adding insult to injury, department officials refuse to collaborate with the tribes on a government-to-government basis as the department promised.

It is my strong belief that Congress should not appropriate any additional funds for reorganization of the BIA until tribal leaders are fully consulted on, and can fully participate in, the design of the reorganization plan.

Many of us received a letter yesterday from the National Congress of American Indians suggesting that Congress not fund the department's ill-considered reorganization.

According to NCAI, "The reorganization, because it is being executed in advance of the reengineering of the trust accounting systems, is premature, expensive, and will not improve trust management." NCAI goes on to say that: "Instead the funding should be directed back to basic Indian programs from which the money has been reallocated."

I agree with NCAI and the tribal leaders of my State, who are saying the same thing. I am, therefore, proposing that we transfer \$79 million from accounts that would fund a reorganization of the Bureau of Indian Affairs to the Indian Health Service.

We are all painfully aware of the acute human need that exists on the Nation's Indian reservations. Education, unemployment programs and infrastructure are all underfunded by the Federal Government. But no human need cries out more than health care.

The health care statistics on the reservations of South Dakota, and throughout the country, are closer to the statistics of the developing third world than they are to the national statistics for the United States. Infant mortality rates, diabetes rates, fetal alcohol syndrome rates and SIDS rates on the reservations far exceed that of the rest of the Nation. Every health barometer calls out for prompt intervention and assistance.

We must increase Federal funding for health care on the reservations. It is the key to a better education, which is the key to a more productive life.

Yesterday on the Senate floor I showed my colleagues a chart that showed the per capita commitment to health care on the reservations. It is exactly one-half the per capita com-

mitment to Federal prisoners in the United States today. One-half, about 1,900 versus 3,800. Restoring accountability and efficiency to trust management and paying account holders what they are owed is a matter of fundamental justice and should be a national priority. Nowhere do the principles of self-determination and tribal sovereignty come more into play than in the management and distribution of trust funds and assets clearly owed to Indian tribes and their people.

However, the successful resolution of this challenge, which has eluded the reach of administrations of both political parties for years, depends on meaningful dialogue and true partnership between the Federal Government and Indian people and their representatives. That standard is not reflected in the Interior Department's current reorganization plan.

Therefore, when I contrast the relative merits of more funding for this reorganization with more funding for health care, it is not a close call.

I urge my colleagues to adopt this amendment transferring \$79 million from BIA and the Office of the Special Trustee reorganization to Indian health care.

I ask unanimous consent that letters from the National Congress of American Indians and the Native American Rights Fund be printed in the RECORD along with a resolution regarding this issue passed by the National Congress of American Indians.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CONGRESS
OF AMERICAN INDIANS,

Washington, DC, September 17, 2003.

Re: DOI Interior Appropriations Request for Historical Trust Accounting and Trust Reorganization.

Hon. BILL FRIST,
Majority Leader.

Hon. CONRAD BURNS,
Chairman, Subcommittee on Interior Appropriations.

Hon. BEN NIGHTHORSE CAMPBELL,
Chairman, Committee on Indian Affairs.

Hon. TOM DASCHLE,
Minority Leader.

Hon. BYRON DORGAN,
Ranking Member, Subcommittee on Interior Appropriations.

Hon. DANIEL K. INOUE,
Vice Chairman, Committee on Indian Affairs.

DEAR SENATORS: It has been over a decade since Congress first ordered the Department of Interior to conduct an accounting for Indian trust funds. Since that time, the Department has spent over 600 million dollars on trust reform, but has yet to produce even one accounting. In the FY2004 Interior Appropriations bill, the Department has requested yet another enormous increase in funding to product a historical accounting and reorganize Bureau of Indian Affairs functions to the Office of Special Trustee, shifting significant amounts of funding away from basic Indian programs.

The recent U.S. Civil Rights Commission Report, "A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country" evaluates the budgets and expenditures of the six major federal agencies responsible for Native

American programs. The Commission concludes that significant disparities exist between federal funding of programs serving Native Americans and those serving other Americans. The report finds that when inflation is factored in, funding for many individual programs has decreased.

In these days of tight federal budgets and dire needs in American Indian communities, we have to make sure that every federal dollar spent in Indian country is money well spent. We do not believe that the increases requested for historical trust accounting and BIA reorganization meet that criteria.

The bottom line on historical accounting is that the Department simply has not maintained the records to enable an accurate accounting to occur—it has been demonstrated time and again that a more comprehensive forensic accounting approach is needed. The reorganization, because it is being executed in advance of the reengineering of the trust accounting systems, is premature, expensive, and will not improve trust management. NCAI believes that any trust reform reorganization at the Department should only occur after interested parties—including tribal leadership—collaborate to identify new trust business processes and the organizational structure that should accompany those new processes.

FY2004 Interior Appropriations should not fund the ill-considered historical accounting effort and reorganization. Instead, the funding should be directed back to basic Indian programs from which the money has been reallocated. I have attached NCAI Resolution #PHX-03-040, opposing the Department of Interior's trust reorganization plan and related FY2004 budget request.

Tribal leaders understand better than anyone that the Bureau of Indian Affairs needs to change, that it has significant difficulty in fulfilling its responsibilities in management of trust funds, and that some of the problems relate to the way that the Bureau is organized. We want to see successful change and improvement in the way the BIA does business. We are not opposed to reorganization per se; we simply want to see it done right. In our view, effective organizational change to effectuate trust reform must contain three essential elements:

(1) Systems, Standards, and Accountability—a clear definition of core business processes accompanied by meaningful standards for performance and mechanisms to ensure accountability;

(2) Locally Responsive Systems—implementation details that fit specific contexts of service delivery at the regional and local levels where tribal governments interact with the Department; and

(3) Continuing Consultation—an effective and efficient means for on-going tribal involvement in establishing the direction, substance, and form of organizational structures and processes involving trust administration.

These elements are lacking in the current DOI reorganization proposal.

We are extremely concerned that the lack of definition of the responsibilities and authorities of new OST offices will cause serious conflicts with the functions performed by the BIA Agency Superintendent and/or Indian tribes. The OST was designed by Congress to play an oversight role, but the reorganization would now give the Office both oversight and management responsibilities, a clear conflict. Moreover, we believe that the funding and staff needs to flow directly to the agency and regional levels—not just to new Trust Officers—to address long-standing personnel shortages needed to fully carry out the trust responsibility of the United States. Before DOI begins the process of establishing an entire new mini-bureaucracy,

the financial and management impact of such an action must be thoroughly examined by the Congress and by affected tribal governments.

We fear that the DOI is on the verge of repeating the classic mistake that has ruined the majority of its efforts to reform trust administration in the past. The preoccupation with moving or creating boxes on a chart is the antithesis of how effective organizational change can and should be brought about.

The Department is headed in the right direction with its reengineering efforts, but the new business processes should be devised through a collaborative process involving both BIA employees and tribal leadership. We must include the input of tribes and BIA employees so that the great numbers of people who must implement changes in trust administration understand and support necessary reforms. Only then, as a final step, can we design an organizational chart to carry out the functions of trust management without creating conflicting lines of authority throughout Indian country. The history of trust reform is filled with failed efforts that did not go to the heart of the problem and do the detailed work necessary to fix a large and often dysfunctional system.

At this time, Congress should prevent DOI from proceeding with its proposed reorganization plan and focus instead on funding core Indian programs where the need is greatest, and programs such as land consolidation, title and accounting that will in time reduce the cost of trust administration. We believe that this could be accomplished with simple appropriations language such as, "None of these funds shall be used for the proposed historical accounting and trust reform reorganization of the Bureau of Indian Affairs and Office of Special Trustee until the Secretary has completed the ongoing reengineering processes through consultation with the tribes." Thank you very much for your interest in our concerns, and for your continued commitment to American Indian communities.

Sincerely,

TEX G. HALL.

NATIVE AMERICAN RIGHTS FUND,
Washington, DC, September 17, 2003.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: As counsel for the class in *Cobell v. Norton*, Civ. No. 96-1285 (RCL), a case was filed on June 10, 1996 on behalf of a more than 500,000 individual Indian trust beneficiaries in the Federal District Court for the District of Columbia. I write to clarify the position of the Cobell plaintiffs regarding the use of current appropriations for the historical accounting and reform of the IIM Trust. Specifically, under current circumstances, we have no objection to the use of such appropriations to address the many other pressing needs of Indian Country—including, without limitation, Indian education and health services.

We do not believe Interior can render a complete and accurate accounting. Nor do we believe Interior can reform the trust without Court intervention. Our view on this matter is reinforced with the knowledge that Interior has wasted nearly \$1 billion over the last decade on trust reform and there has been no material improvement of the IIM Trust. In short, until the Court has approved a methodology for the historical accounting and plan for meaningful trust reform—issues which have been tried and for which a decision is pending—Interior's record conclusively demonstrates that such funds will be

wasted and will certainly not benefit Indian Country.

Sincerely,

KEITH HARPER.

[From the National Congress of American Indians]

RESOLUTION #PHX-03-040

TITLE: SUPPORTING TRIBAL LEADERS' INVOLVEMENT IN A CONGRESSIONAL PROCESS TO SETTLE TRUST CLAIMS; STRONGLY OPPOSING THE DEPARTMENT OF INTERIOR'S INDIAN TRUST REFORM REORGANIZATION PLAN AND RELATED FY 2004 BUDGET REPORT; CREATING A TRIBAL LEADERS WORKGROUP TO ADDRESS BOTH ISSUES

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people and their way of life, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

Whereas, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native Tribal governments; and

Whereas, the federal government has a longstanding comprehensive trust responsibility to Indian tribes based on treaties, the United States Constitution, federal statutes, executive orders, and judicial decisions; and

Whereas, the issue of whether the federal government has violated its trust responsibility to Individual Indian Money account holders has been in litigation since 1996, under what is now named the *Cobell v. Norton* case; and

Whereas, as one means of dealing with the issues in *Cobell v. Norton*, the Department of the Interior (DOI) has developed and is implementing a reorganization plan which attempts to diminish and limit the nature of the federal government's trust responsibility; and

Whereas, the DOI reorganization plan creates a top-heavy bureaucracy which will divert desperately needed funding and resources from regional offices and local agencies, strip important decision-making authority from those offices and agencies, and negatively impact trust fund and trust resource management programs at the local level; and

Whereas, the DOI has incorrectly asserted that segments of its reorganization plan have the approval of Tribal Leaders; and

Whereas, the DOI plan in fact ignores and rejects Tribal leaders' core consensus positions, developed at great expense of Tribal time and resources, that trust reform must not negatively affect BIA programs, that it must recognize the comprehensive trust responsibility of the DOI/BIA with enforceable standards for meeting that responsibility, that the BIA must not be arbitrarily split between "trust" and so-called "non-trust" programs, as every BIA function is a trust function; and that decision-making must take place at the "lowest" (agency/region) level possible rather than in Washington, DC; and

Whereas, the DOI reorganization plan lacks substance and details in the areas of management and delivery of trust services;

does not describe the new or improved business processes that will be implemented, lacks any recognition of enforceable standards that will guide the implementation of such processes; does not provide accountability to Congress, the courts, Indian tribes and their members; does not provide for a trust oversight mechanism; and fails to provide any details on how service delivery will be improved at the regional and local levels; and

Whereas, DOI's FY 2004 budget makes improper requests, and in likely violation of federal law, consolidates authority and funding in OST at the expense of Tribal programs: DOI seeks a \$123 million increase for OST, nearly doubling its funding, while, at the same time, seeking a \$63 million cut to BIA construction, including a \$32 million cut for school construction, as well as an \$8 million cut to Indian Water and Claims Settlement funding. Equally disturbing, DOI is seeking a less than one percent (0.3%) increase for Tribal Priority Allocations, funding that flows directly to Tribes for trust programs; and

Whereas, this attempted reorganization is premature because the "To-Be" re-engineering study on how to fix the trust management apparatus has not been completed; and

Whereas, Tribal leaders strongly oppose the reorganization for the reasons herein described; and

Whereas, Senators Ben Nighthorse Campbell and Daniel K. Inouye, Chairman and Vice-Chairman of the Senate Committee on Indian Affairs, have written to all Tribal leaders asking for their participation in helping to settle the Cobell v. Norton case and "reforming the Federal trust management apparatus"; and

Whereas, the continued litigation will cost many more millions of dollars and take many more years to reach completion, further impeding the ability of the Bureau of Indian Affairs and the Department of Interior to carry out their trust responsibilities to Indian tribes; and

Whereas, it is in the best interests of Tribes that Tribal leaders participate in the resolution of trust related claims and the development of a workable and effective BIA reorganization plan which incorporates the core consensus positions earlier articulated by Tribal leaders; and

Whereas, Tribal leaders are willing to discuss the Senators' proposal to achieve a settlement of trust claims and related issues because it focuses on land consolidation, development of settlement legislation, continuation of the effort to reengineer trust management processes, and the reorganization of the BIA in true and meaningful consultation with Tribal leadership;

Now, therefore, be it *Resolved*, That the NCAI does hereby strongly oppose the DOI's Indian Trust Reform Reorganization Plan and its related FY 2004 Budget Request; and

Be it further *Resolved*, That the NCAI calls upon Congress to immediately halt the reorganization of the Bureau of Indian Affairs until the concerns of Tribal Leaders are fully addressed by a workable and effective reorganization plan, and until the "To Be" process, developed through true and meaningful consultation with Indian Tribes, is completed; and

Be it further *Resolved*, That the NCAI hereby (1) opposes the FY 2004 proposed \$123 million budget increase to OST, (2) supports the restoration of funding for BIA Construction and Indian Water and Claims Settlements, and (3) supports a substantial increase, of at least 4%, for TPA funding; and

Be it further *Resolved*, That the NCAI requests a series of hearings before the Senate Committee on Indian Affairs and the House

Resources Committee on the BIA reorganization and the DOI's FY 2004 budget request, and that the Tribal Leader witnesses represent direct service, contracting and compacting tribes, all regions, and Tribes with diverse trust holdings; and

Be it further *Resolved*, That the NCAI supports the efforts of Senators Campbell and Inouye to help reach a settlement of trust claims and to effectively reform the federal trust apparatus, and encourages the participation of Tribal leaders, individually and through a Tribal Leaders Workgroup, in both these crucial processes; and

Be it further *Resolved*, That the President of the NCAI is hereby authorized to take all actions necessary to fulfill this Resolution; and

Be it finally *Resolved*, That this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted at the 2003 Mid-Year Session of the National Congress of American Indians, held at the Sheraton Wild Horse Pass Gila River Indian Community, in Phoenix, Arizona on June 18, 2003 with a quorum present.

TEX HALL,
President.

Mr. BURNS. Mr. President, there will be quite a spirited debate on this issue. There is no question that we have shortcomings in the Indian Health Service. We could use more dollars there. In fact, we added dollars this year to that particular item. Was it enough? Probably not. But who knows how much is enough, whenever we start allotting dollars and we take a look at the challenge we have, especially in Indian health care. We know diabetes is one great challenge we have on our reservations across this country.

We should also talk about the merits of the trust reform, too. Number one, the administration is talking veto if this amendment is allowed to be successful. Number two, it is tied up in court. There are actions and proceedings underway. The Senator from South Dakota is exactly right. This has spanned the years through all administrations, through all Secretaries. They have all been sued and held in contempt of court because they did not live up to their responsibilities of managing this trust.

We also have to be concerned about those in Indian country, of the thousands and thousands of Native Americans who are denied payment from this trust because it is in such a mess. Some reform or some system has to be set in place before anything can happen. The plaintiffs now in the court action are saying the total payment in the country could be as high as \$176 billion if we do not fix this system and make it work for those who have money due them.

I imagine that to take the dollars from reform and normal accounting procedures and let the new organization proceed with reform so we know where we are, what kind of ground we are standing on, and how best to get that money to the people to whom it is owed—I don't think this is the time to take dollars from that process of reform. We will have a spirited debate on this subject.

The Senator from South Dakota also points out we have two shortfalls—that and Indian health. So wherever your priorities are, do we take care of the trust so we take care of the financial conditions of those folks who have money coming to them or do we put basically a pittance of what really the IHS, the Indian Health Service needs. We have always covered those needs in the past with more dollars. We have added dollars this year. But we will monitor that very closely. I am aware of the needs in health care because I have seven reservations in the State of Montana and it becomes an issue there.

I thank the Senator from South Dakota for offering this amendment because it points up that we have two places we should be doing better.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I don't disagree with most of what my friend and colleague from Montana has said. He is trying to do the best he can given the allocation he has. I don't deny his responsibility to make the decisions as best he can, given the allocation. I didn't vote for the budget so I don't feel constrained by those budgetary allocation decisions that have been made within the Appropriations Committee.

Let me talk briefly about the two issues the Senator addressed. First, with regard to the trust fund. The \$79 million is for reorganization of the BIA to adapt itself to the policy once the policy is implemented. The question I have is, how can you reorganize a bureaucracy before you know what that policy is going to be? How can you say we are going to put it in this agency or in that department or in that bureau or that desk without knowing what the policy is going to be? And the policy is being contested. It seems to me we are putting the cart before the horse. We need to decide on the policy and then do the reorganization. That is what I am saying. Yet there is \$79 million for the reorganization before we even have a clue what the policy is going to be.

With regard to the Indian Health Service, the President requested about \$1.9 billion for IHS. The analysis done by independent sources has indicated if we are going to do it right, if we are going to provide coverage anywhere near the coverage provided to others in the rest of the country, we would have to put another \$2.9 billion into the Indian Health Service budget to reach a per-capita equivalency, that parity. But we are not going to do that. We obviously cannot do that. We had that debate on the budget resolution. I don't recall what the exact number was. We offered an amendment to add about \$2.9 billion, and that was defeated.

What the Senate budget resolution included, and I believe it was the amendment of the Senator from Montana, but it could have been someone else's, was another \$292 million, not the \$2.9 billion. We passed that, but it was not in the final bill, so that was the

subject of the amendment I offered last night, an amendment to put that agreed-upon \$292 million in the appropriations bill. We will have that vote, as well.

We are simply saying we ought to try to begin addressing this extraordinary deficiency we have. To say to a Native American, on a per-capita basis you are only going to get one-half of what we give our Federal prisoners is to defend a disparity that I cannot imagine we can defend. I hope first we can commit to the \$292 million. But since we are not ready to move forward on this BIA-OST reorganization plan that really isn't a plan, or to spend the \$79 million wisely, I am arguing that we are certainly ready to spend it through the provision of Indian Health Service clinical services. That is where it ought to go right now until we know about trust land policy and how it will be implemented and how we reorganize to implement that policy once it is decided.

I thank my colleague. I know there are concerns about the weather. To accommodate staff and others I will not belabor this. I appreciate the opportunity to offer the amendment and look forward to the debate on Monday and the vote on Monday evening.

I yield the floor.

Mr. BURNS. I think the minority leader brings up a good number. How do you reorganize a bureaucracy? That is always a great challenge in this town, especially if you work in Washington, what I refer to as 17 square miles of logic-free environment.

There are some folks who want to catch some transportation out of town. I will remark what the schedule will be. We will be talking quite a lot about wildfires. We have good news: Four inches of snow this morning at Glacier National Park and the temperature is dropping down now to where we can get our arms around these fires. Nonetheless, it did not take away from the devastation those fires brought to the west this year and how we manage the dollars it takes to fight those fires. And it is every State's responsibility in this Union to respond to a national problem.

If you look just at this year—this did not make great headlines—27 firefighters died this year in wildfires on national lands—27. And 789—at last count—homes and other structures were destroyed, and 2.8 million acres have burned.

During the recent Labor Day weekend, 25,000 firefighters were still working on fires in the West. Now that is subsiding, that is over. Of the 2.8 million acres, 600,000 acres are in my home State of Montana.

What does that mean? That means lives are disrupted and resources lost. Tourism was curtailed almost to nothing this year in those particular areas that always see high summer tourism activity—Glacier National Park, Yellowstone National Park.

We are going to hear in this debate: Well, maybe we should study it. We

have enough institutional memory already and data that tell us what we are doing wrong. The Forest Service and private foresters were not just hired 10 years ago. They have been around a long time. And our institutional knowledge of fires goes back to the fires of 1988. That was the fire, of course, that destroyed the better part of Yellowstone Park.

So we will have some visuals, and we will try to make the case that this is a national problem and it must be solved by national leaders representing every State in the Union. Every State in the Union has a stake in this because what the Forest Service has done, what the Bureau of Land Management has done, is they have raided other accounts to pay for their firefighting activities. Now we must replace those dollars. If we do not, that affects the Forest Service, BLM, Park Service, and U.S. Fish and Wildlife Service in every State.

So as we move on this issue, I hope the Nation will draw its attention to what is the right thing to do because we have an \$850 million problem we must take care of.

Mr. President, not seeing anyone else on the floor, 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1739

Mr. DORGAN. Mr. President, I rise today to support the amendment offered by my colleague, Senator DASCHLE, to increase clinical services in the Indian Health Service. I wish to speak just for a moment about the issue I raised yesterday, that there is, in my judgment, a full-blown crisis on Indian reservations in this country dealing with health care, education, and housing, and we are not addressing that crisis the way we should.

I have been pleased to work with my colleague from Montana, Senator BURNS, who I think does a remarkable job. We have not gotten the allocation we really need in order to meet all the obligations we have. Included in those obligations, in my judgment, is the obligation to fund the Indian Health Service in order to provide the kind of medical treatment that is necessary for those who are showing up at the Indian health treatment centers.

I must say, I just recently toured a clinic on the Fort Berthold Reservation and talked to doctors, nurses, and health care delivery personnel. They are wonderful people, but it is dramatically underfunded. The fact is, if you have a heart attack at that Indian reservation at 5 o'clock, you are in some trouble because the clinic is closed. They do not have the resources to keep it open. If you have a heart attack on a Saturday, you are in trouble because

you won't have access to the health care you need at that point.

So we need to work on these issues. We need to resolve these issues. Some say: Well, why special issues dealing with American Indians? The fact is, they were here before we were, first of all. But, second, Native Americans in this country have served this country in so many ways, so many wonderful ways.

One Sunday morning, some years ago, I traveled to the veterans hospital in Fargo, ND, to present medals that were earned by an American Indian. His name was Edmund Young Eagle. I have told my colleagues about this, I believe, on one other occasion.

Edmund Young Eagle was an American Indian, living on the Fort Yates Reservation. He was called to serve his country during the Second World War. He left and went to serve. He served in Africa and in Europe, Normandy. He served this country with great distinction in World War II. Then he came back to live on the Indian reservation.

He never had very much, never married, never earned much income. He did not, perhaps, have as much joy in his life as he would have liked. Then he developed lung cancer. In his mid seventies, when I met Edmund Young Eagle, he was lying in a veterans hospital bed in his pajamas. I didn't know it that Sunday morning, but he was about a week from dying. He died a week later.

His sisters had asked me if I could achieve for him the medals he earned during World War II that he had never received. And I did. I took them to the VA hospital on that Sunday morning. Edmund Young Eagle was sick with, as I said, lung cancer. His sisters and the doctors and nurses came into the room. We cranked his bed up to a seated position, and I pinned those medals on Young Eagle's pajama top.

He earned those medals fighting for this country in the Second World War. He had a very distinguished record. This very sick man, an American Indian, said to me that Sunday morning in the hospital that it was one of the proudest days of his life, as he sat there in his hospital bed wearing his military medals that he had earned serving this country.

If you look at the service given this country by American Indians, Native Americans, who have been drafted and then enlisted in massive numbers across this country, they have served in virtually every conflict, every war with great distinction.

Go to a pow-wow someday and watch those Native Americans wear their uniforms, being part of the American Legion or part of the group in that reservation or with that particular tribe that is celebrating their service to our country, and you can't help but be enormously proud. But when you take a look at other things that are part of the culture of their lives, and you see service to their country was one part that was very important to them—and

they served in higher numbers as a percentage of their population than almost anyone in this country—most of them, many of them came back to their reservations to find there was a crisis in health care, housing, and education.

My colleague, Senator DASCHLE, offers an amendment dealing with health care. This is not just about veterans. It is about children. It is about retired folks. If you tour these Indian reservations and take a look at what the Indian Health Service is doing, what the public health system is doing, we have some wonderful men and women working very hard, long hours, doing the best they can, but the resources don't exist to provide the kind of health care for these children and these citizens as exists in the rest of the country. It is just plain fact.

The Indian Health Service has a budget of about \$2.5 billion. The analysis is they need about \$12 billion more. Of course, that is not going to happen. This is not some academic debate. This is not about theory. This is about people living and dying. This is about life or death decisions for a lot of people, especially the more vulnerable in that population. I am talking about children.

You want to hear stories about children who die because of chicken pox. We can talk about that on some of these reservations. You don't hear that much anymore, people dying of chicken pox.

The primary health services that are available to American Indians on reservations are inadequate. I mentioned yesterday 5,000 people getting their dental care from one dentist in a small trailer. That is not health care. It doesn't meet the needs of those people on that reservation.

My colleague, Senator DASCHLE, offers an amendment to try to find some additional resources for clinical services. I support that.

Senator BURNS missed what I said about this bill. I said, Senator BURNS has Indian reservations in Montana and cares a lot about these issues. We have done as well as we could given the allocation in this bill. I wish we could do more.

I support this amendment because it will do more. I recognize the offset comes from outside the bill, and there is some difficulty with that. I think when you are talking about issues of life and death, we need to make fit the solution that is necessary to provide the health care needed, particularly by these children but also people who are more vulnerable.

Go to an Indian reservation, for example, and talk to people about diabetes. You will discover the rate of diabetes on, for example, the Fort Berthold Reservation is not double or triple or quadruple the rate of diabetes in this country. It is 12 times the rate of diabetes, 12 times the rate of the American population.

One day I flew into New Town, ND, with the late Congressman Mickey Le-

land and former Congressman Tim Penny. We held a hearing on the Fort Berthold Reservation. We had a range of people talk to us about the diabetes epidemic. Go to that reservation today and see the rows of people doing renal dialysis to stay alive, go to the diabetes clinic—which I got funding for—and see what they are doing to try to deal with this scourge called the diabetes epidemic.

There are so many challenges that need to be met and so few resources. That is why I fully support this amendment.

When I walked in the Chamber, my colleague from Montana was speaking of forest fires. North Dakota is a State that is ranked 50th among the 50 States in native forest lands. We are a wonderful State. We cherish the trees we have. But we rank 50th among the 50 States. We are not affected much by forest fires. We do have some range fires on the grasslands. The forest fires, of the type my colleague and his constituents face, or the forest fires we have read about in Colorado and Arizona and other areas, are devastating events. The fact is, we know these events occur. This is not some tsunami or typhoon that occurs once every 5 or 10 years. We know these events occur.

As my colleague said, we ought to provide for the payment for fire suppression and firefighting in the budgets that we put together. The President ought to do it. He ought to request it, and we ought to fund it. It doesn't make sense for us to pretend we are surprised when there is a forest fire. We must be the only people surprised. Forest fires happen. There is no reason to continue having budgets come down from the President that say, let's not adequately fund this so that we can borrow money from this, that, and the other place. Then we pretend we are shocked when a fire comes around and we have to pay for it. Then we try to do some emergency fix someplace. That doesn't make sense to me.

Forest fires are devastating events. We know they are going to happen. We should provide funding for fire suppression activities. Hundreds of millions of dollars ought to be in these budgets. My colleague from Montana and I are determined to try to make sense of this and work with the White House and others to do the right thing. I echo his comments about the urgency of doing that.

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. 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.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate

proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, today, we vote to confirm 5 district court nominees, including 4 nominees to the U.S. district courts in New York.

With today's confirmations, the Senate will now have confirmed 151 judicial nominees for this President. This stands in stark contrast to what occurred with judicial nominees during the Clinton administration. More than 3 years passed during President Clinton's second term, when Republicans controlled the Senate, before the 150th judicial nominee was confirmed. It also took more than three years from when the Republicans gained control of the Senate majority in 1995 to confirm 150 judges for President Clinton.

Moreover, this President's nominees have been considered more expeditiously than were his father's or President Reagan's. It took President Reagan, during his first term, almost to the end of his fourth year to get 150 of his judicial nominees confirmed, and that was with a Senate that was controlled by the same party. President Reagan's 150th judicial nominee was not confirmed until September 17, 1984. It also took President George H.W. Bush well into his fourth year to get 150 of his judicial nominees confirmed. His 150th judicial nominee was not confirmed until April 8, 1992.

In contrast with the shifts in Senate control, it has effectively taken just 2 years of rapid Senate action to confirm 150 judicial nominees for this President. The fast and fair pace at which this Senate has considered this President's nominees is also demonstrated by how many circuit court nominees have been confirmed. We have now confirmed 28 circuit court nominees for President Bush since July of 2001, which is more than were confirmed at this time in the third year of President Reagan's first term, President George H.W. Bush's term, or either of President Clinton's terms.

In contrast to how President Clinton's nominees were treated, the confirmation process for these 5 district court nominees has been expeditious and smooth. The 4 New York nominees come to us with broad bipartisan support, including the support of their two home-state Senators. Their confirmations today show how cooperation can work to fill vacancies on the Federal bench with qualified, experienced and diverse candidates.

All four New York nominees were given hearings at the end of July under an agreement that allowed them to be on a hearing on an expedited basis. This was an example of how the Democratic members of the Judiciary Committee cooperated with the President and with the Committee's Republican

majority. Given the nominees' bipartisan support, I expect them to be unanimously confirmed today.

New York is an example of how a bipartisan process can work right to equip the Federal bench with excellent and moderate judges. All 4 of these nominees have impressive legal careers, and received the highest rating from the American Bar Association.

Justice Feuerstein, nominated to the Eastern District of New York, currently serves as a justice in the New York State Appellate Division and has served as a judge in the New York State court system for approximately 15 years. Justice Feuerstein also has a distinguished record of service as a judge beyond her work on the bench, including serving as director of the Nassau County Bar Association and as president of the Women's Bar Association of the State of New York.

Mr. Castel, Mr. Holwell, and Mr. Robinson, nominated to the U.S. District Court for the Southern District of New York, all have significant litigation experience as well as commendable records of providing legal services to disadvantaged persons. Peter Castel is currently a partner at Cahill Gordon & Reindel and has litigated there for over 20 years. Among other civic activities, Mr. Castel has served on the board of directors for the Legal Aid Society.

Richard Holwell has been practicing for over 31 years as a litigation attorney with White and Case in New York, where he has served as executive partner of the global litigation practice and a member of the firm's management board. He has dedicated hundreds of hours to pro bono activities every year, and received a Pro Bono Award from the NAACP Legal Defense and Education Fund for his services.

Stephen Robinson has significant experience in litigation and investigations. He served as the first African-American U.S. Attorney for Connecticut, appointed by former President Clinton, from 1998 to 2001. Prior to that, he had served as a litigator in private practice, as an Assistant U.S. Attorney in the Southern District of New York, and as a counsel and special assistant to the Director of the FBI. Mr. Robinson has also served as secretary and a member of the board of directors of MFY Legal Services, an organization that provides legal services to the poor.

David Proctor is nominated to the U.S. District Court for the Northern District of Alabama, and comes to us with experience as a private practice attorney and the support of both of his home-state Senators. Mr. Proctor is filling a new position that was just created on July 15, 2003.

Finally, I would like to point out that there are now more active George W. Bush appointees on the bench than there are active George Herbert Walker Bush appointees. The President's father served 4 full years. This President has served less than 3 and already has made as much impact on the Federal courts across the country.

We are glad that the Republican leadership has now agreed to confirm these consensus nominees. We have and will continue to work with the Republican leadership and Administration. We would like to be more helpful in the President's identification of nominees and advising him on the selection of consensus nominees so that we can join together in adding those confirmations to the 151 achieved as of today.

ADDITIONAL STATEMENTS

LITTLE COUNTRY THEATER TRIBUTE

• Mr. DORGAN. Mr. President, 90 years ago students at a small school then known as the North Dakota Agricultural College created a drama facility called the Little Country Theater. This was surprising—the school was, after all, largely focused on agricultural science and professional training for specialties like pharmacy and chemistry. But the college had one of those rare phenomena that every institution lusts after—a dynamic, driven professor who was both dreamer and doer.

For the next four decades, Alfred Arvold was the guiding force of the Little Country Theater and the theater itself was the school's intellectual and artistic heart. Arvold and his students took an unused chapel and turned it into a home for drama; rebuilt an attic garret into a faux log cabin that became the college's premier meeting spot, one which hosted luminaries like Marian Anderson, Charles Laughton, Yehudi Menuhin, Ethel Barrymore, Eugene Ormandy, Charles Lindberg, Paul Robeson and Carl Sandburg; and produced a flurry of productions, many written by the students themselves.

The focus of Arvold's philosophy was to bring theater to the public and he provided instructions and guidance for rural communities on how to produce plays at low cost and in the most modest of facilities, in cow pastures and haylofts, lit by lanterns and with planks for seating. Drama was to be used, he said, "as a force in getting people together and acquainted. Instead of making the drama a luxury for the classes, its aim was to make it an instrument for the enlightenment and enjoyment of the masses."

To do that, the Little Country Theater toured regularly, sometimes traveling by special train and often producing sweeping outdoor epics—one pageant mobilized 1,500 performers—that attracted huge crowds, including one of 30,000 spectators.

After Arvold retired, Dr. Frederick Walsh and then Dr. Tal Russell took the reins and the theater moved in 1968 from its old quarters into a few facility built with significant help by friends of the school, Reuben and Hilda Askanase. By that time, the college had switched its name to North Dakota State University.

Despite those changes, the legacy of the Little Country Theater continued.

There was still the outreach. For a number of summers a troupe of actors known as the Prairie Stage toured the state, moving by semi-truck and performing in a circus-like tent. An outdoor drama, "Old Four Eyes," a saga of Teddy Roosevelt's adventures in the North Dakota Badlands, was written by Walsh and performed right in the Badlands. "Trails West," the story of Custer's last days, was also performed at Fort Lincoln, his last post.

During its 90 years, the Little Country Theater has produced 600 plays, turned out a number of performers who went on to professional careers, entertained audiences, and, most critically of all, educated generations of students. It's a proud, vital, and continuing legacy that I'm proud to acknowledge and, more importantly, honor today in the Senate. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—PM 49

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Consistent with this provision, I have sent the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2003, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on September 20, 2002 (67 FR 59447).

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, September 18, 2003.

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

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.

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.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 49. An act to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 18, 2003, she had presented to the President of the United States the following enrolled bills:

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.

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.

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-4278. A communication from the Acting Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a copy of the Commission's latest monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-4279. A communication from the Acting Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a copy of the Commission's latest monthly report on the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-4280. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, several documents released by the Agency relative to its regulatory programs; to the Committee on Environment and Public Works.

EC-4281. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Liberty Borough PM10 Non-attainment Area to Attainment and Approval of the Associate Maintenance Plan" (FRL#7556-4) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4282. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Illinois; Revised Motor Vehicle Emissions Inventories and Motor Vehicle Emissions Budgets Using MOBILE6" (FRL#7558-3) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4283. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina; Mecklenburg-Union Transportation Conformity Interagency Memorandum of Agreement" (FRL#7557-9) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4284. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion" (FRL#7557-5) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4285. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania: Final Approval of State Underground Storage Tank Program" (FRL#7557-4) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4286. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Triflozystrobin; Pesticide Tolerance" (FRL#7322-7) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4287. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri" (FRL#7559-9) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4288. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: Approval of Miscellaneous Revisions to Regulations Within the Forsyth county Local Implementation Plan" (FRL#7559-5) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4289. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: Miscellaneous Revisions to the North Carolina State Implementation Plan" (FRL#7558-9) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4290. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Mexico: Redesignation of Gran County to Attainment for Sulfur Dioxide" (FRL#7556-7) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4291. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Wisconsin" (FRL#7547-5) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4292. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Operating Permits Program; State of Iowa" (FRL#7559-8) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4293. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming: Control of Emissions From Existing Commercial and Industrial Solid Waste Incinerators" (FRL#7560-2) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4294. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval of Revision to Operating Permits Program in North Dakota" (FRL#7560-5) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4295. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Monterey Bay Unified and San Joaquin Valley Unified Air Pollution Control Districts" (FRL#7551-8) received on September 9, 2003; to the Committee on Environment and Public Works.

EC-4296. A communication from the Secretary of Energy, transmitting, a report relative to the Department of Energy's fleet acquisitions of alternative fuel vehicles (AFV) for fiscal year 2002, anticipated acquisitions during fiscal year 2003, and projections for fiscal year 2004; to the Committee on Energy and Natural Resources.

EC-4297. A communication from the Secretary of Energy, transmitting, a report of

proposed legislation relative to management and disposal of high-level radioactive wastes; to the Committee on Energy and Natural Resources.

EC-4298. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Aliens Inadmissible Under the Immigration and Nationality Act—Unlawful Voters" received on September 15, 2003; to the Committee on Foreign Relations.

EC-4299. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a modification of the 2003 Certification of Congress entitled "The Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1990"; to the Committee on Foreign Relations.

EC-4300. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report detailing payments made to Cuba as a result of telecommunications services pursuant to Department of the Treasury specific licenses; to the Committee on Foreign Relations.

EC-4301. A communication from the Director, Office of Personnel Management, transmitting, and Administration legislative proposal to provide for review of certain determinations of the Board of Actuaries of the Civil Service Retirement System in accordance with the requirements of the Constitution; to the Committee on Governmental Affairs.

EC-4302. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "NARA Facilities; Hours of Operation for the Exhibition Halls" (RIN3095-AB22) received on September 15, 2003; to the Committee on Governmental Affairs.

EC-4303. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "NARA Facilities; Public Use" (RIN3095-AB17) received on September 15, 2003; to the Committee on Governmental Affairs.

EC-4304. A communication from the Chairman, National Labor Relations Board, transmitting, the Board's 66th Annual Report; to the Committee on Governmental Affairs.

EC-4305. A communication from the Archivist, National Archives and Records Administration, transmitting, pursuant to law, the Administration's Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on Governmental Affairs.

EC-4306. A communication from the Director of Personnel Management, transmitting, a legislative proposal entitled "To eliminate inequities in the compensation of certain Federal employees stationed outside the continental United States, and for other purposes"; to the Committee on Governmental Affairs.

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 (for himself, Mr. SARBANES, and Ms. MIKULSKI):

S. 1636. A bill to preserve the ability of the Federal Housing Administration to insure mortgages under section 238 and 519 of the National Housing Act; considered and passed.

By Mr. FRIST (for Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. HATCH)):

S. 1637. A bill to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. CON. RES. 68

At the request of Mr. MILLER, his name was added as a cosponsor of S. Con. Res. 68, a concurrent resolution honoring the life of Johnny Cash.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—SEPTEMBER 17, 2003

By Mr. AKAKA (for himself and Mr. INOUE):

S. 1632. A bill to extend eligibility for certain Federal benefits to citizens of the Freely Associated States; to the Committee on Finance.

Mr. AKAKA. Mr. President, I rise today to introduce legislation with my friend and colleague from Hawaii, Senator INOUE, to provide certain Federal public benefits for citizens of the Freely Associated States (FAS) who are residing in the United States. The bill would provide eligibility for non-emergency Medicaid, Food Stamps, Temporary Assistance to Needy Families, and Supplemental Security Income to FAS citizens residing in the United States.

Citizens from the FAS are citizens from the Republic of the Marshall Islands (RMI), Federated States of Micronesia (FSM), and Palau. The United States has a very unique relationship with the FSM, RMI, and Palau. The Compact of Free Association established these Nations as sovereign States responsible for their own foreign policies. However, the Freely Associated States remain dependent upon the United States for military protection and economic assistance.

The Compact provides that the United States has the prerogative to reject the strategic use of, or military access to, the FAS by other countries, which is often referred to as the "right of strategic denial." The Compact also provides that the United States may block FAS government policies that it deems inconsistent with its duty to defend the FAS, which is referred to as the "defense veto." Under the Compact, the United States has exclusive military base rights in the FAS. In exchange, the United States is required

to support the FAS economically, with the goal of producing self-sufficiency, and FAS citizens are allowed entry into the United States as non-immigrants for the purposes of education, medical treatment, and employment.

The Senate is considering S.J. Res. 16, the Compact of Free Association Amendments Act of 2003, which was favorably reported by the Senate Committee on Energy and Natural Resources this morning. S.J. Res. 16 is the codification of title II of the Compact pertaining to economic relations.

As FAS citizens are allowed free entry into the United States as part of the Compact, many FAS citizens reside in the State of Hawaii. Since 1997, when Hawaii began reporting its impact costs, the State has identified over \$140 million in costs associated with FAS citizens. In 2002, the State of Hawaii expended over \$32 million in assistance to FAS citizens. S.J. Res. 16 provides \$30 million in annual funding for Compact impact assistance to be shared between the State of Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa. While this funding is a positive step forward, it does not begin to reimburse the affected jurisdictions for the costs associated with FAS citizens living in Hawaii.

The legislation we are introducing today would provide assistance to States and territories who have continued to shoulder the majority of the costs associated with the Compact. The Federal Government must provide appropriate resources to help States meet the needs of the FAS citizens—an obligation based on a Federal commitment. It is unconscionable for a State or territory to shoulder the entire financial burden of providing necessary education, medical, and social services to individuals who are residing in that State or territory when the obligation is that of the Federal Government. For that reason, I am seeking to provide reimbursement of these costs. It is time for the Federal Government to take up some of the financial responsibility that until now has been carried by the State of Hawaii, CNMI, and Guam, by restoring public benefits to FAS citizens.

This bill would restore eligibility of FAS citizens for non-emergency Medicaid. FAS citizens lost many of their public benefits as a result of the Personal Responsibility and Work Opportunity (PRWORA) Act of 1996, including Medicaid coverage. FAS citizens were previously eligible for Medicaid as aliens permanently residing under color of law in the United States.

After the enactment of welfare reform, the State of Hawaii could no longer claim Federal matching funds for services rendered to FAS citizens. Since then, the State of Hawaii, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands have continued to meet the health care needs of FAS citizens. The State of Hawaii has used State resources to provide Medicaid services to FAS citizens.

In 2002 alone, the State spent approximately \$6.75 million to provide Medicaid services without receiving any Federal matching funds.

There has been an increasing trend in the need for health care services among FAS citizens. During the current fiscal year, the number of individuals served in the State of Hawaii's Medicaid Program has grown from 3,291 to 4,818 people based on the average monthly enrollment. This is an increase of 46 percent. For only the first half of the fiscal year, the State of Hawaii has spent \$4.66 million for the Medicaid costs incurred for FAS citizens. These Medicaid costs do not reflect additional State expenditures on medical care contracts to care for the uninsured, for community health care services, and for the activities of the Department of Health's Communicable Disease Branch.

This bill would also provide eligibility for FAS citizens residing in the United States to participate in the Temporary Assistance for Needy Families and Supplemental Security Income programs. According to Hawaii's Attorney General, financial assistance in the form of the Temporary Assistance to Other Needy Families (TAONF) program, a State program, provided \$4.5 million to FAS citizens in State Fiscal Year 2002. Of this total, \$390,000 was provided through the General Assistance program, which supports individuals and couples with little or no income and who have a temporary, incapacitating medical condition; \$532,000 supported aged, blind, and disabled FAS citizens with little or no income who are not eligible for Federally funded Supplemental Security Income; and \$3.6 million was spent on the State's TAONF program that assists other needy families who are not eligible for Federal funding under the Temporary Assistance to Needy Families program. The number of FAS citizens served by the Hawaii Department of Human Services has increased by almost 20 percent in the span of one year alone. The financial assistance that the State of Hawaii provides to FAS citizens in the form of TAONF is a great support to those families attempting to achieve economic stability, but it has a significant financial impact on the State's budget.

The bill would also provide eligibility for the Food Stamp Program. The Food Stamp Program serves as the first line of defense against hunger. It is the cornerstone of the Federal food assistance program and provides crucial support to needy households and those making the transition for welfare to work. We have partially addressed the complicated issue of alien eligibility for public benefits such as food stamps, but again, I must say it is just partial. Not only should all legal immigrants receive these benefits, but so too citizens of the FAS. Exclusion of FAS citizens from Federal, State, or local public benefits or programs is an unintended and misguided consequence of the welfare reform law.

We allow certain legal immigrants eligibility in the program. Yet FAS citizens, who are not considered immigrants, but who are required to sign up for the Selective Service if they are residing in the United States, are ineligible to receive food stamps. This bill corrects this inequity.

I look forward to working with my colleagues to enact this measure which is of critical importance to my State of Hawaii, which has borne the costs of these benefits for FAS citizens living in Hawaii for the past 17 years.

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. 1632

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

SECTION 1. EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.

(a) IN GENERAL.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

“(M) EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the specified Federal programs described in subparagraphs (A) and (B) of paragraph (3), paragraph (1) shall not apply to any individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with—

“(i) section 141 of the Compact of Free Association between the Government of the United States and the Government of the Federated States of Micronesia, approved by Congress in the Compact of Free Association Amendments Act of 2003;

“(ii) section 141 of the Compact of Free Association between the Government of the United States and the Government of the Republic of the Marshall Islands, approved by Congress in the Compact of Free Association Amendments Act of 2003; or

“(iii) section 141 of the Compact of Free Association between the Government of the United States and the Government of Palau, approved by Congress in Public Law 99-658 (100 Stat. 3672).”.

(b) MEDICAID AND TANF EXCEPTIONS.—Section 402(b)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at the end the following:

“(G) MEDICAID EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the program defined in paragraph (3)(C) (relating to the medicaid program), section 401(a) and paragraph (1) shall not apply to any individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with a Compact of Free Association referred to in section 402(a)(2)(M).

“(H) TANF EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the program defined in paragraph (3)(A) (relating to the temporary assistance for needy families program), section 401(a) and paragraph (1) shall not apply to any individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with a Compact of Free Association referred to in section 402(a)(2)(M).”.

(c) QUALIFIED ALIEN.—Section 431(b) of the Personal Responsibility and Work Oppor-

tunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)) is amended—

(1) in paragraph (6), by striking “or” at the end;

(2) in paragraph (7), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(8) an individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with a Compact of Free Association referred to in section 402(a)(2)(M).”.

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.

Mr. CORZINE. Mr. President, I rise today to introduce legislation, the Identity Theft Notification and Credit Restoration Act, to help prevent Americans from being victimized by the growing problem of identity theft. The bill would require financial institutions to notify consumers, credit reporting agencies and law enforcement entities when their security information systems have been breached in a manner that compromises the protection of their customers' personal financial information. By increasing awareness of identity theft and empowering consumers, early on, about potential threats, the legislation can help close the window of opportunity that criminals now exploit to abuse, and wreak financial devastation, on unsuspecting individuals.

There is no doubt that we should be doing all we can to reduce the threat of identity theft to consumers, and the harm it brings to our economy. Today, identity theft is the single most frequent consumer-related crime in the United States and it is growing at an alarming rate.

According to the Federal Trade Commission (FTC), reported instances of identity theft rose 88 percent in 2002, to 380,000 from 220,000 in 2001. And that does not even come close to reflecting the bigger threat posed by identity theft. A recent FTC survey suggests that the actual number of identity theft occurrences probably was in the ten million range—and that was last year alone. Over the past five years, over one in ten Americans has been a victim of identity theft. And I do not know anyone who does not have a close friend or family member who has been a victim of identity theft. It truly can happen to anyone, anywhere, at any time.

The cost of this crime also is astounding. In situations in which offenders use stolen information to open new credit accounts, identity thieves abuse victims' credit to purchase an average of more than \$10,000 in goods and services. And those costs grow as identity thieves become savvier and

more brazen. From a macro-economic perspective, the damage is equally astounding. Last year, consumers spent an estimated five billion dollars in out-of-pocket expenses to cover losses attributed to identity theft.

This data underscores the magnitude of the growing problem. But it is one that can be mitigated, when detected early on. The FTC has reported that early discovery, and disclosure, of identity theft directly reduces the time and money victims must invest to undo the damage wreaked upon them. When identity theft is uncovered in less than 6 months, most consumers do not incur any costs. But, when this fraud is unnoticed for more than 6 months, an astounding 60 percent of victims must make payments out of their own pocket to cover the costs—and those numbers are often in the thousands of dollars.

Consumers' experiences and the FTC's data demonstrate that awareness and notification are critical to reducing the harm that identity theft inflicts upon consumers. My bill, the Identity Theft Notification and Credit Restoration Act is based on three key principles—disclosure, prevention and credit restoration.

First, the bill would require financial institutions to promptly disclose to affected customers, credit reporting agencies, and law enforcement when their information systems, either computerized or paper records, have been breached in a manner that compromises the security, confidentiality, or integrity of the "personal financial information" of that institution's customers.

Second, the bill requires credit reporting agencies, upon notification of the breach, to place "fraud alerts" in the credit files of the affected individuals. This red flag will alert issuers of credit to undertake enhanced preauthorization procedures prior to issuing credit in the name of an individual who has this alert on their credit file, an important step that should prevent the fraudulent issuance of credit in the name of an identity theft victim.

Finally, the bill provides victims of identity theft with access to four credit reports the year following the theft of their identity, to ensure that inaccurate and credit damaging information resulting from the identity theft does not end up on their credit file.

The bill also improves the ability of all consumers to monitor the content, and accuracy, of the information contained in their individual credit file by providing them with access to one free credit report, and their credit score, per year.

Congress has taken important steps towards minimizing the threat of identity theft. The most important was recognizing the problem and making identity theft a Federal crime in 1998. Since then, other steps have been taken. Industry groups are proactively combating identity theft—by using cutting-edge data encryption and truncating credit card numbers. And later

this week, the Senate Banking Committee will mark up reauthorization of the Fair Credit Reporting Act, which will include an entire section dedicated to identity theft protection.

But we can do more, and we must do more.

Empowering consumers and increasing awareness of identity theft will minimize the risk, and impact, of this particularly harmful crime. This bill does just that. I urge my colleagues to support this legislation and ask unanimous consent that the text of the Identity Theft Notification and Credit Restoration Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1633

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 "Identity Theft Notification and Credit Restoration Act of 2003".

SEC. 2. FINDINGS.

Congress finds that—

(1) the privacy and financial security of individuals is increasingly at risk due to the ever more widespread collection of personal information by both the private and public sector;

(2) credit card transactions, real estate records, consumer surveys, credit reports, and Internet websites are all sources of personal information and form the source material for identity thieves;

(3) identity theft is one of the fastest growing crimes committed in the United States, and identity theft has become one of the major law enforcement challenges of the new economy, as vast quantities of sensitive personal information are now vulnerable to criminal interception and misuse;

(4) criminals who steal personal information use the information to open fraudulent credit card accounts, write bad checks, buy products, and commit other financial crimes with assumed financial identities;

(5) in 2002, more than 160,000 people notified the Federal Trade Commission that they had been victims of identity theft, more than 3 times the number reported in 2000;

(6) identity theft is costly to consumers and to the United States marketplace;

(7) victims of identity theft are often required to contact numerous Federal, State, and local law enforcement agencies, consumer credit reporting agencies, and creditors over many years, as each event of fraud arises;

(8) the Government, financial institutions, financial service providers, and credit reporting agencies that handle sensitive personal information of consumers have a shared responsibility to protect the information from identity thieves, to assist identity theft victims, and to mitigate the harm that results from fraud perpetrated in the name of the victim; and

(9) the private sector can better protect consumers by improving customer notification, implementing effective fraud alerts, affording greater consumer access to credit reports, and establishing other financial identity theft prevention measures.

SEC. 3. TIMELY NOTIFICATION OF UNAUTHORIZED ACCESS TO PERSONAL INFORMATION.

Subtitle B of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6821 et seq.) is amended—

(1) by redesignating sections 526 and 527 as sections 528 and 529, respectively; and

(2) by inserting after section 525 the following:

"SEC. 526. NOTIFICATION TO CUSTOMERS OF UNAUTHORIZED ACCESS TO PERSONAL INFORMATION.

"(a) DEFINITIONS.—In this section—

"(1) the term 'breach'—

"(A) means unauthorized acquisition of computerized data or paper records which compromises the security, confidentiality, or integrity of personal information maintained by or on behalf of a financial institution; and

"(B) does not include a good faith acquisition of personal information by an employee or agent of a financial institution for a business purpose of the institution, if the personal information is not subject to further unauthorized disclosure; and

"(2) with respect to a customer of a financial institution, the term 'personal information' means the first name or first initial and last name of the customer, in combination with any one or more of the following data elements, when either the name or the data element is not encrypted:

"(A) A social security number.

"(B) A driver's license number or other officially recognized form of identification.

"(C) A credit card number, debit card number, or any required security code, access code, or password that would permit access to financial account information relating to that customer.

"(b) NOTIFICATION RELATING TO BREACH OF PERSONAL INFORMATION.—

"(1) FINANCIAL INSTITUTION REQUIREMENT.—

In any case in which there has been a breach of personal information at a financial institution, or such a breach is reasonably believed to have occurred, the financial institution shall promptly notify—

"(A) each customer affected by the violation or suspected violation;

"(B) each consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a); and

"(C) appropriate law enforcement agencies, in any case in which the financial institution has reason to believe that the breach or suspected breach affects a large number of customers, including as described in subsection (e)(1)(C), subject to regulations of the Federal Trade Commission.

"(2) OTHER ENTITIES.—For purposes of paragraph (1), any person that maintains personal information for or on behalf of a financial institution shall promptly notify the financial institution of any case in which such customer information has been, or is reasonably believed to have been, breached.

"(c) TIMING.—Notification required by this section shall be made—

"(1) promptly and without unreasonable delay, upon discovery of the breach or suspected breach; and

"(2) consistent with—

"(A) the legitimate needs of law enforcement, as provided in subsection (d); and

"(B) any measures necessary to determine the scope of the breach or restore the reasonable integrity of the information security system of the financial institution.

"(d) DELAYS FOR LAW ENFORCEMENT PURPOSES.—Notification required by this section may be delayed if a law enforcement agency determines that the notification would impede a criminal investigation, and in any such case, notification shall be made promptly after the law enforcement agency determines that it would not compromise the investigation.

"(e) FORM OF NOTICE.—Notification required by this section may be provided—

"(1) to a customer—

"(A) in writing;

“(B) in electronic form, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001);

“(C) if the Federal Trade Commission determines that the number of all customers affected by, or the cost of providing notifications relating to, a single breach or suspected breach would make other forms of notification prohibitive, or in any case in which the financial institution certifies in writing to the Federal Trade Commission that it does not have sufficient customer contact information to comply with other forms of notification, in the form of—

“(i) an e-mail notice, if the financial institution has access to an e-mail address for the affected customer that it has reason to believe is accurate;

“(ii) a conspicuous posting on the Internet website of the financial institution, if the financial institution maintains such a website; or

“(iii) notification through the media that a breach of personal information has occurred or is suspected that compromises the security, confidentiality, or integrity of customer information of the financial institution; or

“(D) in such other form as the Federal Trade Commission may by rule prescribe; and

“(2) to consumer reporting agencies and law enforcement agencies (where appropriate), in such form as the Federal Trade Commission may prescribe, by rule.

“(f) CONTENT OF NOTIFICATION.—Each notification to a customer under subsection (b) shall include—

“(1) a statement that—

“(A) credit reporting agencies have been notified of the relevant breach or suspected breach; and

“(B) the credit report and file of the customer will contain a fraud alert to make creditors aware of the breach or suspected breach, and to inform creditors that the express authorization of the customer is required for any new issuance or extension of credit (in accordance with section 605(g) of the Fair Credit Reporting Act); and

“(2) such other information as the Federal Trade Commission determines is appropriate.

“(g) COMPLIANCE.—Notwithstanding subsection (e), a financial institution shall be deemed to be in compliance with this section if—

“(1) the financial institution has established a comprehensive information security program that is consistent with the standards prescribed by the appropriate regulatory body under section 501(b);

“(2) the financial institution notifies affected customers and consumer reporting agencies in accordance with its own internal information security policies in the event of a breach or suspected breach of personal information; and

“(3) such internal security policies incorporate notification procedures that are consistent with the requirements of this section and the rules of the Federal Trade Commission under this section.

“(h) CIVIL PENALTIES.—

“(1) DAMAGES.—Any customer injured by a violation of this section may institute a civil action to recover damages arising from that violation.

“(2) INJUNCTIONS.—Actions of a financial institution in violation or potential violation of this section may be enjoined.

“(3) CUMULATIVE EFFECT.—The rights and remedies available under this section are in addition to any other rights and remedies available under applicable law.

“(i) RULES OF CONSTRUCTION.—

“(1) IN GENERAL.—Compliance with this section by a financial institution shall not be construed to be a violation of any provision of subtitle (A), or any other provision of Federal or State law prohibiting the disclosure of financial information to third parties.

“(2) LIMITATION.—Except as specifically provided in this section, nothing in this section requires or authorizes a financial institution to disclose information that it is otherwise prohibited from disclosing under subtitle A or any other provision of Federal or State law.

“(3) NO NEW RECORDKEEPING OBLIGATION.—Nothing in this section creates an obligation on the part of a financial institution to obtain, retain, or maintain information or records that are not otherwise required to be obtained, retained, or maintained in the ordinary course of its business or under other applicable law.”.

SEC. 4. INCLUSION OF FRAUD ALERTS IN CONSUMER CREDIT REPORTS.

Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by adding at the end the following:

“(g) FRAUD ALERTS.—

“(1) DEFINED TERM.—In this subsection, the term ‘fraud alert’ means a clear and conspicuous statement in the file of a consumer that notifies all prospective users of the consumer credit report (or any portion thereof) relating to the consumer, that—

“(A) the identity of the consumer may have been used, without the consent of the consumer, to fraudulently obtain goods or services in the name of the consumer; and

“(B) the consumer does not authorize the issuance or extension of credit in the name of the consumer, unless the issuer of such credit, upon receiving appropriate evidence of the true identity of the consumer—

“(i) obtains express preauthorization from the consumer at a telephone number designated by the consumer; or

“(ii) utilizes another reasonable means of communication to obtain the express preauthorization of the consumer.

“(2) INCLUSION OF FRAUD ALERT IN CONSUMER FILE.—

“(A) UPON NOTIFICATION BY FINANCIAL INSTITUTION.—A consumer reporting agency shall include a fraud alert meeting the requirements of this subsection in the file of a consumer promptly upon receipt of a notice from a financial institution under section 526(b)(1)(B) of the Gramm-Leach-Bliley Act relating to the consumer.

“(B) UPON REQUEST OF CONSUMER.—A consumer reporting agency shall include a fraud alert meeting the requirements of this subsection in the file of a consumer promptly upon receipt of—

“(i) a request by the consumer; and

“(ii) appropriate evidence of—

“(I) the true identity of the person making the request; and

“(II) the claim of identity theft forming the basis for the request.

“(3) CONSUMER REPORTING AGENCY RESPONSIBILITIES.—A consumer reporting agency shall ensure that each person procuring consumer credit information with respect to a consumer is made aware of the existence of a fraud alert in the file of that consumer, regardless of whether a full credit report, credit score, or summary report is requested.

“(4) REMOVAL OF FRAUD ALERTS.—The Federal Trade Commission shall issue appropriate regulations to establish—

“(A) the duration of fraud alerts required by this subsection, which standard shall be applied consistently to all consumer reporting agencies, to the extent possible; and

“(B) procedures for the removal of fraud alerts included in the files of consumers under this subsection.

“(5) VIOLATIONS.—

“(A) CONSUMER REPORTING AGENCY.—A consumer reporting agency that fails to notify any user of a consumer credit report of the existence of a fraud alert in that report shall be in violation of this section.

“(B) USER OF A CONSUMER REPORT.—A user of a consumer report that fails to comply with preauthorization procedures contained in a fraud alert in the file of a consumer and issues or extends credit in the name of the consumer to a person other than the consumer shall be in violation of this subsection.

“(C) NO ADVERSE ACTION BASED SOLELY ON FRAUD ALERT.—It shall be a violation of this title for the user of a consumer report to take adverse action with respect to a consumer based solely on the inclusion of a fraud alert in the file of that consumer, as required by this subsection.”.

SEC. 5. ACCESS TO CREDIT REPORTS AND SCORES.

(a) NO FEE IN CERTAIN CASES.—Section 612(c) of the Fair Credit Reporting Act (15 U.S.C. 1681j(c)) is amended to read as follows:

“(c) NO-COST ACCESS TO CREDIT REPORTS AND SCORES.—

“(1) IN GENERAL.—Upon request of a consumer, and without charge to the consumer, a consumer reporting agency shall make all of the disclosures listed under section 609 to the consumer—

“(A) once during each calendar year; and

“(B) once every 3 months during the 1-year period beginning on the date on which a fraud alert is included in the file of a consumer under section 605(g).

“(2) FEE AUTHORIZED.—A credit reporting agency may charge a reasonable fee for the costs of disclosures under paragraph (1)(B) to the financial institution providing the notification that is the basis for the subject fraud alert, as required by section 526(b)(1)(B) of the Gramm-Leach-Bliley Act.”.

(b) INCLUSION OF CREDIT SCORES.—Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended by striking “except that” and all that follows through “predictors” and inserting “, including any credit score”.

SEC. 6. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission, after consultation with Federal banking agencies, the Securities and Exchange Commission, and other appropriate financial services regulatory agencies, shall issue final regulations to carry out the amendments made by this Act.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1739. 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.

TEXT OF AMENDMENTS

SA 1739. 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 46, line 7, strike “: Provided, That” and insert the following: “, and of which

\$79,282,000 (composed of \$20,000,000 from administrative accounts for operation and support, \$6,346,000 from the trust accountability account, \$15,168,000 from the field operations account, and \$37,768,000 from the historical accounting account) shall be transferred to the Indian Health Service and shall be available for clinical services: *Provided*, That none of the funds made available by this Act may be used for the proposed trust reform reorganization of the Bureau of Indian Affairs or the Office of Special Trustee: *Provided further*, That".

PARITY AMONG COUNTRIES PARTY TO THE NORTH AMERICAN FREE TRADE AGREEMENT

Mr. BURNS. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further action on S. Res. 119, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 119) expressing the sense of the Senate that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residents, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 119) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 119

Whereas the personal exemption allowance is a vital component of trade and tourism;

Whereas many border communities and retailers depend on customers from both sides of the border;

Whereas a United States citizen traveling to Canada or Mexico for less than 48 hours is exempt from paying duties on the equivalent of \$200 worth of merchandise on return to the United States, and for trips over 48 hours United States citizens have an exemption of up to \$800 worth of merchandise;

Whereas a Canadian traveling in the United States is given no exemption for trips of less than 24 hours;

Whereas a Canadian traveling in the United States is allowed a duty-free personal exemption allowance equivalent to, in Canadian currency—

(1) \$50 worth of merchandise, if the trip is over 24 hours but not over 48 hours;

(2) \$200 worth of merchandise, if the trip is over 48 hours but not more than 7 days; and

(3) \$750 worth of merchandise, if the trip is for over 7 days;

Whereas Mexico has a 2-tiered personal exemption allowance for its returning resi-

dents, set at the equivalent of \$50 worth of merchandise for residents returning by car and the equivalent of \$300 worth of merchandise for residents returning by plane;

Whereas Canadian and Mexican retail businesses have an unfair competitive advantage over many American businesses because of the disparity between the personal exemption allowances among the 3 countries;

Whereas the State of Maine legislature passed a resolution urging action on this matter;

Whereas the disparity in personal exemption allowances creates a trade barrier by making it difficult for Canadians and Mexicans to shop in American-owned stores without facing high additional costs;

Whereas the United States entered into the North American Free Trade Agreement with Canada and Mexico with the intent of phasing out tariff barriers among the 3 countries; and

Whereas it violates the spirit of the North American Free Trade Agreement for Canada and Mexico to maintain restrictive personal exemption allowance policies that are not reciprocal: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, should continue discussions with officials of the Governments of Canada and Mexico to achieve parity by harmonizing the personal exemption allowance structure of the 3 NAFTA countries at or above United States exemption levels.

NATIONAL HOUSING ACT

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1636, introduced earlier today by Senator REED of Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1636) to preserve the ability of the Federal Housing Administration to insure mortgages under sections 238 and 519 of the National Housing Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. BURNS. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1636) was read the third time and passed, as follows:

S. 1636

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

That notwithstanding the first paragraph under the heading "FEDERAL HOUSING ADMINISTRATION—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT" in title II of Division K of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7), during the fiscal year 2003, commitments to guarantee loans to carry out the purposes of sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-

3 and 1735c), shall not exceed a loan principal of \$25,000,000,000, and shall remain available until all funds are expended.

ORDERS FOR MONDAY, SEPTEMBER 22, 2003

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. Monday, September 22. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time of 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. BURNS. Mr. President, for the information of all Senators, on Monday, the Senate will resume debate on H.R. 2691, the Interior Appropriations bill. There are currently five amendments pending on this bill. The bill managers will be here Monday to receive additional amendments. Any votes ordered with respect to amendments to the Interior Appropriations bill on Monday afternoon will be stacked to occur at 5:30 p.m. Monday.

In addition to amendments to the Interior Appropriations bill, the Senate may also vote on any executive calendar items that can be cleared for action. Therefore, Senators should expect the possibility of several rollcall votes beginning at 5:30 Monday evening.

ADJOURNMENT UNTIL 2 P.M. MONDAY

Mr. BURNS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:10 a.m., adjourned until Monday, September 22, 2003, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate September 18, 2003:

DEPARTMENT OF JUSTICE

KENNETH M. KARAS, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE ALLEN G. SCHWARTZ, DECEASED.

DEPARTMENT OF TRANSPORTATION

KIRK VAN TINE, OF VIRGINIA, TO BE DEPUTY SECRETARY OF TRANSPORTATION, VICE MICHAEL P. JACKSON, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHITE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID C. NICHOLS JR., 0000

EXTENSIONS OF REMARKS

12TH ANNIVERSARY OF ARMENIAN REPUBLIC

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2003

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to the Armenian Republic on the nation's Twelfth Anniversary of Independence. Today, citizens of Armenia, as well as people of Armenian descent here in the United States and around the world celebrate their independence from the former Soviet Union.

Since its independence, nations have welcomed Armenia into the international. I am proud that this Congress has consistently voted to provide humanitarian economic development assistance to help Armenia transition to the development of civil society and to continue its transition to a free market economy.

The United States has a fundamental national interest in bringing about stability in the strategically located Caucasus region and in supporting those emerging nations like Armenia that share our values. We must redouble our efforts to ensure that the tensions in the region subside and that the long-standing differences that divide the countries of the region are resolved. Winners and losers in the Caucasus will only foster greater insecurity and instability at a time when we need to bring everyone together to combat terrorism. I have been encouraged by Armenia's ongoing attempts to reach out to its neighbors—Turkey and Azerbaijan—in a constructive manner.

Mr. Speaker, the story of the Armenian people is an unforgettable story of triumph over adversity and tragedy. Earlier in this century, in one of history's most horrible crimes against humanity, 1.5 million Armenian men, women and children were slaughtered by the Ottoman Turkish Empire. We must continue to remind the world that this genocide is an historic fact—despite the efforts of so-called “revisionists,” many of them funded by the Turkish government, to deny the truth—and to make sure that our Nation, the world community, and especially the Turkish nation come to terms with and appropriately commemorate this historic fact.

Mr. Speaker, it was the collapse of the Soviet Union in 1991 that allowed the Armenian people to re-establish a state and a nation, to create a society where their language, culture, religion and other institutions would prosper. The people of Armenia have endeavored to build a free and proud nation, based on the principles of democracy and a market economy.

The tiny, landlocked Republic of Armenia is surrounded by hostile neighbors, who have imposed blockades halting the delivery of basic necessities and greatly hindering economic development. Despite the dual blockades, Armenia continues to implement economic and democratic reforms. During the first 6 months of this year, Armenia's Gross Domestic Product (GDP) increased by 12.5 percent in 2002. And during the last year, both the International Monetary Fund and the World Bank have publicly noted Armenia's economic progress.

Despite this progress, I would like to say that the economic reality of daily life for the people of the Republic of Armenia continues to be extremely hard.

Mr. Speaker, I hope that as we mark future Independence Days of the Republic of Armenia, we can look back with pride on building peace and prosperity in the entire Trans-Caucasus region, so that the people of Armenia and their neighbors can enjoy a stable and hopeful future. I hope that the Republics of Turkey and Azerbaijan will respond positively to Armenia's repeated offers to normalize relations. Specifically, I hope that Turkey will allow for the exchange of diplomats and allow the free flow of goods and people across the borders. And I hope that, with the active participation of the United States, we will resolve the Nagorno Karabagh conflict, in a manner that guarantees the security and self-determination of the people of Karabagh.

Finally, I wish the Armenian people well on the occasion of their independence day, and, more important, in their ongoing effort to establish good relations with its neighbors and build a vibrant democracy so that their children may prosper in the homeland of their ancestors.

PAYING TRIBUTE TO THE EMERSON 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 to recognize an outstanding family from my district. The Emerson family of Grand Junction, Colorado has been a fixture of their community for many years. The Emersons have shown their devotion to their community by promoting local products and services at their family run Quality Meat Market. I am honored to share their story here today.

The Emersons have owned the Quality Meat Market since 1946, insisting from the beginning that an emphasis be placed on local goods. The Emersons' support has allowed many of Western Colorado's farmers and ranchers to remain in business through the years. The Emersons feature a variety of local products, from meat and jams to coffee and soap. They have devoted themselves and their store to serving the needs and the desires of their community.

Mr. Speaker, the Emerson family saw a need in their community and they addressed it. The Emersons established a place for local farmers and ranchers to market their goods and services to the community. The Emersons' deep commitment to their community exemplifies the spirit that makes this country great. I am honored to join with my colleagues today in thanking the Emersons and wishing them good luck in the years ahead.

POW/MIA RECOGNITION DAY

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2003

Mr. QUINN. Mr. Speaker, tomorrow is National POW/MIA recognition day. This annual day of recognition honors those brave soldiers who served valiantly to protect our liberties but remain unaccounted for. America remains vigilant in its effort to see each one of these nearly 93,000 brave soldiers are identified, accounted for, and returned to their families. Recently, I met with representatives from the Department of Defense Prisoner of War—Missing Personnel office and was pleased to learn of their steadfast dedication to see to it that each one of these POW/MIA cases are resolved.

America owes an enormous debt of gratitude to those who have answered to the call to defend our freedoms and there is no better way to honor that debt than to remain committed to bringing closure to the suffering for each of their families. We will never forget the sacrifices that thousands of American soldiers have made throughout the world in the name of liberty and freedom, and we must do everything we can to help bring the POW/MIA soldiers home.

I display the POW/MIA flag outside my office as a constant reminder to those who visit, that there are heroes who have not yet made it home. I encourage my colleagues to join me in honoring these brave soldiers by renewing our resolve to close these cases and end the suffering caused by the uncertainty of their fate.

RECOGNIZING EL PASO'S RIO GRANDE CHILI WAR FESTIVAL

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2003

Mr. REYES. Mr. Speaker, I rise today to call my colleagues' attention to a “hot topic”—the Rio Grande Chili War Festival, taking place September 20 and 21, 2003, on the Yselta del Sur Pueblo reservation in my congressional district.

The Festival will feature a variety of local foods, including Mission Valley Long Green chilies, a chuck wagon cook-off, live entertainment, Native American dancers, and games. Most importantly, the event will establish once and for all that the best chilis anywhere in the Southwest are grown in El Paso.

You see, Mr. Speaker, some of my good friends and colleagues from New Mexico and Arizona might be under the misimpression that their communities have our nation's greatest chilies, or best chili festival. While I am sure they are very good, El Pasoans know that those bragging rights belong to us!

Therefore, Mr. Speaker, I commend everyone involved with the Rio Grande Chili War Festival—the best chili festival in America—and wish them every success with the event.

• 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.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S11711–S11727

Measures Introduced: Two bills were introduced, as follows: S. 1636–1637. **Page S11723**

Measures Passed:

Honoring the Life of Johnny Cash: Senate agreed to S. Con. Res. 68, honoring the life of Johnny Cash. **Pages S11711–12**

Expressing the Sense of the Senate relative to NAFTA: Committee on Finance was discharged from further consideration of S. Res. 119, expressing the sense of the Senate that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to personal exemption allowance from merchandise purchased abroad by returning residents, and the resolution was then agreed to. **Page S11727**

National Housing Act Mortgage Insurance: Senate passed S. 1636, to preserve the ability of the Federal Housing Administration to insure mortgages under section 238 and 519 of the National Housing Act. **Page S11727**

Interior Department Appropriations: Senate continued 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 S11712–20**

Pending:

Reid Amendment No. 1731, to prohibit the use of funds for initiating any new competitive sourcing studies. **Page S11712**

Reid Amendment No. 1732, to authorize the Secretary of the Interior to acquire certain lands located in Nye County, Nevada. **Page S11712**

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 S11712**

Daschle Amendment No. 1734, to provide additional funds for clinical services of the Indian Health Service, with an offset. **Page S11712**

Daschle Amendment No. 1739, to strike funding for implementation of the Department of the Interior's reorganization plan for the Bureau of Indian

Affairs and the Office of Special Trustee and to transfer the savings to the Indian Health Service. **Pages S11716–20**

A unanimous-consent agreement was reached providing for further consideration of the bill at 2 p.m., on Monday, September 22, 2003. **Page S11727**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs. (PM–49) **Pages S11721–22**

Nominations Received: Senate received the following nominations:

Kenneth M. Karas, of New York, to be United States District Judge for the Southern District of New York.

Kirk Van Tine, of Virginia, to be Deputy Secretary of Transportation.

1 Navy nomination in the rank of admiral. **Page S11727**

Messages From the House: **Page S11722**

Measures Placed on Calendar: **Page S11722**

Enrolled Bills Presented: **Page S11722**

Executive Communications: **Pages S11722–23**

Additional Cosponsors: **Page S11723**

Statements on Introduced Bills/Resolutions: **Pages S11723–26**

Additional Statements: **Page S11721**

Amendments Submitted: **Pages S11726–27**

Adjournment: Senate met at 9:30 a.m., and adjourned at 11:10 p.m., until 2 p.m., on Monday, September 22, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11727.)

Committee Meetings

(Committees not listed did not meet)

No committee meetings were held.

House of Representatives

Chamber Action

Measures Introduced: 1 public bill, H.R. 3138, was introduced. **Page H8400**

Additional Cosponsors: **Page H8400**

Reports Filed: Reports were filed as follows:

H.R. 2120, to revise the banking and bankruptcy insolvency laws with respect to the termination and netting of financial contracts, and for other purposes. (H. Rept. 108–277 Pt. 1)

H.R. 2571, to provide for the financing of high-speed rail infrastructure, and for other purposes, with an amendment. (H. Rept. 108–278 Pt. 1)

H.R. 2657, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes. (H. Rept. 108–279)

Page H8400

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Dreier to act as Speaker pro tempore for today. **Page H8385**

Adjournment: The House met at 10 a.m. and adjourned at 10:05 a.m.

Committee Meetings

MISCELLANEOUS MEASURES; GOVERNMENT PERFORMANCE AND RESULTS—RETROSPECTIVE LOOK

Committee on Government Reform: Ordered reported the following measures: 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 Service 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.R. 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."

The Committee also held a hearing entitled "What Happened to GPRA? A Retrospective Look At Government Performance and Results." Testimony was heard from Clay Johnson, Deputy Director, Management, OMB; David M. Walker, Comptroller General, GAO; former Representative Richard Armey of Texas; and a public witness.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 19, 2003

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of September 22 through September 27,
2003

Senate Chamber

On *Monday and Tuesday*, Senate will resume consideration of H.R. 2691, Interior Department Appropriations with votes to occur on certain amendments.

During the balance of the week, Senate may consider other cleared legislative and executive business, including appropriation bills and certain nominations, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Armed Services: September 24, to hold hearings to examine ongoing operations and reconstruction efforts in Iraq, 2:30 p.m., SD–106.

September 25, Full Committee, to hold hearings to examine the report of the Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy, 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: September 23, to hold hearings to examine the implementation of the Sarbanes-Oxley Act and restoring investor confidence, 10 a.m., SD–538.

September 23, Full Committee, 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, 2 p.m., SD–538.

September 25, Full Committee, to hold hearings to examine counterterror initiatives in the terror finance program, 10 a.m., SD–538.

Committee on Energy and Natural Resources: September 23, Subcommittee on Water and Power, 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, 2:30 p.m., SD-366.

Committee on Environment and Public Works: September 23, 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, 9 a.m., SD-406.

September 24, Subcommittee on Clean Air, Climate Change, and Nuclear Safety, 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 11, and to conduct oversight on the Federal Emergency Management Agency's effectiveness since becoming part of the Department of Homeland Security, 9 a.m., SD-406.

Committee on Foreign Relations: September 25, 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, 2:30 p.m., SD-419.

September 25, Subcommittee on African Affairs, with the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, to hold joint hearings to receive a briefing from Senator Frist on HIV/AIDS in Africa, 3 p.m., SH-216.

Committee on Governmental Affairs: September 24, to hold hearings to examine discrimination against employees and retirees relating to social security government pension offset and windfall elimination provisions, 9:30 a.m., SD-342.

Committee on Health, Education, Labor, and Pensions: September 23, to hold hearings to examine health technology, 10 a.m., SD-430.

September 24, Full Committee, to hold hearings to examine intellectual diversity, 10 a.m., SD-430.

September 25, Full Committee, 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, 10 a.m., SD-430.

September 25, Subcommittee on Children and Families, with the Committee on Foreign Relations, Subcommittee on African Affairs, to hold joint hearings to receive a briefing from Senator Frist on HIV/AIDS in Africa, 3 p.m., SH-216.

Committee on Indian Affairs: September 24, 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, 10 a.m., SR-485.

September 25, Full Committee, to hold hearings to examine proposed legislation to reauthorize the Head Start program, 10 a.m., Room to be announced.

Committee on the Judiciary: September 23, Subcommittee on Immigration, Border Security and Citizenship, to hold hearings to examine information sharing and coordination for visa issuance in relation to homeland security, 2:30 p.m., SD-226.

September 24, Full Committee, 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, 9:30 a.m., SD-226.

September 24, Subcommittee on Crime, Corrections and Victims' Rights, to hold hearings to examine elder abuse, neglect, and exploitation, 2:30 p.m., SD-226.

Special Committee on Aging: September 23, to hold hearings to examine HIPAA medical privacy and transaction rules, 9:30 a.m., SD-628.

House Chamber

To be announced.

House Committees

Committee on Agriculture, September 24, Subcommittee on General Farm Commodities and Risk Management, hearing to review crop insurance for program crops, 9:30 a.m., 1300 Longworth.

Committee on Armed Services, September 24, Subcommittee on Task Force, hearing on the final report of the Panel to Review Sexual Misconduct Allegations at the U.S. Air Force Academy, 2 p.m., 2118 Rayburn.

September 25, full Committee, hearing on United States policy and operations in Iraq, 9 a.m., 2118 Rayburn.

Committee on Education and the Workforce, September 23, Subcommittee on 21st Century Competitiveness, hearing entitled "The College Cost Crisis Report: Are Institutions Accountable Enough to Students and Parents?" 2 p.m., 2175 Rayburn.

Committee on Energy and Commerce, September 23, Subcommittee on Health, hearing entitled "Challenges Facing the Medicaid Program in the 21st Century," 2:30 p.m., 2123 Rayburn.

September 23, Subcommittee on Telecommunications and the Internet, to mark up H.R. 2898, E-911 Implementation Act of 2003, 1 p.m., 2322 Rayburn.

September 24, Subcommittee on Telecommunications and the Internet, hearing entitled "The Future of Universal Service," 1 p.m., 2123 Rayburn.

September 25, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled "Freddie Mac: Accounting Standards Issues Raised in the Doty Report," 10 a.m., 2322 Rayburn.

Committee on Financial Services, September 24, Subcommittee on Oversight and Investigations, hearing entitled "The Hamas Asset Freeze and Other Government Efforts to Stop Terrorist Financing," 10 a.m., 2128 Rayburn.

September 25, full Committee, hearing on the following: H.R. 2575, Secondary Mortgage Market Enterprises Regulatory Improvement Act; and the Administration's proposals on GSE regulation, 10 a.m., 2128 Rayburn.

Committee on Government Reform, September 23, Subcommittee on National Security, Emerging Threats and

International Relations, hearing on Strategic Workforce Planning at USAID, 10 a.m., 2247 Rayburn.

September 24, Subcommittee on Government Efficiency and Financial Management, oversight hearing entitled "Improving USAID Financial Management," 2 p.m., 2247 Rayburn.

September 24, Subcommittee on Human Rights and Wellness, hearing entitled "A Medicare Prescription Drug Safety Net: Creating a Target Benefit for Low-Income Seniors," 12 p.m., 2154 Rayburn.

September 25, full Committee, hearing entitled "Implementing the SAFETY Act: Advancing New Technologies for Homeland Security," 10 a.m., 2154 Rayburn.

Committee on the Judiciary, September 23, Subcommittee on the Constitution, oversight hearing on "Potential Congressional Responses to State Farm Mutual Automobile Ins. Co. v. Campbell: Checking and Balancing Punitive Damages," 2 p.m., 2141 Rayburn.

September 23, Subcommittee on Courts, the Internet and Intellectual Property and the Subcommittee on Commerce, Trade and Consumer Protection of the Committee on Energy and Commerce, joint hearing on the Database and Collections of Information Misappropriation Act of 2003, 4 p.m., 2141 Rayburn.

Committee on Resources, September 23, Subcommittee on National Parks, Recreation and Public Lands, to mark up the following bills: H.R. 408, to provide for expansion of Sleeping Bear Dunes National Lakeshore; H.R. 546, to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii; H.R. 1521, to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania; and H.R. 2055, to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore, 2 p.m., 1334 Longworth.

September 25, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following bills: H.R. 154, to exclude certain properties from the John H. Chafee Coastal Barrier Resources System; H.R. 2501, to clarify the boundaries of Coastal Barrier Resources System Cape Fear Unit NC-07P; H.R. 2619, to provide for the expansion of Kilauea Point National Wildlife Refuge; H.R. 2623, Cahaba River National Wildlife Refuge Expansion Act; and H.R. 3056, to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P, 10 a.m., 1324 Longworth.

Committee on Rules, September 23, to consider H.R. 2557, Water Resources Development Act of 2003, 5 p.m., H-313 Capitol.

Committee on Small Business, September 24, Subcommittee on Workforce, Empowerment, and Government Programs and the Subcommittee on Tax, Finance, and Exports, joint hearing on Federal Prison Industry's Effects on the U.S. Economy and the Small Business Environment, 10:30 a.m., 2360 Rayburn.

September 25, Subcommittee on Rural Enterprise, Agriculture and Technology, hearing entitled "The Future of Rural Telecommunications: Is the Universal Service Fund Sustainable?" 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, September 24, Subcommittee on Aviation, oversight hearing on the DOT Inspector General's September 4 Report on the Safety of the FAA's Contract Tower Program, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, September 24, hearing to examine the transition between the Department of Defense and the Department of Veterans Affairs of service members requiring health care services, 10 a.m., 334 Cannon.

September 25, Subcommittee on Benefits, hearing on the Department of Veterans Affairs' Life Insurance Program, 10:30 a.m., 334 Cannon.

Committee on Ways and Means, September 25, Subcommittee on Social Security, hearing on the SSA's Management of the Office of Hearings and Appeals, 10 a.m., B-318 Rayburn.

Permanent Select Committee on Intelligence, September 24, executive, to consider Committee business, 3 p.m., H-405 Capitol.

September 24, Subcommittee on Human Intelligence, Analysis and Counterintelligence, executive, hearing on Global HUMINT Strategies, 4 p.m., H-405 Capitol.

September 24, executive, Subcommittee on Intelligence Policy and National Security and the Subcommittee on Terrorism and Homeland Security, joint hearing on Joint Inquiry Recommendations, 1:30 p.m., H-405 Capitol.

September 25, Subcommittee on Intelligence Policy and National Security, executive, briefing on Global Intelligence Update, 9 a.m., H-405 Capitol.

September 25, Subcommittee on Terrorism and Homeland Security, executive, hearing on Information Analysis and Infrastructure Protection and the Terrorist Threat Integration Center, 2 p.m., H-405 Capitol.

Select Committee on Homeland Security, September 24, Subcommittee on Emergency Preparedness and Response, hearing entitled "Disease Surveillance Systems: How Can They Help the Nation Prepare for Bioterrorism?" 10:30 a.m., 2318 Rayburn.

September 25, full Committee, hearing entitled "Knowing Our Enemies—Consolidating U.S. Government Watch Lists to Promote Homeland Security," time and room to be announced.

Joint Meetings

Joint Meetings: September 25, Senate Committee on Foreign Relations, Subcommittee on African Affairs, to hold joint hearings to receive a briefing from Senator Frist on HIV/AIDS in Africa, 3 p.m., SH-216.

Joint Meetings: September 25, Senate Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, to hold joint hearings to receive a briefing from Senator Frist on HIV/AIDS in Africa, 3 p.m., SH-216.

Next Meeting of the SENATE

2 p.m., Monday, September 22

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Monday, September 22

Senate Chamber

Program for Monday: Senate will resume consideration of H.R. 2691, Interior Department Appropriations and there will be a series of votes on certain amendments.

House Chamber

Program for Monday: the House will meet in pro forma session at 12 noon.

Extensions of Remarks, as inserted in this issue

HOUSE

McInnis, Scott, Colo., E1845
Pallone, Frank, Jr., N.J., E1845
Quinn, Jack, N.Y., E1845
Reyes, Silvestre, Tex., E1845



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